

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 21-48, Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Adjustment Temporary Act of 2015
- D.C. Council passes Law 21-52, Early Learning Quality Improvement Network Temporary Amendment Act of 2015
- D.C. Council schedules a public oversight roundtable on “The Implementation of the Sexual Assault Victims’ Rights Act of 2014”
- Alcoholic Beverage Regulation Administration schedules a public hearing on the Glover Park Moratorium Zone
- Department of Energy and Environment schedules a public outreach meeting to present information on Air Quality Issues
- Department of Health announces funding availability for the Fiscal Year 2016 HIV Facility Based Housing Programs
- Department of Human Services increases the District of Columbia’s public assistance payment levels
- Office of Victim Services proposes a rebate program for the installation of security camera systems on a property

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

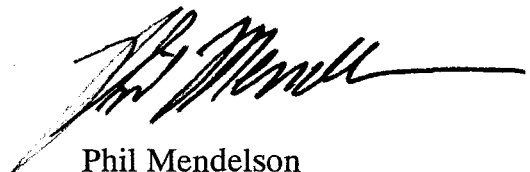
NOTICE

D.C. LAW 21-43

**"Closing of a Public Alley in Square 369, S.O. 13-07989,
Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-217 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 27, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-192 and was published in the November 6, 2015 edition of the D.C. Register (Vol. 62, page 14234). Act 21-192 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-192 is now D.C. Law 21-43, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November 5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30

December 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

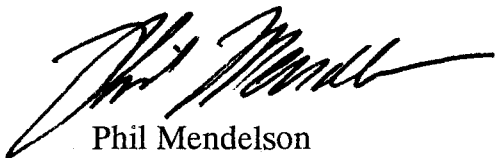
NOTICE

D.C. LAW 21-44

"Testing Integrity Amendment Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-239 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 27, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-193 and was published in the November 6, 2015 edition of the D.C. Register (Vol. 62, page 14236). Act 21-193 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-193 is now D.C. Law 21-44, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

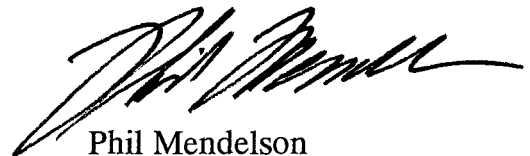
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D.C. LAW 21-45

**"Closing of a Public Alley in Square 197, S.O. 15-23895,
Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-240 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 27, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-194 and was published in the November 6, 2015 edition of the D.C. Register (Vol. 62, page 14240). Act 21-194 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-194 is now D.C. Law 21-45, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

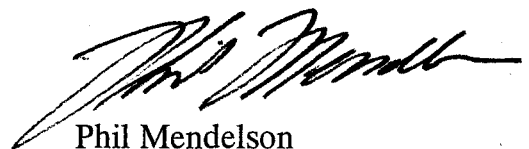
NOTICE

D.C. LAW 21-46

"James Bunn Way Designation Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-333 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 27, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-195 and was published in the November 6, 2015 edition of the D.C. Register (Vol. 62, page 14242). Act 21-195 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-195 is now D.C. Law 21-46, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 21-47

"ABLE Program Trust Establishment Temporary Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-392 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-175 and was published in the October 30, 2015 edition of the D.C. Register (Vol. 62, page 13993). Act 21-175 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-175 is now D.C. Law 21-47, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

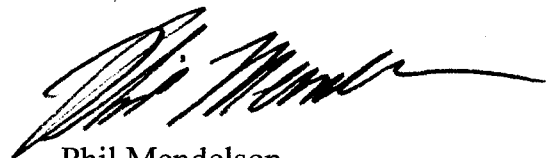
NOTICE

D.C. LAW 21-48

**"Fiscal Year 2015 and Fiscal Year 2016 Revised Budget
Request Adjustment Temporary Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-344 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-171 and was published in the October 30, 2015 edition of the D.C. Register (Vol. 62, page 13979). Act 21-171 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-171 is now D.C. Law 21-48, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November 5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January 4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

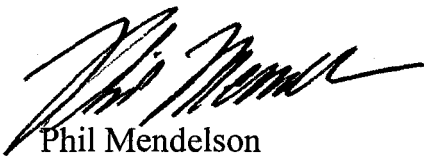
NOTICE

D.C. LAW 21-49

**"Rent Control Hardship Petition Limitation
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-390 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-174 and was published in the October 30, 2015 edition of the D.C. Register (Vol. 62, page 13990). Act 21-174 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-174 is now D.C. Law 21-49, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

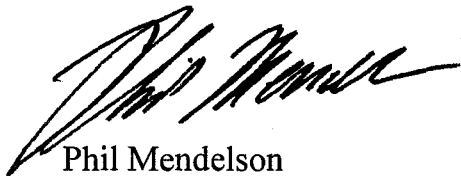
NOTICE

D.C. LAW 21-50

**"Sexual Assault Victim Rights Task Force Report Extension
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-355 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-173 and was published in the October 30, 2015 edition of the D.C. Register (Vol. 62, page 13988). Act 21-173 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-173 is now D.C. Law 21-50, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

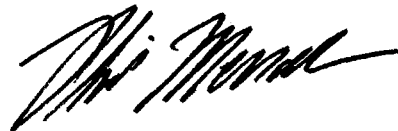
NOTICE

D.C. LAW 21-51

**"Higher Education Licensure Commission
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-349 on first and second readings September 22, 2015, and October 6, 2015, respectively. Following the signature of the Mayor on October 22, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-172 and was published in the October 30, 2015 edition of the D.C. Register (Vol. 62, page 13983). Act 21-172 was transmitted to Congress on November 5, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-172 is now D.C. Law 21-51, effective January 9, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

November	5, 6, 9, 10, 12, 13, 16, 17, 18, 19, 30
December	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8

COUNCIL OF THE DISTRICT OF COLUMBIA

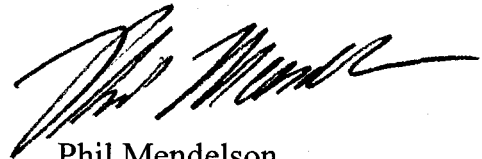
NOTICE

D.C. LAW 21-52

**"Early Learning Quality Improvement Network
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-406 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-204 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15590). Act 21-204 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-204 is now D.C. Law 21-52, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

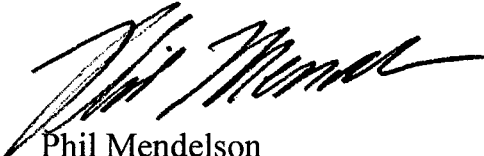
NOTICE

D.C. LAW 21-53

**"Extension of Time to Dispose of the Strand Theater
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-408 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-205 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15593). Act 21-205 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-205 is now D.C. Law 21-53, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-54

**"Grocery Store Restrictive Covenant Prohibition
Temporary Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-410 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-206 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15595). Act 21-206 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-206 is now D.C. Law 21-54, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-55

**"Emergency Medical Services Contract Authority
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-426 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-207 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15597). Act 21-207 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-207 is now D.C. Law 21-55, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

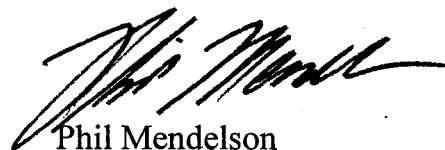
NOTICE

D.C. LAW 21-56

**"Truancy Referral Temporary Amendment
Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-432 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-208 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15600). Act 21-208 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-208 is now D.C. Law 21-56, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

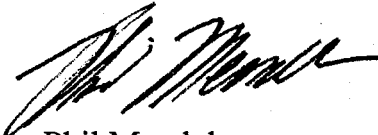
NOTICE

D.C. LAW 21-57

**"Wage Theft Prevention Correction and Clarification
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-434 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-209 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15602). Act 21-209 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-209 is now D.C. Law 21-57, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-58

**"Ward 5 Paint Spray Booth Conditional Moratorium
Temporary Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-436 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-210 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15605). Act 21-210 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-210 is now D.C. Law 21-58, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-59

**"N Street Village, Inc. Tax and TOPA Exemption Clarification
Temporary Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-440 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-211 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15608). Act 21-211 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

- The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-211 is now D.C. Law 21-59, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

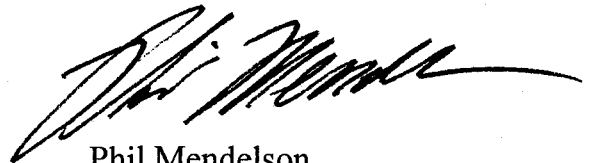
NOTICE

D.C. LAW 21-60

**"Gas Station Advisory Board Temporary
Amendment Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-438 on first and second readings October 6, 2015, and November 3, 2015, respectively. The legislation was deemed approved without the signature of the Mayor on November 24, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-212 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15610). Act 21-212 was transmitted to Congress on December 4, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-212 is now D.C. Law 21-60, effective January 30, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

January 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

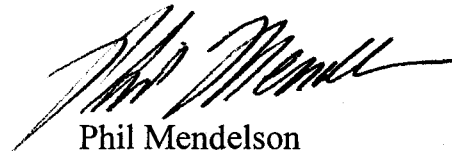
NOTICE

D.C. LAW 21-61

**"ABLE Program Trust Establishment
Act of 2015"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-252 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 23, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-203 and was published in the November 27, 2015 edition of the D.C. Register (Vol. 62, page 15281). Act 21-203 was transmitted to Congress on December 7, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-203 is now D.C. Law 21-61, effective February 2, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29
February	1

COUNCIL OF THE DISTRICT OF COLUMBIA

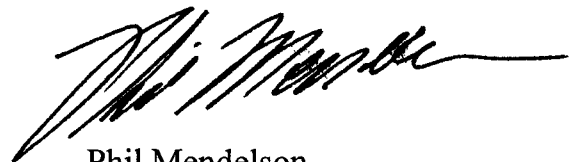
NOTICE

D.C. LAW 21-62

"Extension of Time to Dispose of Property Located at Sixth and E Streets, S.W., Amendment Act of 2015"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-226 on first and second readings October 6, 2015, and November 3, 2015, respectively. Following the signature of the Mayor on November 30, 2015, as required by Section 404(e) of the Charter, the bill became Act 21-213 and was published in the December 4, 2015 edition of the D.C. Register (Vol. 62, page 15612). Act 21-213 was transmitted to Congress on December 7, 2015 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-213 is now D.C. Law 21-62, effective February 2, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	7, 8, 9, 10, 11, 14, 15, 16, 17, 18
January	4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27, 28, 29
February	1

ENROLLED ORIGINAL

A RESOLUTION

21-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to allow for the temporary naming of an adopted or sponsored Department of Parks and Recreation athletic field in honor of a current or former professional sports player; and to amend the Recreation Act of 1994 to clarify that certain entities, including a nonprofit organization, may adopt or sponsor a Department of Parks and Recreation program, site, facility, field, or operation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Athletic Field Naming and Sponsorship Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The District of Columbia is undertaking a philanthropic partnership with the Washington Nationals baseball club to renovate a Department of Parks and Recreation athletic field slated for completion in the early spring of 2016.

(b) On September 16, 2015, Chairman Phil Mendelson and Councilmembers Evans, Allen, and Cheh introduced the Athletic Field Naming and Sponsorship Amendment Act of 2015, enacted on December 17, 2015 (D.C. Act 21-233; 62 DCR 16266) (the “permanent legislation”). The permanent legislation was referred to the Committee of the Whole, which reported the bill favorably on October 20, 2015. The legislation received final reading on December 1, 2015, but will not become effective until approximately March 5, 2016 due to the 30-day congressional review period.

(c) Companion emergency legislation, the Athletic Field Naming and Sponsorship Emergency Amendment Act of 2015, effective November 23, 2015 (D.C. Act 21-201; 62 DCR 15274) (the “emergency legislation”), was adopted by the Council at the time of the first reading of the permanent legislation on November 3, 2015, and will expire on February 21, 2016.

(d) Based on the schedule for the permanent legislation, it does not seem likely that the District will have the authority to enter into this agreement with sufficient time for the required agreements to be executed and the field renovations to occur.

ENROLLED ORIGINAL

(e) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the permanent legislation is law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Athletic Field Naming and Sponsorship Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Fiscal Year 2016 Budget Support Act of 2015, various other acts, and Title 47 of the District of Columbia Official Code to clarify provisions supporting the Fiscal Year 2016 budget; and to amend the Firearms Control Regulations Act of 1975 to clarify the descriptions of the boundaries around the White House and the U.S. Naval Observatory within which a concealed pistol licensee is prohibited from carrying a pistol.

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

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

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

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

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

(e) On December 1, 2015, the Council passed the Fiscal Year 2016 Budget Support Clarification Temporary Amendment Act of 2015, enacted December 29, 2015 (D.C. Act 21-252; 63 DCR 264) (the “temporary act”), corresponding temporary legislation that combines the provisions of the first emergency act and the second emergency act.

(f) The provisions contained in the first emergency act were set to expire on January 14, 2015, but were continued by a third emergency measure, the Fiscal Year 2016 Budget Support Clarification Emergency Amendment Act of 2016, effective January 27, 2016 (D.C. Act 21-292; 63 DCR _____) (the “third emergency act”). In addition to the provisions originally contained in the first emergency act, the third emergency act contained a technical clarification to Title 47 of the D.C. Official Code. Due to this additional clarification, the third emergency act was approved as

ENROLLED ORIGINAL

standard emergency legislation and not as a congressional review emergency.

(g) The provisions contained in the second emergency act are set to expire on February 21, 2016. As the temporary act is not projected to become law until March 15, 2016, this congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2016 Budget Support Clarification Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Day Care Policy Act of 1979 to address the growing needs for foster parents and support the foster care community by extending eligibility for subsidized child care to foster parents who may no longer be working but have some form of verifiable income, teen parents under 21 years of age who themselves are in foster care or wards of the District, and foster parents who are not working but who are enrolled in a verified job training or education program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Foster Care Extended Eligibility Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Foster Care Extended Eligibility Emergency Amendment Act of 2015, effective November 23, 2015 (D.C. Act 21-199; 62 DCR 15268), will expire on February 21, 2016.

(b) The Foster Care Extended Eligibility Temporary Amendment Act of 2015, enacted on December 17, 2015 (D.C. Act 21-235; 62 DCR 16270), is pending congressional review with a projected law date of March 5, 2016.

(c) The congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Foster Care Extended Eligibility Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-370

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to order the closing of portions of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W., in Square 3128 in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closing of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W. in Square 3128, S.O. 13-09432, Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close portions of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W., in Square 3128, which are paper streets that traverse the site of the former McMillan Sand Filtration Plant in Ward 5. The McMillan site is owned by the District and the Office of the Deputy Mayor for Planning and Economic Development is actively overseeing its redevelopment into a mix of residential, commercial, and recreational uses. Emergency legislation to close the streets within the McMillan site is necessary to permit the immediate subdivision of the property into townhome, commercial, multifamily, and District parcels. Subdivision is necessary to ensure that the needed permits can be obtained, the land disposition and development agreements can be executed, and the complex horizontal and vertical development activities can be completed according to the project schedule and within the disposition authority provided for in the McMillan Townhomes Parcel, Commercial Parcel, and Multifamily Parcels Disposition Extension Approval Resolution of 2015, effective November 3, 2015 (Res. 21-253; 63 DCR ____). The development project was approved by the Council pursuant to the McMillan Residential Townhomes Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-705; 62 DCR 1091), the McMillan Residential Multifamily Parcels Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-706; 62 DCR 1094), and the McMillan Commercial Parcel Disposition Approval Resolution of 2014, effective December 2, 2014 (Res. 20-707; 62 DCR 1097).

(b) On November 3, 2015, the Council adopted the Closing of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W. in Square 3128, S.O. 13-09432 Emergency Act of 2015, effective November 30, 2015 (D.C. Act 21-216; 62 DCR 15646), to authorize the closure

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of the necessary portions of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W.. However, the emergency expires on February 28, 2016, and the corresponding permanent legislation is not expected to complete congressional review until March 5, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of Franklin Street, N.W., Evarts Street, N.W., and Douglas Street, N.W. in Square 3128, S.O. 13-09432, Congressional Review Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-371

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to approve the amended proposal for the property designated as Lot 25 in Square 526, which was previously conveyed to Golden Rule Plaza, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Plaza West Disposition Restatement Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The District conveyed property designated for tax and assessment purposes as Lot 25 in Square 526, commonly known as the Golden Rule Property (“Property”), to Golden Rule Plaza, Inc. (“Developer”) on October 28, 2005, in accordance with the proposal submitted by the Developer.

(b) At the time of the conveyance, the proposed development included an affordable senior citizens apartment building, a senior day care facility, and an intergeneration center (“Initial Project”).

(c) Since 2005, the Developer has been preparing the site and securing the financing for the redevelopment of the Property. During this time, the Initial Project has been revised to contain approximately 223 units of affordable housing, with supportive services, outdoor space, parking, and any ancillary uses allowed under applicable law (“Amended Project”).

(d) Council approval is necessary to allow timely construction of the Amended Project in order to provide necessary affordable housing in the District.

(e) On November 3, 2015, the Council adopted the Plaza West Disposition Restatement Emergency Act of 2015, effective November 30, 2015 (D.C. Act 21-214; 62 DCR 15614), approving the amended proposal. However, the emergency expires on February 28, 2016, and the corresponding temporary legislation is not expected to complete congressional review until March 5, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Plaza West Disposition Restatement Congressional Review Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to enact the Uniform Interstate Family Support Act, as revised with amendments officially adopted by the National Conference of Commissioners on Uniform State Laws, and to ensure that the act will remain in effect without a gap in the law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Uniform Interstate Family Support Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There is an immediate need to implement the 2008 Amendments to the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws. The Preventing Sex Trafficking and Strengthening Families Act, approved September 9, 2014 (Pub. L. No. 113-183; 128 Stat. 1919), requires that the 2008 Amendments be in effect in the District by January 1, 2016, as a prerequisite for continued federal financial support for child support enforcement and TANF.

(b) This congressional review emergency is necessary to prevent a gap in the law as the earlier emergency legislation, the Uniform Interstate Family Support Emergency Act of 2015, effective November 30, 2015 (D.C. Act 21-215; 62 DCR 15616), expires on February 28, 2016. The permanent legislation, the Uniform Interstate Family Support Act of 2015, enacted December 29, 2015 (D.C Act 21-249; 63 DCR 222), was transmitted to Congress on January 8, 2016, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until March 15, 2016.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the permanent legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Uniform Interstate Family Support Congressional Review Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare that the District-owned real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 0068 in Square 0399, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “8th & O Streets, N.W., Surplus Property Declaration Resolution of 2016”.

Sec. 2. Findings.

(a) The District is the owner of the real property located at 1336 8th Street, N.W., known for tax and assessment purposes as Lot 0068 in Square 0399 (“Property”). The Property consists of approximately 13,306 square feet of land.

(b) The Property is no longer required for public purposes because the Property’s condition cannot viably accommodate a District agency use or other public use without cost-prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)) (“Act”), by holding a public hearing on June 16, 2015, at Immaculate Conception Church/Center City Public Charter School, located at 711 N Street, N.W.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To approve the disposition of District-owned real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “8th & O Streets, N.W., Disposition Approval Resolution of 2016”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement governing certain obligations of the Purchaser under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

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

(4) “Property” means the real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399.

(5) “Purchaser” means, collectively, Roadside Development, LLC, with a business address of 1730 Rhode Island Avenue, N.W., Suite 512, Washington, D.C. 20036, its successor, or one of its affiliates or assignees approved by the Mayor, and Dantes Partners, LLC, with a business address of 701 Lamont Street, N.W., Washington, D.C. 20010, its successor, or one of its affiliates or assignees approved by the Mayor.

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Sec. 3. Findings.

(a) The Property consists of an approximately 13,306 square foot parcel of land in the Shaw neighborhood of Ward 6, which is currently an unused parking lot.

(b) The intended use of the Property includes the following:

(1) Approximately 76 residential units, including approximately 23 affordable-housing units;

(2) Approximately 5,400 square feet of ground-floor retail space, including approximately 1,500 square feet allocated as community or parish-hall space for the Immaculate Conception Church;

(3) An underground parking garage with approximately 25 parking spaces;

(4) Approximately 25 off-site replacement parking spaces; and

(5) Any ancillary uses allowed under applicable law, and as further described in the term sheet submitted to the Council with this resolution.

(c) The Purchaser shall comply with the requirements of section 1(a-3) of An Act Authorizing the sale of certain real estate no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-3)), and the Disposition of District Land for Affordable Housing Amendment Act of 2013, effective March 10, 2015 (D.C. Law 20-193; 61 DCR 12407), dedicating approximately 30% of all multi-family units as affordable-housing units as described in subsection (b) of this section.

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

(e) The Purchaser shall enter into a First Source Agreement with the District that governs certain obligations of the Purchaser pursuant to section 4 of the First Source Employment Agreement of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment as a result of the construction on the Property.

(f) Pursuant to section 1(b)(8)(F) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)(8)(F)), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District.

(g) All documents that are submitted with this resolution pursuant to section 1(b-1) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b-1)) ("Act"), shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act (D.C. Official Code § 10-801(b-1)(2)).

(h) The Council understands that the disposition shall be consistent with the terms of the documents submitted to the Council with this resolution, including the Disposition Analysis,

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Term Sheet, Land Disposition and Development Agreement with exhibits, and First Source Agreement.

Sec. 4. Approval of disposition.

(a) Pursuant to the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Purchaser.

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

Sec. 5. Transmittal.

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To declare that the District-owned real property located at 1923 Vermont Avenue, N.W., and 912 U Street, N.W., and known for tax and assessment purposes as Lots 0827 and 0833 in Square 0361, is no longer required for public purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grimke School, N.W., Surplus Property Declaration Resolution of 2016”.

Sec. 2. Findings.

(a) The District is the owner of the real property located at 1923 Vermont Avenue, N.W., and 912 U Street, N.W., known for tax and assessment purposes as Lots 0827 and 0833 in Square 0361 (“Property”). The Property consists of the following 2 parcels:

(1) The first parcel consists of approximately 37,926 square feet of land that includes the historic Grimke School, which is approximately 52,356 gross square feet, the current location of the African American Civil War Museum, and accessory parking; and

(2) The second parcel consists of approximately 5,872 square feet of land.

(b) The Property is no longer required for public purposes because the Property’s condition cannot viably accommodate a District agency use or other public use without cost-prohibitive new construction. The most pragmatic solution for reactivating this space is to declare the Property surplus and dispose of the Property for redevelopment.

(c) The District has satisfied the public hearing requirements of section 1(a-1)(4) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(4)) (“Act”), by holding a public hearing on September 18, 2015, at the Thurgood Marshall Center, located at 1816 12th Street, N.W.

Sec. 3. Pursuant to section 1(a-1) of the Act, the Council finds that the Property is no longer required for public purposes.

Sec. 4. Transmittal.

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

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Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2016

To approve the disposition of District-owned real property located at 1923 Vermont Avenue, N.W., and 912 U Street, N.W., and known for tax and assessment purposes as Lots 827 and 833 in Square 361.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grimke School, N.W., Disposition Approval Resolution of 2016”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”).

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

(3) “Property” means the real property located at 1923 Vermont Avenue, N.W., and 912 U Street, N.W., and known for tax and assessment purposes as Lots 827 and 833 in Square 361.

Sec. 3. Findings.

(a) The developer of the Property shall be Roadside Development, LLC, with a business address of 1730 Rhode Island Avenue, N.W., Suite 512, Washington, D.C. 20036, its successor, or one of its affiliates or assignees approved by the Mayor, and Sorg Architects, with a business address of 918 U Street, N.W., Washington, D.C. 20001, its successor, or one of its affiliates or assignees approved by the Mayor (collectively, the “Developer”).

(b) The Property consists of the following:

(1) An approximately 38,000 square-foot parcel that includes the historic Grimke School, which is approximately 52,000 gross square feet and the current location of the African-American Civil War Museum, and accessory parking; and

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(2) An approximately 5,900 square-foot adjacent parcel that is currently used for parking.

(c) The intended use of the Property includes the following:

(1) Renovation of the historic Grimke Elementary School as follows:

(A) Approximately 14,000 square feet of space for the African-American Civil War Memorial Museum in accordance with the African-American Civil War Memorial Freedom Foundation Inc., Museum Development Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472);

(B) Approximately 12,500 square feet of space for nonprofit performing arts organizations; and

(C) Approximately 27,000 square feet of space for commercial office use;

(2) Replacement of the Grimke School addition and associated parking on 9 ½ Street, N.W., with 7 for-sale townhomes;

(3) Construction of a residential building on the surface parking lot at 912 U Street, N.W., with approximately 35 units, of which approximately 13 units shall be affordable-housing units, and approximately 3,000 square feet of ground-floor retail; and

(4) Any ancillary uses allowed under applicable law, and as further described in the term sheet submitted to the Council for consideration with this resolution.

(d) The Developer shall comply with the requirements of section 1(a-3) of An Act Authorizing the sale of certain real estate no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-3)), and the Disposition of District Land for Affordable Housing Amendment Act of 2013, effective March 10, 2015 (D.C. Law 20-193; 61 DCR 12407), dedicating approximately 30% of all multi-family units as affordable-housing units as described in subsection (c) of this section.

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

(f) The Developer shall enter into a First Source Agreement with the District that governs certain obligations of the Developer pursuant to section 4 of the First Source Employment Agreement of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment as a result of the construction on the Property.

(g) Pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes ("Act"), approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act (D.C. Official Code § 10-801(b)(8)(F)) for a portion of the Property, and a lease of greater than 20 years under section 1(b)(8)(C) of the Act (D.C. Official Code § 10-801(b)(8)(C)) for a portion of the Property, as further described in the documents submitted to the Council for consideration with this resolution.

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(h) All documents that are submitted with this resolution pursuant to section 1(b-1) of the Act (D.C. Official Code § 10-801(b-1)) shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act (D.C. Official Code § 10-801(b-1)(2)).

(i) The Council understands that the disposition shall be consistent with the terms of the documents submitted to the Council with this resolution, including the Disposition Analysis, Term Sheet, Land Disposition and Development Agreement with exhibits, and First Source Agreement.

(j) The Council intends to approve additional legislation to require that \$250,000.00 per tax year of tax revenue owed on the Property shall not go into the General Fund of the District of Columbia but shall be held to defray operating expenses of the African American Civil War Memorial Museum, beginning October 1, 2017.

Sec. 4. Approval of disposition.

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

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

Sec. 5 Transmittal.

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

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize and honor the legacy of Marion Barry, Jr., whose life is a testament to public service.

WHEREAS, the Honorable Marion Barry, Jr. passed away on November 23, 2014, leaving behind a legacy of compassion, leadership, activism, and advocacy that has made a positive impact on the District of Columbia and its residents, and has improved the quality of life in the District;

WHEREAS, in 1960, at 24 years of age, Mayor Barry became the first chairman of the nationally recognized civil-rights group Student Non-Violent Coordinating Committee (“SNCC”);

WHEREAS, in 1965, Mayor Barry relocated to Washington, D.C. to open a SNCC office;

WHEREAS, in 1967, Mayor Barry, Mary Treadwell, Rufus "Catfish" Mayfield, and Carrol Harvey co-founded Pride, Inc., a federally funded job training program for unemployed black and Hispanic men;

WHEREAS, in 1971, Mayor Barry joined forces with presidentially appointed Mayor Walter Washington and Rev. Walter Fauntroy to lead the famous “Free DC Movement” for home rule, winning the support of Congress and the President;

WHEREAS, in 1979, Mayor Barry established the District’s Summer Youth Employment Program, which has created jobs for hundreds of thousands of District residents;

WHEREAS, Mayor Barry’s programs helped provide summer jobs for youths, home-buying assistance for working-class residents, and food for senior citizens;

WHEREAS, Mayor Barry’s lifetime commitment to public service included serving as president of the District of Columbia School Board, serving on the Council of the District of Columbia for 15 years, and serving for 16 years as Mayor of the District of Columbia;

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WHEREAS, Mayor Barry is rightfully credited with changing the District’s political landscape in the final quarter of the 20th century, not only serving 4 terms as Mayor but also serving for 15 years on the Council of the District of Columbia; and

WHEREAS, Mayor Barry was a spirited and fearless advocate for the poor and disadvantaged and leaves a legacy of love that will never be forgotten by the residents of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Marion Barry, Jr. Legacy Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and honors the legacy of Marion Barry, Jr. for his love and dedication to the citizens of Washington, D.C., his nearly 50 years of outstanding contribution and invaluable service to the District of Columbia, and his lasting presence on the District of Columbia.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize Bryce Harper for producing one of the greatest statistical seasons in Washington Nationals' history, for setting club and Major League Baseball records, for winning the Players Choice Award for National League Outstanding Player, winning the National League Silver Slugger Award, and winning the National League MVP award unanimously.

WHEREAS, Bryce Harper was born on October 16, 1992, in Las Vegas, Nevada;

WHEREAS, in 2010, he was awarded the Golden Spikes Award for being the best amateur baseball player;

WHEREAS, he was selected by the Washington Nationals ("Nationals") with the first overall pick of the 2010 Major League Baseball ("MLB") draft;

WHEREAS, on April 27, 2012, Bryce Harper was called up by the Nationals from the Syracuse Chiefs, their Triple-A affiliate;

WHEREAS, Bryce Harper was named to the roster of the 2012 National League All-Star Team, being the youngest baseball player, at 19 years old, to ever be selected;

WHEREAS, on November 12, 2012, at 20 years old, Bryce Harper became the second-youngest player ever to be named the National League Rookie of the Year;

WHEREAS, Bryce Harper became the first player for the franchise to be named National League Rookie of the Year since Andre Dawson won the award in 1977;

WHEREAS, Bryce Harper made his second MLB All-Star Game appearance in 2013;

WHEREAS, in 2015, Bryce Harper received more votes to play in the MLB All-Star Game than any other player in National League history;

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WHEREAS, on May 9, 2015, Bryce Harper became the youngest player in MLB history to hit 5 home runs in a 2-game span;

WHEREAS, on September 22, 2015, Bryce Harper set the Washington Nationals' single-season walk record, breaking Adam Dunn's club record of 116 walks set in 2009;

WHEREAS, Bryce Harper produced one of the greatest statistical seasons in Washington Nationals' history, finishing with 42 home runs, 38 doubles, and 124 walks, and led the majors in on-base percentage (.460), slugging percentage (.649), and on-base plus slugging ("OPS") (1.109);

WHEREAS, Bryce Harper, became the only player in MLB history with at least 42 home runs, 124 walks, and 118 runs scored at 22 years of age or younger, and is the youngest player in MLB history with at least 42 home runs and 124 walks in a season;

WHEREAS, on November 9, 2015, Bryce Harper won the Players Choice Award for National League Outstanding Player;

WHEREAS, on November 12, 2015, Bryce Harper was named a National League Silver Slugger Award winner in the outfield for the first time in his career; and

WHEREAS, on November 19, 2015, Bryce Harper was named the unanimous winner of the National League MVP award, receiving 30 of the 30 first-place votes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bryce Harper National League Most Valuable Player Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia recognizes and honors Bryce Harper and his family for their commitment to the Washington Nationals and to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize and honor Unity Health Care, Inc. on its 30th anniversary of service to the residents of the District of Columbia, and to declare December 4, 2015, as “Unity Health Care Day” in the District of Columbia.

WHEREAS, a dedicated group of visionaries and advocates came together in 1985 to address the health care needs of the growing number of homeless individuals in the District of Columbia, and through their hard work and commitment the Health Care for the Homeless Project was born;

WHEREAS, the efforts of those early founders, including Dr. Jesse B. Barber, Jr., a medical and civic leader of the District of Columbia, and Dr. Janelle Goetcheus, Unity Health Care’s Chief Medical Officer, took root and the Health Care for the Homeless Project became a vital part of the lives of homeless individuals in the District;

WHEREAS, the Health Care for the Homeless Project sponsored a number of health and human service programs including mobile outreach clinics, specialized HIV services, and clinics at the Federal City Shelter;

WHEREAS, Vincent A. Keane was appointed to the position of President and Chief Executive Officer in 1990, and in 1997, the organization changed its name to Unity Health Care, Inc. when it was asked by the U.S. Department of Health and Human Services to take over the operations of 2 health centers in the District and broaden its mission to serve the uninsured, the working poor, immigrants, and Medicaid/Medicare patients;

WHEREAS, under Mr. Keane’s leadership, Unity Health Care has become the largest nonprofit organization providing primary medical care to the uninsured and medically underserved residents of the District of Columbia;

WHEREAS, Unity Health Care offers a full range of health care services to over 100,000 patients at sites located in the heart of every neighborhood, and Unity Health Care employs over 900 health care professionals in the District of Columbia; and

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WHEREAS, Unity Health Care's services to individuals incarcerated at the D.C. Jail received the 2008 "Program of the Year" award by the National Commission on Correctional Healthcare from among over 500 prisons, jails, and juvenile detention centers across the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Unity Health Care 30th Anniversary Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia congratulates Unity Health Care on 30 years of service to medically underserved residents in the District, and declares December 4, 2015, as "Unity Health Care Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To posthumously honor the life and distinguished service of Jacqueline A. Berrien.

WHEREAS, Jacqueline A. Berrien was born in Washington, D.C., the daughter of Clifford and Anna Berrien, sister of Eric Berrien, and wife of Peter M. Williams;

WHEREAS, Jacqueline A. Berrien attended parochial primary and secondary schools, including the Nativity Catholic School in Washington, D.C., and the Connelly School of the Holy Child in Potomac, Maryland;

WHEREAS, Jacqueline A. Berrien received her Bachelor of Arts degree with High Honors in Government from Oberlin College and also completed a major in English;

WHEREAS, Jacqueline A. Berrien graduated from Harvard Law School, where she served as a General Editor of the Harvard Civil Rights-Civil Liberties Law Review;

WHEREAS, Jacqueline A. Berrien published several articles on race and gender discrimination issues, was appointed to the adjunct faculty of New York Law School, and taught trial advocacy at Harvard and Fordham law schools;

WHEREAS, Jacqueline A. Berrien received an Honorary Doctor of Laws from Northeastern University, and has been recognized for leadership and outstanding public service by numerous organizations, including the National Action Network, the Brooklyn Alumnae Chapter of Delta Sigma Theta Sorority, Inc., the Harry S. Truman Scholarship Foundation, the NAACP Brooklyn Branch, and local bar associations in Mississippi and New York;

WHEREAS, Jacqueline A. Berrien practiced civil rights law for more than 20 years and began her legal career in 1986, working as a law clerk to the Honorable U. W. Clemon in Birmingham, Alabama;

WHEREAS, Jacqueline A. Berrien worked as an attorney with the Voting Rights Project of the Lawyers' Committee for Civil Rights in Washington, D.C., and with the National Legal

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Department and Women's Rights Project of the American Civil Liberties Union in New York between 1987 and 1994;

WHEREAS, Jacqueline A. Berrien directed the voting rights and political participation docket of the NAACP Legal Defense and Educational Fund ("LDF") from 1994 to 2001, representing voters in the United States Supreme Court and federal and state appellate and trial courts;

WHEREAS, Jacqueline A. Berrien served as a Program Officer in the Governance and Civil Society Unit of the Ford Foundation's Peace and Social Justice Program from 2001 to 2004, where she administered more than \$13 million in grants to promote greater political participation by underrepresented groups and remove barriers to civic engagement;

WHEREAS, Jacqueline A. Berrien was Associate Director-Counsel of LDF from 2004-2010, sharing responsibility for the overall management and direction of LDF's national litigation, advocacy, and scholarship programs with the organization's President and Director-Counsel;

WHEREAS, Jacqueline A. Berrien was nominated by President Barack Obama on July 16, 2009 and confirmed by unanimous consent of the Senate in December 2010 to a term ending July 1, 2014 as the 14th Chair of the United States Equal Employment Opportunity Commission ("EEOC");

WHEREAS, Jacqueline A. Berrien guided the EEOC to major achievements during her term, including adopting the first ever regulations implementing the Genetic Information Nondiscrimination Act and the Americans with Disabilities Amendments Act; updating enforcement guidance on pregnancy discrimination for the first time in more than 30 years; developing and implementing a new strategic plan and the agency's first Strategic Enforcement Plan; reducing inventory of unresolved discrimination charges by approximately 20%; recovering a record amount of monetary relief for victims of discrimination through administrative enforcement programs; updating enforcement guidance on employers' use of arrest and conviction records; updating technology and information systems nationwide to increase efficiency and improve service to the public; and conducting public EEOC meetings on discrimination in hiring and recruitment, human trafficking, discrimination against older workers, and facilitating employment of veterans with disabilities, among other subjects;

WHEREAS, Jacqueline A. Berrien was named one of America's Leading Black Women in Public Service by The Root.com, one of HR's Most Influential by Human Resource Executive Online, and included in the "Power 100" List of the Nation's Most Influential Minority Attorneys; and

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WHEREAS, Jacqueline A. Berrien, in the words of President Barack Obama, “spent her entire career fighting to give voice to underrepresented communities and protect our most basic rights.”

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jacqueline A. Berrien Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia honors the life and service of native Washingtonian Jacqueline A. Berrien.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize the 12th anniversary of the Missing Link Ministry of Allen Chapel AME Church and its great contributions to the District of Columbia.

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church was birthed, formed, and established at Allen Chapel African Methodist Episcopal Church by Rev. Dr. Yvonne Majett Cooper in April 2003;

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church has partnered with and joined over 75 country-wide organizations that work with and support Returning Citizens, as well as those who are incarcerated;

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church began this crusade by providing support to returning citizens at both the men’s and women’s halfway houses throughout the District of Columbia; which included, but was not limited to, Hope Village and The Fairview;

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church has endeavored to support the children of Incarcerated parents throughout the year by providing clothes and toys;

WHEREAS, through the years, the Missing Link Ministry of Allen Chapel AME Church has provided financial support to returning citizens in an effort to provide transportation to seek employment; to provide stipends for clothing; and the purchase of birth certificates and identification cards or licenses;

WHEREAS, on an annual basis, the Missing Link Ministry of Allen Chapel AME Church has provided Thanksgiving dinners for returning citizens and Mother’s Day celebrations, and other events;

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church, over the years, has orchestrated and helped to provide “Hygiene Gift Bags” items to over 2,000 men annually;

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WHEREAS, during one of those occasions, the Missing Link Ministry of Allen Chapel AME Church Helped to secure the support of world-renowned singer Byron Cage, who performed for the inmates at the DC Jail, and he alone purchased all of the hygiene items and helped to disseminate them in 2013;

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church has mentored over 500 incarcerated men and women throughout the United States and has been responsible for helping to broker the release of 7 persons;

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church has visited over 30 prison facilities outside of the District of Columbia area in an effort to support those incarcerated District of Columbia men and women who have been scattered throughout the country; and

WHEREAS, the Missing Link Ministry of Allen Chapel AME Church was asked by the NAACP to participate in a release program in the State of Florida and did participate with legislators of that state in an effort to address concerns of District of Columbia inmates.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Missing Link Ministry of Allen Chapel AME Church Recognition Resolution of 2015.”

Sec. 2. The Council of the District of Columbia honors the Missing Link Ministry of Allen Chapel AME Church on its 12th anniversary and recognizes it for its great contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of the publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize and honor Helen Mohrmann on the occasion of her retirement as president of the French Street Neighborhood Association.

WHEREAS, Helen Mohrmann assumed the presidency of the French Street Neighborhood Association in January 2011 and served until November 2015;

WHEREAS, Helen Mohrmann, in each of those years, coordinated and hosted neighborhood promoting events, including spring and fall alley and street clean ups, Summer Salad Days, monthly meetings of the French Street Neighborhood Association, and an annual tree lighting ceremony;

WHEREAS, Helen Mohrmann, through her leadership of the French Street Neighborhood Association, achieved lasting major accomplishments, including significant beautification efforts, repaving of brick sidewalks, expanded tree boxes, and improved street parking and traffic flow;

WHEREAS, Helen Mohrmann provided continuous monitoring of vacant and abandoned dwellings and advocacy with the District for enforcement of vacancy laws; and

WHEREAS, Helen Mohrmann spent countless hours reaching out to and coordinating with elected officials, District agency directors, and the 6E Advisory Neighborhood Commission on a variety of issues related to the needs of the French Street Neighborhood.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Helen Mohrmann Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia acknowledges and honors Helen Mohrmann for her exceptional service as president of the French Street Neighborhood Association.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize and honor DC Coast Restaurant for its many contributions to the citizens and the city of Washington, D.C, and to declare December 31, 2015, as “DC Coast Day” in the District of Columbia.

WHEREAS, in 1998, the nation’s capital welcomed DC Coast Restaurant as a fresh breath of air, from its décor to chef Jeff Tunks’ progressive culinary approach highlighting seafood from tri-coastal waters;

WHEREAS, DC Coast Restaurant became an immediate sensation and earned its status as a Washington institution since its inception;

WHEREAS, DC Coast Restaurant has become a favorite among Washingtonians and tourists alike as it led the transformation of Franklin Square from a seedy red-light district into the thriving business and nightlife hub it is today, helping to pave the way for the popular 14th Street corridor;

WHEREAS, in 1998, DC Coast Restaurant’s co-proprietors, chef Jeff Tunks, David Wizenberg, and Gus DiMillo of Passion Food Hospitality, took a brave leap of faith to open the doors to the stylish seafood restaurant within the city’s first Art Décor office building, which they brought back to life with panache while preserving original accents within its sweeping, open floor plan;

WHEREAS, qualified as a landmark on the National Register of Historic Places, DC Coast Restaurant embodied the artful attention to detail and distinctive style of the building’s Art Deco era;

WHEREAS, its progressive culinary approach and superb service resonated with modern diners and helped to not only spur a renaissance downtown, but served as a catalyst for the city’s burgeoning dining scene on 14th Street;

WHEREAS, Passion Food Hospitality partners chef Tunks, Wizenberg, and DiMillo, established themselves and their restaurants within the Washington, D.C. community beginning

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with the opening of DC Coast Restaurant, their first concept, in 1998, followed by a successful career that continues to this day with a portfolio of 9 restaurants; and

WHEREAS, the 3 partners remain active leaders in the community through support of various civic and charitable organizations; they have earned recognition for these contributions with such honors as the 2004 Momentum Award from the Downtown Business Improvement District, and a 2005 RAMMY Award for Restaurateurs of the Year from the Restaurant Association of Metropolitan Washington.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Coast Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and honors DC Coast for its many contributions to the citizens and city of Washington, D.C., and declares December 31, 2015, as “DC Coast Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To posthumously honor the life of Frederick Douglass Grant for his outstanding achievements and steadfast dedication to serving the District of Columbia and members of the Ward 4 community.

WHEREAS, Frederick Douglass Grant, who was affectionately known by his family as “Fred,” was born on December 10, 1936 in Conway, North Carolina and attended Northampton County public schools;

WHEREAS, Fred Grant entered the armed forces and became a certified journeyman mechanic and a paratrooper for the 82nd Airborne Division at Fort Bragg in North Carolina;

WHEREAS, in 1959, Fred Grant moved to Washington, D.C. from North Carolina after completing 3 years of service in the military;

WHEREAS, Fred Grant became a member of the Solid Rock Full Gospel Baptist Church in Washington, D.C, and then attended the Washington Baptist Theological Seminary after being greatly influenced by Dr. Nehemiah Rhinehart, Sr.;

WHEREAS, in 1967, Fred Grant became an ordained minister and in 1968 became the assistant pastor of Mount Calvary Baptist Church where, for 12 years, he served as a young adult leader and provided encouragement and guidance to the church’s youth;

WHEREAS, in 1967, Fred Grant married Malida Vaughan and had 2 children;

WHEREAS, Fred Grant started a trucking business and Grant’s Auto Service shortly after moving to Washington D.C., and in September of 1967, became the first African-American auto mechanic to work at Washington Gas, where he later became assistant security manager for the company and held that position until he retired in 1998;

WHEREAS, Fred Grant was actively involved in his community and was a member of the first cohort of Advisory Neighborhood Commissioners elected in 1976;

WHEREAS, after being elected in 1976, Fred Grant became the Advisory Neighborhood Commissioner for ANC 4B, where he diligently served for nearly 40 years and became a pillar in the Brightwood East and Takoma communities;

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WHEREAS, Fred Grant dedicated his time to civic organizations and volunteered with numerous charities that help District of Columbia residents, including Christmas in April of Washington, DC, an organization that rehabilitates the homes of low-income elderly and disabled homeowners;

WHEREAS, Fred Grant was actively engaged and involved in local politics, including the 2014 campaigns for Mayor Muriel Bowser and Ward 4 Councilmember Brandon Todd; and

WHEREAS, on September 27, 2015, Fred Grant passed away, leaving behind a great legacy of civic engagement and public service, in addition to a wife, Malinda; 2 sons, Rufus and Gary; one daughter, Valerie; one brother, Randolph; 6 grandchildren, Antoine, Deseanna, Jarrell, Marisa, Nehemiah, Gina; and one great-grandchild, Narreah.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Frederick Douglass Grant Posthumous Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia honors and celebrates the life of Frederick Douglass Grant for his outstanding achievements and steadfast dedication to serving the District of Columbia and members of the Ward 4 community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

21-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To posthumously recognize Elizabeth McIntire for her extraordinary commitment to the Ward 1 and Washington, D.C. communities through action and leadership by example.

WHEREAS, Elizabeth Bachman McIntire passed away on October 4, 2015, in her longtime home in Columbia Heights, where she was an active and beloved community leader;

WHEREAS, Elizabeth McIntire was born on January 9, 1945 at the “Old” Sibley Hospital, attended All Souls Unitarian Sunday School, and enjoyed spending her childhood at Meridian Hill Park or the National Zoo;

WHEREAS, Elizabeth McIntire began her political involvement at 11 years old, campaigning for the 1956 Adlai Stevenson Presidential campaign, making up her own slogans and literature to bring door to door;

WHEREAS, Elizabeth McIntire began her adult activism by volunteering overnight at the Community for Creative Non-Violence with her husband, David Paul McIntire;

WHEREAS, Elizabeth McIntire was a member of the “Red Hat” patrol, working with neighbors concerned about increases in drug-related violence who developed a method of showing they were paying attention to their community without being confrontational;

WHEREAS, Elizabeth McIntire served with great commitment as the commissioner for Advisory Neighborhood Commission 1A;

WHEREAS, Elizabeth McIntire volunteered on many boards, including those of: Development Corporation of Columbia Heights, Neighbors Consejo, and Mayor Kelly’s Task Force on Homelessness, as well as on the 1990 Census Ward 1 Redistricting Task Force, Columbia Heights Public Realm Committee, and advisory committee of the Cultural Tourism Columbia Heights Heritage trail;

WHEREAS, Elizabeth McIntire took great joy in her role as a volunteer organizer at the Columbia Heights Community Marketplace from 2002 to 2005, the precursor to the Columbia

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Heights Farmers Market;

WHEREAS, Elizabeth McIntire’s passion for her volunteer work led to a second career at affordable housing nonprofit Jubilee Housing as a property manager; and

WHEREAS, the Columbia Heights, Ward 1, and Washington, D.C. communities were made richer by Elizabeth McIntire’s life and contributions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Elizabeth McIntire Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and celebrates the legacy of Elizabeth Bachman McIntire.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2015

To recognize and honor the Jack & Lovell Olender Foundation Awardees for 2016 for their dedicated service to the community, and to declare December 5, 2015, as “Olender Foundation Awardees Day” in the District of Columbia.

WHEREAS, for 3 decades, the Olender Foundation has recognized and honored citizens of the District of Columbia and the world for their dedicated, heroic, and meritorious service;

WHEREAS, the Olender Foundation Awardees for 2016 have been selected;

WHEREAS, Wil Haygood has been selected by the Olender Foundation as the recipient of the *Advocate for Justice 2016* Award;

WHEREAS, the Robert A. Shuker Scholarship Fund has been selected by the Olender Foundation as the recipient of the *Generous Heart 2016* Award; and

WHEREAS, Reverend George C. Gilbert, Sr., Reverend George C. Gilbert, Jr., and Xavier Gilbert have been selected by the Olender Foundation as recipients of the *Peacemaker 2016* Award.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jack & Lovell Olender Foundation Awardees for 2016 Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes, honors, salutes, and congratulates the Olender Foundation Awardees for 2016 for the valuable contribution they have made to the District of Columbia and declares December 5, 2015, as the “Olender Foundation Awardees Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2015

To recognize and honor the historic Georgetown home, Tudor Place, on the observation of its 200th anniversary.

WHEREAS, Tudor Place was built in 1816 by Thomas Peter (son of Georgetown's first mayor, Robert Peter) and Thomas' wife, Martha Curtis Peter (granddaughter of Martha Washington);

WHEREAS, Tudor Place opened to the public in 1983 after spanning several generations of Peter family history, and the way it has been preserved and maintained shows entire layers of history and different eras of Washington history;

WHEREAS, Tudor Place is a richly adorned mansion that doubles as a museum;

WHEREAS, Tudor Place's Executive Director Mark Hudson leads the charge on the bicentennial, which will provide a year's worth of opportunities for visitors to connect to present-day Tudor Place, which has stood through numerous social upheavals, including the abolition of slavery, to the estate of generations past; and

WHEREAS, Tudor Place will celebrate its bicentennial with several events, including an open house on Presidents Day, a re-enactment of George Washington pitching Revolutionary War tents on the South Lawn, a special edition of the museum's annual garden party, and a birthday party for the building shortly before Independence Day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tudor Place 200th Anniversary Recognition Resolution of 2015".

Sec. 2. The Council of the District of Columbia recognizes the 200th Anniversary of Tudor Place historic Georgetown home.

Sec. 3. This resolution shall take effect upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2015

To posthumously recognize and honor Austin H. Kiplinger, longtime advocate of journalism education and founder of the Washington Journalism Center.

WHEREAS, Austin H. Kiplinger was born in Washington, D.C. in 1918, attended Western High School, and, after graduation, attended Cornell University;

WHEREAS, while at Cornell University, Austin Kiplinger worked as the campus stringer for the *Ithaca Journal* and wrote stories about the 1936 Presidential Election that were picked up by the Associated Press;

WHEREAS, Austin H. Kiplinger embarked on journalism full-time in 1940 with the *San Francisco Chronicle*;

WHEREAS, Austin H. Kiplinger assisted his father with writing the 1942 book *Washington is Like That* and, following a stint in the United States Navy during WWII, he helped his father found the publication now known as *Kiplinger's Personal Finance*, first published in 1947;

WHEREAS, Austin H. Kiplinger also worked as a columnist for the *Chicago Journal of Commerce* and was a political newscaster for television networks ABC and NBC;

WHEREAS, Austin H. Kiplinger returned to Kiplinger Washington Editors in 1956, and, in 1961, he succeeded his father as editor-in-chief of the *Kiplinger Letters and Changing Times*;

WHEREAS, in 1965, Austin H. Kiplinger, with his father, founded the Washington Journalism Center, and the center's seminars eventually became the core program of the National Press Foundation;

WHEREAS, in addition to his journalism career, Austin H. Kiplinger followed his father's lead as a collector of Washingtoniana – historical prints and photographs depicting the history of Washington, D.C.;

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WHEREAS, Austin H. Kiplinger championed the creation of a city museum for the District of Columbia and the library at the Historical Society of Washington, D.C. is named in his honor;

WHEREAS, in 2011, the 5000-piece Kiplinger Washington Collection was pledged to several Washington, D.C. area museums, with most of it (4,000 graphic works) going to the Historical Society of Washington, D.C.; and

WHEREAS, Austin H. Kiplinger is chairman emeritus of the Cornell University Board of Trustees and a trustee or past trustee of the Tudor Place Foundation, the National Symphony Orchestra, the National Press Foundation, the Washington International Horse Show, and the Federal City Council, as well as other civic commitments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Austin H. Kiplinger Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia recognizes and honors Austin H. Kiplinger for the valuable contributions he has made to this nation and the residents of this great city.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2015

To recognize Norma May Perry’s contributions to the citizens of the District of Columbia and her fellow Ward 8 residents through her activism and outstanding community service.

WHEREAS, Norma May Perry was born in Washington, D.C. on April 9, 1931 to the late William Jackson and Mary Lee Pinnix;

WHEREAS, Norma May Perry was employed with the District of Columbia government’s Department of Employment Services for over 30 years;

WHEREAS, Norma May Perry received the Community Activist Director’s Samaritan Award from the District of Columbia Department of Corrections;

WHEREAS, Norma May Perry was a long-standing member of the Fort Stanton Civic Association and a coordinator for the community garden;

WHEREAS, Norma May Perry was accepted through the United Planning Organization into the New Careers Training Program in February 1968;

WHEREAS, Norma May Perry attended the Washington Technical Institute (now the University of the District of Columbia) and Howard University, and because of her life experiences, endeavors, and concern for people in the community, she was accepted in the Social Services Field;

WHEREAS, Norma May Perry has received an array of certificates and awards for community services., including the Certificate of Recognition from the Women of Union Temple Baptist Church (“UTBC”), Good Samaritan Award from UTBC Sunday School, Community Activist Director’s Samaritan Award from the District of Columbia Department of Corrections, and a Certificate of Appreciation from Fort Stanton Civic Association and the UTBC Pastor’s Award of Appreciation; and

WHEREAS, one of the greatest awards presented to Norma May Perry was the “Theodore R. Hagan’s Public Service Award” for outstanding community service.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Norma May Perry Recognition Resolution of 2015”.

Sec. 2. The Council of the District of Columbia hereby honors Norma May Perry for her outstanding service and positive impact on behalf of the citizens of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To recognize, honor, and express the Council’s overwhelming gratitude to Glenn Harris, the District of Columbia sportscasting legend, for his decades-long career as a District of Columbia fixture – a game announcer, broadcaster, and mentor to a generation of sports journalists. .

WHEREAS, Glenn Harris is native Washingtonian and grew up in Anacostia;

WHEREAS, Glenn Harris, the first in his family to attend college, attended and graduated from Howard University and, as a senior, was told that the university’s radio station, WHUR-FM, was looking for someone;

WHEREAS, Glenn Harris has always been a lover of sports and was one of the area’s first sports talk radio show hosts;

WHEREAS, in 1991, Glenn Harris left WHUR-FM to begin his nightly show, “SportsTalk,” at News Channel 8;

WHEREAS, his vast knowledge of local sports played a large part in helping the News Channel 8 Sports Team earn back-to-back awards for “Best Year-Round TV Sports Coverage.”;

WHEREAS, he has continuously hosted his evening talk show since 1993 and established a reputation as one of the most respected sports anchors in the Washington area;

WHEREAS, before News Channel 8, Glenn Harris had stints at WRC and WTTG, and years of radio shows at WOL;

WHEREAS, even before that, Glenn Harris was a fixture in local gyms, as a referee, broadcasting by himself into a cassette recorder, or just as a man about town interacting and talking with everyone in the sports community;

WHEREAS, those who know Glenn Harris well -- and that’s a lot of people -- all have stories about Glenn Harris’ interactions with his listeners and viewers;

ENROLLED ORIGINAL

WHEREAS, he would talk to strangers on the street the same way he talked to one of his well-known friends, passionately and at great length; and

WHEREAS, connecting with his audience was integral to having a broadcasting career spanning 5 decades;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Glenn Harris Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes Glenn Harris as a regional institution, wishes him the best in his retirement, and declares February 2, 2016, as “Glenn Harris Day” in the District of Columbia. A lover of sports and an icon in the sports broadcasting business, he not only communicates but inspires and changes lives.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare February as “Teen Dating Violence Awareness and Prevention Month” in the District of Columbia.

WHEREAS, teens between the ages of 16 and 24 years are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average;

WHEREAS, one in 3 teen girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide, and are much more likely to carry patterns of abuse into future relationships;

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors, and the experience may disrupt the normal development of self-esteem and positive body image;

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds;

WHEREAS, only 33% of teens who are in an abusive relationship tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one;

WHEREAS, lesbian, gay, bisexual, and transgender teens are just as likely to experience dating violence as teens in opposite-sex relationships;

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, the Council recognizes that dating violence is preventable;

ENROLLED ORIGINAL

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors, and school staff so that they may recognize when youth are exhibiting signs of dating violence;

WHEREAS, the establishment of Teen Dating Violence Awareness and Prevention Month will benefit young people, their families, schools, and communities, regardless of socioeconomic status, gender, gender identity, sexual orientation, or ethnicity; and

WHEREAS, all residents of the District of Columbia have the right to a safe and healthy relationship and to be free from abuse.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Teen Dating Violence Awareness and Prevention Month Recognition Resolution of 2016”.

Sec. 2. The Council declares February as “Teen Dating Violence Awareness and Prevention Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To declare January as “Stalking Awareness and Prevention Month” in the District of Columbia.

WHEREAS, under the laws of the District of Columbia, all 50 states, the United States Territories, and the federal government, stalking is a crime;

WHEREAS, 7.5 million people were stalked every year in the United States, and the majority of victims are stalked by someone they know;

WHEREAS, 3 in 4 women killed by an intimate partner had been stalked by that intimate partner;

WHEREAS, many stalking victims lose time from work and experience serious psychological distress and lost productivity at a much higher rate than the general population;

WHEREAS, many stalking victims are forced to protect themselves by relocating, changing their identities, changing jobs, and obtaining protection orders;

WHEREAS, many stalkers use technology—such as cell phones, global positioning systems, cameras, and spyware—to monitor and track their victims;

WHEREAS, there is a need for great public awareness about the nature, criminality, and potential lethality of stalking;

WHEREAS, laws and public policies must be continually adapted to keep pace with new tactics used by stalkers;

WHEREAS, criminal justice systems can enhance their responses to stalking by regular training of law enforcement officers;

WHEREAS, communities can better combat stalking by adopting multidisciplinary responses by teams of local agencies and organizations and by providing services and support to victims of stalking;

ENROLLED ORIGINAL

WHEREAS, the establishment of Stalking Awareness and Prevention Month will benefit stalking victims, their families, employers, schools, and communities; and

WHEREAS, all residents of the District of Columbia have the right to feel safe and secure in their homes, workplaces, schools, and communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stalking Awareness and Prevention Month Recognition Resolution of 2016”.

Sec. 2. The Council declares January as “Stalking Awareness and Prevention Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To honor and recognize the 30th Annual Black History Invitational Swim Meet.

WHEREAS, the Black History Invitational Swim Meet is a 2-day swimming competition attracting nearly 800 minority competitors, ages 5 to 18 years, each year;

WHEREAS, the invitational was founded in 1987 by the District of Columbia’s Department of Parks and Recreation and the United Black Fund, Inc., in honor of Black History Month;

WHEREAS, the invitational was established with the goals of creating a positive outlet for urban youth nationwide, providing exposure to strong competition, and offering youth the unique opportunity to visit the nation’s capital;

WHEREAS, the invitational has grown from a small, local competition to one now hailed by USA Swimming, the national governing body for the sport of swimming, as the premier minority swim competition in the United States;

WHEREAS, since 1989, the Black History Invitational Swim Meet Steering Committee has identified notable African-Americans in history or in the field of swimming, whose contributions and achievements have played a central role in U.S. history, to be recognized during the weekend’s events;

WHEREAS, former honorees include Dr. Martin Luther King, Jr., Eleanor Holmes Norton, Dr. Dorothy I. Height, Cullen Jones, Harriet Tubman, and Dr. Calvin Rolark;

WHEREAS, last year this historic swim meet hosted 762 swimmers from 27 teams hailing from Washington, D.C., Delaware, Georgia, Michigan, Maryland, New York, Ohio, Pennsylvania, South Carolina, Virginia, and St. Lucia; and

WHEREAS, this year, February 12-14, 2016, marks the 30th Annual Black History Invitational Swim Meet, which will be hosted by the DC Wave Swim Team, the District of Columbia’s only nationally competitive public youth swim team.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “30th Annual Black History Invitational Swim Meet Recognition Resolution of 2016”.

Sec. 2. The Council honors and recognizes the significance of the Black History Invitational Swim Meet and pledges to provide a home for this historic meet each year to ensure that our youth have the opportunity to engage in competitive swimming.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To recognize and honor Fannie Robinson on the occasion of her 90th birthday.

WHEREAS, Fannie Robinson was born in Emella, Alabama on January 2, 1926;

WHEREAS, Fannie Robinson moved to the District of Columbia in 1958, settling in the Riggs Park neighborhood in Ward 5 to raise her family with other Navy wives in the neighborhood, which she still calls home;

WHEREAS, Fannie Robinson was married to her husband Huey Robinson for over 30 glorious years, until he passed away in 1975;

WHEREAS, Fannie Robinson worked for over 26 years with the Marriott company before switching careers to the District of Columbia Public Schools, working at LaSalle and Whittier Elementary Schools for 15 years before retiring in 1989;

WHEREAS, Fannie Robinson is a loving mother, giving birth to 6 wonderful children: Rose, Huey, Dean, Nadine, Carrie, and Ray;

WHEREAS, Fannie Robinson has also taken on the responsibilities of grandmother of 9 grandchildren: Cherita, Tya, Fanell, Traci, John, Tiffany, Chris, Timmy, and Christina;

WHEREAS, Fannie Robinson's familial responsibilities have increased with the addition of 10 great-grandchildren: Brandon, Marshe, Cydney, Mia, Chase, Sam, Eli, Wendel, JaMarcus, Izayah, with one additional great-grandchild on the way;

WHEREAS, Fannie Robinson is also the loving great-great-grandmother of Elijah;

WHEREAS, Fannie Robinson is always known for having the cleanest house on the block in Riggs Park as she pays close attention to the upkeep and cleaning of her home, dusting when there is no dust, vacuuming when there is nothing to vacuum, and keeping her house in pristine condition;

ENROLLED ORIGINAL

WHEREAS, Fannie Robinson, when she is not busy cleaning, is usually in the kitchen cooking up delicious meals and dishes, including her sweet potato pies and her signature pork roast, known affectionately as “Grandma’s meat”;

WHEREAS, Fannie Robinson can be seen around the Riggs Park neighborhood as she takes her daily walk to the grocery store; and

WHEREAS, Fannie Robinson is the matriarch of her family and has done what mothers hope to do: have a wonderful marriage, raise all her loving children, and show the true meaning of being a mother, grandmother, great-grandmother, and great-great-grandmother.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fannie Robinson Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and honors Fannie Robinson on the occasion of her 90th birthday, joins her large family in wishing her a most happy birthday, and thanks her for raising such a loving and caring family.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To recognize the work and contributions of Birdie Mae “Granny” Keels.

WHEREAS, Birdie Mae “Granny” Keels, who is affectionately known as Ms. Birdie, or Granny Keels, was born Birdie Mae Odom on January 2, 1934, in Aiken County, South Carolina as the 4th of 5 children born to Joe M. Odom and Ruther Friday Dunbar-Odom;

WHEREAS, Birdie Mae “Granny” Keels lost her mother from illness at the age of 4 years, and her siblings and she were sent to live with their maternal grandparents, Jamey and Quitman “Daddy” Dunbar while their father was away working on the railroad;

WHEREAS, Birdie Mae “Granny” Keels was sent to live with her father and his new wife in the Capitol Hill area at the age of 9 years following Ms. Jamey’s death from illness;

WHEREAS, Birdie Mae “Granny” Keels graduated from Armstrong Technical Senior High School in Northwest Washington, D.C., where she met her future husband, Woodrow “Woody” Harry Keels, who also was from South Carolina, and had 5 children with Woody – Harry James, Ronald, Terry Yvonne, Tyrone, and Sandra “Beanie;”

WHEREAS, Birdie Mae “Granny” Keels raised the family on I Street, N.E., before the I Street renovation that led the family to relocate to the Syphax Gardens public housing community in Ward 6 in Southwest Washington, D.C.;

WHEREAS, Birdie Mae “Granny” Keels was hardworking and maintained 2or 3 jobs for many years to meet ends in hopes to achieve the “American Dream” of becoming home owners, with Granny Keels working as a teacher’s aide at Junior Village in Southeast Washington, D.C. from 1955-1965, an evening and weekend housekeeper, and a caretaker of children and senior persons for different families in the area;

WHEREAS, Birdie Mae “Granny” Keels enrolled in a social service case management certification program at Howard University during her time at Junior Village, and upon completing the program, found employment as a social services case manager with the

ENROLLED ORIGINAL

Southwest Community House located in the James Creek neighborhood of Southwest Washington, D.C., under the leadership of Phyllis Martin;

WHEREAS, Birdie Mae “Granny” Keels, through over 30 years of work with the Southwest Community House, provided housing assistance, food and nutrition services, and health care provisioning for many residents of James Creek and East of the Anacostia River in Wards 7 and 8; helped the public housing communities in Ward 6 hold many community events, such as the Annual Southwest Day and turkey basket giveaways during Thanksgiving and Christmas seasons; and worked with many community organizations and city initiatives to assist numerous families and underserved individuals to become self-sufficient and self-driven in order to overcome their adversities;

WHEREAS, Birdie Mae “Granny” Keels also worked closely with community activist and future mayor Marion Barry and Pride Inc., a program that distributed free food for persons becoming homeless after the 1968 riots;

WHEREAS, Birdie Mae “Granny” Keels and her family moved to the Penn-Branch section of Southeast Washington, D.C., in Ward 7;

WHEREAS, Birdie Mae “Granny” Keels continued to serve the residents all over the District of Columbia in providing housing, nutrition, and other social services for low-income and elderly populations in Wards 5, 6, 7, and 8;

WHEREAS, Birdie Mae “Granny” Keels retired from her work with the Southwest Community House and began working with the National Puerto Rican Coalition assisting new Hispanic residents in the city to gain opportunities in employment and housing within the District of Columbia;

WHEREAS, Birdie Mae “Granny” Keels has been a member of many community boards, and social service and senior nonprofit groups, and a renowned community leader in the District of Columbia who has taken pride in helping the underserved communities, persons with disabilities, and at-risk youth;

WHEREAS, Birdie Mae “Granny” Keels has been a resident of the District of Columbia for over 70 years, and a Ward 7 resident of the Penn Branch community for over 40 years;

WHEREAS, Birdie Mae “Granny” Keels is a wife, mother, grandmother, great-grandmother, sister, aunt, cousin, second mother, long-time caregiver, and helpful presence in the community and a mother to many people of all ages; and

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WHEREAS, Birdie Mae “Granny” Keels has overcome adversity and progressed to success, triumph, and victory.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Birdie Mae “Granny” Keels Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia honors and thanks Birdie Mae “Granny” Keels for her dedicated service and significant contribution to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To recognize and honor Donald Graham for his dedication to the field of journalism, his 42 years of service to The Washington Post, his commitment to improving the educational opportunities available to students in the District of Columbia, and the occasion of his retirement from Chief Executive Officer of Graham Holdings.

WHEREAS, Donald Graham was born on April 22, 1945, in Baltimore, Maryland, the son of Philip L. and Katharine Meyer Graham;

WHEREAS, Donald Graham attended St. Albans School in Northwest D.C. before Harvard College, where he graduated in 1966 and served as president of the Harvard Crimson;

WHEREAS, Donald Graham was drafted and served as an information specialist with the 1st Cavalry Division in Vietnam from 1967 to 1968;

WHEREAS, Donald Graham served as a patrolman with the District of Columbia’s Metropolitan Police Department from January 1969 to June 1970;

WHEREAS, in 1971, Donald Graham joined The Washington Post newspaper as a reporter and subsequently held several news and business positions at the newspaper and at Newsweek;

WHEREAS, in 1976, Donald Graham was named executive vice president and general manager of the newspaper;

WHEREAS, Donald Graham was elected a director of The Washington Post Company in 1974 and served as president from May 1991 to September 1993;

WHEREAS, under Donald Graham’s leadership as publisher, The Washington Post enjoyed tremendous success, remained a beacon of remarkable journalism, and garnered myriad awards, including 3 Worth Bingham Prizes and 20 Pulitzer Prizes;

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WHEREAS, in 2013, Donald E. Graham sold The Washington Post to the Amazon founder, Jeffrey P. Bezos;

WHEREAS, Donald Graham is lauded for his many philanthropic ventures, many aimed towards advancing the educational goals of disadvantaged children;

WHEREAS, Donald Graham served as chairman of the District of Columbia College Access Program (“DC-CAP”), a private foundation he co-founded in 1999 that has helped double the number of District of Columbia public high school students going on to college and has helped triple the number graduating from college;

WHEREAS, Donald Graham remains a member of the DC-CAP board, and since its inception, DC-CAP has assisted over 23,000 District of Columbia students enroll in college and has provided scholarships totaling more than \$33 million;

WHEREAS, Donald Graham has served as a director of Facebook and The Summit Fund of Washington, as well as a member of the Pulitzer Prize Board;

WHEREAS, Donald Graham is a trustee of the Federal City Council and of the Philip L. Graham Fund, which was established in 1963 in memory of his father;

WHEREAS, Donald Graham serves as a director of the College Success Foundation and KIPP-DC;

WHEREAS, Donald Graham is a co-founder of TheDream.US, a national scholarship fund for DREAMers, created to help immigrant youth pursue a college education; and

WHEREAS, in November 2015, Donald Graham stepped down as Chief Executive Officer of Graham Holdings, leaving behind a legacy of leadership that spanned over 4 decades.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Donald Graham Retirement Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and honors Donald Graham for his commitment to the field of journalism, and for his leadership at The Washington Post for more than 40 years.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2016

To posthumously recognize and honor Officer John R. Williams, Jr. for his 40 years of service to the District of Columbia Protective Services Division;

WHEREAS, John R. Williams, Jr. was a native Washingtonian;

WHEREAS, John R. Williams, Jr. was a product of the District of Columbia Public Schools system, attending and graduating from the Phelps Vocational School in Ward 5;

WHEREAS, John R. Williams, Jr. enlisted in the United States Army and was deployed to the Republic of Vietnam in 1968;

WHEREAS, John R. Williams, Jr. served his country honorably, earning several medals for his meritorious service, including the National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, Air Medal with V Device, and the Purple Heart, before he was honorably discharged as a Specialist 5 Crew Chief Mechanic;

WHEREAS, John R. Williams, Jr. started his career in District government with the District of Columbia Protective Services Division, serving as the union leader and a firearms instructor, and remained a member of the force for 40 years until his unexpected death;

WHEREAS, John R. Williams, Jr. was a proud supporter of the Washington football team;

WHEREAS, John R. Williams, Jr. met his wife Linda Jackson in 1976 and was a proud and loving brother and uncle; and

WHEREAS, John R. Williams, Jr.’s end of watch came on November 28, 2015, and he will be greatly missed by his family, friends, and colleagues at the John A. Wilson Building.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Officer John R. Williams, Jr. Recognition Resolution of 2016”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia extends condolences to the family of Officer John R. Williams, Jr., and thanks him posthumously for his many years of service to the United States and the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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

- | | |
|---------|--|
| B21-608 | District of Columbia African American Book Festival Act of 2016

Intro. 2-2-16 by Councilmembers Orange, Alexander, Bonds, Cheh, Evans, Grosso, McDuffie, Silverman, Allen, Nadeau, Todd, May, and Chairman Mendelson and referred to the Committee on Education |
| <hr/> | |
| B21-610 | The Risk-Based Capital Amendment Act of 2016

Intro. 2-3-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs |
| <hr/> | |
| B21-611 | Behavioral Health Improvement Amendment Act of 2016

Intro. 2-3-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary with comments from the Committee on Health and Human Services |
| <hr/> | |
| B21-612 | Restrictions on the Use of Credit Information Amendment Act of 2016

Intro. 2-3-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs |
| <hr/> | |

PROPOSED RESOLUTIONS

- PR21-557 Medicaid Physician Administered Chemotherapy Drug Reimbursement
Approval Resolution of 2016
- Intro. 2-3-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health and Human Services
-
- PR21-558 Medicaid Home and Community-Based Services Waiver for Persons with
Intellectual and/or Developmental Disabilities Slot Amendment Approval
Resolution of 2016
- Intro. 2-3-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health and Human Services
-
- PR21-559 Medicaid Non-Financial Eligibility State Residency for Title IV-E Foster Care
Children Amendment Approval Resolution of 2016
- Intro. 2-3-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health and Human Services
-
- PR21-560 Method for Determining Cost Effectiveness of Caring for Certain Disabled
Children at Home Instead of an Institution (Katie Beckett Pathway Eligibility
Group) State Plan Amendment Approval Resolution of 2016
- Intro. 2-4-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health and Human Services
-
- PR21-561 District of Columbia Board of Veterinary Medicine Amy H. Dorr Confirmation
Resolution of 2016
- Intro. 2-4-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health and Human Services
-

PR21-562 Commission on Fathers, Men, and Boys Don Smith Confirmation Resolution
of 2016

Intro. 2-5-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

THURSDAY, FEBRUARY 11, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:00 p.m. - End	Criminal Justice Coordinating Council
	Sentencing and Criminal Code Revision Commission
	Office of Police Complaints

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

COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON HEALTH AND HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

THURSDAY, MARCH 3, 2016; Room 120	
Time	Agency
10:00 a.m. - End	Department of Forensic Sciences
	District of Columbia National Guard
	Office of Victim Services and Justice Grants
	Department of Youth Rehabilitation Services

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

FRIDAY, MARCH 4, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Department of Housing and Community Development
	Housing Production Trust Fund
	Rental Housing Commission

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

FRIDAY, MARCH 4, 2016; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

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

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

FRIDAY, MARCH 4, 2016; Room 120	
Time	Agency
9:30 a.m. - End	District of Columbia Lottery and Charitable Games Control Board

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

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS Chairperson Vincent Orange

MONDAY, MARCH 7, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Cable Television, Film, Music and Entertainment
	Office of the People's Counsel
	Public Service Commission
	Department of Employment Services
	Workforce Investment Council
	Public Access Corporation

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

COMMITTEE OF THE WHOLE Chairman Phil Mendelson

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT Chairperson Mary Cheh

MONDAY, MARCH 7, 2016; Room 123	
Time	Agency
11:00 a.m. - End	Department of Parks and Recreation
	Department of Public Works

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

COMMITTEE ON FINANCE & REVENUE Chairperson Jack Evans

TUESDAY, MARCH 8, 2016; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Office of the Chief Financial Officer
	Real Property Tax Appeals Commission
	Office of the Inspector General

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

COMMITTEE OF THE WHOLE Chairman Phil Mendelson

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES Chairperson Yvette Alexander

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

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

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

2/4/16

SUMMARY

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

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

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

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

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

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

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

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

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

COMMITTEE ON THE JUDICIARY **Chairperson Kenyan McDuffie**

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

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

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

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

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

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

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

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

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

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

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

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

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

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

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

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

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

COMMITTEE MARK-UP SCHEDULE

WEDNESDAY, MAY 4, 2016; COUNCIL CHAMBER (Room 500)

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

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

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

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

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Ste. 119 Washington, DC 20004

Revised

COUNCILMEMBER VINCENT B. ORANGE, SR.

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE OF THE
COMMITTEE ON BUSINESS, CONSUMER, AND REGULATORY
AFFAIRS**

**Review of District Agencies' Compliance with Certified Business Enterprise
Expenditure Goals**

**Wednesday, March 9, 2016, 9:00 am
John A. Wilson Building, Room 500
1350 Pennsylvania Ave., NW
Washington, D.C. 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable of the Committee on Business, Consumer, and Regulatory Affairs to review District government agencies' compliance with the Fiscal Year 2015 certified business enterprise ("CBE") expenditure goals and to examine the agencies' plans for complying with CBE utilization requirements in Fiscal Year 2016. The public oversight roundtable is scheduled for Wednesday, March 9, 2016, at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. **This notice is being revised to reflect the change of the date of the roundtable from January 25, 2016 to March 9, 2016. In addition, the notice is being revised to reflect the roundtable has moved from Room 412 to Room 500.**

The purpose of the public oversight roundtable is to hear from the Department of Small and Local Business Development, the Office of the District of Columbia Auditor, and appropriate District government agencies on compliance with CBE utilization requirements.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us. Witnesses are asked to furnish their names, addresses, telephone number, email address, and organizational affiliation, if any, by the close of business, Monday, March 7, 2016. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. The official record will remain open until the close of business of Wednesday, March 23, 2016. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

THE IMPLEMENTATION OF THE SEXUAL ASSAULT VICTIMS' RIGHTS ACT OF 2014

**Thursday, February 25, 2016, 10 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004**

On February 25, 2016, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will convene a public oversight roundtable to review the implementation of the Sexual Assault Victims' Rights Act of 2014.¹ The Sexual Assault Victims' Rights Act of 2014:

- Provides that a sexual assault victim shall have the right (1) to have a sexual assault victim advocate present; (2) to receive the results of a toxicology report and forensic kit examination; and (3) to receive notification from the Metropolitan Police Department (MPD) when police contact a suspect;
- Provides that communications between a sexual assault victim and a sexual assault victim advocate are confidential and privileged;
- Requires that MPD, the Department of Forensic Services (DFS), and the Office of the Chief Medical Examiner (OCME) process sexual assault forensic examination kits and biological specimens in a set time period;
- Prohibits District hospitals from billing a sexual assault victim for a sexual assault forensic examination kit;
- Establishes a Sexual Assault Response Team, a Sexual Assault Response Team Case Review Subcommittee, and a Sexual Assault Victim Rights Task Force;
- Requires annual reporting by MPD, DFS, and the Office of the Chief Medical Examiner regarding compliance with protocols for and response to sexual assaults; and
- Authorizes an independent expert consultant to assess and review MPD's policies, practices, and training.

¹ Sexual Assault Victims' Rights Act of 2014, effective Nov. 20, 2014 (D.C. Law 20-0139; D.C. Official Code § 23-1907 *et seq.*), <http://lims.dccouncil.us/Download/29573/B20-0417-SignedAct.pdf>.

Title II of the Act required the Office of Victim Services and Justice Grants (OVSJG) to establish a Sexual Assault Victim Rights Task Force to study nationally recognized best practices and develop recommendations regarding:

1. The development and implementation of an effective mechanism for submitting, tracking, and investigating complaints regarding the handling of, or response to, a sexual assault report or investigation by any agency or organization involved in the response;
2. Whether a need exists for additional sexual assault victim advocates;
3. Whether a need exists to expand the right to a sexual assault victim advocate beyond the hospital and law enforcement interview settings, such as meetings and conversations with prosecutors; and
4. Whether a need exists to expand the right to a sexual assault victim advocate to juvenile sexual assault victims.

The act also required the Task Force to submit a report of the results of its assessments, developments, and recommendations to the Council and the Sexual Assault Response Team. Reports of both the independent expert consultant and Task Force are available here: <http://ovsjg.dc.gov/node/1004172>.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact Kate Mitchell, Committee Director, at (202) 727-8275, or via e-mail at kmitchell@dccouncil.us, and provide their name, telephone number, organizational affiliation, and title (if any) **by close of business, February 22, 2016**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **fifteen single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically to kmitchell@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on March 10, 2016.**

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

NOTICE OF PUBLIC ROUNDTABLE ON

**PR 21-0469, the District of Columbia Taxicab Commission Anthony Wash
Confirmation Resolution of 2015,
PR 21-0470, the District of Columbia Taxicab Commission Johnathan M. Zeitler
Confirmation Resolution of 2015,
PR 21-0471, the District of Columbia Taxicab Commission Michelle L. Pourciau
Confirmation Resolution of 2015,
and
PR 21-0472, the District of Columbia Taxicab Commission Elliott L. Ferguson,
II Confirmation Resolution of 2015**

Friday, February 19, 2016
at 11:00 a.m.
in Room 123 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, February 19, 2016, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR 21-0469, the District of Columbia Taxicab Commission Anthony Wash Confirmation Resolution of 2015, PR 21-0470, the District of Columbia Taxicab Commission Johnathan M. Zeitler Confirmation Resolution of 2015, PR 21-0471, the District of Columbia Taxicab Commission C Michelle L. Pourciau Confirmation Resolution of 2015, and PR 21-0472, the District of Columbia Taxicab Commission Elliott L. Ferguson, II Confirmation Resolution of 2015. This legislation would confirm Anthony Wash, Johnathan Zeitler, Michelle Pourciau, and Elliott Ferguson as members of DC Taxicab Commission. The roundtable will begin at 11:00 a.m. in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact 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 ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED

NOTICE OF PUBLIC ROUNDTABLE ON

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

Monday, March 7, 2016
at 12:00 p.m.
in Room 123 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, March 7, 2016, 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 12:00 p.m. in Room 123 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 March 8, 2016.

This notice has been revised to reflect that the date of the roundtable has changed from February 8, 2016 to March 7, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA EXCEPTED SERVICE APPOINTMENTS AS OF JANUARY 31, 2016

NOTICE OF EXCEPTED SERVICE EMPLOYEES

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

COUNCIL OF THE DISTRICT OF COLUMBIA			
NAME	POSITION TITLE	GRADE	TYPE OF APPOINTMENT
Austin, Michael	Legislative Assistant	4	Excepted Service - Reg Appt
Tolliver, Denise	Chief of Staff	9	Excepted Service - Reg Appt

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-165: Request to reprogram \$4,414,996 of Capital Funds budget authority and allotment within the Department of Youth Rehabilitation Services (DYRS) was filed in the Office of the Secretary on February 3, 2016. This reprogramming is needed for replacing the current HVAC system located at New Beginnings Youth Development Center.

RECEIVED: 14 day review begins February 4, 2016

Reprog. 21-166: Request to reprogram \$1,000,000 of Capital funds budget authority and allotment within the Department of General Services (DGS) was filed in the Office of the Secretary on February 3, 2016. This reprogramming is needed to complete replacement of the pool house building, construct a splash pad, and address unforeseen site conditions associated with the construction of Ridge Road Recreation Center.

RECEIVED: 14 day review begins February 4, 2016

Reprog. 21-167: Request to reprogram \$1,900,000 of Pay-As-You-Go (Paygo) Capital funds budget authority and allotment to the operating budget of the Department of Housing and Community Development (DHCD) was filed in the Office of the Secretary on February 8, 2016. This will ensure that the budget is disbursed from the appropriate fund.

RECEIVED: 14 day review begins February 9, 2016

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 12, 2016
Petition Date: March 28, 2016
Hearing Date: April 11, 2016
Protest Hearing: June 8, 2016

License No.: ABRA-101679
Licensee: Ima Pizza Store 14, LLC
Trade Name: & Pizza
License Class: Retailer's Class "C" Restaurant
Address: 1375 Kenyon Street, N.W.
Contact: Paul Pascal: 202 544-2200

WARD 1 ANC 1A SMD 1A06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30pm on June 8, 2016

NATURE OF OPERATION

New Restaurant to prepare and sell pizza and pizza products. Total Occupancy Load is 46. Sidewalk Café with 32 seats.

HOURS OF OPERATON FOR PREMISES AND SIDEWALK CAFE

Sunday through Thursday 7 am – 2 am, Friday and Saturday 7 am – 4 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES AND SIDEWALK CAFE

Sunday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

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

Posting Date: February 12, 2016

Petition Date: March 28, 2016

Hearing Date: April 11, 2016

License No.: ABRA-087780

Licensee: Da Luft DC, Inc.

Trade Name: Da Luft Restaurant & Lounge

License Class: Retailer's Class "C" Restaurant

Address: 1242 H Street, N.E.

Contact: Josephine Ijiti: 301-442-2521

WARD 6

ANC 6A

SMD 6A01

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 a Class Change from a Retailer "C" Restaurant to a Retailer "C" Tavern.

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

Sunday through Thursday 12:00pm to 2:00am, Friday and Saturday 12:00pm to 3:00am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 7:00pm to 2:00am, Friday and Saturday 7:00pm to 3:00am

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

Posting Date: February 12, 2016
Petition Date: March 28, 2016
Hearing Date: April 11, 2016

License No.: ABRA-094766
Licensee: Rudrakalash, LLC
Trade Name: Masala Art
License Class: Retailer's Class "C" Restaurant
Address: 1101 4th Street, S.W.
Contact: Atul Bhola: 202-554-1101

WARD 6

ANC 6D

SMD 6D01

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

Request to add Entertainment Endorsement to offer Live Entertainment.

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

Sunday 10:00am to 2:00am, Monday through Thursday 11:00am to 2:00am, Friday 11:00am to 3:00am, Saturday 10:00am to 3:00am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Tuesday 9:00pm to 2:00am, Wednesday and Thursday 10:00pm to 2:00am, Friday and Saturday 10:00pm to 3:00am

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

NOTICE OF PUBLIC HEARING

11:00 A.M., WEDNESDAY, MARCH 30, 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 concerning the Glover Park Moratorium Zone (23 DCMR § 308). The existing moratorium expires on February 21, 2016. The Board adopted emergency rules on February 3, 2016, to prevent the existing moratorium from expiring. The Glover Park Moratorium Emergency Rules will remain in effect until May 3, 2016.

HEARING INFORMATION

WHEN: 11:00 a.m. on Wednesday, March 30, 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, March 25, 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, April 8, 2016**, at ABRA's mailing address or e-mail address stated above.

**HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 15-12: Control Point Virginia Tower
Southeast corner of 2nd Street and Virginia Avenue SW
Square 582, part of Lot 856
Applicant: CSX Transportation, Inc. (property owner)
Affected Advisory Neighborhood Commission: 6D

Case No. 15-24: Glenwood Cemetery
2219 Lincoln Road NE
Square 3505, Lot 802
Applicant: Glenwood Cemetery Corporation (property owner)
Affected Advisory Neighborhood Commission: 5E

The hearing will take place at **9:00 a.m. on Thursday, March 24, 2016**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection. It is also posted on the Historic Preservation Office website. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may

apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 29, 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 ONE

18511B **Application of Alleyoop LLC**, pursuant to 11 DCMR § 3103.2, for a variance
ANC-1A from the alley width requirements under § 2507.3, to allow an office and
residential use in the R-4 District at premises 1018 Irving Street N.W. (Square
2851, Lot 219).

WARD TWO

19229 **Application of FOTP, LLC**, pursuant to 11 DCMR §§ 3104.1 and 411.11, for
ANC-2B a special exception from the penthouse setback requirements under §§ 411.18,
771.1, and 774.2, and the minimum rear yard requirements under § 774.1, to
allow an addition to accommodate the establishment of a museum and associated
offices and conference rooms in the C-4 District at premises 1503-1505
Pennsylvania Avenue N.W. (Square 221, Lot 810).

WARD FOUR

19230 **Application of John B. Knotts and Richard H. Hiltner**, pursuant to 11
ANC-4C DCMR § 3103.2, for variances from the rear yard requirements under § 774.1,
and the parking requirements under § 2101.2, to permit the construction of a
mixed-use project in the C-2-A District at premises 4424 Georgia Avenue N.W.
(Square 2917, Lot 37).

WARD FOUR

19233 **Application of 824 Varnum LLC**, pursuant to 11 DCMR § 3104.1, for a
ANC-4C special exception from the use requirements under § 336, to convert an existing
two-story dwelling into a three-unit apartment house in the R-4 District at
premises 824 Varnum Street N.W. (Square 3024, Lot 50).

BZA PUBLIC HEARING NOTICE

MARCH 29, 2016

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WARD ONE

19235 **Application of Hobart LLC**, pursuant to 11 DCMR § 3104.1, for a special
ANC-1A exception from the use requirements under § 336, to convert an existing two-
 story dwelling into a three-unit apartment house in the R-4 District at premises
 753 Columbia Road N.W. (Square 2890, Lot 99).

WARD ONE

19236 **Application of Hobart LLC**, pursuant to 11 DCMR § 3104.1, for a special
ANC-1A exception from the use requirements under § 336, to convert an existing two-
 story dwelling into a three-unit apartment house in the R-4 District at premises
 755 Columbia Road N.W. (Square 2890, Lot 100).

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 29, 2016
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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.**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, APRIL 5, 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

17535A **Application of Mary Goodman**, pursuant to 11 DCMR § 3104.1, for a
ANC-2E special exception from the accessory apartment requirements under § 202.10, to
establish an accessory apartment above an existing garage in the R-3 District at
premises 3254 O Street N.W. (Square 1230, Lots 125 and 825).

WARD FIVE

19231 **Application of Habitat for Humanity of Washington, DC**, pursuant to 11
ANC-5D DCMR § 3103.2, for variances from the lot width requirements under § 401.3,
and the off-street parking requirements under § 2101.1, to permit the construction
of four new flats in the R-4 District at premises 1814 Central Place, N.E. (Square
4047, Lot 57).

WARD FIVE

19232 **Application of Habitat for Humanity of Washington, DC**, pursuant to 11
ANC-5D DCMR § 3103.2, for variances from the lot width requirements under § 401.3,
and the off-street parking requirements under § 2101.1, to permit the construction
of two new flats in the R-4 District at premises 1833 Central Place, N.E. (Square
4047, Lot 10).

WARD FOUR

19237 **Application of Wacap LLC**, pursuant to 11 DCMR § 3103.2, for a variance
ANC-4C from the off-street parking requirements under § 2101.1, to allow the
construction of a new four-story residential addition containing four units above
an existing restaurant in the C-2-A District at premises 3700 14th Street N.W.
(Square 2692, Lot 43).

BZA PUBLIC HEARING NOTICE

APRIL 5, 2016

PAGE NO. 2

WARD SIX

19238 **Application of Congressional 815 5th Street LLC**, pursuant to 11 DCMR
ANC-6C § 3104.1, for a special exception from the use requirements under § 336, to
convert an existing two-story flat into a three-unit apartment house in the R-4
District at premises 815 5th Street N.E. (Square 832, Lot 801).

WARD FOUR

19239 **Application of Deborah J. Jones-Miller**, pursuant to 11 DCMR § 3104.1,
ANC-4A for a special exception from the use requirements under § 2003, to convert a
dental office into 11 residential units in the R-2 District at premises 7723 Alaska
Avenue N.W. (Square 2957, Lot 13).

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.*

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

BZA PUBLIC HEARING NOTICE

APRIL 5, 2016

PAGE NO. 3

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 RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Thursday, March 3, 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. 04-33G (Amendments to Chapter 26, Inclusionary Zoning)

THIS CASE IS OF INTEREST TO ALL ANCs

On February 2, 2015, a petition was submitted to the Zoning Commission (Commission), filed by the Coalition for Smarter Growth, et. al., to amend Chapter 26, Inclusionary Zoning (IZ) (Exhibit 2, Z.C. Case No. 04-33G). The Office of Planning (OP) submitted its report in support of setting the petition down for a public hearing on July 6, 2015, noting that they had several major concerns with the text as proposed in the petition. OP also recommended that the Commission set down alternate text to be considered as part of the same case. On July 13, 2015, the Commission set down the petition and alternate OP text amendments for a public hearing.

Coalition for Smarter Growth, et. al. Petition

The proposed substantive amendments of the petition filed by the Coalition for Smarter Growth, et. al., are summarized in the following table:

Section	Summary Amendment
2602 Applicability	Apply the IZ regulations to developments in both the Downtown Development (DD) and Southeast Federal Center (SEFC) Overlay Districts after December 31, 2017.
2603 Set-Aside Requirements	<ul style="list-style-type: none"> • Increase the required minimum percentage of residential gross floor area set aside for targeted households from the current 8% to 10% to a single 12%; and • Require the set-aside be the greater of 12% of the gross floor area (GFA) or 75% of bonus density; • In rental projects, target households at or below 50% of the Medium Family Income (MFI)²; • In for-sale projects, target households at or below 70% of MFI; • Specify that the Mayor or the DC Housing Authority shall have the right to purchase units for the purpose of leasing units, but only to low and very low income households; and • Increase the set aside requirement in the Saint Elizabeth’s Districts from

¹ This hearing was previously scheduled for Thursday, January 28, 2016.

² US Department of Housing and Urban Development (HUD) uses the term Median Family Income (MFI) and not Area Median Income (AMI); any text amendments will reflect the change in terminology from AMI to MFI.

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	8% to 10% of GFA.
2604 Bonus Density	<ul style="list-style-type: none"> • Increase the permitted bonus density from 20% to 22%; • Remove all lot occupancy restrictions for all IZ projects in in all zones specified in § 2604.2 (R-5-E, CR,C-2-A/B/C, C-3-A, W-1/2/3 and SP-1/2); • Permit an additional 10 feet of height as a matter of right for projects that include IZ units in all zones specified in § 2604.2, for a total of 20 feet beyond matter-of-right heights without IZ; and • Further reduce the permitted lot widths as a special exception in the R-2 through R-4 zones.

Proposed new text is shown in **bold** type and text to be deleted is shown in ~~strike through~~.

1. Amendments proposed by the petitioner pertaining to Chapter 26.

Amend the following sections of Chapter 26 as follows:

2601 DEFINITIONS

Moderate-income household – a household of one (1) or more individuals with a total annual income adjusted for household size equal to between fifty-one percent (51%) and ~~eighty percent (80%)~~ **seventy percent (70%)** of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.

2602 APPLICABILITY

2602.3 This chapter shall not apply to:

(e) Properties located in any of the following areas:

- (1) The Downtown Development or Southeast Federal Center Overlay Districts **until December 31, 2017, after which this chapter shall apply;**

2603 SET-ASIDE REQUIREMENTS

2603.1 Except as provided in § 2603.8, an inclusionary development ~~for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0 or W-1 District~~ shall devote the greater of ~~ten per cent (10%)~~ **twelve percent (12%)** of the gross floor area being devoted to residential use or seventy-five percent (75%) of the bonus density being utilized for inclusionary units.

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2603.2 ~~An inclusionary development of steel and concrete frame construction located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, SP, USN, W-2, or W-3 Zone District shall devote the greater of eight percent (8%) of the gross floor area being devoted to residential use or fifty percent (50%) of the bonus density utilized for inclusionary units.~~

2603.3 ~~Except as provided in § 2603.9, Inclusionary Developments located in R-3 through R-5-E, C-1, C-2-A, StE, W-0, and W-1 Zone Districts offering **dwelling units for rent** shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.~~

2603.4 ~~Developments offering for-sale dwelling units located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP Zone Districts shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.~~

2603.5 The Mayor or the District of Columbia Housing Authority shall have the right to purchase up to twenty-five percent (25%) of inclusionary units in a for-sale inclusionary development **for the purpose of leasing these units to low households** in accordance with such procedures as are set forth in the Act.

...

2603.7 ~~An inclusionary development of steel and concrete frame construction located in a StE District shall devote no less than eight percent (8%)~~ **ten percent (10%)** of the gross floor area being devoted to residential use in a StE District for inclusionary units.

2604 BONUS DENSITY

2604.1 Inclusionary developments subject to the provisions of this chapter, except those located in the StE District, may construct up to ~~twenty percent (20%)~~ **twenty-two percent (22%)** more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified herein) and the limitations established by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910

2604.2 Inclusionary developments in zoning districts listed in the chart below may use the following modifications to height and **no restrictions on lot occupancy for zones with greater density than R-4 zones** in order to achieve the bonus density.

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Base	Matter-of-Right Zoning Constraints			Petitioners' Proposed IZ Modification	
	Lot Occupancy	Zoning Height (feet)	Zoning FAR	Lot Occupancy	Height (feet)
R-5-E	75%	90	6.00	90%	90 100
CR	75%	90	6.00	80%	100 110
C-2-A	60%	50	2.50	75%	50 60
C-2-B	80%	65	3.50	80%	70 80
C-2-C	80%	90	6.00	90%	90 100
C-3-A	75%	65	4.00	80%	65 75
W-1	80%	40	2.50	80%	50 60
W-2	75%	60	4.00	75%	80 90
W-3	75%	90	6.00	80%	100 110
SP-1	80%	65	4.00	80%	70 80
SP-2	80%	90	6.00	90%	90 100

2604.3 Inclusionary developments in R-2 through R-4 zoning districts may use the minimum lot dimensions as set forth in the following table, **and additional lot width modifications in order to achieve the bonus density:**

Base Zone	IZ Zoning Modifications		
	IZ Min. Lot Area (square feet)	Min. Lot Width (feet)	Min. Lot Width (feet) Special Exception
R-2 Detached	3,200	40	32 30
R-2 Semi-Detached	2,500	30	25 23
R-3	1,600	20	16 15
R-4	1,500	18	16 15

2608 **APPLICABILITY DATE**

2608.2 The provisions ~~revised on XXXXX~~ of this chapter **amended by Z.C. Order No. 04-33G** shall not apply to any building approved by the Zoning Commission pursuant to Chapter 24 if the approved application was set down for hearing prior to ~~March 14, XXXX 2008~~ **[THE EFFECTIVE DATE OF THIS AMENDMENT].**

Office of Planning Alternative Text

OP proposed alternative text to that proposed by the Petitioner. Within the alternative text proposed by OP, OP also included a limited second alternative relative to set-aside requirements and targeted households (Alternative 2 (OP)). The Alternative 2 (OP) addresses the targeted

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household income based on whether the IZ units are rental or for-sale units. The proposed substantive amendments of the OP alternate text are summarized in the following table:

Section	Summary Amendment
2601 Definitions	<ul style="list-style-type: none"> • Add a new definition of Bedroom, Maximum Resale Price; • Add a new definition of Median Family Income as part of Option 2; and • Amend definition of Eligible Household (Option 2).
2602 Applicability 2602.1(d)	Provide for voluntary participation in the IZ program where it would not otherwise be required
2603 Set-Aside Requirements; 2603.3 2603.4 2603.5	<ul style="list-style-type: none"> • Move the C-2-B, C-3-A, SP-1 and W-2 zone districts to the group of zone districts that must target half of the IZ units to households at 50% of the MFI; or • Permit flexibility in occupancy by allowing units that have remained unoccupied for an extended period of time; or when increases in fees make units either unaffordable to target household or have a significant negative impacts on the Maximum Resale Price; and • Allow the Mayor to purchase a minimum of one unit and up to any amount agreed upon with the developer.
Alternative 2 (OP); 2603.3	<ul style="list-style-type: none"> • Alternative 2 (OP) would establish a targeted MFI by tenure type; for rental households: consolidate the MFI from 50% and 80% to a single target of 60% of the MFI, and for-sale IZ units to 80 % of the MFI.
2607	<ul style="list-style-type: none"> • Offer an administratively handled matter of right off-site provision within 2,640 feet (one-half mile) of the on-site requirement provided it results in 20% more square feet set-aside for IZ units.
New Section	<ul style="list-style-type: none"> • Provide flexibility for a developer to do fewer for-sale units at 60% MFI instead of more units at 80% MFI.
Technical corrections, clarifications and updates (various sections)	<ul style="list-style-type: none"> • Change the terminology from “Area Median Income” (AMI) to “Median Family Income” (MFI); • Provide greater clarity on requirement calculations, bedrooms and pricing; • Improve administration, monitoring and enforcement; and • Fixes minor errors and omissions.

Public Comment is requested on the following amendments to the Zoning Regulations and the alternative 2 (OP). Proposed new text is shown in **bold** type and text to be deleted is shown in ~~strikethrough~~.

2. Amendments pertaining to Chapter 26 as proposed by OP in the alternative.

Amend the following sections of Chapter 26 as follows:

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2600 GENERAL PROVISIONS

2600.2 It is the intent of the Zoning Commission to promulgate only such regulations as are necessary to establish the minimum obligations of property owners applying for building permits or certificates of occupancy under an Inclusionary Zoning Program. All other aspects of the program, including the setting of maximum purchase prices and rents, the minimum sizes of the units, the selection and obligations of eligible households, **administrative flexibility to ensure occupancy** and the establishment of enforcement mechanisms such as covenants and certifications shall be as determined by the Council and Mayor of the District of Columbia.

2601 DEFINITIONS

2601.1 When used in the chapter, the following terms and phrases shall have the meanings ascribed:

...

Bedroom – a room with immediate access to an exterior window and a closet that is designated as a “bedroom” or “sleeping room” on construction plans submitted in an application for a building permit for an Inclusionary Development.

Maximum Resale Price (MRP) – As defined by the formula found in Title 14 Chapter 22.

....

Inclusionary unit – a unit set aside for sale or rental to an eligible low- and moderate-income household as required by this chapter, **by a Zoning Commission order granting a planned unit development in which the applicant has proffered to provide more inclusionary units than required under this chapter**, or by order of the Board of Zoning Adjustment pursuant to § 2607.

2602 APPLICABILITY

2602.1 Except as provided in § 2602.3, the requirements and incentives of this chapter shall apply to developments that:

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- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, StE, **HE**, and W-~~10~~ through W-3 Zone Districts, unless exempted pursuant to § 2602.3; **and**
- (b) **Are new construction or additions of gross floor area that would result in Have-ten (10) or more dwelling units constructed concurrently or in phases on a lot or; on contiguous lots, including those divided by an alley, if the lots were under common ownership, control, or affiliation within one (1) year prior to the application for the first building permit; (including off-site inclusionary units); and**
- (c) **Were in existence prior to August 14, 2009, have ten (10) or more dwelling units on a lot; or on contiguous lots, including those divided by an alley and there is an increase of fifty percent (50%) or more of its gross floor area; or Are**

~~either:~~

- ~~(1) New multiple dwellings;~~
- ~~(2) New one-family dwellings, row dwellings, or flats constructed concurrently or in phases on contiguous lots or lots divided by an alley, if such lots were under common ownership at the time of construction; or~~
- ~~(3) An existing development described in subparagraph (i) or (ii) for which a new addition will increase the gross floor area of the entire development by fifty percent (50%) or more.~~
- (d) **Is a semi-attached, attached or multi-family residential development not described in §§ 2602.1(b) or (c) or that is located in one of the areas exempted by § 2602.3(e) and the owner agrees to abide by the set-aside and other requirements of this chapter provided, the square footage required to be set aside by § 2603 achieves a minimum of one (1) inclusionary unit. Properties located in the areas identified by § 2602.3(e)(3) through (6) may not use the modifications to height, lot occupancy, or minimum lot area or width permitted by §§ 2604.2 and 2604.3.**

2602.2 A development with less than ten (10) dwelling units shall become subject to this Chapter upon the filing of an application for a building permit to add one or more dwelling units to the development within a ~~two~~-**three (3)**-year period after the issuance of the ~~last certificate of occupancy~~ first **building permit**, if the

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construction for which application has been filed would result in the development having ten (10) or more dwelling units. ...

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

- (a) The development shall set aside ~~for low or moderate income households~~ affordable dwelling units **for households earning no greater than eighty percent (80%) of the MFI** (“Exempt Affordable Units”) equal to at least the gross square footage that would have been required pursuant to §§ 2603.1 and 2603.2. ~~The terms “low income household” and “moderate income household” shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as “Targeted Households”;~~
- (b) The Exempt Affordable Units shall be sold or rented in accordance with the pricing structure established by the federal or District funding source, or financing or subsidizing entity, for so long as the project exists;
- (c) The requirements set forth in § 2602.7(a) and (b) shall be stated as declarations within a covenant approved by the District; and
- (d) The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include one-family dwellings, the covenant shall be recorded before the first purchase agreement or lease is executed.

2603 SET-ASIDE REQUIREMENTS

2603.1 Except as provided in § 2603.8, an inclusionary development ~~for which the primary method of construction~~ **that** does not employ **Type I construction as defined by 12 DCMR A § 602.2³** ~~steel and concrete frame structure to construct the majority of dwelling units~~ located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0, or W-1 district shall devote the greater of ten percent (10%) of the gross floor area being devoted to residential use or seventy-five (75%) of the bonus density ~~being utilized~~ for inclusionary units.

³ That provision states:

602.2 Type 1 ... construction are those types of construction in which the building elements listed in table 601 are of noncombustible materials, except as permitted by Section 603 and elsewhere in this Code.

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2603.2 An inclusionary development **that employs Type I construction as defined by 12 DCMR A § 602.2** ~~of steel and concrete frame construction to construct the majority of dwelling units~~ located in the zone districts stated in § 2603.1 or any development located in a C-2-B, C-2-C, C-3, CR, R-5-C, R-5-D, SP, USN, W-2, or W-3 Zone District shall devote the greater of eight percent (8%) of the gross floor area being devoted to residential use or fifty percent (50%) of the bonus density ~~utilized~~ for inclusionary units.

2603.3 Except as provided in § 2603.9, inclusionary developments located in R-~~23~~ through R-5-~~DE~~, C-1, C-2-A, **C-2-B, C-3-A, SP-1**, StE, W-0 ~~and through W-24~~ Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.

2603.4 Developments located in CR, C-2-C, ~~through C-3-C~~, USN, ~~W-2 through W-3~~, and **SP-2** Zone Districts shall set aside one hundred percent (100%) of inclusionary units for eligible moderate-income households.

2603.5 The Mayor or the District of Columbia Housing Authority shall have the right to purchase ~~up to~~ **the greater of one (1) inclusionary for-sale unit or twenty-five percent (25%) of for-sale inclusionary units, or any number or percentage agreed to by the owner of the Inclusionary Development** ~~in a for-sale inclusionary development in accordance with such procedures as are set forth in the Act.~~

...

2603.7 An inclusionary development **located in a StE District that employs Type I construction as defined by 12 DCMR A § 602.2** ~~of steel and concrete frame construction to construct the majority of dwelling units~~ located in a StE District shall devote no less than eight percent (8%) of the gross floor area being devoted to residential use in a ~~StE District~~ **for inclusionary units. An inclusionary development located in a StE District that does not employ Type I construction as defined by 12 DCMR A § 602.2 to construct the majority of dwelling units shall devote no less than ten percent (10%) of the gross floor area being devoted to residential use in a for inclusionary units.**⁴

2603.10 **When dwelling units are located in cellar space or enclosed building projections extending into public space, then the entire development's residential floor area within those spaces shall be included for purposes of**

⁴ This second sentence was once § 2603.6 but was inadvertently repealed

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calculating the minimum set-aside requirements of §§ 2603.1, 2603.2, and 2603.7.

2603.11 In a for sale inclusionary development, the gross floor areas required set aside for sale to eligible moderate-income households may be reduced by twenty percent (20%) provided all the units are set aside to households earning sixty percent (60%) of the MFI.

2604 BONUS DENSITY

2604.2 Inclusionary developments in zoning districts listed in the chart below may use the following modifications to height and lot occupancy in order to achieve the bonus density:

Base Zone	Matter-of-Right Zoning Constraints			IZ Zoning Modifications	
	Lot Occupancy	Height (feet)	FAR	Lot Occupancy	Height (feet)
R-5-E	75%	90	6.00	90%	90
CR	75%	90	6.00	80%	100
C-2-A	60%	50	2.50	75%	50
C-2-B	80%	65	3.50	80%	70
C-2-C	80%	90	6.00	90 80%	90 100
C-3-A	75%	65	4.00	80%	65
C-3-C	n/a	90	6.5	n/a	90 100
W-1	80%	40	2.50	80%	50
W-2	75%	60	4.00	75%	80
W-3	75%	90	6.00	80%	100
SP-1	80%	65	4.00	80%	70
SP-2	80%	90	6.00	90%	90

2604.3 Inclusionary developments in R-2 through R-4 zoning districts may use the minimum lot dimensions as set forth in the following table:

Base Zone	IZ Zoning Modifications		
	IZ Min. Lot Area (square feet)	Min. Lot Width (feet)	Min Lot Width (feet) Special Exception
R-2 Detached	3,200	40	32
R-2 Semi-Detached	2,500	30	25
R-3	1,600	20	16
R-4	1,500	18	16

2604.4 Increases in FAR obtained as a result of variances granted by the Board of Zoning Adjustment shall be treated as bonus density for the purposes of calculating the applicable maximum set aside requirement under § 2603.

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2605 DEVELOPMENT STANDARDS

2605.4 The interior amenities of inclusionary units (such as finishes and appliances) shall be comparable to the market-rate units, but may be comprised of less expensive materials and equipment **so long as the interior amenities are durable, of good quality, and consistent with contemporary standards for new housing.**

...

2605.6 Inclusionary units shall not be overly concentrated on any floor, **tenure or dwelling type including multiple-dwellings, one (1)-family dwellings, or flats of an Inclusionary Development**~~project~~.

...

2605.7 In an Inclusionary Development subject to 2602.1 (c) or 2602.2, Inclusionary Units may be located solely in the new addition provided all the existing units were occupied at the application for the addition’s building permit and all other requirements of this chapter are met.

2606 EXEMPTION FROM COMPLIANCE

2606.1 The Board of Zoning Adjustment is authorized to grant partial or complete relief from the requirement of § 2603 upon a showing that compliance (whether on site, offsite or a combination thereof) would deny ~~the applicant~~ **an IZ Development owner** economically viable use of its land.

2606.2 No application **from an owner of an Inclusionary Development** for a variance from the requirements of § 2603.2 may be granted until the Board of Zoning Adjustment has voted to deny an application for relief pursuant to this section or § 2607.

2606.3 Notwithstanding § 2602.5, an owner/occupant of an inclusionary unit may sell the unit at a price greater than that established by the Mayor pursuant to § 103 of the Act if permitted by the Zoning Commission pursuant to the calendar provisions of § 3030 if the owner/occupant demonstrates:

- (a) **Condominium or Homeowner association fees have increased to make the unit unaffordable to other Eligible Households as defined § 2602;**
- (b) **The application for relief includes written confirmation of § 2606.3(a) from the Director of the Department of Housing and Community Development; and**

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- (c) **The inclusionary zoning covenant required by § 105 of the Act remains in effect and the unit is sold at the Maximum Resale Price (MRP) if the income of the Eligible Household purchasing the unit does not exceed one hundred percent (100%) of the MFI; or**
- (d) **If the inclusionary zoning covenant is terminated and the unit is sold above the MRP, a fee equal to any net proceeds from the sale that are above the MRP is deposited into the District's Housing Trust Fund as defined by § 2499.**

2607 OFF-SITE COMPLIANCE

2607.1 **Some or all of the set-aside requirements of § 2603 may be constructed off-site to another location within two thousand six hundred forty feet (2,640 ft.) of the inclusionary development provided:**

- (a) **The square footage of the set-aside requirement constructed off-site is twenty percent (20%) greater than what would have been required for the inclusionary development; and**
- (b) **All other provisions of this section have been met.**

2607.12 **The Board of Zoning Adjustment is authorized to permit some or all of the set-aside requirements of § 2603 to be constructed off-site anywhere within the District of Columbia upon proof, based upon a specific economic analysis, that compliance on-site would impose an economic hardship. Among the factors that may be considered by the BZA in determining the existence of economic hardship are:**

2607.23 **Both a building permit applications for an inclusionary development made pursuant to § 2607.1 and Board of Zoning Adjustment applications made pursuant to § 2607.2 An applicant who has demonstrated the existence of economic hardship shall further demonstrate that the off-site development:**

- ~~(a)~~ ~~Is located within the same census tract as the inclusionary development;~~
- ~~(b)~~(a) **Consists of new construction for which no certificate of occupancy has been issued;**
- ~~(c)~~(b) **Is at a location suitable for residential development;**
- ~~(d)~~(c) **Has complied with or will comply with all on-site requirements of this chapter as are applicable to it;**

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- (d) Has not received any development subsidies from federal or District government programs established to provide affordable housing;
- (e) Will provide inclusionary units comparable in type to the market-rate units being created in their place, with gross floor areas of not less than ninety-five percent (95%) of the gross floor area of such market-rate units, and of a number no fewer than the number of units that would otherwise have been required on-site;
- (f) Will not have more than thirty percent (30%) of its gross floor area occupied by inclusionary units that satisfy the set-aside requirement of other properties, including the property that is the subject of the Board of Zoning Adjustment application; and
- (g) Has not utilized bonus density beyond that provided by § 2604.1.

2607.3 **All dwelling units as are required to be reserved in the off-site development shall be deemed inclusionary units for the purposes of this chapter and the Act.**

2607.5 ~~No order granting~~ **The off-site compliance shall become effective not relieve an inclusionary development of its entire set-aside requirement** until a covenant, found legally sufficient by the Office of the Attorney General, has been recorded in the land records of the District of Columbia between the owner of the off-site development and the Mayor. A draft covenant, executed by the owner of the offsite property, shall be attached to an application for relief under this section.

2607.7 Upon the recordation of the covenant, the set-aside requirements permitted to be accounted off-site shall be deemed to be the legal obligation of the current and future owners of the off-site development. ~~All dwelling units as are required to be reserved in the off-site development in accordance with the BZA order shall be deemed inclusionary units for the purposes of this Chapter and the Act.~~

3. Amendments proposed by OP pertaining to Filing Fees.

Amend § 3040 as follows:

3040 FILING FEES

3040.7 No fee shall be charged for applications pursuant to § 2606.3.

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Alternative 2 (OP)

The Commission and OP are also interested in hearing testimony on the issue in Alternative 2 (OP) which focuses on targeted households and MFI based on whether the IZ units are rental or for-sale. In addition to the OP proposed text amendments, Alternative 2 (OP) would require the following alternate text amendments to Chapter 26.

4. Amendments proposed by OP pertaining to Alternative 2 (OP): § 2601 Definitions and §2603 Set-Aside Requirements).

2603 SET-ASIDE REQUIREMENTS

2601.1 When used in the chapter, the following terms and phrases shall have the meanings ascribed:

Eligible household - one (1) or more persons certified by the Mayor as **not exceeding the applicable maximum income levels of § 2603.3.** ~~being a low- or moderate-income household pursuant to the Act.~~

~~**Low income household**—a household of one or more individuals with a total annual income adjusted for household size equal to less than fifty percent (60%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act.~~

Median Family Income (MFI) - the Median Family Income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers

~~**Moderate-income household**—a household of one or more individuals with a total annual income adjusted for household size equal to between fifty one percent (51%) and eighty percent (80%) of the Metropolitan Statistical Area median as certified by the Mayor pursuant to the Act~~

2603 SET-ASIDE REQUIREMENTS

2603.3 Except as provided in § 2603.9, inclusionary units resulting from set asides required by §§ 2603.1 and 2603.2 shall be rented or sold as follows:

(a) **Rental units shall be rented only to eligible household earning sixty percent (60%) percent of the MFI; and**

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- (b) For-sale units shall be sold only to eligible household earning eighty percent (80%) percent of the MFI.

~~2603.3 Inclusionary developments located in R-2 through R-5-D, C-1, C-2-A, StE, W-0 and W-1 Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low income households.~~

~~2603.4 Developments located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP Zone Districts shall set aside one hundred percent (100%) of inclusionary units for eligible moderate income households~~

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021.

How to participate as a witness.

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

Time limits.

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

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

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

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

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

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

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

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 15-13 (Watkins Alley, LLC – Consolidated Review and Approval of a Planned Unit Development and PUD-Related Map Amendment)

THIS CASE IS OF INTEREST TO ANC 6B

On June 3, 2015, the Office of Zoning received an application from Watkins Alley, LLC (the “Applicant”) requesting approval of a consolidated planned unit development (“PUD”) and a PUD-related map amendment to facilitate the development of 1309-1323 (rear) E Street, S.E. (Square 1043, Lots 142 & 849-851) and 516 (rear) 13th Street, S.E. (Square 1043, Lot 859) for residential use. The Office of Planning submitted its report in support of setting the application down for a public hearing on July 15, 2015, and it submitted a supplemental report in support of setting down the application on October 30, 2015. On November 9, 2015, the Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on January 19, 2016.

The property that is the subject of this application consists of approximately 30,067 square feet of land area. The property is located mid-block on the south side of E Street, S.E. between 13th and 14th Streets, S.E. The property is located primarily in the C-M-1 Zone District. The Applicant seeks a PUD-related map amendment to the R-5-B Zone District. The property is located in the Moderate-Density Residential land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Applicant proposes to develop the property into a 44-unit residential project containing townhouses and apartments and 45 underground parking spaces. The building will consist of a total of approximately 87,703 square feet of gross floor area and will have a maximum height of approximately 56.5 feet. In total, the project will have a floor area ratio of approximately 2.92.

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

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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.

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 or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov.

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.

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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.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of a new Chapter 98, entitled “Financial Eligibility for Long Term Care Services and Supports,” of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

Long term care services and supports are available for individuals with long-term medical needs who also meet specific financial eligibility (income and resources) requirements. In accordance with 42 U.S.C. §§ 1396a and 1396r-5; and 42 C.F.R. §§ 435.631, 435.726, 435.821, and 435.832, these rules provide a comprehensive regulatory framework for: (1) the determination of financial eligibility for long term care services and supports; and (2) the amount a beneficiary shall contribute to the cost of care for long term care services and supports following a determination of financial eligibility. This framework will ensure that accurate determinations of financial eligibility and contributions to cost of care are made, enabling eligible individuals to access these crucial services provided under the Medicaid program.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 22, 2015 at 62 DCR 006736. Comments were received and substantive changes were made to remove references to liens imposed on the homes of institutionalized beneficiaries in Section 9082; to broaden language regarding parties with legal authority to act on behalf of an applicant or an applicant’s spouse in Section 9803; and to clarify language regarding the personal needs allowance for beneficiaries who are members of institutionalized couples or who receive residential supports from the Department on Disability Services (DDS).

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on December 11, 2015 at 62 DCR 015922. No comments were received. No substantive changes have been made. The Director adopted these rules as final on February 4, 2016 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

A new Chapter 98, FINANCIAL ELIGIBILITY FOR LONG TERM CARE SERVICES AND SUPPORTS, is added to Title 29 DCMR, PUBLIC WELFARE, to read as follows:

9800 GENERAL PROVISIONS

9800.1 This chapter establishes standards governing financial eligibility determinations and post-eligibility treatment of income for long term care services and supports (LTCSS), which include health-related care and services provided in a nursing facility or Intermediate Care Facility for Individuals with Intellectual Disabilities

(ICF/IID), or in a home or community setting through a Home and Community-Based Services Waiver (HCBS Waiver) program.

9800.2 Applicants and beneficiaries shall consist of the following three (3) eligibility groups:

- (a) Individuals who have been determined eligible for Social Security Income (SSI) by the U.S. Social Security Administration (SSA);
- (b) Individuals who meet the income and resource requirements under the Special Income Standard (SIS), which is equal to three hundred percent (300%) of the SSI federal benefit rate (FBR); and
- (c) Individuals whose gross countable income exceeds the SIS and who elect to spend their excess income down to the Medically Needy Income Level (MNIL) to become financially eligible for LTCSS.

9800.3 The Department of Health Care Finance (the Department) shall establish an applicant or beneficiary's financial eligibility for LTCSS after evaluating the applicant's or beneficiary's non-financial eligibility for LTCSS.

9800.4 A determination of non-financial eligibility for LTCSS shall include consideration of the following five (5) components:

- (a) District of Columbia residency, determined in accordance with Section 9502 of Title 29 DCMR;
- (b) U.S. citizenship or satisfactory immigration status, determined in accordance with Section 9503 of Title 29 DCMR;
- (c) Social Security number, determined in accordance with Section 9504 of Title 29 DCMR;
- (d) Age (eighteen (18) years or older for all LTCSS applicants and beneficiaries, and sixty five (65) years or older for applicants and beneficiaries seeking LTCSS under the Elderly and Persons with Physical Disabilities (EPD) waiver program on the basis of advanced age); and
- (e) Clinical determination that the applicant or beneficiary requires an institutional level of care.

9800.5 Determinations of financial eligibility for LTCSS shall include those determinations made at the initial application, annual renewals, and periodic redeterminations.

9800.6 A determination of financial eligibility for LTCSS shall include the following:

- (a) An income test, as described at Subsection 9801.1; and
- (b) A resource test, as described at Subsection 9802.1.

9800.7 In calculating gross countable income and gross countable resources, the Department shall only count the income and resources available to the applicant or the applicant's spouse at the time of the initial eligibility determination.

9800.8 The Department shall redetermine financial eligibility for LTCSS every twelve (12) months, except for individuals referenced in Subsection 9800.2(c). Financial eligibility for these individuals shall be redetermined every six (6) months.

9800.9 A beneficiary shall immediately notify the Department of any change in circumstances that directly affects financial eligibility for LTCSS.

9800.10 The Department shall redetermine eligibility for beneficiaries identified at Subsection 9800.9 at the time the change is reported.

9800.11 After an applicant or beneficiary is determined financially eligible for LTCSS, the Department shall determine how much that individual shall contribute to the cost of care.

9801 INCOME TEST

9801.1 In order to be eligible for LTCSS, an applicant or beneficiary shall have gross countable income at or below the Special Income Standard (SIS), which is equal to three hundred percent (300%) of the SSI federal benefit rate (FBR), except as identified at Subsection 9801.6.

9801.2 Individuals identified at Subsection 9800.2(a) shall be exempt from the income test in Subsection 9801.1.

9801.3 If an applicant or beneficiary has a community spouse, gross countable income shall be determined after spousal impoverishment protections for income have been applied.

9801.4 Gross countable income shall include the following:

- (a) Taxable income received from employment;
- (b) Income received from sources other than employment; and
- (c) Income from self-employment.

9801.5 Gross countable income shall exclude the following:

- (a) Earnings from an unmarried minor child who is living with an individual who provides care or supervision;
- (b) Adoption subsidies;
- (c) AmeriCorps/VISTA Income received under the National and Community Service Trust Act of 1993, effective September 21, 1993 (Pub.L. 103-82, 107 Stat. 787), as amended by the Serve America Act of 2009, effective April 21, 2009 (Pub.L. 111-13, 123 Stat. 1463; 42 U.S.C. §§ 12501 *et seq.*);
- (d) Child Nutrition Payments;
- (e) Payments received under the Domestic Volunteer Service Act of 1973, effective October 1, 1973 (Pub.L. 93-113, 87 Stat. 396), as amended by the Domestic Volunteer Service Act Amendments of 1984, effective May 21, 1984 (Pub.L. 98-288, 98 Stat. 189), as amended by the National and Community Service Trust Act of 1993, effective September 21, 1993 (Pub.L. 103-82, 107 Stat. 899), as amended by the Serve America Act of 2009, effective April 21, 2009 (Pub.L. No. 111-13, 123 Stat. 1581; 42 U.S.C. §§ 12501 *et seq.*);
- (f) Earned Income Tax Credits;
- (g) Educational benefits;
- (h) Energy assistance;
- (i) Foster care payments;
- (j) Housing assistance provided by the federal or District of Columbia government or non-profit organizations;
- (k) Incentive payments for Prenatal & Well-Baby Care and from the Work Incentive programs for current or former recipients of Temporary Aid to Needy Families (TANF) under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, effective August 22, 1996 (Pub. L. 104-193, 110 Stat. 2105; 42 U.S.C. §§ 1305 *et seq.*);
- (l) Non-cash benefits in the form of voucher, commodity or service;
- (m) Jury duty payments;

- (n) Money received by a third party for an applicant, beneficiary, or community spouse, unless an applicant, beneficiary, or community spouse has or will have access to the funds;
- (o) Money received by an applicant, beneficiary, or community spouse, on behalf of any third party;
- (p) Nutrition payments;
- (q) Rehabilitation Services Administration (RSA) Payments received under the Rehabilitation Act of 1973, effective September 26, 1973 (Pub.L. 93-112, 87 Stat. 355);
- (r) Reimbursements received from an individual or organization to cover past, current, or future expenses, if all the following conditions are met:
 - (1) The reimbursement is for actual expenses;
 - (2) The reimbursement is earmarked to cover those expenses; and
 - (3) The reimbursement is paid or documented separately from any other payment such as wages;
- (s) Payments received from roommates to cover their share of household expenses such as rent and utilities and which are paid by the applicant or beneficiary to the landlord or utility company;
- (t) Senior Community Service Employment Program (SCSEP) Income received under the Older Americans Act of 1965, approved July 14, 1965 (Pub.L. 89-73, 79 Stat. 218), as amended by the Older Americans Act Amendments of 2000, approved November 13, 2000 (Pub.L. 106-501, 114 Stat. 2226), as amended by the Older Americans Act Amendments of 2006, approved October 17, 2006 (Pub.L. 109-365, 120 Stat. 2522);
- (u) TANF underpayments;
- (v) Training income, such as Training Expense Allowances/Stipends; and
- (w) Utility allowances received through a federal or District government housing assistance program.

9801.6

An applicant or beneficiary who has gross countable income exceeding the SIS shall be permitted to spend down the excess income to the MNIL, in accordance with 42 C.F.R. § 435.831, to become financially eligible for LTCSS.

- 9801.7 The following standards shall apply in determining the income allocated to an applicant or beneficiary with a spouse:
- (a) If there is no trust or other legally enforceable document establishing ownership of the income, one half (1/2) of the income shall be considered available to each spouse;
 - (b) If payment of income is provided for in a trust or other legally enforceable document, the income shall be considered available to each spouse in accordance with the allocation made in the document;
 - (c) If there is no trust or other legally enforceable document establishing ownership of the income and payment of income is made in the names of both spouses, one half (1/2) of the income shall be considered available to each spouse;
 - (d) If there is no trust or other legally enforceable document establishing ownership of the income and payment of income is made solely in the name of one spouse, the income shall be considered available only to that spouse; and
 - (e) If there is no trust or other legally enforceable document establishing ownership of the income and payment of income is made in the names of either spouse, or both, and to another individual or individuals, the income shall be considered available to each spouse in the proportion to the spouse's interest. If payment is made to both spouses and no other interest is specified, one half (1/2) of the joint interest shall be considered available to each spouse.
- 9801.8 Following an initial eligibility determination, no income of a community spouse shall be considered available to a beneficiary during any month in which the beneficiary receives LTCSS.
- 9801.9 A community spouse shall be entitled to retain a Community Spouse Allowance.
- 9801.10 A Community Spouse Allowance shall equal the minimum monthly maintenance needs allowance (MMMNA) plus any excess shelter allowance.
- 9801.11 A community spouse may retain an amount higher than the Community Spouse Allowance if either spouse demonstrates at a fair hearing that a higher amount is necessary due to exceptional circumstances resulting in severe financial duress. Exceptional circumstances may include but are not limited to:
- (a) Recurring or extraordinary non-covered medical expenses;
 - (b) Amounts to preserve, maintain, or make major repairs to a home;

- (c) Transportation costs; and
- (d) Amounts necessary to preserve an income-producing resource.

9801.12 In accordance with Section 2970 of Title 1 of the DCMR and 42 C.F.R. § 431.200, an applicant, beneficiary, or community spouse may request a fair hearing to address the following matters:

- (a) The amount of the Community Spouse Allowance; or
- (b) The amount of income determined available to the community spouse.

9801.13 At the first annual renewal following the initial eligibility determination, the District shall verify that an institutionalized spouse has made available any amount of income under a Community Spouse Allowance to the community spouse.

9802 RESOURCE TEST

9802.1 In order to be eligible for LTCSS, an applicant or beneficiary shall not have gross countable resources that exceed four thousand dollars (\$4,000).

9802.2 Individuals identified at Subsection 9800.2(a) shall be exempt from the resource test in Subsection 9802.1.

9802.3 If an applicant or beneficiary has a community spouse, gross countable resources shall be determined after spousal impoverishment protections for resources have been applied.

9802.4 If an applicant or beneficiary's gross countable resources exceed four thousand dollars (\$4,000), the applicant or beneficiary may reallocate excess resources to excludable resource types without affecting eligibility for LTCSS.

9802.5 Gross countable resources shall exclude the following resource types:

- (a) The personal home of the applicant or beneficiary, if one (1) of the following conditions is met:
 - (1) The home equity interest does not exceed the maximum home equity limit set annually by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) and available at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Eligibility/Spousal-Impoverishment-Page.html> (last visited October 14, 2015);

- (2) The community spouse of the applicant or beneficiary resides in the home; or
- (3) A child of the applicant or beneficiary who is under age twenty-one (21) or has a disability resides in the home;
- (b) Accounts receivable;
- (c) Burial funds that are in a separate, designated account;
- (d) Promissory notes, if the notes are not related to transfers of resources within the past sixty (60) months;
- (e) Earned income tax credits;
- (f) Energy assistance payments;
- (g) Proceeds from a home sale, if the applicant or beneficiary purchases or intends to purchase a new home within the next twelve (12) months;
- (h) Household and personal goods;
- (i) Inaccessible resources, which the applicant or beneficiary can neither use for ongoing support nor sell;
- (j) Indian lands;
- (k) Jointly owned resources, if the owner is legally unable to liquidate the resources;
- (l) Land contracts;
- (m) Life insurance funded funerals;
- (n) Resources used to secure a loan for business purposes;
- (o) Resources not fit to sell or not capable of being sold;
- (p) Property pending sale;
- (q) U.S. Department of Housing and Urban Development (HUD) reimbursements;
- (r) One (1) vehicle per household (if there are multiple vehicles in the household, the vehicle with the highest value shall be excluded);

- (s) Higher education savings plans;
- (t) U.S. savings bonds, if penalties apply to early withdrawals or liquidations and they have not been renewed or reinvested during any immediately preceding period of Medicaid eligibility;
- (u) Individual Retirement Accounts;
- (v) Keogh accounts;
- (w) Other retirement accounts including, but not limited to, 401(k), 403(b), and 457 accounts; and
- (x) Funds or deposits with a Continuing Care Retirement Community (CCRC), unless all of the following conditions are met:
 - (1) The funds can be used to pay for care under the terms of the contract should other resources of the individual be insufficient;
 - (2) The entrance fee, or remaining portion, is refundable when the individual dies or leaves the community; and
 - (3) The fee confers no ownership interest in the community.

9802.6 The Department shall apply methods used by the Social Security Administration (SSA), detailed at: <https://secure.ssa.gov/apps10/poms.nsf/lnx/0501130700> (last visited October 14, 2015), for counting resources in which countable and excluded resource types are comingled.

9802.7 The Department shall determine the total gross countable resources available to an institutionalized spouse and community spouse at the:

- (a) Time of the initial eligibility determination; or
- (b) Request of either spouse during the institutionalized spouse's first period of institutionalization lasting thirty (30) or more consecutive days.

9802.8 Any countable resources held by the institutionalized spouse, the community spouse, or both spouses shall be considered available to the institutionalized spouse at the time of the initial eligibility determination, unless:

- (a) The institutionalized spouse has assigned to the District any rights to support from the community spouse;
- (b) The institutionalized spouse lacks the ability to execute an assignment due to physical or mental impairment, but the District has the right to bring a

support proceeding against the community spouse without such assignment; or

- (c) The District determines that the denial of eligibility would work an undue hardship.

9802.9 The Department shall determine the spousal share of resources allocated to each spouse either:

- (a) At the time of the initial eligibility determination; or
- (b) At the request of either spouse during the institutionalized spouse's first period of institutionalization lasting thirty (30) or more consecutive days.

9802.10 A community spouse shall be entitled to retain a Community Spouse Resource Allowance equal to the spousal share, unless the spousal share is less than the minimum amount or greater than the maximum amount established annually by CMS and available at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Eligibility/Spousal-Impoverishment-Page.html> (last visited October 14, 2015).

9802.11 If the spousal share is less than the minimum amount, the institutionalized spouse may transfer excess countable resources to the community spouse to raise the Community Spouse Resource Allowance to the minimum amount.

9802.12 If the spousal share is greater than the maximum amount, the community spouse may only retain the maximum amount.

9802.13 Where an institutionalized spouse is allowed to transfer excess countable resources following the initial eligibility determination to a community spouse, the institutionalized spouse shall reallocate excess countable resources before the first annual renewal.

9802.14 In accordance with Section 2970 of Title 1 DCMR and 42 C.F.R. § 431.200, an applicant, beneficiary, or community spouse may request a fair hearing to address the following matters:

- (a) The spousal share of resources;
- (b) The amount of the Community Spouse Resource Allowance; or
- (c) The amount of resources attributed to each spouse.

9802.15 At the first annual renewal following the initial eligibility determination, the District shall verify that a beneficiary has transferred excess countable resources to the community spouse

9803 IMPROPER RESOURCE TRANSFERS AND PENALTY PERIOD

9803.1 At the time of the initial eligibility determination, the Department shall conduct a review to determine whether the applicant, the applicant’s spouse, or an individual with legal authority to act in place of or on behalf of the applicant or the applicant's spouse has improperly transferred resources for less than fair market value within sixty (60) months prior to the date of an application for LTCSS.

9803.2 The Department shall impose a penalty period if the applicant, the applicant’s spouse, or an individual with legal authority to act in place of or on behalf of the applicant or the applicant’s spouse has transferred resources for less than fair market value within sixty (60) months prior to the date of an application for LTCSS.

9803.3 The penalty period shall be the length of time during which an individual is ineligible for Medicaid coverage of LTCSS due to improper resource transfers made within sixty (60) months prior to the date of an application for LTCSS.

9803.4 The length of the penalty period shall be based on the following formula:

$$\begin{array}{c}
 \text{Total Uncompensated Value of All Transferred Resources} \\
 \div \\
 \text{Average Monthly Cost of a Private Nursing Facility Patient in the Community} \\
 = \\
 \text{Number of Months of Penalty Period.}
 \end{array}$$

9803.5 The Department shall determine the total uncompensated value of all transferred resources by subtracting the amount received by the individual for the improperly transferred resources from the fair market value of those resources.

9803.6 The Department shall determine the average monthly cost of a private nursing facility patient in the community on an annual basis, using a single standard figure for all LTCSS applicants.

9803.7 Where a partial month period exists at the end of the penalty period, the applicant is only eligible for LTCSS for the portion of the month after the penalty period ends.

9803.8 The Department may waive the penalty period if it could create an undue hardship. Undue hardship may exist:

- (a) For applicants in an institutional setting, if the individual has been threatened with eviction from a long-term care facility or medical institution and has exhausted all legal methods to prevent the eviction; or

- (b) For applicants eligible for Home and Community-Based Services (HCBS) Waiver, if the individual's service provider has threatened to terminate services; and
 - (1) The individual to whom the resource was transferred is no longer in possession of the transferred resource and has no other resources of comparable value with which to pay the cost of care; and
 - (2) There is no family member or other individual or organization able and willing to provide care to the individual; or
- (c) For all LTCSS applicants, if the applicant would be deprived of medical care that would endanger his or her life or health; or food, clothing, shelter, or other necessities of life; or
- (d) For all LTCSS applicants, if any other undue hardship or good cause exemption exists, as may be defined by the Secretary for the U.S. Department of Health and Human Services or the Secretary for the U.S. Department of Agriculture.

9803.9 Transfers of resources under the following circumstances shall not be subject to the penalty period described in Subsection 9803.3:

- (a) The resource that was transferred was the applicant's personal home, and title to the home was transferred to:
 - (1) The spouse of the applicant;
 - (2) A child of the applicant who:
 - (i) Was under the age of twenty-one (21);
 - (ii) Was blind or permanently and totally disabled; or
 - (iii) Had been residing in the home for at least two (2) years immediately before the date the applicant became institutionalized and who provided care to the applicant which permitted the applicant to reside at home, rather than in an institution; or
 - (3) A sibling of the applicant who had an equity interest in the home and who had been residing in the home for at least one (1) year immediately before the date the applicant became institutionalized.
- (b) Any type of resource that was transferred:

- (1) To the applicant's spouse or to another for the sole benefit of the spouse;
 - (2) From the applicant's spouse to another for the sole benefit of the spouse;
 - (3) To the applicant's child who is blind or permanently and totally disabled, or to a trust established for the sole benefit of such child; or
 - (4) To a trust established for the sole benefit of an individual under the age of sixty-five (65) who is disabled as defined by SSI.
- (c) Any type of resource that was transferred, and for which a satisfactory showing is made to the District that:
- (1) The applicant intended to dispose of the resources at fair market value;
 - (2) The resources were transferred exclusively for a purpose other than to qualify for medical assistance; or
 - (3) All resources transferred for less than fair market value have been returned to the applicant, or the fair market equivalent has been returned.

9803.10 Establishment of the following types of trusts shall not be subject to the penalty period described in Subsection 9803.3:

- (a) A "special needs" trust containing the resources of an individual under the age of sixty-five (65) with a disability, which may also contain the resources of other individuals and which meets the following conditions:
- (1) The trust is established for the sole benefit of the individual by a parent, grandparent, legal guardian, or court; and
 - (2) The trust contains a provision stating that, upon the death of the individual, the District receives all amounts remaining in the trust, up to the total amount of medical assistance paid on behalf of the individual.
- (b) A "pooled" trust containing the resources of an individual with a disability which meets the following conditions:

- (1) The trust is established for the sole benefit of the individual by a parent, grandparent, legal guardian, or court;
- (2) The trust is established and managed by a non-profit association;
- (3) A separate account is maintained for each beneficiary, but funds are pooled for investment and management purposes; and
- (4) The trust contains a provision stating that, to the extent that any amounts remaining in the individual's account upon his or her death are not retained by the trust, the trust pays to the District the amount remaining in the account up to the total amount of medical assistance paid on behalf of the individual.

9803.11 The purchase of an annuity shall not be subject to the penalty period described in Subsection 9803.3 under the following conditions:

- (a) Annuities purchased on or after February 8, 2006 name the District as the primary remainder beneficiary, or secondary remainder beneficiary after a community spouse or minor child or child with a disability, for an amount equal to the total amount of medical assistance paid on the behalf of the applicant; and
- (b) Annuities purchased on or after February 8, 2006, are irrevocable, non-assignable, actuarially sound, and provide for payments in equal amounts during the annuity term, with no deferral or balloon payments; or meet the requirements pertaining to retirement plans in 42 U.S.C. § 1396p(c)(1)(G)(i).

9803.12 For annuities purchased prior to February 8, 2006, actions taken by the individual that change the course of payments to be made by the annuity or treatment of the income or principal of the annuity subject the annuity to the requirements for those purchased on or after February 8, 2006.

9803.13 Routine changes and automatic events that do not require action by the individual do not subject an annuity purchased prior to February 8, 2006, to the requirements for those purchased on or after February 8, 2006.

9803.14 The purchase of a life estate interest in another individual's home shall not be subject to the penalty period described in Subsection 9803.3 when the purchaser lives in the home for at least one (1) year after the date of purchase.

9803.15 The full purchase price of the life estate interest shall be deemed a transfer of resources for less than fair market value if the purchaser has not lived in the home for at least one (1) year.

- 9803.16 Notwithstanding the length of time the purchaser lives in the home, if the purchase amount of the life estate interest is greater than the computed value of the interest, the difference is considered a transfer of resources for less than fair market value.
- 9803.17 The purchase of a promissory note or loan shall not be subject to the penalty period described in Subsection 9803.3 under the following conditions:
- (a) The repayment terms are actuarially sound;
 - (b) Payments are made in equal amounts with no balloon payments; and
 - (c) The note, loan or mortgage prohibits cancellation of the debt upon the death of the lender.

9804 POST-ELIGIBILITY TREATMENT OF INCOME

- 9804.1 The Department shall determine how much monthly income a beneficiary must contribute toward the cost of LTCSS after an initial eligibility determination.
- 9804.2 The Department shall project the beneficiary's gross countable monthly income for a six (6) month prospective period to determine a beneficiary's contribution to the cost of care.
- 9804.3 Gross countable monthly income shall be calculated as follows:
- (a) Income received on a yearly basis or less often than monthly shall be converted to a monthly amount or prorated;
 - (b) If the amount or frequency of regularly received income is known, the Department shall average the income over the period between payments;
or
 - (c) If neither the amount nor the frequency of income is predictable, the Department shall not average the income but count income only for the month in which it is received.
- 9804.4 The Department shall subtract the following types of deductions from the beneficiary's gross countable monthly income:
- (a) A Personal Needs Allowance equal to:
 - (1) Seventy dollars (\$70) for a beneficiary in a nursing facility who does not receive a pension from the Department of Veterans Affairs;

- (2) Ninety dollars (\$90) for a beneficiary in a nursing facility who receives a pension from the Department of Veterans Affairs;
 - (3) One hundred and forty dollars (\$140) for a couple if both spouses are institutionalized in a nursing facility and neither spouse receives a pension from the Department of Veterans Affairs;
 - (4) One hundred dollars (\$100) for a beneficiary who receives waiver funded residential supports through the District Department on Disability Services (DDS) and receives social security benefits;
 - (5) Seventy dollars (\$70) for a beneficiary in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) who receives Supplemental Security Income (SSI); and
 - (6) One hundred dollars (\$100) for a beneficiary in an ICF/IID who receives Social Security Disability Income (SSDI).
- (b) A Community Maintenance Needs Allowance, for a beneficiary enrolled in an HCBS Waiver program only, equal to the Special Income Standard (SIS);
 - (c) A Community Spouse Allowance, for a beneficiary who has a community spouse only;
 - (d) A Dependent Family Allowance, equal to the annual MNIL, for a beneficiary who has:
 - (1) Minor or dependent children, including disabled adult children of the beneficiary or community spouse, who reside in the personal home with the community spouse;
 - (2) Dependent parents of the beneficiary or community spouse who reside in the personal home with the community spouse; or
 - (3) Dependent siblings of the beneficiary or community spouse who reside in the personal home with the community spouse;
 - (e) Incurred Medical Expenses, if the expenses are not subject to payment by a third party, including incurred medical expenses used to meet a spend down obligation;
 - (f) Remedial Care Expenses, equal to the amount of fees paid to a guardian, conservator, or representative payee;

- (g) A Home Maintenance Deduction equal to the MNIL for a beneficiary residing in an institutional facility. A home maintenance deduction may be deducted only:
 - (1) For up to six (6) months;
 - (2) When a community spouse does not reside in the home; and
 - (3) If a physician certifies that the beneficiary is likely to return to the home within six (6) months; and
- (h) The full amount of SSI or State Supplementary Payment Benefits for a beneficiary who resides in a long term care facility.

9804.5 The amount of the beneficiary's gross countable income that remains after allowable deductions and spousal impoverishment protections for income and resources (if applicable) have been applied is the amount of the beneficiary's contribution to the cost of care.

9804.6 The Department shall reduce its payment for LTCSS by the amount of the beneficiary's contribution to the cost of care.

9804.7 The Department shall reconcile the beneficiary's projected income with the beneficiary's actual income at the end of every six (6) month period in which a beneficiary receives Medicaid coverage of LTCSS, or whenever any significant change in the beneficiary's income or circumstances occurs.

9804.8 The reconciliation may include a period of up to six (6) months prior to the month in which the reconciliation is done.

9804.9 The Department may redetermine the beneficiary's contribution to the cost of care:

- (a) After the reconciliation process;
- (b) At annual renewals; and
- (c) When a beneficiary reports a significant change of income or other circumstances.

9804.10 Any redetermination of or adjustment to the beneficiary's contribution to the cost of care resulting from the reconciliation shall not be applied until timely and adequate notice of the redetermination or adjustment is provided to the beneficiary.

- 9804.11 The Department shall adjust the beneficiary's contribution to the cost of care prospectively when the income actually received by the beneficiary during the six (6) month reconciliation period differs from the beneficiary's projected income for that period.
- 9804.12 If the income actually received by the beneficiary during the six (6) month period exceeds the beneficiary's projected income for that period, an adjustment shall be added to the beneficiary's contribution to the cost of care in a future month or months to reflect the amount that should have been contributed during the six (6) month period.
- 9804.13 If an income change or change in circumstances renders a beneficiary ineligible for Medicaid coverage of LTCSS, a prospective adjustment cannot be added to the former beneficiary's contribution to the cost of care. Under these circumstances, the Department may seek to recover the full amount of the adjustment by requesting voluntary repayment from the former beneficiary.
- 9804.14 The Department may pursue recovery by appropriate action, pursuant to District law, against the income or resources of the former beneficiary if the Department is unable to recover the full amount of the adjustment through voluntary repayment from the former beneficiary.
- 9804.15 If the income actually received by the beneficiary during the six (6) month period is less than the beneficiary's projected income for that period, the beneficiary's contribution to the cost of care shall be reduced in a future month or months to reflect the amount that should not have been contributed during the six (6) month period.

9899 DEFINITIONS

For the purposes of this chapter, the following terms shall have the meanings ascribed:

Community Maintenance Needs Allowance (CMNA): A standard income amount that an HCBS Waiver participant living at home may retain to afford the costs associated with living in the community, such as expenses related to mortgage, rent, food, utilities, taxes, and home repairs.

Community Spouse: A spouse of an institutionalized individual who is not institutionalized or enrolled in a Waiver program.

Community Spouse Allowance (CSA): The amount of the institutionalized spouse's income that can be maintained by or transferred to the community spouse. The CSA is the amount needed to maintain or raise the community spouse's income to the Minimum Monthly Maintenance Needs Allowance (MMMNA).

Community Spouse Resource Allowance (CSRA): An allowance of resources that can be maintained by or transferred to the community spouse without incurring penalties.

Cost of Care: The amount of money charged by a long term care facility or HCBS Waiver service provider for LTCSS.

Dependent: A dependent family member may include a parent, minor child, dependent child, or dependent sibling, including half and step siblings, of either member of a couple who resides with the community spouse and who may be claimed as a dependent by either member of the couple for tax purposes pursuant to 26 U.S.C. § 152.

Dependent Family Allowance: An allowance of income for each dependent family member residing with the community spouse.

Exceptional Circumstances: Circumstances that threaten the community spouse's ability to remain in the community due to severe financial duress.

Excess Shelter Allowance: An allowance of the community spouse's income for shelter including rent or mortgage payment, taxes, utilities, and insurance.

Fair Market Value: In accordance with 26 C.F.R. § 20.2031-1(b), the fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

Federal Benefit Rate: The share of the Supplemental Security Income (SSI) grant paid by the federal government, which does not include any applicable State supplement.

Gross Countable Income: Includes an individual's total gross earned and unearned income, excluding income from non-countable sources.

Gross Countable Resources: Includes all resources available to the individual, excluding exempt categories of resources.

Home and Community-Based Services Waiver (HCBS Waiver) Programs: HCBS Waiver programs, the Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities (EPD), and the Home and Community-Based Services Waiver for Persons with Intellectual and/or Developmental Disabilities (IDD), that provide home and community-based services that assist Medicaid-eligible individuals to live in the community and avoid institutionalization.

Home Maintenance Deduction: A standard income amount that an individual residing in an institutional setting may retain to pay for the maintenance of the home.

Incurred Medical Expenses: Medically necessary medical expenses incurred by an individual, family member, or financially responsible relative that are not subject to payment by a third party.

Institutional Level of Care: The level of care furnished to individuals residing in a nursing facility or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

Institutionalized Individual: An individual receiving an institutional level of care in an institutional setting (*i.e.*, nursing facility or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)). An individual in an acute care facility is considered institutionalized if the individual receives, or is likely to receive, an institutional level of care for more than thirty (30) days.

Institutionalized Spouse: An individual who is residing in an institutional setting and who is married to a person who is not in a medical institution or nursing facility.

Land Contract: A contract between a seller and buyer of real property in which the seller provides financing to the buyer to purchase the property for an agreed-upon purchase price and the buyer repays the loan in installments.

Long term care services and supports (LTCSS): Health-related care and services, above the level of room and board, that are needed regularly due to a mental or physical condition, provided in a nursing facility or Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID), or in a home or community setting through a Home and Community-Based Services Waiver (HCBS Waiver) program.

Maximum Home Equity Limit: The amount established annually by CMS which limits the home equity interest an individual may have in his or her personal home, and still be eligible for LTCSS.

Medically Needy Income Level (MNIL): Fifty percent (50%) of the Federal Poverty Level (FPL) for a household of two (2) or larger; the MNIL for a household of one is ninety-five percent (95%) of that for a household of two.

Minimum Monthly Maintenance Needs Allowance (MMMNA): The minimum amount of monthly income that the community spouse is entitled to possess. This may consist solely of the community spouse's income or the

sum total of the community spouse's income plus the Community Spouse Allowance.

Personal Home: An individual's primary residence.

Personal Needs Allowance (PNA): A standard income amount that an individual residing in an institution or receiving residential supports through the Department on Disability Services (DDS) may retain to pay for personal needs not provided by the institution.

Pooled Trust: A trust which contains the resources of an individual with a disability, is established for the sole benefit of the individual by a parent, grandparent, legal guardian, or court, and meets the requirements of 42 U.S.C. § 1396p(6)(4)(C).

Remedial Care Expenses: Amounts for fees paid to a guardian, conservator, or representative payee.

Sibling: One (1) of two (2) or more children related by blood or adoption through a common legal parent or through the marriage of the children's legal or biological parents.

Special Income Standard (SIS): Three hundred percent (300%) of the SSI federal benefit rate (FBR) defined by the Social Security Administration (SSA).

Special Needs Trust: A trust which contains the resources of an individual under the age of sixty-five (65) with a disability, is established for the sole benefit of the individual by a parent, grandparent, legal guardian, or court, and meets the requirements of 42 U.S.C § 1396p(d)(4)(a).

Spend Down: Spend down is the process by which an individual may use medical expenses to reduce countable income to the Medicaid income limit to meet financial eligibility requirements for Medicaid coverage.

Spousal Impoverishment Protections: Allowances and deductions to a couple's income and resources, defined in Section 1924 of the Social Security Act, that are designed to protect the income and resources of the community spouse. Spousal impoverishment protections apply to HCBS Waiver individuals and institutionalized individuals who were institutionalized in a long-term care facility on or after October 1, 1989.

Spousal Share: Half (1/2) of the total countable resources available to either the institutionalized or community spouse.

Spouse: A person married under District law, including members of common-law and same-sex couples whose marriages or civil unions are recognized under the Religious Freedom and Civil Marriage Equality Act of 2009 (D.C. Official Code § 46-401). The term does not include registered domestic partners.

State Supplementary Payment: Payments made to individuals residing in a Certified Residential Facility (CRF) or Adult Living Facility (ALF).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to Sections 4(a) and 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.03(a) and 7-1671.13 (2012 Repl.)) respectively, and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 3 (Use of Medical Marijuana) of Subtitle C (Medical Marijuana), Title 22 (Health), of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to address the needs of patients suffering from medical conditions which, based on their physician's recommendation, need to receive medical marijuana, in non-dried forms, in excess of the equivalent of two (2) ounces of dried medical marijuana within a thirty (30) day period.

This rulemaking was adopted on an emergency basis on October 15, 2015, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (February 11, 2016), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

These rules were published in the *D.C. Register* as proposed rulemaking on November 13, 2015 at 62 DCR 14939. No comments were received from the public in connection with this publication during the 30-day comment period. Following the required period of Council review, the rules were deemed approved by the D.C. Council on January 12, 2016.

These rules were adopted as final on January 28, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 3, USE OF MEDICAL MARIJUANA, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 300, USE BY QUALIFYING PATIENT, TRANSPORTATION BY CAREGIVER, AND LIMITATIONS ON MEDICAL MARIJUANA, is amended as follows:

Subsection 300.9 is amended to read as follows:

300.9 Except as provided in § 300.10, the maximum amount of medical marijuana any qualifying patient or caregiver may possess at any time is:

- (a) Two (2) ounces of dried medical marijuana; or
- (b) The equivalent of two (2) ounces of dried medical marijuana when sold in any other form.

The current Subsections 300.10-300.13 are renumbered as 300.11-300.14.

A new Subsection 300.10 is added to read as follows:

- 300.10 A qualifying patient may petition the Director for approval to possess more than the equivalent of two (2) ounces of dried medical marijuana in a form other than dried by submitting the following to the Department:
- (a) A written request from the qualifying patient's recommending physician containing:
 - (1) The qualifying patient's name and age;
 - (2) The qualifying patient's clinical diagnosis;
 - (3) The qualifying patient's clinical history;
 - (4) The physician's treatment plan for the qualifying patient including the duration of treatment;
 - (5) The reason that the waiver is being requested;
 - (6) The recommended form of medical marijuana;
 - (7) The recommended amount, concentration, or dosage of medical marijuana that the qualifying patient needs within a thirty (30) day period; and
 - (b) Any other information requested by the Department.

**DEPARTMENT OF HUMAN SERVICES
ECONOMIC SECURITY ADMINISTRATION**

NOTICE OF FINAL RULEMAKING

The Director of the Department of Human Services (DHS), pursuant to the authority set forth in Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52 (2012 Repl.)), Mayor's Reorganization Plan No. 3 of 1986, and the authority set forth in Mayor's Order 2006-50, dated April 13, 2006, hereby gives notice of its intent to take final rulemaking action adopting amendments to Chapters 72 (Standards of Assistance and Payment Levels) and 58 (Temporary Assistance for Needy Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The rules establish new payment levels for recipients of the following benefits: Temporary Assistance for Needy Families (TANF) (D.C. Official Code § 4-205.52); General Assistance for Children (D.C. Official Code § 4-205.05a); Interim Disability Assistance (IDA) (D.C. Official Code § 4-204.07); and Program on Work, Employment and Responsibility (POWER) (D.C. Official Code § 4-205.78). The rules also amend 29 DCMR § 5814.5 to refer to the new payment levels enumerated in Chapter 72.

The purpose of the rule is to modify the District of Columbia's (District) public assistance payment levels for District residents who have been participating in the TANF, GC, IDA, and POWER public benefit programs. The rules increase payment levels by one point six percent (1.6%) in accordance with the published increase in the Consumer Price Index (CPI) for all items in the preceding calendar year as required by D.C. Official Code § 4-205.52(d-1) and (c-3)(3). In addition, the rules amend 29 DCMR § 5814.5 to direct the application of the modified payment levels for public benefits, pursuant to Chapter 72.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on November 13, 2015, at 62 DCR 14890. DHS did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on December 14, 2015. No changes have been made to the text of the rules since published as proposed.

These rules were adopted as final on December 30, 2015, and shall take effect upon publication of this notice in the *D.C. Register*.

Chapter 72, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS IN PUBLIC ASSISTANCE PROGRAMS, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 7200, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS, is amended to read as follows:

7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS

7200.1 For the purposes of payments under TANF (D.C. Official Code § 205.52), POWER (D.C. Official Code § 4-205.78), General Assistance for Children (D.C. Official Code § 4-205.05a) and Interim Disability Assistance (D.C. Official Code § 4-204.07), effective October 1, 2007, the District of Columbia's payments levels are adjusted as set forth in § 7200.2.

7200.2 Pursuant to D.C. Official Code § 4-205.52(d), the payment levels set forth in this subsection shall apply to public assistance payments made after October 1, 2015.

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$278
2	560	\$346
3	712	\$441
4	870	\$539
5	1,002	\$621
6	1,178	\$731
7	1,352	\$837
8	1,494	\$925
9	1,642	\$1,018
10	1,786	\$1,105
11	1,884	\$1,166
12	2,024	\$1,254
13	2,116	\$1,311
14	2,232	\$1,382
15	2,316	\$1,435
16	2,432	\$1,507
17	2,668	\$1,652
18	2,730	\$1,691
19	2,786	\$1,725

7200.3 Pursuant to Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), a TANF recipient who has received TANF benefits for more than sixty (60) months, whether or not consecutive months, shall be eligible to receive no more than the payment levels set forth in § 7200.4.

7200.4 Effective October 1, 2015, the payment levels set forth in this subsection shall apply to recipients who have received TANF benefits for more than sixty (60) months:

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$97
2	560	\$122
3	712	\$154
4	870	\$189
5	1,002	\$217
6	1,178	\$256
7	1,352	\$294
8	1,494	\$324
9	1,642	\$357
10	1,786	\$387
11	1,884	\$408
12	2,024	\$439
13	2,116	\$459
14	2,232	\$484
15	2,316	\$502
16	2,432	\$527
17	2,668	\$578
18	2,730	\$591
19	2,786	\$604

Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 5814, INCOME DISREGARDS, is amended as follows:

Subsection 5814.5 is amended to read as follows:

5814.5 After application of these disregards in §5814.4, the remaining income shall be compared to the Standard of Assistance for the applicable family unit size as specified in the District of Columbia Public Assistance Act of 1982, as amended. If the remaining income is less than the Standard of Assistance, the income shall be compared to the payment standard for the applicable family unit size as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made as of October 1, 2015.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**AND****Z.C. ORDER NO. 15-17****Z.C. Case No. 15-17****(Text Amendment to Title 11 DCMR – Child Development Homes)****January 11, 2016**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its adoption of amendments to §§ 199, 202, 203, 502, 601, 702, 722, 742.2, 752.2, 761.4, and 3014.1 of the Zoning Regulations (Title 11 DCMR) of the District of Columbia Municipal Regulations (DCMR), to establish and regulate a new use to be known as an “Expanded Child Development Home.” The use will be permitted as a home occupation in Residence Districts, an accessory use in Special Purpose Districts, a matter-of-right use in Mixed-Use (Commercial Residential) Districts, and as an accessory building in Commercial Districts. Child Development Homes will no longer be permitted as accessory uses in Residence Districts, but only as home occupations. Other changes to the regulation of Child Development Homes are also adopted, as well as an amendment that will count basement space towards floor area limitations for home occupations.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on December 4, 2015, at 62 DCR 15696. No comments were received in response.

The Commission took final action to adopt the amendments at a public meeting on January 11, 2016, making no changes to the proposed text. The final rulemaking is effective upon publication of this notice in the *D.C. Register*.

Title 11 DCMR, ZONING, is amended as follows:

Chapter 1, THE ZONING REGULATIONS, § 199, DEFINITIONS, § 199.1, is amended as follows:

By inserting the following new definition in alphabetical order:

Expanded child development home – a dwelling unit used in part for the licensed care, education, or training for more than six (6) individuals, up to a maximum of twelve (12) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit, provided that no more than six (6) of the individuals may be under two (2) years of age. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care

center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

By amending the definition of “Caregiver” to add a reference to an “expanded child development home,” so that the definition reads as follows:

Caregiver – an individual who is responsible for the supervision and administration of a child development home, expanded child development home, or child/elderly development center.

By amending the definition of “child development home” to insert the phrase “including all individuals age four (4) and younger who reside in the dwelling unit,” so that the definition reads as follows:

Child development home – a dwelling unit used in part for the licensed care, education, or training of no more than six (6) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care center, day-care center, pre-school, nursery school, before-and-after school programs, and similar programs and facilities.

Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended as follows:

Section 202, ACCESSORY USES (R-1), is amended as follows:

By repealing § 202.4.

By amending § 202.5 to add new paragraphs (a) through (e) so that the subsection will read as follows:

202.5 The elderly day care home shall be permitted as an accessory use in an R-1 District incidental to the uses permitted in this chapter provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver;
- (b) There is no more than one (1) sign or display, which shall not exceed one hundred forty-four square inches (144 sq. in.) in area;
- (c) No stock in trade is kept nor any commodity sold upon the premises;

- (d) No person is employed other than a member of the caregiver's immediate family residing on the premises; and
- (e) No mechanical equipment is used except such as is permissible for purely domestic or household purposes.

Section 203, HOME OCCUPATION (R-1), is amended as follows:

Subsection 203.4(b) is amended to include the floor area of a basement within the calculation of its floor area limitation and to add a cross-reference to §§ 203.7(e)(2), (f), and (l). Paragraphs (d), (l), and (m) of the subsection are amended to reference child development homes and/or expanded child development homes. The amended subsection shall read as follows:

- 203.4 A practitioner of a home occupation, and any owner of a dwelling unit in which a home occupation is practiced, shall comply with the requirements of §§ 203.5 and 203.6, and with the following conditions and requirements:
- (a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;
 - (b) Except as provided in §§ 203.7(e)(2), (f), and (l) and § 203.8(d), no more than the larger of two hundred fifty square feet (250 sq. ft.) or twenty-five percent (25%) of the floor area of the dwelling, including the basement but excluding any accessory structure, shall be utilized in the home occupation;
 - (d) Except as provided in §§ 203.7(a) and (e)(1), no more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation;
 - (e) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot;
 - (f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to a use that is exclusively residential;
 - (g) Neither the practitioner nor any other person shall conduct or allow any operations outside a structure, nor maintain or allow any storage or other unsightly condition outside a structure;
 - (h) Neither the practitioner nor any other person shall use any equipment or process that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;

- (i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;
- (j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;
- (k) No more than two (2) vehicles may be used in the practice of the home occupation;
- (l) Except for child development homes and expanded child development homes, vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;
- (m) Except for expanded child development homes, the practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period; and
- (n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations, considered as a whole, shall not exceed any of the standards set forth in paragraphs (a) through (m) of this subsection.

Subsection 203.7 is amended to add child development homes and expanded child development homes to the list of allowed home occupations so that the entire subsection reads as follows:

203.7 The following uses shall be allowed as home occupations; provided, that the conditions specified in §§ 203.4 through 203.6 are met at the time of the establishment of the home occupation, and maintained on a continuing basis. The uses listed under this subsection shall include similar uses in each category:

- (a) Child development home provided no more than two (2) persons who are not a resident of the dwelling unit shall be engaged or employed in the child development home;
- (b) Computer programming;
- (c) Cosmetologist, hair stylist, or barber;
- (d) Dressmaking, sewing, and tailoring;
- (e) Expanded child development home for between seven (7) and nine (9) individuals fifteen (15) years of age or less; provided:

- (1) No more than three (3) persons who are not a resident of the dwelling unit shall be engaged or employed;
 - (2) A minimum of thirty-five square feet (35 sq. ft.) of floor area per individual is provided including the basement but excluding any accessory structure shall be utilized for the expanded child development home; and
 - (2) No more than three hundred and twenty square feet (320 sq. ft.) of the floor area of the dwelling including the basement but excluding any accessory structure shall be utilized for the expanded child development home;
- (f) Expanded child development home for ten (10) to twelve (12) individuals fifteen (15) years of age less may be permitted as a special exception by the Board of Zoning Adjustment under § 3104 and subject to the provisions of § 203.10; provided a minimum of thirty-five square feet (35 sq. ft.) of floor area per individual is provided including the basement but excluding any accessory structure;
 - (g) Home crafts, such as model-making, rug weaving, and lapidary work;
 - (h) Home office of a businessperson, sales person, or manufacturer's representative; provided, that the dwelling is not used as a gathering point for workers who are on the way to another work site;
 - (i) Home office of a physician or dentist; provided, that the physician or dentist may not also establish an accessory use pursuant to § 202;
 - (j) Home office of a scientist, clergyman, inventor, academician, licensed health care professional other than one provided for in paragraph (k) of this subsection, or other professional person;
 - (k) Mail order business;
 - (l) Painting, sculpturing, writing, composing, photography, or other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;
 - (m) Telephone answering service and sales by telephone;
 - (n) Tutoring of not more than five (5) students at any one (1) time; and

- (o) Typing or word processing service.

Subsection 203.10 is amended by adding the phrase “Except as provided in § 203.7(e)(1),” to the beginning of paragraph (c), so that the entire subsection reads as follows:

203.10 A home occupation that is not permitted or prohibited in this section may be permitted as a special exception by the Board of Zoning Adjustment under § 3104; provided:

- (a) The proposed use and related conditions shall be consistent with the purposes set forth in § 203.1 and shall generally comply with the requirements of §§ 203.4 through 203.8, subject to specific findings and conditions of the Board in each case;
- (b) An applicant for a home occupation that is permitted by §§ 203.6 through 203.8 may request the Board to modify no more than two (2) of the conditions enumerated in §§ 203.4 through 203.8; provided that the general purposes and intent of this section are complied with;
- (c) Except as provided in § 203.7(e)(1), in no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;
- (d) Any request to modify more than two (2) of the requirements found in §§ 203.4 through 203.8 shall be deemed a request for a variance. However, a person with a demonstrated physical disability may be permitted special consideration by the Board, and a request for more than two (2) modifications of the Home Occupation requirements shall be considered in this instance as a special exception governed by this subsection; and
- (e) In considering any request for approval under this subsection, the Board may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this section.

Chapter 5, SPECIAL PURPOSE DISTRICTS is amended as follows:

Section 502, ACCESSORY USES (SP), § 502.6, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

502.6 A child development home or an expanded child development home shall be permitted as an accessory use in an SP District incidental to the uses permitted in this chapter; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS is amended as follows:

Section 601, MATTER OF RIGHT USES (CR), § 601.5, is amended by twice inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

601.5 A child development home or an expanded child development home shall be permitted as a matter of right as an accessory use in a CR District; provided, the dwelling unit in which the child development home or an expanded child development home is located is the principal residence of the caregiver and the use shall otherwise meet the definition of a home occupation.

Chapter 7, COMMERCIAL DISTRICTS is amended as follows:

Section 702, ACCESSORY USES AND BUILDINGS (C-1), § 702.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

702.2 A child development home or an expanded child development home shall be permitted in a C-1 District as an accessory building and use incidental to the uses permitted in §§ 701 through 711; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

Section 722, ACCESSORY USES AND BUILDINGS (C-2), § 722.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

722.2 A child development home or an expanded child development home shall be permitted in a C-2 District as an accessory building and use incidental to the uses permitted §§ 721, 722, and 726 through 734; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

Section 742, ACCESSORY USES AND BUILDINGS (C-3), § 742.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

742.2 A child development home or an expanded child development home shall be permitted in a C-3 District as an accessory building and use incidental to the uses permitted in §§ 741 through 744; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

Section 752, ACCESSORY USES AND BUILDINGS (C-4), § 752.2, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

752.2 A child development home or an expanded child development home shall be permitted in a C-4 District as an accessory building and use incidental to the uses permitted in §§ 751 through 754; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

Section 761, C-5 (PAD) DISTRICT USES, § 761.4, is amended by inserting the phrase “or an expanded child development home” so that the subsection reads as follows:

761.4 A child development home or an expanded child development home shall be permitted in the C-5 (PAD) District as an accessory use incidental to the uses permitted in this section; provided:

Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE is amended as follows:

Section 3104, SPECIAL EXCEPTIONS, is amended by inserting alphabetically the following new special exception into the chart appended to § 3104.1:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Expanded child development home for ten (10) to twelve (12) individuals fifteen (15) years of age or less.	Any R District	§ 203.7(f).

On November 2, 2015, upon the motion of Commissioner Turnbull, as seconded by Vice Chairperson Miller, the Zoning Commission **APPROVED** the petition at the conclusion of its public hearing by a vote of **4-0-1** (Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Anthony J. Hood, not present, not voting).

On January 11, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Anthony J. Hood, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on February 12, 2016.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2012 Repl.)), and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of the intent to amend Chapters 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) and 34 (Fire and Emergency Medical Services (EMS) Department Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will conform Title 16 rules to the provisions of the 2013 District of Columbia Construction Codes, which became effective upon publication in the *D.C. Register* on March 28, 2014 at 61 DCR 3251-Part 2, and were subsequently amended on January 2, 2015 at 62 DCR 103.

This Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking published July 3, 2015 at 62 DCR 9270, and reflects changes made in response to comments submitted by the public.

Pursuant to Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.4 (2012 Repl.)), a proposed resolution approving the proposed rulemaking will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

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

Strike Section 3306, BUILDING INSPECTION DIVISION INFRACTIONS, in its entirety, and insert a new Section 3306 in its place to read as follows:

3306 CONSTRUCTION CODE INFRACTIONS

3306.1 CONSTRUCTION INFRACTIONS

The following abbreviations apply to this section:

IBC- International Building Code (2012 edition)

IPC- International Plumbing Code (2012 edition)

IPMC - International Property Maintenance Code (2012 edition)

- 3306.1.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-A DCMR §§ 105.1, 105.1.1 and 105.1.3 (failure to obtain required permit; working without a required permit);
 - (b) 12-A DCMR § 105.1 (work or conditions exceeding scope of permit);
 - (c) 12-A DCMR § 105.1.2 (working outside of permitted construction hours);
 - (d) 12-A DCMR § 105.1.3 (working outside of permitted hours without a required after-hours permit);
 - (e) 12-A DCMR § 105.1.8 (failure to submit timely permit application for emergency work)
 - (f) 12-A DCMR § 109.2 (failure to notify code official when stages of construction are reached that require inspection);
 - (g) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a 'Stop Work Order');
 - (h) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
 - (i) 12-A DCMR § 115.5 (failure to comply with terms of posted "Unsafe Notice");
 - (j) 12-A DCMR § 1603.2 (exceeding load restrictions);
 - (k) 12-A DCMR § 3307.1 (failure to protect adjoining property owner from damage);
 - (l) 12-A DCMR § 3307.2 (failure to provide required notification to owner of adjoining premises);
 - (m) 12-A DCMR § 3303.4 (failure to comply with site treatment requirements after demolition or raze);
 - (n) 12-A DCMR § 105.1.6 (HVAC work performed by non-D.C. licensed mechanic);
 - (o) 12-A DCMR § 105.1.6 (plumbing work performed by non-D.C. licensed plumber);

- (p) 12-A DCMR §115.1 (allowing/creating unsafe structures, conditions or equipment);
 - (q) 12-A DCMR § 115.3 (failure to comply with notice of unsafe structure or equipment);
 - (r) 12-F DCMR § 403.4 (improper signage for public plumbing facilities); or
 - (s) 12-A DCMR § 105.1.6 (work performed by non-DC-licensed electrician).
 - (t) 12-A DCMR § 105.1.6 (work performed by non-D.C. licensed elevator mechanic);
- 3306.1.2 Violation of any of the following provisions shall be a Class 2 infraction:
- (a) 12-A DCMR § 110.1 (use or occupancy of a premises, or change of load, without obtaining a certificate of occupancy);
 - (b) 12-A DCMR § 109.3.14 (failure to obtain final inspection; use or occupancy of building or structure without final inspection);
 - (c) IBC § 3301.2 (improper storage and placement of construction equipment and materials);
 - (d) IBC § 3302 (failure to maintain construction safeguards);
 - (e) IBC § 3306 (failure to protect pedestrian traffic during construction, remodeling or demolition activities);
 - (f) 12-A DCMR § 3307.7 (failure to repair and restore flashing on adjoining property where damaged during construction);
 - (g) 12-F DCMR § 1101.2 (failure to drain storm water into a separate storm sewer system, or a combined sewer system, or an approved place of disposal); or
 - (h) IPC § 802.1.4 (swimming pool water discharge into public/park space).
- 3306.1.3 Violation of any of the following provisions shall be a Class 3

infraction:

- (a) 12-A DCMR § 105.1.7 (failure to post and maintain required raze notice);
- (b) 12-A DCMR § 105.1.9 (failure to post permit);
- (c) 12-A DCMR § 110.1.8 (failure to post certificate of occupancy);
- (d) 12-A DCMR § 117.1 (failure to post occupant load signs);
- (e) 12-A DCMR § 117.2 (failure to post design live loads; removal or defacement of design live load signs);
- (f) IPMC § 506.2 (Plumbing stack, vent, waste or sewer line are not properly maintained or kept free of obstructions, leaks and defects);
- (g) 12-F DCMR § 403.4 (improper signage for public plumbing facilities); or
- (h) Any provision of the District of Columbia Construction Codes adopted pursuant to the Construction Codes Approval and Amendment Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §§ 6-1401 *et seq.*) which is not cited elsewhere in Title 16 of the DCMR shall be a Class 3 infraction.

3306.1.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IPMC § 505.4 (water heating facilities improperly installed or maintained, or incapable of providing adequate amount of hot water at peak demand); or
- (b) IPC § 604.7 (failure to install water pressure booster system to provide required flow pressures at fixture outlets).

3306.2 BOILER INFRACTIONS

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

- (a) 12-E DCMR §§ 1004.7 and 1001.3; 12-A DCMR §§ 105.1 and 105.1.1 (installation, relocation, alteration or repair of a boiler or pressure vessel without a permit);

- (b) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a stop work order);
- (c) 12-A DCMR § 114.3 (unauthorized removal or obstruction of a posted stop work order);
- (d) 12-E DCMR §§ 1003.1 and 1003.3 (operation without a current Certificate of Inspection for a boiler or pressure vessel);
- (e) 12-A DCMR § 115.5; 12-E DCMR § 1003.17.1 (violation of conditions of posted Unsafe to Use notice);
- (f) 12-A DCMR § 108.5; 12-E DCMR § 1003.17; 12-G DCMR §108.4.1 (removal of Unsafe to Use placard without authorization);
- (g) 12-E DCMR § 1001.4 (operation of boiler or pressure vessel without proper D.C. engineer's license);
- (h) 12-E DCMR § 1003.2 (failure to obtain final inspection of work for which a permit is required);
- (i) 12-E DCMR §1003.5 (operation in excess of allowable pressure stated on certificate of inspection);
- (k) 12-E DCMR § 1003.6 (operation of equipment without safety appliances and piping; removal or tampering with safety appliances or piping);
- (l) 12-E DCMR § 1003.17.1 (operation of unsafe or condemned equipment); or
- (m) 12-A DCMR § 115.1 (failure to take down, remove or make safe defective or unsafe conditions or equipment).

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

- (a) 12-E DCMR § 1003.14 (failure to comply with insurance company reporting duties);
- (b) 12-E DCMR § 1003.12.3 (failure to file inspection reports with the code official);
- (c) 12-E DCMR §§ 1001.5; 1003.12; 1003.9 (failure to inspect annually); or

- (d) 12-E DCMR § 1018.1.5 (welder working without a valid D.C. authorization card).

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

- (a) 12-E DCMR § 1001.2 (improper boiler or pressure vessel operation);
- (b) 12-E DCMR §§ 1003.16 and 1003.16.1 (failure to make a repair, alteration, or cleaning, within the time specified in a notice or order, to a boiler or pressure vessel as specified in a notice);
- (c) 12-E DCMR § 1003.4 (failure to notify code official that equipment is not covered by current certificate of inspection); or
- (d) 12-E DCMR § 1003.17.2 (failure to notify code official of unsafe condition);

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

- (a) 12-E DCMR § 1003.1 (certificate of inspection not properly posted); or
- (b) 12-E DCMR § 1005.3 (failure to provide unobstructed and accessible means of egress for power boiler rooms)

3306.3 ELEVATOR INFRACTIONS

The following abbreviations apply to this section:

IPMC - International Property Maintenance Code (2012 edition)

IFC - International Fire Code (2012 edition)

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

ASME- American Society of Mechanical Engineers

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

- (a) 12-A DCMR §§ 105.1 and 105.1.1 (installation, relocation or alteration of elevators, escalators, dumbwaiters, man lift(s), and other conveying systems without a permit);

- (b) 12-A DCMR §§ 105.1 and 105.1.1 (failure to obtain required permit; working without a required or valid permit);
- (c) 12-A DCMR § 105.1 (work or conditions exceeding scope of permit);
- (d) 12-A DCMR § 105.1.8 (failure to submit timely permit application for emergency work);
- (e) 12-A DCMR § 105.1.2 (working outside of permitted construction hours);
- (f) 12-A DCMR § 105.1.3 (working outside of permitted hours without a required after-hours permit failure to obtain after hours permit);
- (g) 12-A DCMR § 105.1.9 (failure to post permit);
- (h) 12-A DCMR § 109.2 (failure to notify code official when stages of construction are reached that require inspection);
- (i) 12-A DCMR § 3010.3 (failure to obtain a final inspection of work for which a permit is required);
- (j) 12-A DCMR § 3010.3 (failure to obtain a valid certificate of inspection within thirty (30) working days after completion of final inspection);
- (k) 12-A DCMR § 3010.1; 12-G DCMR § 606.1 (operation of an elevator or conveying system without a valid certificate of inspection or limited approval of use);
- (l) 12-A DCMR § 3010.8; 12-G DCMR § 606.6 (failure to maintain at least one passenger elevator in operation in buildings equipped with passenger elevators);
- (m) 12-A DCMR §§ 108.5, 3010.10.2; 12-G DCMR § 108.4.1, 606.8.2 (removal of unsafe to use placard or operation of placarded equipment without code official authorization);
- (n) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order);
- (o) 12-A DCMR § 114.3 (unauthorized removal or obstruction of a posted stop work order);

- (p) 12-A DCMR § 115.5; 12-G DCMR § 108.5 (failure to comply with terms of unsafe notice);
- (q) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance, repair, replacement and testing):
 - (i) ASME A17.1 Rule 8.6.1.6.1 (making safety devices inoperative or ineffective);
 - (ii) ASME A17.1 Rule 8.6.1.6.3(c) (using or allowing to be used temporary wiring and insulators or blocks in the armatures or poles of magnetically operated switches, contactors, or relays);
 - (iii) ASME A17.1 Rule 8.6.1.6.3(d) (leaving jumpers installed or storing jumpers in machine rooms, control rooms, machine spaces, control spaces or other prohibited locations);
 - (iv) ASME A17.1 Rule 8.6.1.6.3(f) (substituting or allowing to be substituted a wire or other current carrying device for the correct fuse or circuit breaker in an elevator circuit);
 - (v) ASME A17.1 Rule 8.6.2.1 (repairing or allowing repairs to be made with parts not of equivalent material, strength, and/ or design);
 - (vi) ASME A17.1 Rule 8.6.4.19; Appendix N (failure to comply with Periodic Test Requirements - Category 1 (electric elevators));
 - (vii) ASME A17.1 Rule 8.6.4.20; Appendix N (failure to comply with Periodic Test Requirements - Category 5 (electric elevators));
 - (viii) ASME A17.1 Rule 8.6.5.14; Appendix N (failure to comply with Periodic Test Requirements - Category 1 (hydraulic elevators));
 - (ix) ASME A17.1 Rule 8.6.5.16; Appendix N (failure to comply with Periodic Test Requirements - Category 5 (hydraulic elevators));

- (x) ASME A17.1 Rules 8.6.4.19.6 and 8.6.1.1.1 (failure to maintain Firefighters' Emergency Operation and signaling devices in working order at all times);
 - (xi) ASME A17.1 Rule 8.6.8.1 (failure to repair or replace cracked or damaged handrails on escalators/ moving walks that present a pinching effect);
 - (xii) ASME A17.1 Rule 8.6.8.2 (failure to maintain and correct Step-to-Skirt Clearance on escalators/ moving walks);
 - (xiii) ASME A17.1 Rule 8.6.8.4.1 (failure to remove escalator from operation for combplates with two adjacent missing teeth);
 - (xiv) ASME A17.1 Rule 8.6.8.4.3 (failure to maintain adjustment of comb-step impact devices on escalator/moving walk); or
 - (xv) ASME A17.1 Rule 8.6.8.15; Appendix N (failure to comply with Periodic Test Requirement - Category 1 (escalators and moving walks)).
- (r) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4) (failure to comply with referenced standards for welding):
- (i) ASME A17.1 Rules 8.8.1(a) and 8.6.2.2 (welding of parts, except for tack welds later incorporated into finished welds, by unqualified welder);
 - (ii) ASME A17.1 Rules 8.8.2 and 8.6.2.2 (failure of welding to conform to applicable design and procedure requirements);
 - (iii) ASME A17.1 Rules 8.8.3 and 8.6.2.2 (failure to weld materials other than steel in accordance with requirements applicable to the specific materials used).
- (s) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1-606.3.4);12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for periodic tests, inspections and maintenance of elevators, escalators, and other conveyances listed in ASME A17.1):
- (i) ASME A17.1 Rule 8.11.2.1; Appendix N (failure to perform periodic inspection (six (6) month) of electric elevator);

- (ii) ASME A17.1 Rule 8.11.2.1.5(a); Appendix N (failure to inspect pit access, lighting, stop switch and condition (electric elevator), or to correct violative condition within period of time specified in a notice or order);
- (iii) ASME A17.1 Rules 2.7.1.1, 2.7.1.1.2 and 2.7.3.4; (failure to comply with requirements for fire-resistant, self-closing and self-locking access doors for pits);
- (iv) ASME A17.1 Rule 8.11.3.1; Appendix N (failure to perform periodic inspection (six (6) month) of hydraulic elevator);
- (v) ASME A17.1 Rule 8.11.3.1.5(a); ASME 17.2 Item 5.1; Appendix N (failure to inspect pit access, lighting, and condition (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (vi) ASME A17.1 Rule 8.11.4.1; Appendix N (failure to perform periodic inspection (six (6) month) of escalator or moving walkway);
- (vii) ASME A17.1 Rule 8.11.4.1(c); ASME 17.2 Items 7.3 and 9.3 Appendix N (failure to inspect handrails (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
- (viii) ASME A17.1 Rule 8.11.4.1(g); ASME 17.2 Items 7.7 and 9.7; Appendix N (failure to inspect combplates (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (t) IFC § 901.6 (failure to inspect, test, or maintain fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents in an operative condition at all times; failure to replace or repair where defective);
- (u) 12-G DCMR § 108.1.2 (Unsafe or dangerous equipment on the premises or within a structure which is in such disrepair or condition, in whole or in part, that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure);

- (v) 12-A DCMR § 115.1 (Abandoned, deteriorated, unsafe, unsanitary, or deficient equipment, or equipment which constitutes a fire hazard, or is otherwise dangerous to human life or the public welfare, or that involves illegal or improper use, or occupancy or inadequate maintenance);
- (w) 12-G DCMR § 108.1.6 (unserviceable equipment on the premises or within a structure);
- (x) 12-G DCMR § 109.1; 12-A DCMR § 116.1 (operating defective or dangerous equipment that immediately endangers the health or safety of occupants of the premises or those in the proximity of the premises);
- (y) IFC § 607.1 (failure to provide emergency recall and in-car operation); or
- (z) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.2; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of platform lifts and stairway chair lifts):
 - (i) ASME A18.1 Rule 10.3.1 (failure to perform annual inspection and tests for platform lift or stairway chair lift);
 - (ii) ASME A18.1 Rule 10.3.3 (failure to perform 5 year full load inspection and tests for platform lift or stairway chair lift);
 - (iii) ASME A18.1 Rule 10.2.2.3(n) (failure to maintain in operation at all times, or failure to repair door and gate equipment including the interlocks for platform lift or stairway chair lift);
 - (iv) AMSE A18.1 Rules 10.2.2.1, 10.2.2.2, 10.2.2.3, and 10.2.2.4 (failure to correct violative condition, relating to platform lift or stairway chair lift, within period of time specified in a notice or order);
- (aa) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.3; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of manlifts):
 - (i) ASME A90.1, Rule 8.1 (Failure to perform annual full load test of manlift);
 - (ii) ASME A90.1 Rule 8.1 Note (use of humans as test weights for manlift);

- (iii) ASME A90.1 Rule 4.5 (failure to maintain at all times protection of entrances and exits at all levels of manlift);
 - (iv) ASME A90.1 (failure to correct violative condition of manlift within period of time specified in a notice or order);
 - (v) ASME A90.1 Rule 7.1 and mandatory Appendix I (allowing users to ride the manlift without provision of the required safety training, instructions and procedures for operating the unit);
 - (vi) ASME A90.1 Rule 6, 6.1, 6.2, 6.3, and 6.4 (failure to provide or maintain safety signage for manlift);
 - (vii) ASME A90.1 (failure to have manlift comply with referenced standards within one year of adoption);
- (bb) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of conveyor and related equipment):
- (i) ASME B20.1 (failure to perform periodic and annual inspection and tests of conveyor and related equipment);
 - (ii) ASME B20.1 IPMC 606.3.4.1 and IPMC 606.3.1(failure to perform inspections and tests of conveyor and related equipment in accordance with the manufacturer's requirements);
 - (iii) ASME B20.1 Rule B20.1-6.17.2.1(b) (failure to maintain in operation at all times the means to detect personnel on or in unauthorized proximity to the conveyor inclusive of the entry and exit doors, with locking device at the top and bottom of the conveyor and related equipment unit);
 - (iv) ASME B20.1 Rule 6.17.2.1(d) (failure to maintain or replace the required warning signage at each point of access to the conveyor);
 - (v) ASME B20.1 (failure to correct violative condition of conveyor and related equipment within period of time specified in a notice or order);
 - (vi) ASME B20.1 Rule 6.21(c) (failure to provide warning signs that prohibit riding the conveyor unit by personnel);
 - (vii) ASME B20.1 6.21.1(a) (failure to repair the backstop device sufficient to stop and hold the carrier with load);
 - (viii) ASME B20.1 Rule 6.21.2(d) (failure to provide, maintain or replace snap chains or gates or standard railings (or equivalent)

when personnel are allowed to walk onto conveyor unit for loading and unloading);

- (ix) ASME B20.1 Rule 6.21.2(e) (failure to provide controls located or installed where they cannot be actuated by a person on the carrier);

3306.3.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-G DCMR § 606.4; 12-A DCMR § 3010.6 (failure to submit report of inspections and tests to the code official within thirty (30) days after completion of inspection and tests);
- (b) 12-A DCMR § 3010.4.1; 12-G DCMR § 606.2.1 (failure to display most current certificate of inspection);
- (c) 12-A DCMR §§ 3001.2 and 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4; 12-G DCMR §§ 107.1 and 107.2 (failure to comply with referenced standards):
 - (i) ASME A17.1 Rule 8.6.1.2.1; 12-A DCMR § 3009.5 (failure to provide and/ or maintain a written Maintenance Control Program);
 - (ii) ASME A17.1 Rule 8.6.1.4.1 (failure to maintain elevator maintenance records);
 - (iii) ASME A17.1 Rule 8.6.4 (failure to maintain or test electric elevators in conformance with ASME A17.1, 8.6.1 through 8.6.4);
 - (iv) ASME A17.1 Rule 8.6.4.13.1(c) (failure to maintain door reopening devices (electric elevator));
 - (v) ASME A17.1 Rule 8.6.4.13.1(l) (failure to maintain door restrictors (electric elevator));
 - (vi) ASME A17.1 Rule 8.6.4.15 (failure to maintain car emergency system including emergency operation of signaling devices, lighting, communication, and ventilation (electric elevator));
 - (vii) ASME A17.1 Rule 8.6.4.16 (failure to maintain/correct electric elevator to provide stopping accuracy at the landings during normal operation);

- (viii) ASME A17.1 Rule 8.6.4.19.7; 12-A DCMR § 3009.5 (failure to perform testing of Standby or Emergency Power Operation (electric elevator));
- (ix) ASME A17.1 Rule 8.6.8.4.1 (failure to repair or replace combplates with any broken teeth (escalator or moving walk));
- (x) ASME A17.1 Rule 8.6.8.13 (failure to clean the interiors of escalators or components to prevent accumulations of oil, grease, lint, dirt, and refuse);
- (xi) ASME A17.1 Rule 8.11.2.1.1(f); ASME 17.2 Item 1.6; Appendix N (failure to inspect Car Emergency Signal (phone and alarm bell) in electric elevator or to correct violative condition within period of time specified in a notice or order);
- (xii) ASME A17.1 Rule 8.11.2.1.2(b); ASME 17.2 Item 2.1; Appendix N (failure to inspect means of access to machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xiii) ASME A17.1 Rules 2.7.1.1.2 and 2.7.3.4; ASME A17.2 Item 2.1 (failure to comply with requirements for fire-resistant, self-closing and self-locking access doors for machine rooms/spaces, or control rooms/spaces);
- (xiv) ASME A17.1 Rule 8.11.2.1.2(i); ASME 17.2 Item 2.6; Appendix N (failure to inspect machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xv) ASME A17.1- Rule 8.11.2.1.3(q); ASME 17.2 Item 2.12; Appendix N (failure to inspect hoistway smoke control (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvi) ASME A17.1- Rules 8.11.2.1.4(m) and 2.7.6.4; Appendix N (failure to inspect or to provide means necessary for tests (electric elevator));
- (xvii) ASME A17.1 Rule 8.11.3.1.1(f); ASME 17.2 Item 1.6; Appendix N (failure to inspect Car Emergency Signal

(phone and alarm bell) (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);

- (xviii) ASME A17.1 Rule 8.11.3.1.2(i); ASME 17.2 Item 2.6; Appendix N (failure to inspect ventilation for machine room/spaces, control room/spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xix) ASME A17.1 Rule 8.11.3.1.3(l); ASME 17.2 Item 3.11; Appendix N (failure to inspect hoistway smoke control (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xx) ASME A17.1 Rules 8.11.3.1.4(l); 2.7.6.4, 3.7.1.8, 3.7.1.9, and 3.7.1.10; Appendix N (failure to inspect or to provide means necessary for tests (hydraulic elevator));
- (xxi) ASME A17.1 Rule 8.11.4.1(e); ASME 17.2 Items 7.5 and 9.5; Appendix N (failure to inspect lighting (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order; or
- (xxii) ASME A17.1 Rule 8.11.4.1(k); ASME 17.2 Item 7.11; Appendix N (failure to inspect skirt obstruction devices (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (xxiii) ASME A18.1 Rule 10.1.1 and 10.2.1(failure to perform periodic inspection of platform lifts or stairway chair lifts);
- (xxiv) ASME A90.1, Rule 8.2. (Failure to perform periodic inspection of manlifts on a monthly basis);
- (xxv) ASME A90.1, Rule 8.2.4 (Failure to maintain a written inspection log for manlifts and/or failure to sign and date inspection records for manlifts);

3306.3.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards):

- (i) ASME A17.1 Rule 8.6.1.6.5 (failure to provide a class “ABC” fire extinguisher);
- (ii) ASME A17.1 Rule 8.6.4.1.1 (failure to maintain suspension means sufficiently clean so they can be visually inspected (electric elevator));
- (iii) ASME A17.1 Rule 8.6.4.2.1 (failure to maintain governor ropes clean (electric elevator));
- (iv) ASME A17.1 Rule 8.6.4.13.1(h) (failure to maintain sills and bottom guides, fastenings, condition and engagement (electric elevator));
- (v) ASME A17.1 Rule 8.6.4.13.1(k) (failure to maintain door closers (electric elevator));
- (vi) ASME A17.1 Rule 8.6.8.4.2 (failure to maintain adjustment of combplates in mesh with the slots in the step surface so that the points of the teeth are always below the upper surface of the treads (escalator/moving walk));
- (vii) ASME A17.1 Rule 8.6.8.6.1 (failure to repair or replace steps with broken treads (escalator/moving walk));
- (viii) ASME A17.1 Rule 8.6.8.6.2 (failure to repair or replace steps with dented or damaged risers (escalator/moving walk));
- (ix) ASME A17.1 Rule 8.6.8.6.3 (failure to repair or replace steps that are worn damaged and that do not provide proper engagement with the combplates (escalator/moving walk));
- (x) ASME A17.1 § 8.1 (failure to provide required keys for access, operation, inspection, maintenance, repair, and emergency access);
- (xi) ASME A17.1 § 8.1 (failure to restrict key access to personnel in the assigned security level);
- (xii) ASME A17.1 § 8.9, Rule 8.6.1.5.1 (failure to provide Code Data Plate);
- (xiii) ASME A17.1 Rule 8.11.1.7 (failure to provide unique or product specific procedures or methods required to inspect or test equipment);

- (xiv) ASME A17.1 Rule 8.11.2.1.1(h); ASME A17.2 Item 1.8; Appendix N (failure to inspect correct door closing force (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xv) ASME A17.1 Rule 8.11.2.1.1(n); ASME 17.2 Item 1.14; Appendix N (failure to inspect ventilation (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvi) ASME A17.1 Rule 8.11.2.1.2(f); ASME 17.2 Item 2.3; Appendix N (failure to inspect lighting and receptacles for machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvii) ASME A17.1 Rule 8.11.2.1.2(h); ASME 17.2 Item 2.5; Appendix N (failure to inspect housekeeping for machine room/spaces, control room/ spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xviii) ASME A17.1 Rule 8.11.2.1.3(b); ASME 17.2 Item 3.2; Appendix N (failure to inspect car top light and outlet (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xix) ASME A17.1 Rule 8.11.3.1.1(n); ASME 17.2 Item 1.14; Appendix N (failure to inspect ventilation (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xx) ASME A17.1- Rule 8.11.3.1.2(f); ASME 17.2-Item 2.3; Appendix N (failure to inspect lighting and receptacles for machine room/spaces, control room/spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxi) ASME A17.1 Rule 8.11.3.1.2(h); ASME 17.2 Item 2.5; Appendix N (failure to inspect housekeeping for machine room/spaces, control room/ spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);

- (xxii) ASME A17.1 Rules 8.11.3.1.2(x) and 8.6.5.7; ASME 17.2 Item 2.36; Appendix N (failure to inspect hydraulic fluid loss record (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxiii) ASME A17.1 Rule 8.11.3.1.3(b); ASME 17.2 Item 3.2; Appendix N (failure to inspect car top light and outlet (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxiv) ASME A17.1 Rule 8.11.4.1(d); ASME 17.2 Items 7.4 and 9.4; Appendix N (failure to inspect entrance and egress (escalator/moving walk));
- (xxv) ASME A17.1 Rule 8.11.4.1(i); ASME 17.2-Items 7.10 and 9.10; Appendix N (failure to inspect steps and treadway - per step (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
- (xxvi) ASME A17.1 Rule 8.11.4.1(s); ASME 17.2 Items 2.1 and 4.1; Appendix N (failure to inspect machine space access, lighting, receptacle, and condition of remote machine rooms (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).

3306.3.4 Violation of the following provisions shall be a Class 4 infraction:

- (a) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance):
 - (i) ASME A17.1 Rule 8.6.1.4.2 (failure to have the maintenance records available to elevator personnel);
 - (ii) ASME A17.1 Rule 8.6.1.6.2 (allowing excess lubricant to accumulate and / or overflow from catch containers);
 - (iii) ASME A17.1 Rule 8.6.1.6.3(a) (failure to maintain up-to-date wiring diagrams); or
 - (iv) ASME A17.1 Rule 8.6.1.6.7 (failure to repair or replace damaged or missing signs or data plates).

- (b) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance, inspection and testing of electric elevators):
 - (i) ASME A17.1 Rule 8.6.4.3.4 (failure to keep rails clean and free of lint and dirt accumulation and excessive lubricant. failure to provide a means to collect lubricant at the base of the rail);
 - (ii) ASME A17.1 Rule 8.6.4.7.1 (failure to maintain hoistways and pits free of dirt, rubbish, and stored materials);
 - (iii) ASME A17.1 Rule 8.6.4.7.4 (allowing water and oil to accumulate on floors);
 - (iv) ASME A17.1 Rule 8.6.4.8.1 (failure to keep floors and machinery and control spaces free of water, dirt, rubbish, oil, and grease);
 - (v) ASME A17.1 Rule 8.6.4.8.2 (Storing, or allowing to be stored, articles or materials not necessary for the maintenance or operation of the elevator in machine rooms, control rooms, machine spaces, or control spaces);
 - (vi) ASME A17.1 Rule 8.6.4.9 (failure to keep the tops of cars free of oil, water, dirt, rubbish, and stored lubricants, spare parts, tools, or other items); or
 - (vii) ASME A17.1 Rule 8.6.4.19.6 (failure to perform testing of Firefighters' Emergency Operation).
- (c) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards):
 - (i) ASME A17.1 Rule 8.6.11.1 (failure to subject monthly, by authorized personnel, to Phase I recall by use of the key switch, and a minimum of one-floor operation on Phase II, or failure to make available to elevator personnel a record of findings (all elevators with firefighters' emergency operation));
 - (ii) ASME A17.1 Rule 8.11.2.1.1(o); ASME 17.2 Item 1.15; Appendix N (failure to inspect signs and operating device symbols (electric elevator) or to correct violative condition within period of time specified in a notice or order);

- (iii) ASME A17.1 Rule 8.11.3.1.1(o); ASME 17.2 Item 1.15; Appendix N (failure to inspect signs and operating device symbols (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
 - (iv) ASME A17.1 Rule 8.11.3.1.2(d); Appendix N (failure to provide means necessary for tests in machine room/spaces, control room/spaces (hydraulic elevator));
 - (v) ASME A17.1 Rule 8.11.4.1(f); ASME 17.2 Items 7.6 and 9.6; Appendix N (failure to inspect caution signs (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order);
 - (vi) ASME A17.1 Rule 8.11.4.1(p); ASME 17.2 Items 7.16 and 9.16; Appendix N (failure to inspect ceiling intersection guards (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
 - (vii) ASME A17.1 Rule 8.11.4.1(v); ASME 17.2 Items 8.14 and 10.14; Appendix N (failure to inspect code data plate (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (d) 12-G DCMR § 606.9 (failure to provide required signage).

3306.4 DCRA FIRE AND SMOKE PROTECTION INFRACTIONS

The following abbreviations apply to this section:

IFC §- International Fire Code (2012 edition)
 IBC- International Building Code (2012 edition)
 IPMC §- International Property Maintenance Code (2012 edition)
 NEC-National Electrical Code (2011 edition)
 NFPA- National Fire Protection Association

- 3306.4.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-G DCMR § 108.1; 12-A DCMR § 115.5 (failure to remedy unsafe or dangerous structures, premises or equipment);
 - (b) 12-A DCMR § 114.1 (failure to comply with terms of a stop work

- order);
- (c) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
 - (d) IPMC § 702.1 (failure to provide safe, continuous and unobstructed path of travel from any point in a building to the public way);
 - (e) IBC § 709.3 (failure to maintain all required fire resistance rated doors or smoke barriers);
 - (g) IFC § 901.4.1 (failure to maintain in an operative condition at all times fire protection and life safety systems, devices, units, or service equipment);
 - (h) 12-H DCMR § 906.1 (failure to provide fire extinguishers);
 - (i) IFC § 1003.1 (failure to maintain in a safe condition and free of all obstructions the means of egress from each part of the building);
 - (j) IPMC § 702.3 (means of egress doors not readily openable);
 - (k) IPMC § 702.4 (improper maintenance of emergency escape openings; required emergency escape and rescue openings not operational from inside of room without the use of keys or tools; devices placed over emergency escape and rescue openings not releasable or removable from the inside);
 - (l) IPMC § 703.2 (fire or smoke stop doors not maintained in operable condition; fire doors or smoke barrier doors blocked, obstructed or otherwise inoperable);
 - (m) IPMC § 704.2 (smoke alarms not properly installed or maintained);
 - (n) IBC § 1004.3 (overcrowding or admitting persons beyond the established posted occupant load for assembly occupancy);
 - (o) IFC § 507.5.4 (access to fire hydrants is obstructed);
 - (p) IBC § 912.3 (access to fire department connections obstructed by fences, bushes, trees, walls or other fixed or moveable object);
 - (q) IFC § 1006.1 (failure to provide adequate lighting for stairways, hallways, and other means of egress);

- (r) IBC § 1020.1 (exit used for a purpose that interferes with its function as a means of egress); or
- (s) IBC § 1027.1 (exits fail to discharge directly to the exterior of the building; the exit discharge fails to provide a direct and unobstructed access to a public way; exit discharge fails to meet the required discharge capacity).

3306.4.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) IPMC § 308.1 (permitting the accumulation of rubbish or garbage, including combustible and noncombustible waste materials of any kind);
- (b) IFC § 904.11 (failure to install properly or maintain an automatic fire-extinguishing system for a commercial cooking system);
- (c) IFC § 904.11.1 (failure to install properly or maintain a manual actuation device for a commercial cooking system);
- (d) NEC (NFPA 70) § 110.32 (failure to provide the required clearance between all electrical service equipment and storage);
- (e) IFC § 904.11.5 (failure to provide a sufficient number of portable fire extinguishers);
- (f) IFC § 906.2; 12-G DCMR § 704.1.2 (failure to maintain, test, or recharge hand-operated portable fire extinguishing equipment);
- (g) IFC § 315.3. 2 (improper storage of combustible material in exits or enclosures for stairways or ramps);
- (h) IFC § 315.3.3 (improper storage of combustible material in boiler rooms, mechanical rooms or electrical equipment rooms);
- (i) IFC § 315.3 (failure to separate combustible material from heaters or heating devices);
- (j) IBC § 1005.3 (means of egress fails to meet the sizing requirements based upon occupant load);
- (k) IBC § 1008.1.9 (egress doors not readily openable from the egress side without the use of a key or special knowledge or effort);

- (l) IBC § 1008.1.10 (doors not equipped with approved panic hardware or fire exit hardware);
- (m) IBC § 1008.1.2 (exit doors swing in the wrong direction);
- (n) 12-E DCMR § 1003.6 (failure to equip boilers or unfired pressure vessels with required safety appliances and piping);
- (o) IBC § 1011.6.3 (failure to provide emergency lights, alarms, or power back-ups);
- (p) IBC § 1011.1 (impaired visibility of exit signs);
- (q) IBC § 716.5.9 (failure to maintain self- or automatic-closing fire doors);
- (r) IBC § 707.1 (failure to maintain fire barriers);
- (s) IBC § 709 (failure to maintain smoke barriers);
- (t) IBC § 1004.3 (failure to conspicuously post sign stating the number of occupants permitted within room or space for assembly occupancy);
- (u) IBC § 1011.1 (failure to mark exits or exit access doors with required exit signs);
- (v) IBC §§ 1011.3 and 1011.6.2 (failure to illuminate exit signs);
- (w) IBC § 806.1 (decorative materials are not non-combustible or flame resistant).

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

- (a) IFC §§ 904.1 and 904.4 (alternative automatic fire-extinguishing systems are not properly inspected and tested); or
- (b) IBC § 1006.1 (failure to illuminate means of egress at all times when the building is occupied).

3306.5 ENERGY INSPECTION INFRACTIONS

The following abbreviation applies to this section and refers to referenced standards adopted by the 2013 District of Columbia Energy Conservation Code:

ASHRAE- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

- 3306.5.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-I DCMR § R402.4.1.2 (failure to test and verify air leakage);
 - (b) 12-I DCMR § R403.2.2 (failure to verify duct tightness); or
 - (c) 12-I DCMR § C303.1.3, C401.2, C402.3, C407, ASHRAE 90.1 (failure to comply with fenestration requirements for applicable pathway)

Strike Section 3309, DCRA FIRE PROTECTION DIVISION INFRACTIONS, in its entirety, and insert a new Section 3309 in its place to read as follows:

3309 PROPERTY MAINTENANCE INFRACTIONS

The following abbreviations apply to this section:

IPMC §- International Property Maintenance Code (2012 edition)

- 3309.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-G DCMR § 102.2 (failure to maintain utility, service, facility, equipment, system, device or safeguards in good working order);
 - (b) 12-G DCMR §§ 108.1 and 108.1.1 (unsafe Structures);
 - (c) 12-G DCMR §§ 108.1 and 108.1.2 (unsafe equipment);
 - (d) 12-G DCMR §§ 108.1 and 108.1.3 (structure is unfit for human occupancy);
 - (e) 12-G DCMR §§ 108.1 and 108.1.4 (unlawful Structure);
 - (f) 12-G DCMR §§ 108.1 and 108.1.5 (dangerous structure or premises);
 - (g) 12-G DCMR §§ 108.1 and 108.1.6 (unserviceable equipment);
 - (h) 12-G DCMR § 108.4.1 (removal of placard by an unauthorized person);
 - (i) 12-G DCMR § 108.5 (occupying a placarded premises or operating

placarded equipment);

- (j) 12-G DCMR § 109.1 (building poses imminent danger to building occupants);
- (k) 12-G DCMR § 308.2.2 (permitting to exist on the premises discarded or abandoned refrigerators or similar equipment without first removing the doors);
- (l) 12-G DCMR § 310.1 (failure to install required carbon monoxide detector);
- (m) 12-G DCMR § 310.1.1 (failure to install required single station carbon monoxide detector properly);
- (n) 12-G DCMR § 310.1.2 (failure to install required combination smoke/ carbon monoxide detector properly);
- (o) 12-G DCMR § 310.2 (failure to maintain required carbon monoxide detection system);
- (p) 12-G DCMR § 310.2.1 (failure to replace or repair required carbon monoxide detectors within fifteen (15) days of receipt of notification from occupant or tenant that replacement or repairs are needed);
- (q) 12-G DCMR § 603.1.1(improperly located gas meter or fuel-fired appliances);
- (r) IPMC § 603.2 (failure to connect fuel-burning equipment to an approved chimney or vent);
- (s) IPMC § 603.3 (failure to maintain required clearances to combustible materials);
- (t) IPMC § 603.4 (failure to maintain safety controls for fuel-burning equipment);
- (u) IPMC § 603.5 (failure to provide supply of air for fuel-burning equipment);
- (v) IPMC § 701.2 (failure to provide and maintain required fire safety facilities and equipment);
- (w) 12-G DCMR § 701.3 (failure to properly store hazardous, combustible, flammable, explosive or other hazardous materials);

- (x) IPMC § 702.1 (failure to provide clear path of travel to the public way);
- (y) IPMC § 702.2 (failure to maintain aisles unobstructed);
- (z) IPMC § 702.3 (failure to make means of egress doors readily openable);
- (aa) 12-G DCMR § 702.4 (failure to maintain required emergency escape openings and egress facilities);
- (bb) IPMC § 703.1 (failure to maintain required fire-resistance rating);
- (cc) IPMC § 703.2 (failure to maintain required opening protective, fire or smoke stop doors);
- (dd) IPMC § 704.1 (failure to maintain required systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire);
- (ee) IPMC § 704.1.1 (failure to inspected and maintain automatic sprinkler system);
- (ff) 12-G DCMR § 704.1.2 (failure to provide and maintain fire extinguisher);
- (gg) 12-G DCMR § 704.2 (failure to install required smoke alarms);
- (hh) IPMC § 704.3 (failure to hardwire smoke alarm);
- (ii) IPMC § 704.4 (failure to interconnect smoke alarms as required);
- (jj) 12-G DCMR § 704.5 (failure to maintain fire alarm system);
- (kk) 12-G DCMR § 704.5.1 (failure to maintain manual fire alarm box);
or
- (ll) IPMC § 704.5.4.4 (tampering with smoke alarm).

3309.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-G DCMR § 102.5 (failure to make repairs or installations in a workmanlike manner);
- (b) 12-G DCMR § 104.3 (failure to allow code official entry to

- structure or premises);
- (c) 12-G DCMR § 104.3.3 (tenant refusal to permit inspection);
 - (d) 12-G DCMR § 104.3.4 (owner or operator refusal to permit inspection);
 - (e) 12-G DCMR § 105.4 (failure to follow provisions of 12-A DCMR § 104.9.1 with respect to the use of used materials and equipment);
 - (f) IPMC § 301.2 (failure to maintain premises in safe and sanitary condition);
 - (g) IPMC § 301.3 (failure to maintain vacant structures and land in a clean, safe, secure and sanitary condition to prevent causing a blighting problem or adversely affecting the public health and safety);
 - (h) IPMC § 302.6 (failure to correct condition where pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant);
 - (i) IPMC § 303.2 (failure to provide proper enclosure of swimming pool, hot tub and/or spa);
 - (j) IPMC § 304.1 (failure to maintain exterior of structure in good repair, structurally sound and sanitary);
 - (k) IPMC § 304.1.1 (permitting an unsafe exterior structural condition to exist on premises);
 - (l) 12-G DCMR § 304.2.1 (failure to properly eliminate peeling, flaking, chipping and defective paint on a pre-1978 structure);
 - (m) IPMC § 304.4 (failure to maintain a structural member to provide a safe, firm and substantial base and support for the structure at all points);
 - (n) IPMC § 304.10 (failure to maintain exterior stairway, deck, porch and balcony structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads);
 - (o) 12-G DCMR § 304.11 (failure to maintain chimneys, cooling towers, smoke stacks, and similar appurtenances structurally safe

- and sound, and in good repair);
- (p) IPMC § 304.12 (failure to maintain handrails and guards);
 - (q) IPMC § 304.18 (failure to provide building security);
 - (r) IPMC § 304.18.1 (failure to provide proper deadbolt lock);
 - (s) IPMC § 304.18.2 (failure to provide proper window lock);
 - (t) IPMC § 305.1 (failure to maintain interior of structure and equipment therein in good repair, structurally sound and sanitary);
 - (u) IPMC § 305.1.1 (permitting to exist on premises an unsafe interior structural condition);
 - (v) IPMC § 305.2 (failure to maintain structural members structurally sound, and capable of supporting the imposed loads);
 - (w) 12-G DCMR § 305.3 (failure to maintain interior surfaces in good repair);
 - (x) 12-G DCMR § 305.3.1 (failure to properly eliminate peeling, flaking, chipping and defective paint in a pre-1978 structure);
 - (y) 12-G DCMR § 305.4 (failure to maintain walking surface in sound condition and good repair);
 - (z) IPMC § 305.5 (failure to maintain handrails and guards in sound condition and good repair);
 - (aa) IPMC § 306.1.1 (failure to correct unsafe condition);
 - (bb) 12-G DCMR § 307.1 (failure to provide proper handrails and/or guardrails in good repair);
 - (cc) IPMC § 401.2 (occupying or allowing the occupancy of premises not in compliance with light, ventilation or space conditions);
 - (dd) IPMC § 403.4 (failure to provide proper exhaust system to remove injurious, toxic, irritating or noxious fumes, gases, dusts or mists);
 - (ee) IPMC § 403.5 (failure to properly exhaust clothes dryer);
 - (ff) 12-G DCMR § 404.1 (failure to arrange units to provide privacy);

- (gg) IPMC § 404.2 (habitable room has less than minimum room width);
- (hh) IPMC § 404.3 (space has less than minimum ceiling height);
- (ii) IPMC § 404.4.1(insufficient room area);
- (jj) 12-G DCMR § 404.4.1.1 (failure to comply with special provisions for existing high-density transient uses);
- (kk) IPMC § 404.4.2 (improper access through bedroom);
- (ll) 12-G DCMR § 404.4.3 (failure to provide properly accessible water closet);
- (mm) 12-G DCMR § 404.4.3 (failure to provide properly accessible lavatory);
- (nn) IPMC § 404.4.4 (kitchen or nonhabitable space used for sleeping purposes);
- (oo) IPMC § 404.4.5 (bedroom does not comply with applicable provisions of the property maintenance code including but not limited to requirements of Chapters 4, 5, 6 and 7);
- (pp) 12-G DCMR § 404.4.6 (subdivided room does not comply with the requirements for a habitable space);
- (qq) IPMC § 404.5 (dwelling unit is overcrowded);
- (rr) IPMC § 404.6 (failure to provide the minimum requirements for space and occupancy for an efficiency unit);
- (ss) IPMC § 501.2 (failure to provide and maintain required plumbing facilities and plumbing fixtures);
- (tt) IPMC § 504.3 (failure to correct plumbing system hazard);
- (uu) IPMC § 505.1 (failure to provide proper water supply to plumbing fixtures);
- (vv) IPMC § 505.2 (failure to protect water supply from contamination);
- (ww) IPMC § 505.3 (failure to provide adequate water supply system);

- (xx) IPMC § 505.4 (failure to comply with requirements regarding water heaters);
- (yy) IPMC § 506.1 (failure to connect plumbing fixture to an approved sewer system);
- (zz) IPMC § 506.2 (failure to maintain plumbing stack, vent, waste and sewer lines);
- (aaa) IPMC § 601.2 (failure to provide and maintain required mechanical and electrical facilities);
- (bbb) IPMC § 602.2 (failure to provide proper heating facilities for residential occupancies capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms);
- (ccc) 12-G DCMR § 602.3 (failure to supply heat during a period starting no later than October 1 and ending no earlier than May 1);
- (ddd) 12-G DCMR § 602.4 (failure to provide sufficient heat in indoor occupiable work spaces);
- (eee) IPMC § 603.1; 12-G DCMR § 603.1.1 (failure to properly install and maintain mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances);
- (fff) IPMC § 604.1 (failure to provide electrical system);
- (ggg) 12-G DCMR § 604.2 (failure to provide sufficient electrical service for a dwelling unit);
- (hhh) IPMC § 604.3 (failure to correct electrical system hazard);
- (iii) IPMC § 604.3.1 (failure to repair or replace electrical equipment that has been exposed to water);
- (jjj) IPMC § 604.3.2 (failure to repair or replace electrical equipment that has been exposed to fire);
- (kkk) 12-G DCMR § 702.5 (failure to arrange exits properly);
- (lll) 12-G DCMR § 702.6 (failure to provide and maintain required exit signs);
- (mmm) 12-G DCMR § 702.7 (failure to provide signage for stairway

doors);

- (nnn) 12-G DCMR § 704.5.2 (failure to install required fire alarm signage adjacent to each manual fire alarm box);
- (ooo) 12-G DCMR § 704.5.3 (failure to post and distribute written notice that provides information about fire alarm systems in the building);
or
- (ppp) 12-G DCMR § 704.6 (failure to have a fire safety and evacuation plan in high-rise building and hold fire drills as required).

3309.2.1 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-G DCMR § 302.1 (failure to maintain exterior property and premises in clean, safe and sanitary condition);
- (b) IPMC § 302.3 (failure to maintain sidewalk, walkway, driveway, stairs or other walking surface safe for walking purposes);
- (c) 12-G DCMR § 302.4 (excessive vegetative growth or weeds exceeding eight (8) inches in height is unattended or creates a dense area of shrubbery that is a detriment to the health, safety and welfare of the public);
- (d) IPMC § 302.5 (failure to maintain structures and exterior property free from rodent harborage and infestation);
- (e) IPMC § 302.7 (failure to maintain all accessory structures, including detached garages, fences and walls structurally sound and in good repair);
- (f) IPMC § 302.8 (failure to comply with a requirement concerning parked, kept or storing of unlicensed or inoperative motor vehicles, painting of vehicles and vehicles in a state of major disassembly, disrepair or in the process of being stripped or dismantled);
- (g) IPMC § 302.9 (failure to remove markings, carvings or graffiti and restore exterior surface to approved state of maintenance and repair);
- (h) IPMC § 302.9 (willfully or wantonly damaging, mutilating or defacing the exterior surface of any property with markings, carvings or graffiti);

- (i) IPMC § 303.1 (failure to maintain swimming pool);
- (j) IPMC § 304.2 (failure to maintain required protective treatment on exterior surfaces);
- (k) IPMC § 304.5 (failure to maintain foundation wall);
- (l) IPMC § 304.6 (failure to maintain exterior walls in a structurally sound condition);
- (m) 12-G DCMR § 304.7 (failure to comply with a requirement concerning gutters or drainage);
- (n) 12-G DCMR § 304.7.1 (failure to drain storm water to approved place of disposal);
- (o) IPMC § 304.8 (failure to maintain decorative feature in good repair with proper anchorage and in a safe condition);
- (p) IPMC § 304.9 (failure to maintain overhang extensions in good repair with proper anchorage and in a safe condition);
- (q) 12-G DCMR § 304.11.2 (failure to provide a flue opening with a flue crock, or with a metal or masonry thimble);
- (r) IPMC § 304.13 (failure to maintain windows, skylights and door frames);
- (s) IPMC § 304.15 (failure to maintain exterior doors);
- (t) IPMC § 304.16 (failure to maintain basement hatchway);
- (u) 12-G DCMR § 304.18.3 (failure to provide proper basement hatchway lock);
- (v) 12-G DCMR § 305.3 (failure to maintain interior surfaces in good repair);
- (w) 12-G DCMR § 308.1 (failure to maintain premises free from any accumulation of rubbish and garbage);
- (x) 12-G DCMR § 308.2 (failure to dispose of rubbish in approved containers);
- (y) 12-G DCMR § 308.2.1 (failure to maintain proper rubbish storage facilities);

- (z) 12-G DCMR § 308.2.3 (operator of a housing business permitting the accumulation of rags, waste paper, broken furniture or any combustible junk);
- (aa) 12-G DCMR § 308.3 (Occupant of a structure not disposing of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers);
- (bb) 12-G DCMR § 308.3.1 (Owner of the dwelling failed to supply either an approved mechanical food waste grinder in each dwelling unit or an approved leak-proof, covered, outside garbage container);
- (cc) 12-G DCMR § 308.3.2 (failure to provide and cause to be utilized approved leak-proof containers provided with close-fitting covers for the storage of garbage until removed from the premises for disposal);
- (dd) 12-G DCMR § 308.4 (failure to maintain storage receptacles in clean condition);
- (ee) 12-G DCMR § 309.1 (failure to maintain structure free from insect and rodent infestation);
- (ff) 12-G DCMR § 309.2 (Failed to exterminate prior to renting or leasing the structure);
- (ii) 12-G DCMR § 309.3 (Failed to exterminate one-family dwelling or single-tenant nonresidential structure);
- (jj) 12-G DCMR § 309.4 (failure to maintain non-residential structure containing multiple occupants free from insects, rodents and rodent harborages);
- (kk) 12-G DCMR § 309.4.1(failure to correct condition that cause infestation of non-residential structure);
- (ll) 12-G DCMR § 309.5 (failure to maintain multiple occupancy residential structures and exterior property free from insects, rodents and rodent harborages);
- (mm) 12-G DCMR § 309.5.1 (failure of owner to provide required extermination services);

- (nn) 12-G DCMR §§ 402.1 through 402.1.2 (failure to provide adequate lighting in space intended for human occupancy);
- (oo) 12-G DCMR § 402.2 (failure to provide common areas, stairways and means of egress with sufficient illumination);
- (pp) IPMC § 402.3 (failure to provide sufficient illumination);
- (qq) 12-G DCMR § 402.3.1 (failure to provide bathroom, toilet room and other similar rooms sufficient illumination);
- (rr) 12-G DCMR § 403.1 (failure to provide proper natural or artificial ventilation);
- (ss) IPMC § 403.2 (failure to provide proper ventilation for bathroom or toilet room);
- (tt) IPMC § 403.3 (allowing cooking, cooking facility, or cooking appliance in rooming unit or dormitory unit);
- (uu) IPMC § 404.7 (spaces occupied for food preparation purposes do not contain suitable space and equipment to store, prepare and serve foods in a sanitary manner including adequate facilities for the sanitary disposal of food wastes and refuse);
- (vv) 12-G DCMR § 404.7.1 (failure of owner who furnishes facilities for cooking, storage or refrigeration of food that are not within a sleeping unit or dwelling unit to maintain those facilities in a safe and sanitary condition and in good working order);
- (ww) IPMC § 502.1 (failure to provide and maintain required plumbing facilities and plumbing fixtures in dwelling units);
- (xx) IPMC § 502.2 (failure to provide and maintain required plumbing facilities and plumbing fixtures in rooming house);
- (yy) IPMC § 502.3 (failure to provide and maintain required plumbing facilities and plumbing fixtures in hotel);
- (zz) IPMC § 502.4 (failure to provide required plumbing facilities for employees);
- (aaa) IPMC § 502.4.1 (failure to provide proper drinking facilities for employees);
- (bbb) IPMC § 502.5 (failure to maintain public toilet facilities in safe,

- sanitary and working condition);
- (ccc) IPMC § 503.1 (failure to provide privacy for bathrooms and toilet rooms);
 - (ddd) IPMC § 503.2 (failure to provide convenient access to toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units);
 - (eee) IPMC § 503.3 (failure to provide convenient access to employee toilet facilities);
 - (fff) 12-G DCMR § 503.4 (failure to provide proper floor and wall base in toilet room);
 - (ggg) IPMC § 504.1 (failure to properly install and maintain plumbing fixture);
 - (hhh) IPMC § 504.2 (failure to provide adequate clearances for usage and cleaning of plumbing fixtures);
 - (iii) 12-G DCMR § 505.4.1(failure to have water heating facility inspected annually and maintain the inspection and service reports available onsite);
 - (jjj) IPMC § 506.3 (failure to maintain grease interceptor);
 - (kkk) IPMC § 507.1 (allowing drainage to discharge in a manner that creates a public nuisance);
 - (lll) 12-G DCMR § 602.6 (failure to have heating facility inspected annually and to make inspection and service reports available onsite in the office of the building operator or in another permitted manner if no on-site office);
 - (mmm)IPMC § 603.6 (failure to remove unapproved energy conservation devices);
 - (nnn) IPMC § 605.1(failure to properly install and maintain electrical equipment, wiring and appliances in a safe manner);
 - (ooo) IPMC § 605.2 (failure to provide and maintain proper electrical receptacles);
 - (ppp) IPMC § 605.3 (failure to provide and maintain proper electric luminaire);

- (qqq) 12-G DCMR § 605.4 (failure to perform preventative maintenance on switchboards having a capacity of 1000 amperes or larger);
- (rrr) IPMC § 607.1 (failure to maintain duct system free of obstructions and capable of performing the required function);
- (sss) 12-G DCMR § 608.1 (failure to maintain air conditioning system);
or
- (ttt) 12-G DCMR § 608.2 (failure to have air conditioning system inspected annually and maintain the inspection and service reports available onsite).

3309.2.2 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IPMC § 302.2 (failure to maintain grading of premises to prevent erosion or the accumulation of stagnant water);
- (b) 12-G DCMR § 304.3 (failure to properly display premises address);
- (c) 12-G DCMR § 304.7.2 (failure to grade premises so that storm drainage flows away from buildings and to an approved place of disposal);
- (d) 12-G DCMR § 304.7.3 (failure to grade premises so avoid accumulation of water);
- (e) 12-G DCMR § 304.11.1 (failure to close a chimney opening which is unused);
- (f) IPMC § 304.13.1 (failure to maintain glazing materials free from cracks and holes);
- (g) IPMC § 304.13.2 (failure to maintain openable windows);
- (h) 12-G DCMR § 304.14 (failure to maintain insect screens);
- (i) IPMC § 304.17 (failure to provide basement windows with protection from entry by rodents);
- (j) IPMC § 304.19 (failure to maintain exterior gate in good condition); or
- (k) IPMC § 305.6 (failure to maintain interior doors).

Insert a new Section 3314 to read as follows:

3314 GREEN BUILDING CODE AND ALTERNATIVE COMPLIANCE PATH INFRACTIONS

The following abbreviations apply to this section and refer to referenced standards adopted by the 2013 District of Columbia Green Construction Code:

ASHRAE- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

LEED-Leadership in Energy & Environmental Design

3314.1 GREEN BUILDING CODE INFRACTIONS

- (a) 12-K DCMR § 405.3 (failure to comply with fifty percent (50%) native planting requirement). Fine Amount: \$20.00 per square foot of unplanted native planting area as specified in construction documents.
- (b) 12-K DCMR § 406.1 (failure to comply with seventy-five percent (75%) diversion requirement for land-clearing debris). Fine Amount:
 - (1) \$60.00 per ton of land-clearing debris [based on waste hauling receipts and documentation]; or
 - (2) \$16.00 per cubic yard of land-clearing debris [based on waste hauling receipts and documentation].
- (c) 12-K DCMR § 406.3 (failure to provide verification of compliance with seventy-five percent (75%) diversion requirement for land-clearing debris). Fine Amount: \$1.00 per square foot of land area disturbed as submitted at permit.
- (d) 12-K DCMR § 503.1 (failure to comply with requirement to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount:
 - (1) \$60.00 per ton of land-clearing debris [based on waste hauling receipts and documentation]; or
 - (2) \$16.00 per cubic yard of land-clearing debris [based on waste hauling receipts and documentation].
- (e) 12-K DCMR § 503.2 (failure to provide verification of compliance with requirement to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount: \$1.00 per square foot of

building submitted at permit.

- (f) 12-K DCMR § 505.1 (failure to comply with material selection requirements); fine amount \$0.05 per dollar below the minimum forty percent (40%) based on cost required by code.
- (g) 12-K DCMR § 505.3 (failure to provide documentation verifying compliance with material selection or whole building life cycle). Fine Amount: two percent (2%) of “Estimated Cost of Work” in permit application.
- (h) 12-K DCMR § 903.2 (failure to provide preliminary commissioning report to code official upon request). Fine Amount: \$1.00 per square foot of *gross floor area* of the *project* as submitted at permit.
- (i) 12-K DCMR § 903.3 (failure to provide final commissioning report to code official upon request). Fine Amount: \$2.00 per square foot of *gross floor area* of the *project* as submitted at permit.
- (j) 12-K DCMR Appendix A § A104.9.4 (failure to complete vegetated roof elective). Fine Amount: \$20.00 per square foot of unplanted vegetated roof area based on submitted and approved construction documents.
- (k) 12-K DCMR Appendix A § A104.10 (failure to complete native planting elective). Fine Amount: \$20.00 per square foot of unplanted native planting area based on submitted and approved construction documents.
- (l) 12-K DCMR Appendix A § A105.1 and 12-K DCMR §503.2 (failure to provide documentation of compliance with waste management project elective). Fine Amount: \$1.00 per square foot of gross floor area of project as submitted at permit.
- (m) 12-K DCMR Appendix A § A105.1 and 12-K DCMR §503.1 (failure to comply with elective to recycle or salvage at least seventy percent (70%) of nonhazardous construction waste). Fine Amount: \$60.00 per ton, or \$16.00 per cubic yard, of nonhazardous waste material [based on waste hauling receipts and documentation].
- (n) 12-K DCMR Appendix A § A105.2 and 12-K DCMR §503.2 (failure to provide documentation of compliance with construction waste landfill maximum project elective). Fine Amount: \$1.00 per square foot of gross floor area of project as submitted at permit.
- (o) 12-K DCMR Appendix A § A105.2 and 12-K DCMR §503.1 (failure to comply with construction waste landfill elective of maximum of 4lbs/sqft). Fine Amount: \$60.00 per ton of nonhazardous waste material [based on

waste hauling receipts and documentation].

- (p) 12-K DCMR Appendix A § A105.3, option 1, and 12-K DCMR §505.2 (failure to comply with fifty percent (50%) material selection elective) fine amount \$0.05 per dollar below the minimum fifty percent (50%) based on cost required by code.
- (q) 12-K DCMR Appendix A § A105.3, option 1, and 12-K DCMR §505.3 (failure to provide documentation of compliance with fifty percent (50%) material selection elective). Fine Amount: 2.5% of “Estimated Cost of Work” in permit application.
- (r) 12-K DCMR Appendix A § A105.3, option 2, and 12-K DCMR §505.2 (failure to comply with seventy-five percent (75%) material selection elective). Fine amount \$0.05 per dollar below the minimum seventy-five percent (75%) based on cost required by code.
- (s) 12-K DCMR Appendix A § A105.3, option 2, and 12-K DCMR §505.3 (failure to provide documentation of compliance with seventy-five percent (75%) material selection elective). Fine Amount: 3.75% of “Estimated Cost of Work” in permit application.

3314.2

ASHRAE 189.1 INFRACTIONS

- (a) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.a Greenfield sites (failure to retain twenty percent (20%) of native site vegetation). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (b) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.b Greenfield sites (failure to develop or retain twenty percent (20%) of site as vegetated area). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (c) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.b Greenfield sites (failure to develop or retain minimum sixty percent (60%) of site vegetated area as native and/or adaptive plants). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (d) 12-K DCMR § 303.1, ASHRAE 189.1 § 6.3.1.1 Landscape Design (failure to provide a minimum of sixty percent (60%) of improved landscape as native and/or adaptive plants). Fine Amount: \$20.00 per square foot of planting area based on approved area in construction documents.
- (e) 12-K DCMR § 303.1; ASHRAE 189.1 § 9.3.1.1 Construction Waste

Management Diversion (failure to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount: \$60.00 per ton or \$16.00 per cubic yard of nonhazardous waste material not recycled below the minimum fifty percent (50%) required by code.

- (f) 12-K DCMR § 303.1; ASHRAE 189.1 § 9.3.1.1 Construction Waste Management Diversion (failure to provide verification of compliance at code official request). Fine Amount: \$1.00 per square foot of building submitted at permit.
- (g) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.3.1.2 Construction Waste Management Total Waste (failure to meet construction waste maximum of 1.2 lbs/sqft). Fine Amount: \$60.00 per ton of construction waste material generated above the maximum 1.2 lbs/sqft required by code.
- (h) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.3.1.2 Construction Waste Management Total Waste (failure to provide verification of compliance at code official request). Fine Amount: \$1.00 per square foot of building submitted at permit.
- (i) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.1 Reduced Impact materials, Recycled Content (failure to meet ten percent (10%) based on cost of recycled content materials). Fine Amount: \$0.05 per dollar below the minimum ten percent (10 %) required by code.
- (j) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.1 Reduced Impact materials, Recycled Content (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of ten percent (10%) of the “Estimated Cost of Work” in permit application.
- (k) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.2 Reduced Impact materials, Regional Materials (failure to comply with regional materials requirements). Fine amount: \$0.05 per dollar below the minimum fifteen percent (15%) required by code.
- (l) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.2 Reduced Impact materials, Regional Materials (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of fifteen percent (15%) of the “Estimated Cost of Work” in permit application.
- (m) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.3 Reduced Impact materials, Biobased products (failure to comply with biobased product requirements). Fine amount \$0.05 per dollar below the minimum five percent (5%) required by code.

- (n) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.3 Reduced Impact materials, Biobased products (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of five percent (5%) of the “Estimated Cost of Work” in permit application.
- (o) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4 (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of forty-five percent (45%) of the reported “Estimated Cost of Work” in permit application.
- (p) 12-K DCMR § 303.1, ASHRAE 189.1 § 10.3.3 Final Commissioning Report (failure to provide final commissioning report to code official upon request). Fine Amount: \$2.00 per square foot of *gross floor area* of the *project* as submitted at permit application.

3314.3 LEED INFRACTIONS

- 3314.3.1 12-A DCMR § 101.4.9.4.2.2 (failure to submit evidence of LEED certification within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:
- (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m²) of *gross floor area*.
 - (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m²) of *gross floor area*.
 - (c) The amount of a fine for non-compliance under this sub-section shall not exceed \$3,000,000.
- 3314.3.2 12-A DCMR § 101.4.9.4.2.2 (failure to submit evidence of LEED certification within forty-eight (48) calendar months after receipt of the first certificate of occupancy for occupiable space in a *story above grade plane*). Fine Amount:
- (a) \$0.02 per square foot of *gross floor area* of the *project* to the District of Columbia.
 - (b) The fine shall be assessed for each month that the violation remains uncorrected.
 - (c) The fine shall be in addition to any fines issued under Section 3314.3.1 and shall not be subject to the \$3,000,000 limit under

Section 3314.3.1.

3314.4 GREEN COMMUNITIES INFRACTIONS

3314.4.1 12-A DCMR § 101.4.9.4.2.3 (failure to submit evidence of compliance with Enterprise Green Community Partners standard within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m²) of *gross floor area*.
- (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m²) of *gross floor area*.
- (c) The amount of a fine for non-compliance under this subsection shall not exceed \$3,000,000.

3314.4.2 12-A DCMR § 101.4.9.4.2.3 (failure to submit evidence of compliance with Enterprise Green Community Partners standard within forty-eight (48)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project*.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.4.1 and shall not be subject to the \$3,000,000 limit under Section 3314.4.1.

3314.5 NATIONAL GREEN BUILDING STANDARD (ICC 700) INFRACTIONS

3314.5.1 12-A DCMR § 101.4.9.4.2.4 (failure to submit evidence of compliance with the National Green Building Standard, ICC 700, and the EPA's Energy Star New Homes program or Multifamily High Rise Program within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$7.50 per square foot of *gross floor area* of construction if the

project is less than 100,000 square feet (9290 m²) of *gross floor area*.

- (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m²) of *gross floor area*.
- (c) The amount of a fine for non-compliance under this subsection shall not exceed \$3,000,000.

3314.5.2 12-A DCMR § 101.4.9.4.2.4 (failure to submit evidence of compliance with the National Green Building Standard, ICC 700, and the EPA’s Energy Star New Homes program or Multifamily High Rise Program within forty-eight (48)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project* to the District of Columbia.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.5.1 and shall not be subject to the \$3,000,000 limit under Section 3314.5.1.

Chapter 34, FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DEPARTMENT INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES AND CIVIL INFRACTIONS, is amended as follows:

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

3401 FIRE CODE INFRACTIONS

The following abbreviations apply to this section:

- IFC §- International Fire Code (2012 edition)
- NFPA- National Fire Protection Association

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

- (a) 12-H DCMR § 102.2 (change in occupancy that will subject the structure to special provisions of the Fire Code or Building Code without the approval of the code official);

- (b) 12-H DCMR § 105.1.1 (failure to obtain and maintain required permits on the premises, including operational or installation permits as described by 12-H DCMR §§ 105.1.2 and 105.6);
- (c) 12-H DCMR § 104.11.6.2 (obstructing operations of the Fire Department in connection with extinguishment or control of any fire, or action relating to other emergencies);
- (d) 12-H DCMR § 109.2.5 (failure to remedy dangerous condition or remove hazardous materials);
- (e) 12-H DCMR § 110.1.1 (failure to remedy hazardous conditions liable to cause or contribute to the spread of fire in, or on, the premises, building or structure, or endangering life or property);
- (f) IFC § 5003.3.1.4 (failure to remedy hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials);
- (g) 12-H DCMR § 110.5 (failure to maintain, on a structure, premises, or lot, the fire protection equipment, systems or devices, means of egress or safeguards required by the Fire Code);
- (h) 12-H DCMR § 109.2.4 (failure to remedy unsafe conditions in an existing structure or vacant structure, or a deficiency in a means of egress);
- (i) 12-H DCMR § 110.2 (refusal to leave, or interference with the evacuation of other occupants or continuance of any operation after receiving an evacuation order);
- (j) 12-H DCMR § 109.2.4 (failure to comply with a notice of violation issued by the code official);
- (k) IFC § 311.2.1 (failure to secure exterior and interior openings of vacant premises);
- (l) IFC § 603.4 (failure to prohibit the use of portable unvented heaters or fuel fired heating equipment in use groups A, E, I, R-1, R-2, R-3 and R-4);
- (m) IFC § 604.1 (failure to maintain and inspect emergency and standby systems in accordance with the Fire Code, NFPA110 and NFPA111);
- (n) IFC § 904.1 (failure to inspect, test and maintain automatic fire-extinguishing systems (except sprinkler systems) in accordance with the Fire Code and the applicable referenced standards);

- (o) IFC § 1004.3 (failure to post occupant load);
- (p) 12-H DCMR § 107.5 (permitting overcrowding or admitting persons beyond the established occupant load); or
- (q) 12-H DCMR § 5609.1.1 (engaging in the manufacturing, possession, storage or display, sale, setting off, or discharge of prohibited fireworks).

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

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

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

- (a) IFC § 605.3 (failure to provide and maintain required clearance in front of electrical service equipment);
- (b) IFC § 807.4.1 (obstruction of egress or exit access visibility by placement of furnishing or other objects in educational, assembly and in institutional group 4 occupancies);

- (c) IFC § 906.1 (failure to provide fire extinguishers in required occupancies and locations); or
- (d) IFC § 1029.4 (failure to ensure security bars, grilles and screens over emergency escape windows are releasable or removable from the inside without the use of a key or tool).

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

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

3401.5 Violation of any provisions of the District of Columbia Fire Code not otherwise listed in Section 3401 shall be a Class 5 infraction.

All persons desiring to comment on these proposed regulations should submit comments in writing to Matthew Orkins, Legislative Affairs Director, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at matt.orkins@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”.

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)(14), (16), (17), and (19), and 10b 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)(14), (16), (17), and (19) and 50-309.02 (2014 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt a new Chapter 21, entitled “Office of Hearing Examiners,” to Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would establish the Office of Hearing Examiners (“OHE”), and provides the procedures parties are to follow when filing appeals based denials or nonrenewal of licenses and proposed suspensions and revocations. OHE would be an independent unit of the Office of Taxicabs, with jurisdiction to hear and adjudicate the following types of contested cases: (1) Decisions to deny new licenses; (2) Decisions to deny renewed licenses; (3) Notices of proposed suspensions of licenses; and (3) Notices of proposed revocations of licenses. This proposed rulemaking would also amend Chapter 99 to add necessary definitions.

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.

A new Chapter 21, OFFICE OF HEARING EXAMINERS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is added as follows:

2100 APPLICATION AND SCOPE

- 2100.1 This chapter is intended to establish fair and consistent procedural rules for the hearing and adjudication of matters by the Office of Hearing Examiners (“OHE”), as established herein.
- 2100.2 The provisions of this chapter shall apply to all matters heard or adjudicated by OHE.
- 2100.3 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act and the Impoundment Act.
- 2100.4 OHE shall have jurisdiction to adjudicate and conduct a hearing in a matter involving one or more of the following actions by the Office:
- (a) A decision to deny a new license;
 - (b) A decision to deny a renewed license;

- (c) A notice of proposed suspension of a license; or
- (d) A notice of proposed revocation of a license.

- 2100.5 Hearings shall be conducted at the administrative offices of the Office, or elsewhere in the District as designated in an administrative issuance.
- 2100.6 All adjudications and hearings before OHE shall comply with this chapter, the Administrative Procedure Act (“APA”), and other applicable laws.
- 2100.7 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title other than Chapter 7, the provision of this chapter shall control.

2101 EFFECT OF FAILURE TO APPEAL

- 2101.1 If an appellant or respondent fails to timely appeal an action by the Office enumerated in § 2100.4, the action shall become final and not subject to appeal.

2102 INDEPENDENCE AND IMPARTIALITY OF HEARING EXAMINERS

- 2102.1 Hearing examiners shall be employees of the Office, but no hearing examiner shall be subject to the supervision, direction, control, or influence of an official, employee, agent, or counsel of the Office or the Commission, except for purposes of time and attendance.
- 2102.2 No official, employee, agent, or counsel of the Office or the Commission shall engage in *ex parte* communications with an employee of OHE, or attempt to supervise, direct, control, or influence a hearing examiner in connection with the merits or facts of any matter.
- 2102.3 No official, employee, agent, or counsel of the Office or the Commission shall assign to a hearing examiner any task or duty which is unrelated to adjudications or hearings, or which limits a hearing examiner’s availability to adjudicate matters, except for time and attendance and other administrative matters applicable to all District employees.
- 2102.4 Hearing examiners shall be required at all times to act in a manner that promotes public confidence in the integrity and impartiality of OHE.

2103 POWERS AND DUTIES OF HEARING EXAMINERS

- 2103.1 All hearings shall be conducted by a hearing examiner. No other official, employee, agent, or counsel of the Office shall have authority to adjudicate contested cases before the Office of Taxicabs.

- 2103.2 Hearing examiners shall conduct fair and impartial hearings, in a manner which ensures that facts are fully and accurately elicited and that all issues are adjudicated expeditiously so as to not create undue delay.
- 2103.3 Hearing examiners shall ensure that each hearing is conducted in an orderly manner, and shall have the authority to physically exclude from a hearing an appellant, respondent, or other individual who substantially interferes with or obstructs the orderly conduct of a hearing.
- 2103.4 Within thirty (30) days following the receipt of a request for a hearing pursuant to § 2106, OHE shall schedule a hearing and serve notice thereof upon the parties.
- 2103.5 Each hearing examiner shall have authority to:
- (a) Administer oaths and affirmations;
 - (b) Examine witnesses and receive testimony;
 - (c) Rule upon offers of proof and receive evidence;
 - (d) Regulate the course and conduct of hearings;
 - (e) Rule upon motions and dispose of procedural requests and similar matters;
 - (f) Hear and decide questions of law and fact;
 - (g) Exclude information which is scandalous, impertinent, or not relevant to the adjudication of the matter;
 - (h) Issue a subpoena to compel a witness to testify; and
 - (i) Limit the evidence and number of witnesses to be heard, and the nature of testimony, to avoid cumulative evidence and to expedite the proceedings.

2104 RECUSAL

- 2104.1 A hearing examiner shall recuse himself or herself from a matter where he or she is unable to act in a fair and impartial manner. Notice of a recusal shall be provided to the senior hearing examiner.
- 2104.2 Grounds for recusal shall include:
- (a) A conflict of interest or the appearance thereof;
 - (b) Bias toward a party or the appearance thereof;
 - (c) An *ex parte* communication or pre-judgment of the matter by the hearing

examiner of any fact or issue; and

(d) Any other reason for recusal supported by District law.

2104.3 A party shall file a motion to recuse a hearing examiner from participating in the adjudication not later than five (5) days after receipt of the notice of hearing.

2104.4 Each motion for recusal shall be supported by an affidavit setting forth the reasons for recusal. Failure to timely file a motion for recusal by the time required by § 2104.3 may be construed as a waiver of all grounds for recusal.

2104.5 The senior hearing examiner shall rule upon each motion for recusal.

2104.6 If, following recusal, there are no hearing examiners available to adjudicate a matter, the matter shall promptly be transferred to the Commission for adjudication on the merits.

2105 EX PARTE COMMUNICATIONS

2105.1 Hearing examiners shall not engage in *ex parte* communications with any individual, including any official, employee, agent, or counsel of the Commission or the Office.

2105.2 Where a hearing examiner has engaged in *ex parte* communications, the hearing examiner shall disclose such communications on the record, and shall consider whether recusal is required by § 2105.1.

2106 REQUEST FOR HEARING

2106.1 An appeal shall be filed with OHE within the time prescribed by §§ 708 and 709.

2106.2 Each request for a hearing shall include:

(a) The full name of the respondent or appellant, and the full name of the appellant's or respondent's representative, if any, appearing on the appellant's or respondent's behalf pursuant to § 2108;

(b) The mailing address, email address, and telephone number of the appellant or respondent, or of the appellant's representative, if any;

(c) A brief statement of the reasons for the appeal;

(d) A brief statement of the relief sought from OHE; and

(e) A copy of the document reflecting the Office's decision to deny a new or renewed license, or letter, the notice of proposed suspension, or the notice

of proposed revocation.

2107 SUMMARY ADJUDICATION

- 2107.1 An appellant may request that an appeal of a decision to deny a new or renewed license be decided summarily, without a hearing.
- 2107.2 Each motion for summary adjudication shall be supported by evidence that identifies the facts not in dispute, with appropriate affidavits, and citations to relevant legal authority.

2108 REPRESENTATIVES

- 2108.1 An appellant or respondent, at its own expense, may appear through an attorney or non-attorney representative.
- 2108.2 Each representative shall file a notice of appearance at least two (2) days prior to the first scheduled hearing at which the representative expects to appear. The notice shall include the representative's full name, contact information, bar number, and jurisdiction(s) of admission.
- 2108.3 A representative shall not be heard and shall not file or serve documents, other than a request for a hearing, until a notice of appearance has been filed.
- 2108.4 A representative may withdraw by serving and filing a notice of withdrawal upon all parties, provided that no motions are pending and no hearing has been scheduled. If a motion is pending or a hearing date has been scheduled, withdrawal shall be granted only by leave of the hearing examiner.
- 2108.5 An attorney acting as a representative shall be in good standing in all jurisdictions where the attorney is admitted, and shall comply with the D.C. Rules of Professional Responsibility throughout the course of the representation.
- 2108.6 Each representative shall exhibit professionalism and courtesy, and shall not mislead or make false statements to OHE.

2109 FAILURE TO APPEAR

- 2109.1 Where a respondent or appellant fails to appear for a scheduled hearing, the hearing examiner may enter a default, provided however, that the Office shall be required to proffer sufficient evidence to meet its burden of proof.
- 2109.2 Where, following default, the Office proffers sufficient evidence to meet its burden of proof, the hearing examiner shall issue a default judgment, which shall constitute the hearing examiner's final decision in the matter.

2109.3 A respondent or appellant may file a motion to set aside a default judgment within ten (10) days following the default judgment. If a respondent fails to file a motion to set aside a default judgment, the default judgment will become final. The hearing examiner may grant the motion for good cause shown.

2110 MOTIONS

2110.1 Motions shall be filed no later than ten (10) days prior to the hearing, shall state the nature of the motion and the relief sought, and shall be supported by appropriate documentation.

2110.2 A response or opposition to a motion shall be filed not later than five (5) days prior to the hearing, and shall be supported by appropriate documentation. Replies and sur-replies shall not be filed without leave.

2110.3 Where leave is required to file a document, a motion for leave shall be filed within ten (10) days following service of the motion or order to which the document is addressed.

2110.4 Each motion other than a motion made at a hearing shall be in writing and shall be served upon all parties to the matter. The filing or pendency of a motion shall not extend any deadline.

2110.5 Motions made during a hearing may be made orally at the discretion of the hearing examiner.

2111 COMPUTATION OF TIME

2111.1 An applicable time period measured in days under this chapter shall be calculated using the computation of time rules prescribed by Chapter 7, if any, and, if none, then in calculating such period:

- (a) The day of the act, event, or default from which the period begins to run shall not be included;
- (b) The last day of the period shall be included;
- (c) Unless otherwise specified, any reference to “days” includes calendar days including holidays and weekends; and
- (d) When the last day is a Saturday or a Sunday, or a national or District holiday, the period shall run until the close of business of the following business day.

2112 ENLARGEMENTS OF TIME

2112.1 When an act is required or allowed to be done within a specified time, a hearing

examiner, upon motion demonstrating good cause, or *sua sponte*, may enlarge the time period.

2112.2 If a motion is made to enlarge before the expiration of the period originally prescribed.

2112.3 If a motion for enlargement of time is filed after the expiration of the time period, the hearing examiner may grant the enlargement for good cause shown, provided that the failure to file the motion prior to the expiration of the time period was the result of excusable neglect.

2112.4 A motion for enlargement of time shall not apply to the time prescribed for filing an appeal.

2113 CONTINUANCES OF HEARINGS

2113.1 A hearing examiner may continue a hearing for good cause shown, including at a hearing, upon motion or *sua sponte*, provided the continuance does not unduly delay or disrupt the adjudication of a matter, and does not cause undue prejudice to the opposing party.

2113.2 Each motion for continuance shall comply with § 2110.

2114 DISMISSALS OF MATTERS

2114.1 A respondent or appellant may file a motion to dismiss at any time.

2114.2 Parties may file a joint motion to dismiss, with or without prejudice, at any time.

2114.3 If a respondent or appellant fails to comply with a hearing examiner's order or with the requirements of this chapter, or fails to prosecute, the hearing examiner may dismiss the matter *sua sponte* or upon motion.

2114.4 A dismissal shall be without prejudice, unless the hearing examiner orders otherwise.

2114.5 Each motion to dismiss shall be in writing unless made orally at a hearing.

2114.6 Each motion to dismiss shall state the reasons for dismissal and include supporting documentation.

2115 SUBPOENAS

2115.1 A hearing examiner shall have authority to issue a subpoena for the appearance of witnesses or the production of documents, *sua sponte* or upon the filing of a motion.

- 2115.2 Each motion for a subpoena shall identify the relevance of the documents sought or witnesses requested, and shall be filed not later than ten (10) days prior to the hearing.
- 2115.3 If a motion for subpoena is granted, the moving party shall serve the subpoena in the manner required by § 714.1 (a) and (c), and shall serve a copy of the subpoena and proof of service upon the opposing party within one (1) day.
- 2115.4 Proof of service of a subpoena shall be filed with OHE within three (3) days following service of the subpoena, or one (1) day prior to the hearing, whichever is earlier.

2116 BURDEN OF PROOF

- 2116.1 In all matters adjudicated by OHE, the Office shall bear the burden of proof to establish by a preponderance of the evidence an evidentiary basis for the Office's denial or nonrenewal of a license, or for the Office's proposed suspension or revocation of a license.
- 2116.2 If the Office has presented all of its evidence and the hearing examiner determines that the Office has not met its burden of proof, the hearing examiner may enter judgment against the Office without the presentation of additional evidence.

2117 EVIDENCE

- 2117.1 Formal rules of evidence shall not apply to adjudications or hearings before OHE.
- 2117.2 Hearsay may be considered during a hearing, provided however, that hearsay shall not serve as the sole evidentiary basis for a suspension or revocation of a license.
- 2117.3 Irrelevant, immaterial, scandalous, cumulative, or unduly lengthy evidence may be excluded at the discretion of the hearing examiner.
- 2117.4 Each party shall have the right to present witnesses, to conduct direct examination and cross examination, and to introduce documentary evidence.
- 2117.5 Each party shall serve upon the opposing party and file with OHE, exhibit and witness lists, not later than five (5) business days prior to the hearing.
- 2117.6 A hearing examiner may require the production of evidence by either party.
- 2117.7 A hearing examiner may take judicial notice of generally accepted facts, but shall not take judicial notice of any facts in dispute.

2118 DECISIONS

- 2118.1 A hearing examiner shall issue a written decision within thirty (30) days following the hearing.
- 2118.2 Each decision shall include:
- (a) A list of the exhibits accepted in evidence and the witnesses who testified;
 - (b) Findings of fact based on the evidence adduced at the hearing; and
 - (c) Conclusions of law referencing the applicable law and identifying the findings of fact upon which the conclusions rest.
- 2118.3 If the Establishment Act does not require that a hearing examiner's decision be approved by the Commission, the decision shall be a final agency decision.
- 2118.4 If the Establishment Act requires that a hearing examiner's decision be approved by the Commission, the hearing examiner shall promptly refer the matter to the Commission.

2119 RECONSIDERATION

- 2119.1 A motion for reconsideration of a hearing examiner's decision shall be filed within ten (10) days following the issuance of the decision.
- 2119.2 Each motion for reconsideration shall state the grounds for reconsideration and shall be limited to: errors of law; findings of facts not supported by the evidence, or newly discovered evidence which was not reasonably available to the party at the time of the hearing.
- 2119.3 The filing of a motion for reconsideration shall not stay a decision by the Office to deny a new license, but it shall stay a decision by the Office to deny a renewed license, a notice of proposed suspension, or a notice of proposed revocation.

2120 APPEALS

- 2120.1 This section shall apply to decisions of a hearing examiner which do not require Commission approval under the Establishment Act.
- 2120.3 In accordance with Chapter 7, either party may appeal a hearing examiner's decision to the Commission within thirty (30) days of the issuance of the decision.
- 2120.4 Upon receipt of an appeal from a hearing examiner's decision, the Commission shall render a final decision to affirm, reverse, or modify the decision, or to remand for further proceedings.

2120.5 The filing of an appeal shall not stay a decision by the Office to deny a new license.

2120.6 The filing of an appeal shall stay a decision by the Office to deny a renewed license, a notice of proposed suspension, or a notice of proposed revocation.

2121 RECORDS OF HEARINGS

2121.1 All hearings shall be recorded, and shall be available to the parties and to the public by transcript.

2121.2 The administrative record shall consist of the OHE file, exhibits, transcripts, and all other documents filed with or issued by OHE.

2121.3 A party appealing a decision of OHE shall bear the expense of producing the transcript where not already produced.

2122 FINAL AGENCY DECISION

2122.1 A decision of the Commission on a matter referred under § 2118.4 or appealed to the Commission under § 2120 shall constitute a final agency decision.

2122.2 A decision of a hearing examiner which is not timely appealed in accordance with § 2120.3 shall constitute a final agency decision.

Chapter 99, DEFINITIONS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended as follows:

“**APA**” - the Administrative Procedures Act, as defined in this chapter.

“**Evidence**” - papers, notarized statements, photographs, and other things a party believes are helpful to a case.

“**Ex parte communications**” – direct or indirect communications about the merits or facts of a matter or impending matter which do not occur in the presence of all parties, and which do not include scheduling or other procedural matters unrelated to the merits or facts of a matter.

“**Hearing examiner**” - an individual assigned by the Chief of the Office to adjudicate cases at OHE.

“**Matter**” - a contested case, as defined in the Administrative Procedures Act.

“Preponderance of the evidence” - evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, sufficient evidence to convince the hearing examiner that something is more likely to have occurred than to not have occurred.

“Proceeding” - the entire adjudication process, from the issuance of a notice of hearing through the issuance of a decision, including the disposition of any motion for reconsideration.

“Senior hearing examiner” – an individual assigned by the Chief of the Office to adjudicate cases at OHE pursuant to the APA and the Establishment Act, to the adjudication of contested cases, to supervise the hearing examiners and other employees of the OHE, and to manage all administrative and personnel functions of OHE.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E. Suite 3001, Washington DC 20020. Persons wishing to file comments on the proposed rulemaking action should file written comments via email to dctc@dc.gov or by mail to the Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E. Suite 3001, Washington DC 20020, not later than thirty (30) days after publication of this notice in the *D.C. Register*.

**DEPARTMENT ON DISABILITY SERVICES AND
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department on Disability Services (DDS), pursuant to the authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.* (2012 Repl.)), and the Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby give notice of the adoption, on an emergency basis, of a new Section 1940 entitled “Waiting List,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules establish a waiting list for people who are otherwise eligible for services and supports and requesting services and supports through enrollment in the District of Columbia Medicaid program’s Home and Community-Based Services (HCBS) Waiver for Persons with Intellectual and Developmental Disabilities (IDD). These rules also establish the procedures for an eligible person to be placed on the waiting list, to be assigned a priority status, to be removed from the waiting list, and to be reviewed at least quarterly while on the waiting list.

This emergency and proposed rulemaking is necessary so that there will be rules in place consistent with the provisions of the Department on Disability Services Reporting, Waiting List, and Assessment Amendment Act of 2009 (D.C. Law 18-111; D.C. Official Code § 7-761.05(7) (2012 Repl.)), and the District of Columbia Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities, No. DC.0307.R03.00, as approved November 20, 2012. An amendment to the HCBS IDD waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2015 Supp.)). CMS approved the amendment to the HCBS IDD waiver effective September 24, 2015.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of waiver applicants who are in need of services. The rule establishes a mechanism by which DDS can allocate resources in accordance with an order of priority that is consistent with the terms of the HCBS IDD waiver.

The emergency rulemaking was adopted on February 3, 2016, and became effective on that date. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until June 2, 2106, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. If approved, DDS and DHCF shall publish the effective date with the Notice of Final Rulemaking. The Directors of DDS and DHCF also give

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

Section 1940 is adopted to read as follows:

1940 WAITING LIST

- 1940.1 The Department on Disability Services (DDS), through its Developmental Disabilities Administration (DDA), may establish a waiting list for people who are otherwise eligible for and requesting services and supports through enrollment in the District of Columbia Medicaid program's Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (HCBS IDD waiver), consistent with the approved HCBS IDD waiver, No. DC.0307.R03.00, as approved November 20, 2012, and in accordance with the requirements of the Department on Disability Services Establishment Act (D.C. Law 16-264; D.C. Official Code § 7-761.05(7) (2012 Repl.)), and as further amended.
- 1940.2 A person is considered "eligible" if he or she meets the requirements for DDA services as set forth in D.C. Official Code § 7-1301.01 *et seq.*, and the eligibility criteria for participation in the HCBS IDD waiver program, which are found in the approved HCBS IDD waiver application, and are linked to the Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) level of care criteria, and are set forth in 29 DCMR §§ 1902.1 to 1902.4. Waiver eligibility criteria require that a person be: (1) a District of Columbia resident currently receiving services from DDS/DDA; (2) a Medicaid recipient with income up to three hundred percent (300%) of Supplemental Security Income; and (3) a Medicaid recipient who meets an ICF/IID level of care criteria.
- 1940.3 All eligible people requesting supports, services, and HCBS IDD waiver enrollment shall be treated in a manner that is consistent with the terms of the HCBS IDD waiver, in accordance with the order of priority specified below.
- 1940.4 An eligible person seeking HCBS supports and services may do so through application to the HCBS IDD waiver program. The HCBS IDD waiver program is approved by the federal Centers for Medicare and Medicaid Services (CMS) to serve up to a set number of participants each year based on the approved HCBS IDD waiver application, as may be amended. If HCBS IDD waiver openings are not available because the maximum number of participants is being served, taking into account reserved capacity, DDA will establish a waiting list for deferred HCBS IDD waiver enrollment.

- 1940.5 Consistent with CMS requirements and based on the availability of appropriated funds for these services, DDA will make every reasonable effort to ensure that eligible people on the waiting list will be enrolled and begin to receive HCBS IDD waiver supports and services as quickly as feasible given the availability of waiver slots and the order of priority established by the terms of the waiver and these rules and the availability of funds.
- 1940.6 The application of each eligible person who applies for HCBS IDD waiver supports and services will be reviewed by DDA using the DDA Level of Need Assessment and Screening Tool (LON), or its successor.
- 1940.7 Based on the HCBS IDD waiver requirements and subject to the availability of appropriated funds for these services, eligible people on the waiting list for supports and services funded through the HCBS IDD waiver will be removed from the waiting list and be enrolled and begin to receive HCBS waiver supports and services in the following priority order, based upon the results of the Level of Need, or its successor, assessment:
- (a) An eligible person determined to have a priority need for HCBS IDD waiver services will be enrolled and receive them before all other eligible people;
 - (b) An eligible person determined to have an emergency need for HCBS IDD waiver services will be enrolled and receive them after all identified priority needs have been met and before all other remaining eligible people;
 - (c) An eligible person determined to have an urgent need for HCBS IDD waiver services will be enrolled and receive them after all identified priority and emergency needs have been met and before all other remaining eligible people; and
 - (d) An eligible person determined to have a non-urgent need for HCBS IDD waiver services will be enrolled and receive them only after all identified priority, emergency and urgent needs have been met; there is available enrollment space in the waiver; and sufficient appropriated resources are available.
- 1940.8 Priority Need: The following eligible people would be considered to have a “priority need” for enrollment in the HCBS IDD waiver:
- (a) A person who has no family or other natural support system to meet his/her assessed need for twenty-four (24) hour residential support;
 - (b) Any identified Evans class member, as defined in § 1940.99, who chooses HCBS IDD waiver services; and

- (c) Any person who is a ward of the District of Columbia who has aged out of the DC Child and Family Services Agency (CFSA) and has been in an out-of-home placement, and for whom returning to a parental/natural home is not an option.

1940.9 Emergency Need: A person is considered to have an “emergency need” for enrollment in the HCBS IDD waiver if the health and safety of the person or others is in imminent danger and the situation cannot be resolved absent the provision of such services available from the HCBS IDD waiver program. Criteria for determining an emergency need include, but are not limited to:

- (a) There is clear evidence of abuse, neglect, or exploitation;
- (b) The person’s primary caregiver is deceased and the person lacks an alternative primary caregiver; or
- (c) The person is homeless or at imminent risk of becoming homeless as these terms are defined in the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(18) and (23) (2012 Repl.)).

1940.10 Urgent Need: A person is considered to have an “urgent need” for enrollment in the HCBS IDD waiver if he or she is at significant risk of having his or her basic needs go unmet. Basic needs include the need for shelter, to eat, maintain one’s health and to be free from harm, injury or threats to one’s person or property.

1940.11 Non-Urgent Need: A person is considered to have a “non-urgent need” for enrollment in the HCBS IDD waiver if he or she:

- (a) Meets eligibility criteria for supports through the HCBS IDD waiver; and
- (b) Does not meet any of the priority, emergency, or urgent needs criteria.

1940.12 For people with the same priority status, when there are openings available in the HCBS IDD waiver DDA shall review all candidates and, based upon their needs as determined by the LON, shall make a determination of order of placement. Length of time on the waiting list shall be a factor considered, but is not solely considered to determine order of placement.

1940.13 Based on funding availability, DDA will provide immediate non-waiver services to people on the waiting list who have been identified as having a priority or emergency need:

- (a) If the person is homeless or at imminent risk of becoming homeless as these terms are defined in D.C. Official Code § 4-751.01(18) and (23); or

- (b) If there is reasonable belief that person is in imminent danger, or would be subject to abuse or neglect if the person does not receive immediate support or services.
- 1940.14 The application of each person on the waiting list will be reviewed by DDA at least quarterly to determine any change in the support needs of the person, the person's family, and other relevant circumstances affecting the support needs of the person. A review of a change in priority status will also be initiated within five (5) business days of the request by the person, or any member of his or her support team.
- 1940.15 Once a person's application has been approved for HCBS IDD waiver enrollment, the person will be assigned a service coordinator, who shall assist the person with completing his/her HCBS IDD waiver application and with development of the person's Individual Service Plan and HCBS IDD waiver Plan of Care.
- 1940.16 If the person is seeking out of home residential services through enrollment in the HCBS IDD waiver program, the person must be Medicaid-eligible and the person and his or her caregiver must be willing to accept available residential opportunities if necessary that meet the person's primary needs at the time of assessment.
- 1940.17 DDA will refer and assist people on the waiting list to identify, apply for and, when appropriate, obtain services from other District of Columbia or community based agencies for which they might be eligible, including services through the Medicaid State Plan.
- 1940.18 A person may be removed from the waiting list for HCBS IDD waiver service for any of the following reasons:
- (a) The person or his or her substitute decision-maker requests removal;
- (b) The person is no longer eligible for services from DDA; or
- (c) If, as part of the quarterly review of the person's priority status, the person's service coordinator is unable to reach the person or his or her family after three (3) documented attempts each at least one week apart. However, the service coordinator must first send a written notice by certified mail to the last known address notifying the person/family of DDA's intent to remove the person's name from the waiting list. For purposes of this provision, DDA need not make contact in order to remove the person from the waiting list but need only send written notice to the last address provided by the person/family.
- 1940.19 Each person on the waiting list and his or her legal representative shall be provided sufficient information and opportunity to request an agency review of any DDA decision with which they disagree relating to the person's placement on

the waiting list, priority status or removal from the waiting list for reasons other than enrollment and initiation of HCBS IDD waiver services.

- 1940.20 The agency review contemplated by this provision is an informal process by which the person and his or her legal representative may seek reconsideration of a DDA decision by the DDS Deputy Director for DDA, or his or her designee, and requires a written request for reconsideration setting forth the factual and legal basis for the disagreement relating to the person's placement on the waiting list, determination of order of priority status, or removal from the waiting list. Request for agency review must be made within thirty (30) days plus five (5) for mailing) from the date the written notice in §§ 1940.22 and 1940.23 was mailed, unless there is good cause for a late request.
- 1940.21 Each person placed on the waiting list or removed from the waiting list for reasons other than enrollment and initiation of HCBS IDD waiver services shall be entitled to a fair hearing at the Office of Administrative Hearings (OAH) in accordance with 42 CFR 43, D.C. Official Code § 4-210.01 *et seq.*, and 29 DCMR §§ 1909.1 to 1909.3. Each person on the waiting list and their legal representative shall have thirty (30) calendar days from receipt of the written notice in §§ 1940.22 and 1940.23 to demand a fair hearing.
- 1940.22 DDA shall provide to each person on the waiting list and their legal representative timely and adequate written notice of the DDA decision to place the person on the waiting list or to remove the person from the waiting list (for reasons other than enrollment and initiation of HCBS IDD waiver services).
- (a) Timely means that the written notice is sent by first-class U.S. Mail, postage prepaid, within five (5) business days of the decision to the last known address for the person and their legal representative as included in the completed application or entered in the DDA database for the person.
- (b) Adequate means that the written notice includes:
- (1) A statement of the action taken by DDA;
 - (2) The reason for the action and, if the action is placement on the waiting list, the person's rank on the waiting list and estimate of how long the person can expect to wait for HCBS IDD waiver supports and services;
 - (3) That the person can contact his or her service coordinator at any time to report a change in his or her circumstances and request a review of his or her priority status;
 - (4) An explanation of the person's right to an informal agency review and/ or fair hearing at the OAH;

- (5) The method by which the person may request an informal agency review or demand a fair hearing;
- (6) That the informal agency review is not required and does not toll the time that a person has to file with OAH; and that the person may immediately file a fair hearing request with OAH;
- (7) That the person may represent himself or herself, or use legal counsel, a relative, a friend or other person for assistance; and
- (8) Referral information for area legal services organizations.

1940.23 In addition to the written notice provided under § 1940.21, DDA shall send each person on the waiting list and their legal representative written notice of the DDA's decision to continue the person's placement on the waiting list beyond the first six (6) months, and twice annually thereafter.

1940.24 DDS shall publish an annual report on the waiting list during the prior fiscal year, which shall include a demographic profile of people on the waiting list; aggregate information on the level of need and requested supports and services of people on the waiting list; information about the length of time people have been on the waiting list; provide projected annual costs to meet the aggregate needs of all people on the waiting list; and discuss methods to reduce the waiting list and maximum waiting period.

1940.99 DEFINITIONS

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

Aged Out – Refers to the threshold age when people receiving services from certain agencies are no longer eligible such services, but may then become eligible for services and supports from DDA. These include wards of the state that are residentially funded by the Children and Family Services Agency and, upon turning the age of twenty two (22), if they choose to continue to receive supports and meet the eligibility criteria for DDA, DDA provides those supports.

CMS - The Centers for Medicare and Medicaid Services is the federal agency under Title XIX of the Social Security Act responsible for approving HCBS waiver applications and monitoring the operation of waiver programs in the states and the District of Columbia.

Department on Disability Services (DDS) - The agency that provides services to District of Columbia residents with intellectual and other disabilities

through its Developmental Disabilities Administration and Rehabilitation Services Administration.

Evans class member – Refers to any person who was a former resident of Forest Haven and therefore is identified as a member of the class as defined in the Order to Amend Class Action Order in *Evans v. Washington*, Civil Action No. 76-0293 (D.D.C. filed Jan. 19, 1977).

Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (HCBS IDD waiver) - The HCBS IDD waiver is a District of Columbia Medicaid program as approved by the Council of the District of Columbia and CMS that funds home and community-based services and supports as an alternative to receiving services in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID).

HCBS IDD Waiver Waiting List - The list of people who have been reviewed and assessed by DDA, have been assigned a priority ranking, and are waiting for an opening in the DDA HCBS waiver program to be enrolled and receive services.

Intermediate Care Facility for Individuals With Intellectual Disabilities (ICF/IID) - ICFs/IID are Medicaid State Plan funded residential settings that provide all residential (room and board), day/vocational, therapeutic, habilitative, supervision and transportation services as specified in the person's Person Support Plan. ICF/IID homes are certified and licensed by the D.C. Department of Health.

ICF/IID Level of Care Criteria – These criteria establish the diagnostic and functional eligibility criteria for HCBS IDD waiver services and are set forth in 29 DCMR §§ 1902.1 to 1902.4, as amended.

Reserved Capacity - Reserve capacity is a number of waiver slots set aside for people who are currently in an ICF/IID settings who want to move to smaller, integrated residential settings through the waiver, as well as a commitment to wards of the State who are transitioning from the Children and Family Services Agency (CFSA) to adult services in DDS/DDA that are placed in out-of-home services to assure a seamless transfer to adult services.

Residential Supports - A broad term used to describe options for people who need housing supports (*i.e.* rent, food, utilities and supplies) outside of the family or person's home in addition to paid staff supports, clinical services or other HCBS waiver services. Residential supports are included if a person chooses to receive services through the Medicaid State Plan ICF/IID program. Residential supports are not included in the HCBS IDD

waiver program (except for Host Home and Live-in Caregiver Services, in part), and therefore must be requested and managed separately from HCBS IDD waiver enrollment. Residential supports for persons participating in the HCBS IDD waiver program are one hundred percent (100%) dependent upon local funding, and should be combined with housing vouchers, food stamps, cash benefits, wages and other sources of housing subsidies to maximize the capacity of DDA to support all people who need such support.

Comments on these emergency and proposed rules shall be submitted, in writing, to Laura L. Nuss, Director, D.C. Department on Disability Services, 1125 Fifteenth Street, N.W., 4th Floor, Washington, D.C. 20005, or online at www.dcregs.dc.gov, within thirty (30) days from the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rules may be obtained from the same address.

DEPARTMENT OF HEALTH CARE FINANCE

SECOND 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 1920, entitled “Day Habilitation Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement of day habilitation one-to-one services and day habilitation small group services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990) (October 3, 2014). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Day habilitation services are aimed at developing activities and skills acquisition to support or further integrate community opportunities outside of a person’s home and assist the person in developing a full life within the community. Day habilitation one-to-one services are provided to persons with intense medical behavioral supports who require a behavioral support plan or require intensive staffing and supports. The Notice of Final Rulemaking for 29 DCMR § 1920 (Day Habilitation Services) was published in the *D.C. Register* on November 8, 2013, at 60 DCR 015530. A Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on October 23, 2015, at 62 DCR 013880, was adopted and became effective on October 14, 2015, and remains in effect until February 11, 2016, or adoption of this second emergency and proposed rulemaking, whichever occurs first. The first emergency and proposed rules amended the previously published final rules by: (1) clarifying the purpose of day habilitation services; (2) adding a nursing component to the service definition for the purpose of medication administration, and staff training and monitoring of waiver participants’ Health Care Management Plans; (3) modifying the rate to reflect the approved methodology in accordance with the ID/DD Waiver; (4) adding small group day habilitation for people with higher intensity needs and describing the conditions in which services may be delivered; (5) specifying that the required staff to person ratio for small group day habilitation is 1:3; (6) introducing a small group

day habilitation rate for the staffing ratio of 1:3; (7) adding the provision of one nutritionally adequate meal per day for people who live independently or with their families and who select to receive a meal; (8) adding to the list of activities that day habilitation shall consist of, including requiring activities to support community integration and inclusion; (9) requiring the development of a Positive Personal Profile, Job Search and Community Participation Plan; (10) requiring an individualized daily schedule; (11) requiring that, if day habilitation is provided in a facility, it must provide opportunities for community engagement, inclusion and integration; (12) requiring that all day habilitation providers comply with Section 1938 of Chapter 19 of Title 29 of the DCMR; (13) requiring that quarterly reports include a description of the person's activities in the community that support community integration and inclusion; and (14) barring the payment of stipends by the day habilitation provider to a waiver beneficiary.

DHCF received public comments on the first emergency and proposed rulemaking requesting clarification for the staffing ratios and billing rates. DHCF is promulgating this Second Notice of Proposed and Emergency Rulemaking to continue the changes reflected in the first emergency and proposed rules as described above and to further amend the rules by: (1) clarifying the staffing ratios for day habilitation and small group day habilitation; (2) clarifying the billing rates for day habilitation and small group day habilitation; (3) providing further details about provider responsibility for offering activities that support community integration and inclusion; and (4) including rates that align with Waiver Year 4.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of ID/DD Waiver services. The ID/DD Waiver serves some of the District's most vulnerable residents. As discussed above, these amendments clarify certain requirements that assist in preserving the health, safety and welfare of ID/DD Waiver participants.

The emergency rulemaking was adopted on February 1, 2016, and became effective immediately. The emergency rules shall remain in effect for one hundred and twenty (120) days from the adoption date or until May 31, 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 on this notice in the *D.C. Register*.

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

Section 1920, DAY HABILITATION SERVICES, is amended to read as follows:

1920 DAY HABILITATION SERVICES

1920.1 The purpose of this section is to establish standards governing Medicaid eligibility for day habilitation for persons enrolled in the Home and Community-Based Services (HCBS) Waiver for Individuals with Intellectual and

Developmental Disabilities (Waiver), and to establish conditions of participation for providers of day habilitation services.

- 1920.2 Day habilitation services are aimed at developing meaningful adult activities and skills acquisition to: support or further community integration, inclusion, and exploration, improve communication skills; improve or maintain physical, occupational and/or speech and language functional skills; foster independence, self-determination and self-advocacy and autonomy; support people to build and maintain relationships; facilitate the exploration of employment and/or integrated retirement opportunities; help a person achieve valued social roles; and to foster and encourage people on their pathway to community integration, employment and the development of a full life in the person's community.
- 1920.3 Day habilitation services are intended to be different and separate from residential services. These services are delivered in group settings or can be provided as day habilitation one-to-one services.
- 1920.4 Day habilitation services may also be delivered in small group settings at a ratio of one-to-three for people with higher intensity support needs. Small group day habilitation settings must include integrated skills building in the community and support access to the greater community. It cannot be:
- (a) Provided in the same building as a large day habilitation facility setting; or
 - (b) Delivered in groups larger than fifteen (15) people.
- 1920.5 To be eligible for day habilitation services:
- (a) The service shall be requested by the person and recommended by the person's Support Team and included in the Individualized Support Plan (ISP) and Plan of Care; and
 - (b) A person shall have a demonstrated personal and/or social adjustment need that can be addressed through participation in an individualized habilitation program.
- 1920.6 Day habilitation one-to-one services shall consist of:
- (a) Intense behavioral supports that require a behavioral support plan; or
 - (b) Services for a person who has medical needs that require intensive staffing and supports.
- 1920.7 To be eligible for day habilitation one-to-one services, a person shall meet at least one of the following requirements:

- (a) Exhibit elopement which places the health, safety, or well-being of the person at risk;
- (b) Exhibit behavior that poses serious bodily harm to self or others;
- (c) Exhibit destructive behavior that poses serious property damage, including fire-setting;
- (d) Have any other intense behavioral problem that has been deemed to require one-to-one supervision;
- (e) Exhibit sexually predatory behavior; or
- (f) Have a medical history of, or high risk for, falls with injury, be physically fragile or have physical needs that do not require professional nursing but require intensive staffing, and have a physician's order for one-to-one staffing support.

1920.8 Day habilitation one-to-one services shall be authorized and approved in accordance with DDS/DDA policies and procedures available at <http://dds.dc.gov/page/policies-and-procedures-dda>.

1920.9 Day habilitation services shall be provided pursuant to the following service delivery criteria:

- (a) The service may be provided in a group setting. However, persons within the group must also receive services on an individualized basis;
- (b) The services provided in a community-based venue shall offer skill-building activities to enhance the person's habilitation needs; and
- (c) The service shall be provided in the most integrated setting appropriate to the needs of the person.

1920.10 Day habilitation services shall consist of the following activities that are based on what is important to and for the person as documented in his or her Individualized Support Plan and reflected in his or her Person-Centered Thinking and Discovery tools:

- (a) Training and skills development that increase participation in community activities, enhance community inclusion, and foster greater independence, self-determination and self-advocacy;
- (b) A diversity of activities that allow the person the opportunity to choose and identify his or her own areas of interest and preferences;

- (c) Activities that provide opportunities for socialization and leisure activities in the community, community explorations, and activities that support the person to build and maintain relationships;
- (d) Training in the safe and effective use of one or more modes of accessible public transportation;
- (e) Coordination of transportation to enable the person to participate in community activities;
- (f) Activities to support community integration and inclusion. These must occur in the community in groups not to exceed four (4) participants for regular day habilitation or three (3) participants for people in small group day habilitation. The activities, frequency and duration must be based on people's interests and preferences as reflected in their Individualized Support Plan and Person-Centered Thinking and Discovery tools. Except when a person's ISP indicates a lower frequency, each person must be offered the opportunity to engage in community integration and inclusion activities at least once per week. The Department on Disability Services (DDS) encourages the use of learning logs for documentation of community integration and inclusion activities; and
- (g) Individualized or group services that enable the person to attain his/her maximum functional level based on the ISP and Plan of Care.

1920.11 Day habilitation services shall include a nursing component for the purposes of:

- (a) Medication administration;
- (b) Staff training in components of the Health Care Management Plan (regardless of the author of the plan); and
- (c) Oversight of Health Care Management Plans (regardless of the author of the plan).

1920.12 Day habilitation services shall include a nutritionally adequate meal for participants who live independently or in the family home and who select to receive a meal. The meal shall be provided during lunch hours, meet one-third of a person's daily Recommended Dietary Allowance, be based on the person's preferences, and not be medically contraindicated.

1920.13 Each day habilitation provider shall develop a day habilitation plan for each person that corresponds with the person's ISP and Plan of Care that supports the interests, choices, goals and prioritized needs of the person. In order to develop this plan, the provider must first develop a Positive Personal Profile (PPP) and Job Search and Community Participation Plan; the initial PPP and Job Search and

Community Participation Plan shall be developed within thirty (30) days of the initiation of services and shall be updated at least annually. Activities set forth in the day habilitation plan shall be functional, chosen by the person, correspond with habilitation needs and provide a pattern of life experiences common to other persons of similar age and the community-at-large. To develop the plan, the provider shall:

- (a) Use observation, conversation, and other interactions, including assessments such as a vocational assessment, as necessary, to develop a functional analysis of the person's capabilities within the first month of participation and annually thereafter;
- (b) Use the functional analysis, the ISP and Plan of Care, Person-Centered Thinking and Discovery tools, and other information available to identify what is important to and for the person and to develop a plan with measurable outcomes that develops to the extent possible the skills necessary to allow the person to reside and work in the community while maintaining the person's health and safety; and
- (c) Focus on enabling each person to attain his or her maximum functional level by coordinating Waiver services with other services provided by any licensed professionals listed in the person's ISP and Plan of Care.

1920.14 Each provider of Medicaid reimbursable day habilitation services shall develop, with the person, an individualized schedule of daily activities based upon the person's goals and activities as identified in his or her ISP, and consistent with what is in his or her Person-Centered Thinking and Discovery tools, of meaningful adult activities that support the person on his or her pathway to employment and community integration and inclusion.

1920.15 Day habilitation providers may not pay a stipend to a person for attendance or participation in activities at the day habilitation program.

1920.16 Each day habilitation provider shall meet the following provider qualification and enrollment requirements:

- (a) Comply with the requirements described under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR; and
- (b) Maintain the required staff-to-person ratio, indicated on the person's ISP and Plan of Care, to a maximum staffing ratio of 1:4 for regular day habilitation or 1:3 for people in small group day habilitation.

1920.17 In addition to the requirements at Section 1920.16, providers of small group day habilitation shall provide documentation that the program manager of the HCBS

Waiver provider agency has at least three (3) years of experience working with people with intellectual and developmental disabilities who have complex medical and/or behavioral needs.

- 1920.18 Each direct support professional (DSP) providing day habilitation services for a provider shall comply with Section 1906 (Requirements of Direct Support Professionals) of Chapter 19 of Title 29 DCMR.
- 1920.19 To receive Medicaid reimbursement, day habilitation services shall be provided in the community or in a facility-based setting that provides opportunities for community engagement, inclusion and integration.
- 1920.20 Each provider of Medicaid reimbursable day habilitation services shall comply with the requirements under Section 1938 (Home and Community-Based Settings Requirements) of Chapter 19 of Title 29 of the DCMR.
- 1920.21 All day habilitation services shall be authorized in accordance with the following requirements:
- (a) DDS shall provide a written service authorization before the commencement of services;
 - (b) The day habilitation DSP providing one-to-one services shall be trained in physical management techniques, positive behavioral support practices and other training required to implement the person's health care management plan and behavioral support plan, as applicable;
 - (c) The service name and provider entity delivering services shall be identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care and Summary of Supports and Services shall document the amount and frequency of services to be received;
 - (e) Completion of the person's day habilitation plan;
 - (f) Approval of the behavioral support plan or the physician's order for one-to-one staffing support for persons receiving day habilitation one-to-one services; and
 - (g) When required by a person's BSP, accurate completion by the DSP of the behavioral data sheets for persons receiving day habilitation one-to-one services.
- 1920.22 Each provider shall comply with the requirements described under Section 1908 (Reporting Requirements) of Chapter 19 of Title 29 DCMR and Section 1911 (Individual Rights) of Chapter 19 of Title 29 DCMR. Additionally, quarterly

reports shall include a description of the person's activities in the community that support community integration and inclusion.

- 1920.23 Each provider shall comply with the requirements described under Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR.
- 1920.24 The reimbursement rate for regular day habilitation services shall be twenty-one dollars and eighty cents (\$21.80) per hour. Services shall be provided for a maximum of eight (8) hours per day. The billable unit of service for regular day habilitation services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service. The reimbursement rate for regular day habilitation services shall be five dollars and forty-five cents (\$5.45) per billable unit.
- 1920.25 The reimbursement rate for day habilitation one-to-one services shall be forty-one dollars and twenty-four cents (\$41.24). The billable unit of service for day habilitation one-to-one services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service. The reimbursement rate for day habilitation one-to-one services shall be ten dollars and thirty-one cents (\$10.31) per billable unit.
- 1920.26 The reimbursement rate for small group day habilitation services shall be thirty-two dollars and eighty-eight cents (\$32.88). The billable unit of service for small group day habilitation shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service. The reimbursement rate for small group day habilitation services shall be eight dollars and twenty-two cents (\$8.22) per billable unit.
- 1920.27 For people who live independently or with family and select to receive a meal, the rate is increased by seven dollars and thirty-two cents (\$7.32) per day that the person receives a meal, and an additional five dollars and two cents (\$5.02) per day that the person receives a meal, if that meal is delivered by a third-party vendor.
- 1920.28 Day habilitation services, small group day habilitation, and day habilitation one-to-one services shall be provided for a maximum of eight (8) hours a day, not to exceed forty (40) hours per week and two thousand eighty hours (2080) hours annually.
- 1920.29 Day habilitation services shall not be provided concurrently with Supported Employment or Employment Readiness services.
- 1920.30 No payment shall be made for care and supervision normally provided by the family or natural caregivers, residential provider, or employer.

- 1920.31 Provisions shall be made by the day habilitation provider for persons who arrive early and depart late.
- 1920.32 Time spent in transportation to and from the program shall not be included in the total amount of services provided per day.

Section 1999, DEFINITIONS, is amended by adding the following:

Behavioral Support Plan (BSP) - A plan that is a component of the ISP that outlines positive supports and strategies to help a person ameliorate and/or eliminate the negative impact of one or more challenging behaviors that have a negative impact on a person's ability to achieve his or her goals.

Day Habilitation Plan - A person-centered plan developed by the day habilitation provider, based on a person-centered planning process that takes into account the results of a functional analysis, ISP, Plan of Care and other available information which lists services and outlines preferences, interests, and measurable outcomes to enable the person to reside, work and participate in the community, and maintain the person's health.

Direct Support Professional (DSP) - A person who works directly with people with developmental disabilities with the aim of assisting the individual to become integrated into his or her community or the least restrictive environment.

Family - Any person who is related to the person by blood, marriage, or adoption.

Functional Analysis - The process of identifying a person's specific strengths, preferences, developmental needs, and need for services by identifying the person's present developmental level, health status, expressed needs and desires of the person and his or her family, and environmental or other conditions that would facilitate or impede the person's growth and development.

Small Group Day Habilitation - Day habilitation services delivered in small group settings at a ratio of one-to-three for people with higher intensity support needs in a setting not to exceed fifteen (15) people.

Staffing Plan - A written document that includes the numbers and titles of staff assigned to the particular person, for a specified time period and scheduled for a given site and/or shift to successfully provide oversight and to ensure the maintenance of the health, safety and well-being of the person receiving services.

Stipend – Nominal fee paid to a person for attendance and/ or participation in activities designed to achieve his or her goals, as identified in the person’s ISP.

Summary of Supports and Services - A written document that lists the various supports and services to be received by a person and a component of the person’s ISP.

Support Team - A group of people providing support to a person with an intellectual/developmental disability, who have the responsibility of performing a comprehensive person-centered evaluation to support the development, implementation and monitoring of the person’s person-centered ISP and Plan of Care.

Comments on these second emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900 South, Washington, D.C. 20001, by telephone on (202) 442-8742, by 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 these second emergency and proposed rules may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2014 Repl. & 2015 Supp.)), and in 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 amendments to Section 1924, entitled “Family Training Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing reimbursement for professionals who provide family training services to caregivers of participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (“ID/DD Waiver”), and conditions of participation for the Medicaid providers employing family training services professionals.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), for a five (5) year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990) (October 3, 2014)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Family training services are training, counseling, and other professional support services offered to the families of persons enrolled in the ID/DD Waiver or to other uncompensated persons providing support to an ID/DD Waiver participant. The Notice of Final Rulemaking for 29 DCMR § 1924 (Family Training Services) was published in the *D.C. Register* on January 31, 2014, at 61 DCR 000846. A Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on October 30, 2015, at 62 DCR 014125, was adopted and became effective on October 20, 2015, and remains in effect until February 17, 2016, or adoption of this second emergency and proposed rulemaking, whichever occurs first. The first emergency and proposed rules amend the previously published final rules by: (1) modifying rates to reflect increased costs of providing service; (2) allowing Medicaid reimbursement of family training provided to uncompensated caregivers of people receiving supported living periodic services; and (3) excluding Medicaid reimbursement of family training services provided to people receiving supported living with transportation services, with the exception of family training provided to uncompensated caregivers of people receiving supported living with transportation periodic services. DHCF received no public comments on the first emergency and proposed rules, but is promulgating this Notice of Second Emergency and Proposed Rulemaking to update the rates in Section 1924.16 to align with Waiver Year 4.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of family training services. Based upon current service authorization, reporting and record maintenance requirements, there are insufficient safeguards in place to ensure that providers are taking the necessary steps to deliver adequate family training services. By taking emergency action, this rule will clarify the duties and responsibilities of family training services professionals and Medicaid providers employing these professionals, and enable the District to increase oversight and enhance quality of care.

The emergency rulemaking was adopted on February 1, 2016, and became effective immediately. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until May 31, 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 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 1924.13 and 1924.16 of Section 1924, FAMILY TRAINING SERVICES, are amended to read as follows:

- 1924.13 Medicaid reimbursement shall not be available when family training services that are included in a person's ISP are provided concurrently with the following ID/DD Waiver services:
- (a) Supported living and supported living with transportation, with the exception of family training services which may be provided to uncompensated caregivers for people receiving supported living periodic or supported living with transportation periodic services;
 - (b) Residential habilitation; or
 - (c) Host home without transportation.
- 1924.16 The Medicaid reimbursement rate for family training services shall be sixty-one dollars (\$61.00) per hour, or fifteen dollars and twenty-five cents (\$15.25) per unit. The billable unit of service for family training services shall be fifteen (15) minutes.

Comments on these second emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900 South, Washington, D.C. 20001, by telephone on (202) 442-8742, by 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 these second emergency and proposed rules may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance, 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 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 1934, entitled “Supported Living Services,” of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency rules establish standards governing reimbursement of supported living services provided to participants in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) and conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, for a five (5) year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 9990 (October 3, 2014)). CMS approved the amendment to the ID/DD Waiver effective September 24, 2015.

Supported living services are provided to persons with an assessed need for assistance with acquisition, retention, or improvement in skills related to activities of daily living, and the social and adaptive skills necessary to enable persons enrolled in the Waiver to reside and successfully participate in the community. The most recent Notice of Final Rulemaking for 29 DCMR § 1934 (Supported Living Services) was published in the *D.C. Register* on August 28, 2015, at 62 DCR 011872. These rules amend the previously published final rules by: (1) clarifying words and/or phrases to reflect more person-centered language and to simplify interpretation of the rule; (2) requiring the use of DDS approved person-centered thinking and discovery tools; (3) clarifying requirements to require that daily progress notes include any health or behavioral events of change in status that are typical for the person; (4) modifying rates to reflect increased costs of providing services; (5) requiring that supports are aimed at skill building and include opportunities for community integration and competitive integrated employment; (6) adding Wellness to the list of professional services; (7) clarifying requirements around maintenance, repair and acquisition of adaptive equipment; (8) creating flexibility in the times that are considered awake and asleep hours for the purposes of staffing and the rate reimbursement; (9) changing the vacancy factor to ninety five (95%); and (10) allowing authority to reimburse at a specialized rate, as necessary, for court-ordered intensive staffing to support persons with complex behaviors.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of waiver participants who are in need of supported living services. The ID/DD Waiver serves some of the District's most vulnerable residents. The new requirements will enhance the quality of supported living services. In order to ensure that the residents' health, safety, and welfare are not threatened by lack of access to supported living services provided pursuant to the updated delivery guidelines, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on February 4, 2016, and became effective on that date. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until June 3, 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 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 1934, SUPPORTED LIVING SERVICES, is amended to read as follows:

1934 SUPPORTED LIVING SERVICES

- 1934.1 The purpose of this section is to establish standards governing Medicaid eligibility for supported living services under the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of supported living services for Medicaid reimbursement.
- 1934.2 Supported living services are provided to persons enrolled in the Waiver who have limited informal supports and have an assessed need for assistance with acquisition, retention, or improvement in skills related to activities of daily living, and who require assistance with the development of social and adaptive skills that are necessary to enable the person to reside in the community and successfully participate in community activities based upon what is important to and for the person as documented in his or her Individual Support Plan (ISP) and reflected in his or her Person-Centered Thinking and Discovery tools.
- 1934.3 To be eligible for all Medicaid reimbursable supported living services, each person shall:
- (a) Have a documented need for assistance with acquisition, retention or improvement in skills related to activities of daily living:

- (b) Require assistance with the development of social and adaptive skills necessary to enable the person to reside and integrate in the community and successfully participate in community activities; and
- (c) Have an ISP and Plan of Care that identifies the need for supported living services.

1934.4 To be eligible for Medicaid reimbursement, twenty-four (24) hour one-to-one supported living services in a single occupancy supported living residence (SLR), each person shall:

- (a) Have a history of challenging behaviors that may put others at risk;
- (b) Require intensive supports as determined by a psychological assessment which is updated annually or pursuant to a court order; and
- (c) Have a behavior support plan (BSP) that identifies the challenging behaviors and the need for one-to-one supervision that was approved by the Department on Disability Services (DDS).

1934.5 Persons eligible for Medicaid reimbursable twenty-four (24) hour supported living services with skilled nursing must have a circulatory, respiratory, gastrointestinal, or neurological condition or any other serious medical condition that requires frequent monitoring or at least hourly care. The following documents are required for reimbursement for this service:

- (a) A physician's order or an advanced practice registered nurse's (APRN) order documenting the scope, frequency, and duration of skilled nursing services; and
- (b) A concise statement which sets forth the presenting problem that requires supported living with skilled nursing services and includes the responsibilities of the nurse.

1934.6 In order to be eligible for Medicaid reimbursable supported living periodic services in an SLR, each person shall:

- (a) Demonstrate a need for the acquisition, and improvement of skills related to activities of daily living and the social and adaptive skills necessary for community residence, as indicated in the ISP; and
- (b) Have an assessed need requiring less than twenty-four (24) hour supports and supervision.

1934.7 Medicaid reimbursable supported living services shall be provided in one of the following types of residences:

- (a) An SLR owned or leased by a Waiver provider; or
- (b) A home owned or leased by the person receiving supported living services.

1934.8 When Medicaid reimbursable supported living services are provided in an SLR, the SLR shall serve one (1) to three (3) related or unrelated persons. With the exception of couples who chose to share a bedroom, the number of persons in the SLR shall not exceed the number of bedrooms in the residence unless written approval from DDS is obtained.

1934.9 In order to receive Medicaid reimbursement, the Waiver provider shall include the person living in the residence in the lease, when the SLR is owned or leased by the Waiver provider, unless the person does not meet the leasing eligibility criteria, in which case, the provider shall enter into a written residency agreement with the person. The lease or other written residency agreement shall include all of the responsibilities and protections from eviction that apply under the jurisdiction's landlord-tenant laws.

1934.10 In order to be eligible for Medicaid reimbursement, each SLR located out-of-state shall be licensed or certified in accordance with the host state's laws and regulations and must adhere to the terms and conditions set forth in an agreement between the District of Columbia and the host state.

1934.11 In order to be eligible for Medicaid reimbursement, each provider, including an out-of-state provider of supported living services, shall be a Waiver provider agency and meet the following requirements:

- (a) Comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 DCMR;
- (b) Provide verification of passing the DDS Provider Certification Review (PCR) for in-home supports, supported living or respite services for the last three (3) years. For providers with less than three (3) years of PCR certification, provide verification of a minimum of three (3) years of experience providing residential or respite services to the ID/DD population, evidence of certification or licensure from the jurisdiction in which the service was delivered, and evidence of PCR certification for each year that the provider was enrolled as a waiver provider in the District of Columbia, if applicable; and
- (c) Have an executed, signed, current Human Care Agreement with DDS, if required by DDS.

1934.12 In addition to the requirements described under § 1934.9, each out-of-state

provider shall comply with the following additional requirements to receive Medicaid reimbursement:

- (a) Remain in good standing in the jurisdiction where the program is located, if licensed or certified by the host state;
- (b) Submit a copy of the current certification, licensing and/or survey performed by the host state and provider's corrective action, if applicable, to DDS; and
- (c) Allow authorized agents of the District of Columbia government, federal government, and governmental officials of the host state full access to all sites and records for audits and other reviews.

1934.13 Medicaid reimbursable supported living services may be provided with or without transportation. Each Medicaid provider shall comply with the requirements set forth in Subsection 1904.5 of Title 29 DCMR, if transportation services are provided to enable persons to gain access to Waiver services and other community services and activities in a safe and efficient manner.

1934.14 If transportation services are provided by the Direct Support Professional (DSP), such that the DSP drives the person in the vehicle provided by the provider, the DSP shall meet the requirements governing transportation services set forth in Subsections 1904.5(j) and (k) (Provider Qualifications) of Chapter 19 of Title 29 DCMR.

1934.15 Each DSP shall meet all of the requirements set forth in Section 1906 (Requirements for Persons Providing Direct Services) of Chapter 19 of Title 29 DCMR.

1934.16 Services shall only be authorized for Medicaid reimbursement in accordance with the following provider requirement procedures:

- (a) DDS shall provide a written service authorization before the commencement of services;
- (b) The service name and Waiver provider delivering services must be identified in the ISP and Plan of Care;
- (c) The ISP, Plan of Care, and Summary of Supports and Services must document the amount and frequency of services to be received; and
- (d) The services to be provided shall not conflict with the service limitations described under Subsection 1934.25.

1934.17 Each provider of Medicaid reimbursable supported living services shall assist persons in the acquisition, retention, and improvement of skills related to activities of daily living, and other social and adaptive skills necessary to enable the person to become a fully integrated member of their community. To accomplish these goals, the provider shall:

- (a) Use the DDS-approved Person-Centered Thinking tools, the person's Positive Personal Profile, and the Job Search and Community Participation Plan to develop a functional assessment that includes what is important to and for the person, within the first month of providing services. This assessment shall be reviewed and revised annually or more frequently as needed;
- (b) Participate as a member of the person's support team, at his or her preference, including making recommendations for the development of the ISP and Plan of Care;
- (c) Review the person's ISP and Plan of Care goals, DDS- approved person centered thinking tools, Positive Person Profiles and Job Search and Community Participation plan, objectives, and activities at least quarterly and more often, as necessary, and submit quarterly reports to the person, family, as appropriate, guardian, and DDS Service Coordinator no later than seven (7) business days after the end of the first quarter or each subsequent quarter thereafter and in accordance with the requirements described, under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) of Chapter 19 of Title 29 DCMR;
- (d) Provide access and information as requested for service coordination, visits and reviews;
- (e) Assist in the coordination of all services that a person may receive; and
- (f) Develop and implement the person's Health Care Management Plan, in accordance with the DDS Health and Wellness Standards.

1934.18 Each provider of Medicaid reimbursable supported living services shall ensure that each person receives the level of support he/she needs for skill development, habilitation and other supports, when appropriate, which shall include, but not be limited to, support for the following categories, unless the person has demonstrated independence and capacity in any of the following areas. Supports provided shall be aimed at teaching the person to increase his or her skills and self-reliance:

- (a) Eating and food preparation, including learning about healthy eating choices;

- (b) Personal hygiene;
- (c) Dressing;
- (d) Monitoring medication administration and healthcare needs;
- (e) Communications;
- (f) Interpersonal and social skills;
- (g) Household chores;
- (h) Mobility;
- (i) Financial management;
- (j) Motor and perceptual skills;
- (k) Problem-solving and decision-making;
- (l) Human sexuality;
- (m) Opportunities to engage in community life, including but not limited to social, recreational, and religious activities utilizing community resources based on the person's interests, beliefs, culture, and preferences, and building and maintaining relationships;
- (n) Ensuring that adaptive equipment is appropriate, functioning and well maintained;
- (o) Opportunities for the person to seek employment and vocational supports to work in the community in a competitive and integrated setting, and
- (p) Other supports that are identified as important to or for the person receiving supports as identified in the person's ISP.

1934.19 Each provider of Medicaid reimbursable supported living services shall ensure that staff delivering day habilitation, individualized day supports, companion, employment readiness, or supported employment services shall receive training about the person's health care needs as identified by the nurse, and are informed about those needs that are relevant to the person in those settings and that are identified in the person's Health Care Management Plan and BSP.

1934.20 Each provider of Medicaid reimbursable supported living services shall ensure that each person enrolled in the Waiver receives the professional services required

to meet his or her goals as identified in the person's ISP and Plan of Care. Professional services may include, but are not limited to, the following disciplines:

- (a) Medicine;
- (b) Dentistry;
- (c) Education;
- (d) Nutrition;
- (e) Nursing;
- (f) Occupational therapy;
- (g) Physical therapy;
- (h) Psychology, including behavior supports;
- (i) Social work;
- (j) Speech, hearing, and language therapy; and
- (k) Wellness.

1934.21

Each provider of Medicaid reimbursable supported living services shall maintain the records as prescribed under Section 1909 of Title 29 DCMR for monitoring and auditing purposes for each person receiving services and shall also maintain the following documents:

- (a) If providing twenty-four (24) hour supported living services in a single occupancy or one-to-one supports, a copy of the annual BSP or court order;
- (b) Progress notes that describe the person's leisure and recreation activities, in accordance with his or her interests as identified in the ISP or Person-Centered Thinking and Discovery tools, and a schedule of when the person is in his or her home;
- (c) The records of any nursing care, procedures, and other supports related to the development and management of the Health Care Management Plan; and
- (d) A record of monitoring and maintenance of adaptive equipment, if applicable;

- 1934.22 Each provider of Medicaid reimbursable supported living services shall meet the requirements described under Section 1908 (Reporting Requirements), Section 1911 (Individual Rights), and Section 1938 (Home and Community-Based Setting Requirements) of Chapter 19 of Title 29 DCMR.
- 1934.23 Reimbursement for Medicaid reimbursable supported living services shall not include:
- (a) Cost of room and board;
 - (b) Cost of facility maintenance, upkeep and improvement, modifications or adaptations to an SLR or home to meet the requirements of the applicable life safety code;
 - (c) Safety monitoring as a stand-alone task;
 - (d) Activities for which payment is made by a source other than Medicaid;
 - (e) Time when the person is in school or employed; and
 - (f) Time when the person is hospitalized, on vacation independently, or any other time in which the person is not receiving direct care staff support from a provider.
- 1934.24 Medicaid reimbursable supported living services shall not include services delivered by the person's relative, legal guardian, or legally responsible person.
- 1934.25 Medicaid reimbursable supported living services shall not be authorized concurrently with the following Waiver services:
- (a) Residential Habilitation;
 - (b) Respite;
 - (c) Host Home;
 - (d) In-Home Supports; and
 - (e) Transportation, when the provider chooses to provide supported living services with transportation services.
- 1934.26 The reimbursement rate for Medicaid reimbursable supported living services shall be calculated based on the staff on duty and shall include:
- (a) All supervision of the DSP;

- (b) All nursing provided in the residence for medication administration, physician ordered protocols and procedures, charting, other supports as per physician's orders, oversight, coordination, and maintenance of a Health Care Management Plan, and training for residential staff and day and/ or vocational supervisory staff on a person's health care needs, as applicable;
- (c) All transportation, if applicable;
- (d) Programmatic supplies and fees;
- (e) Ongoing maintenance and coordination of the acquisition or repair of adaptive equipment;
- (f) Quality assurance costs, such as incident management systems and staff development; and
- (g) General administrative fees for Waiver services.

1934.27 Each provider of Medicaid reimbursable twenty-four (24) hour supported living services with skilled nursing shall:

- (a) Provide skilled nursing services and supports to the person living in the SLR;
- (b) Complete any skilled nursing assessment and document hourly nursing interventions and treatments; and
- (c) Provide as appropriate, all of the supported living activities listed in Subsections 1934.18 and 1934.19, and Subsection 1934.20.

1934.28 For twenty-four (24) hour supported living services with skilled nursing, in order to be eligible for Medicaid reimbursement, the duties of a registered nurse shall be consistent with the scope of practice standards for registered nurses set forth in Section 5414 of Title 17 DCMR. At a minimum, they shall include the following duties:

- (a) Prepare an initial routine physical assessment, including an individualized service nursing plan and evaluation;
- (b) Assist in the development of the Health Care Management Plan;
- (c) Coordinate the person's care and referrals;

- (d) Administer medications and treatment as prescribed by a legally authorized healthcare professional licensed in the District of Columbia, or consistent with the requirements of the appropriate jurisdiction;
- (e) Provide oversight of non-licensed medication administration personnel;
- (f) Provide wound care, tube feeding, diabetic care, and other treatment regimens prescribed by the physician, as needed;
- (g) Provide oversight and supervision to a licensed practical nurse, when delegating and assigning nursing interventions;
- (h) Record progress notes during each visit and complete quarterly reports; and
- (i) Provide competency training to the day habilitation, employment readiness, individualized day support, companion, and/or supported employment nursing or supervisory staff, as applicable, on the person's healthcare needs by the nurse, including needs identified in the Health Care Management Plan.

1934.29

In order to be eligible for Medicaid reimbursement, the duties of a licensed practical nurse delivering twenty-four (24) hour supported living services with skilled nursing, shall be consistent with the scope of practice standards for a licensed practical nurse set forth in Chapter 55 of Title 17 DCMR. At a minimum, they shall include the following duties:

- (a) Record progress notes during each visit and on quarterly reports;
- (b) Report immediately, any changes in the person's condition, to the supervising registered nurse;
- (c) Provide wound care, tube feeding, diabetic care, and other treatment regimens prescribed by the physician; and
- (d) Administer medications and treatment as prescribed by a legally authorized healthcare professional licensed in the District of Columbia or consistent with the requirements of the jurisdiction in which the healthcare professional is licensed.

1934.30

In addition to the requirements at § 1934.21, each provider of Medicaid reimbursable supported living services with skilled nursing shall also maintain the following documents:

- (a) A copy of the physician's order or an APRN's order specifying the type, frequency, scope, and duration of the skilled nursing services, if applicable;

- (b) A copy of the job description detailing the duties of the nurse delivering the service, if applicable; and
 - (c) A copy of each assessment that the nurse has conducted and documentation of the hourly nursing interventions and treatments, if applicable.
- 1934.31 Medicaid reimbursable supported living skilled nursing services shall not include custodial care.
- 1934.32 Medicaid reimbursable supported living one-to-one services in a single occupancy means services provided to one person exclusively by a supported living service provider who has been trained in all general requirements and possesses all training required to implement the person's specific behavioral and/or clinical protocols and support plans for a pre-authorized length of time.
- 1934.33 Medicaid reimbursable supported living one-to-one services in a single-occupancy SLR shall only be permitted with prior annual approval by the DDS Restrictive Control Review Committee, or a medical treatment plan signed by the person's physician. Providers delivering one-to-one services shall require the person to have a BSP or DDS approved medical treatment plan that reflects the need for one-to-one supervision.
- (a) The BSP shall be developed according to the requirements set forth in the DDA/DDS Behavioral Supports Policy and Procedure available at the DDS website at <http://dds.dc.gov/page/policies-and-procedures-dda>.
 - (b) If providers of Medicaid reimbursable supported living services are delivering one-to-one supported living services pursuant to a BSP, the assessment shall be updated on an annual basis to determine if the services are necessary.
- 1934.34 If one-to-one supported living services are delivered pursuant to a court order, the order shall be verified on an annual basis, to determine if the services are necessary.
- 1934.35 Supported living services shall be Medicaid reimbursable for emergency situations when the person is not physically residing at the SLR or home, but is temporarily residing in a hotel or other facility and continues to receive support from the provider.
- 1934.36 An acuity evaluation to set levels of support shall be determined by the Support Team and approved by the DDS Waiver Unit through review of current staffing levels; available health and behavioral records; and the results of the Level of Need Assessment and Screening Tool, or its successor, to determine if a person

has a health, behavioral and/or functional acuity that requires increased supports. A person may be assessed at a support level that is consistent with their current staffing level if other acuity indicators are not in place.

1934.37 The Medicaid reimbursement rate for supported living services without transportation shall be as follows:

- (a) Basic Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours when individuals are awake and receiving services. The reimbursement rate shall be two hundred thirty one dollars and eleven cents (\$231.11) per day;
- (b) Basic Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours when the residents are receiving services. The reimbursement rate shall be two hundred forty-one dollars and thirty-nine cents (\$241.39) per day;
- (c) Moderate Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage. The reimbursement rate shall be three hundred twenty six dollars and twenty-two cents (\$326.22) per day;
- (d) Moderate Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight. The reimbursement rate shall be three hundred thirty-six dollars and fifty cents (\$336.50) per day;
- (e) Intensive Support Level 1: Provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be three hundred seventy-five dollars and sixty-eight (\$375.68) per day;
- (f) Intensive Support Level 2: Provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be four hundred twenty-four dollars and ninety-eight cents (\$424.98) per day;

- (g) Basic Support Level 1: Provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 during all hours when individuals are awake and receiving services. The reimbursement rate shall be three hundred fifteen dollars and fifty-nine cents (\$315.59) per day;
- (h) Basic Support Level 2: Provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the residents are receiving services. The reimbursement rate shall be three hundred twenty-eight dollars and thirty-four cents (\$328.34) per day;
- (i) Moderate Support Level 1: Provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight. The reimbursement rate shall be three hundred ninety-two dollars and twenty-nine cents (\$392.29) per day;
- (j) Moderate Support Level 2: Provides support in a SLR with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are in the home and adjusted for increased absenteeism. The rate shall be four hundred forty dollars and twenty-one cents (\$440.21) per day;
- (k) Intensive Support Level 1: Provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are in the home and adjusted for increased absenteeism. The rate shall be five hundred fifteen dollars and forty-three cents (\$515.43) per day;
- (l) Supported living periodic services, as described under Subsection 1934.6, shall be authorized up to sixteen (16) hours per day without transportation. The hourly rate shall be twenty-three dollars and ninety-six cents (\$23.96) billable in quarter hour units (fifteen minutes) of five dollars and ninety-nine cents (\$5.99) per billable unit;
- (m) There shall be a specialized service rate for supported living with skilled nursing services, described under Subsection 1934.5. The rate shall be five hundred three dollars and fifty-three cents (\$503.53) per day without transportation, when there are at least three (3) people living in the SLR and residing in a home that requires skilled nursing services and demonstrates extraordinary medical needs; and
- (n) There shall be a specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy SLR,

described under Subsection 1934.4. The rate shall be six hundred eight dollars and seven cents (\$608.07) for asleep overnight staff and six hundred twenty-seven dollars and fifteen cents (\$627.15) for one-to-one awake overnight staff.

1934.38 The Medicaid reimbursement rate for supported living services with transportation shall be as follows:

- (a) Basic Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours. The reimbursement rate shall be three hundred thirteen dollars and nine cents (\$313.09) per day;
- (b) Basic Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours. The reimbursement rate shall be three hundred twenty three dollars and thirty-seven cents (\$323.37) per day;
- (c) Moderate Support Level 1: Provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage. The reimbursement rate shall be four hundred eight dollars and nineteen cents (\$408.19) per day;
- (d) Moderate Support Level 2: Provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight. The reimbursement rate shall be four hundred eighteen dollars and forty-seven cents (\$418.47) per day;
- (e) Intensive Support Level 1: Provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be four hundred fifty-seven dollars and sixty-six cents (\$457.66) per day;
- (f) Intensive Support Level 2: Provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be five hundred six dollars and ninety-five cents (\$506.95) per day;

- (g) Basic Support Level 1: Provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 staff asleep overnight coverage and 1:2 staff awake coverage when residents are receiving services. The reimbursement rate shall be three hundred eighty-nine dollars and fifteen cents (\$389.15) per day;
- (h) Basic Support Level 2: Provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the resident is receiving services. The reimbursement rate shall be four hundred one dollars and ninety cents (\$401.90) per day;
- (i) Moderate Support Level 1: Provides awake overnight daily rate for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight shall be four hundred sixty-five dollars and eighty-six cents (\$465.86) per day;
- (j) Moderate Support Level 2: Provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be five hundred thirteen dollars and seventy-eight cents (\$513.78) per day;
- (k) Intensive Support Level 1: Provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs. The reimbursement rate shall be five hundred eighty-eight dollars and ninety-nine (\$588.99) per day;
- (l) Supported Living periodic services, described under Subsection 1934.6, shall be authorized up to sixteen (16) hours per day. The hourly rate shall be twenty-seven dollars and eight cents (\$27.08) per hour billable in quarter hour units of six dollars and seventy-seven cents (\$6.77) per fifteen (15) minute unit; and
- (m) There shall be a specialized service rate for supported living with skilled nursing services, described under Subsection 1934.5. The reimbursement rate is five hundred fifty- nine dollars and ten cents (\$559.10) per day, when there are at least three (3) people living in the SLR and residing in a home that requires skilled nursing services and demonstrates extraordinary medical needs.

- (n) There shall be a specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy SLR, described under Subsection 1934.4. The reimbursement rate is seven hundred thirty five dollars and sixty-two cents (\$735.62) for asleep overnight staff and seven hundred fifty-four dollars and seventy cents (\$754.70) for one-to-one awake overnight staff.
- 1934.39 There shall be a specialized service rate for intensive individualized staffing to support a person or persons who have complex behaviors that involve a risk to the health, safety or well-being of the person or others or required by court order. The specialized service rate shall be determined by DDS on a case-by-case basis as appropriate to correspond with court-ordered staffing ratios.
- 1934.40 For purposes of staffing and determining the Medicaid reimbursement rates for supported living services, assume sixteen (16) awake hours of the day on weekends or holidays and assume ten (10) to twelve (12) awake hours for all other days based on the level of support.
- 1934.41 For purposes of staffing and determining the Medicaid reimbursement rates for supported living services, the overnight period is an eight (8) hour period of time.
- 1934.42 The billable unit of service for Medicaid reimbursable supported living services, excluding periodic supported living services, shall be one (1) day (*i.e.* twenty-four (24) hours).
- 1934.43 The Medicaid reimbursement rate assumes a ninety-five percent (95%) annual occupancy and includes any unanticipated absences due to illness from any day/vocational services.
- 1934.44 Each provider of Medicaid reimbursable supported living services shall maintain the staffing ratio, described under Subsections 1934.37 and 1934.38, associated with the approved acuity rate for the residence. The DDA Service Coordinator shall generate an incident report if it is discovered that the staffing ratio is not maintained during DDA's quarterly visits to the SLR.
- 1934.45 The Medicaid provider shall notify the DDS Service Coordinator to schedule a meeting to address the cause of any unanticipated absences that may result in a less than ninety-five percent (95%) occupancy rate or a reduced staffing ratio.
- 1934.46 Medicaid reimbursable supported living periodic services are calculated based on the time the person is scheduled to be in their place of residence, except the provider may include the time the person is being transported by the provider to day programs, employment, professional appointments, community activities, and events.

Section 1999, DEFINITIONS, is amended by adding the following:

Couples - A couple refers to those married or unmarried persons in a relationship, including same-sex relationships.

Health Care Management Plan - A written document designed to evaluate a person's health care status and to provide recommendations regarding the treatment and amelioration of health care issues by identifying types of risk, interventions to manage identified risks, persons responsible for carrying out interventions, and persons responsible for providing an evaluation of outcomes and timeframes.

Supported Living Residence (SLR) - A residence owned or leased by the provider or a residence owned or leased by the person receiving services.

Comments on the emergency and proposed rules shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, District of Columbia Department of Health Care Finance, 441 Fourth Street, N.W., Suite 900 South, Washington, D.C. 20001, by telephone on (202) 442-8742, by email at DHCFPublicComments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rules may be obtained from the above address.

OFFICE OF VICTIM SERVICES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Office of Victim Services, pursuant to the authority under Section 2(f) of the Private Security Camera Incentive Program Emergency Act of 2016 (“Act”), signed January 15, 2016 (D.C. Act 21-274; 63 DCR 803 (January 22, 2016)) and Mayor’s Order 2016-17, dated February 1, 2016, hereby gives notice of the adoption, on an emergency basis, of a new Chapter 40 (Private Security Camera Incentive Program) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking establishes a rebate program for the installation of security camera systems on a property owned or leased by a resident, business, nonprofit or religious institution and registration of the security camera systems with the Metropolitan Police Department. There is an immediate need to protect the health, safety, and welfare of District residents by creating an incentive program for the installation of security cameras on private properties and whose footage is available for law enforcement investigations.

This emergency rulemaking was adopted on February 2, 2016, and became effective on that date. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on June 1, 2016, or upon publication of a final rulemaking in the *D.C. Register*, whichever occurs first.

The Director of the Office of Victim Services also hereby gives notice of the 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*.

A new Chapter 40, PRIVATE SECURITY CAMERA INCENTIVE PROGRAM, is added to Title 24 DCMR, PUBLIC SPACE AND SAFETY, to read as follows:

CHAPTER 40 PRIVATE SECURITY CAMERA INCENTIVE PROGRAM

Sec.	Title
4000	General provisions
4001	Application
4002	Prioritization of eligible locations
4003	Security camera specifications
4004	Verification of security camera installation
4005	Security camera registration
4006	Rebate issuance

4000 GENERAL PROVISIONS

4000.1 This chapter implements the private security camera incentive rebate program, which creates an incentive for property owners, business owners, and nonprofit and religious institutions to install security cameras that are intended to help deter crime and assist law enforcement with investigations.

- 4000.2 An owner or tenant of a property that is used as a residence, business, or nonprofit or religious institution (the Applicant) is eligible for a rebate:
- (a) Of up to \$200 per camera installed and registered with the Metropolitan Police Department; provided, that the amount of the rebate shall not be more than the cost of the purchase of the camera system; and
 - (b) With a maximum rebate of up to:
 - (1) \$500 per address of a property used as a residence; or
 - (2) \$750 per address of a property used for anything other than a residence.
 - (c) The maximum rebates in this section shall be limited to only one (1) security camera system per property address. (For example, in a mixed-use building, if the residential portion has an address of 1234 First Street, and the commercial portion has an address of 1234-A First Street, the maximum rebate of the residential portion shall be \$500 and the maximum rebate of the commercial portion shall be \$750.)
 - (d) For any business, commercial, nonprofit, or religious institution that operates within a residence, the Applicant shall be eligible only for the maximum rebate in § 4000.2(b)(1).

4000.3 To be eligible for the rebate in § 4000.2, the Applicant must have purchased and installed the camera system after September 22, 2015 and before all available funds are expended.

4000.4 As part of this program, the Metropolitan Police Department will not have access to live video from the camera.

4000.5 By participating in this program, the Applicant acknowledges that he or she will not use the security camera for any unlawful or harassing purposes and will comply with all applicable building and electrical code requirements.

4001 APPLICATION

4001.1 An Applicant shall submit a security camera rebate application on the form prescribed by the Office of Victim Services (the Office).

4001.2 A completed application shall include:

- (a) The completed form prescribed by the Office;
- (b) Proof of purchase of an applicable security camera system;
- (c) Verification of the installation of the security camera system; and
- (d) Registration of the security camera system with the Metropolitan Police Department.

4001.3 Upon the determination that an Applicant has complied with all the requirements of § 4001.2, and subject to the availability of funds, the applicable rebate amount shall be provided to the Applicant pursuant to § 4006.

4002 PRIORITIZATION OF ELIGIBLE LOCATIONS

4002.1 Until July 31, 2016, the Office shall accept applications only from Applicants whose property is located in the following Police Service Areas (PSA):

- (a) First District:
 - (1) PSA 104;
 - (2) PSA 105;
 - (3) PSA 107;
 - (4) PSA 108;
- (b) Second District:
 - (1) PSA 202;
 - (2) PSA 207;
 - (3) PSA 208;
- (c) Third District:
 - (1) PSA 302;
 - (2) PSA 303;
 - (3) PSA 305;
- (d) Fourth District:
 - (1) PSA 402;
 - (2) PSA 403;
 - (3) PSA 405;
 - (4) PSA 409;
- (e) Fifth District: All PSAs;
- (f) Sixth District:
 - (1) PSA 602;
 - (2) PSA 603;

- (3) PSA 604;
- (4) PSA 608; and

(g) Seventh District: All PSAs.

4002.2 Beginning August 1, 2016, the Department shall accept applications from Applicants whose property is located in any PSA.

4002.3 PSA borders can be found online at: <http://mpdc.dc.gov/page/police-districts-and-police-service-areas>.

4003.4 Each Applicant can find relevant property address PSAs online at: <http://geospatial.dcgis.dc.gov/PSAFinder/>.

4003 SECURITY CAMERA SPECIFICATIONS

4003.1 Security camera systems shall meet minimum technical and video quality specifications published on the Office's website, and must retain video footage for at least forty-eight (48) hours.

4003.2 Security camera systems shall be installed on the exterior of a building.

4004 VERIFICATION OF SECURITY CAMERA INSTALLATION

4004.1 A security camera system shall be verified as installed before it is eligible for the rebate.

4004.2 An Applicant shall verify installation by the following means:

- (a) If the security camera system is installed by a business with a valid Basic Business License that is engaged in the installation of security systems, the business shall certify the installation of the camera system at the property, including photographic evidence; or
- (b) If the security camera system is installed by the property owner, business owner, or another person without a valid Basic Business License, the Applicant shall notify the Office for an on-site visit to verify the installation of the security camera system.

4005 SECURITY CAMERA REGISTRATION

4005.1 In order to receive the rebate in § 4006, the Applicant must register the security camera system with the Metropolitan Police Department, which can be done online at <http://mpdc.dc.gov/securitycameraregistration>.

4005.2 The Applicant will receive an email from the Metropolitan Police Department verifying the security camera system has been registered.

4006 REBATE ISSUANCE

4006.1 Upon the determination that an Applicant has complied with all the requirements of § 4001.2, and subject to the availability of funds, the applicable rebate amount shall be sent by U.S. Mail to the Applicant at the address provided on the application form.

4099 DEFINITIONS

4099.1 The following definitions shall apply to terms used in this chapter:

Applicant – A property owner, business owner, or nonprofit or religious institution that submits an application for a security camera rebate; provided, that a tenant of a property owner may submit an application with the consent of the property owner.

Office – The Office of Victim Services.

PSA – Police Service Area.

All persons interested in commenting on this proposed rulemaking action may submit comments in writing to Christopher Dyer, Office of Victim Services and Justice Grants, 441 4th St. NW, Suite 727N, Washington, DC 20001, or via email at christopher.dyer@dc.gov. Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-018
February 8, 2016

SUBJECT: Appointment — Acting Director, Office of Unified Communications

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 3203(b) of the Office of Unified Communications Establishment Act of 2004, effective December 7, 2004, D.C. Law 15-205, D.C. Official Code § 1-327.52(b) (2014 Repl.) it is hereby **ORDERED** that:

1. **KARIMA HOLMES** is appointed Acting Director, Office of Unified Communications, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-140, dated May 22, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 18, 2016.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

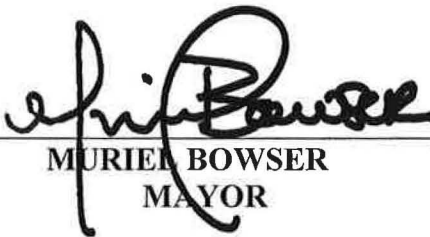
Mayor's Order 2016-019
February 8, 2016

SUBJECT: Appointment — Acting Chief Technology Officer, Office of the Chief Technology Officer

ORIGINATING AGENCY: Office of the Mayor

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

1. **ARCHANA VEMULAPALLI** is appointed Acting Chief Technology Officer, Office of the Chief Technology Officer, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-249, dated November 20, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 25, 2016.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

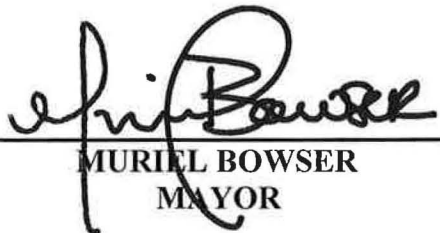
Mayor's Order 2016-020
February 8, 2016

SUBJECT: Appointment — Director, The Mayor's Office on Volunteerism

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and Mayor's Order 2008-84, dated June 11, 2008, re-designating Serve DC as Serve DC — The Mayor's Office on Volunteerism, it is hereby **ORDERED** that:

1. **DELANO HUNTER** is appointed Director, Serve DC – The Mayor's Office on Volunteerism, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-090, dated March 16, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 28, 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 2016-021
February 8, 2016

SUBJECT: Delegation — Authority to the Director of the Department of General Services to convey an easement to the District of Columbia Water and Sewer Authority

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 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 (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 1244, Lot 0854, with an address of 3246 P Street NW, in the District of Columbia, (the **"Property"**) for the purpose of providing water and sewer service to the Property, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become 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 2016-022
February 8, 2016

SUBJECT: Delegation — Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 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 (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 0644, Lot 0812, with an address of 25 I Street SW, in the District of Columbia, (the "**Property**") for the purpose of providing water and sewer service to the Property, and all other documents necessary to effectuate the right to use the Property.

EFFECTIVE DATE: This Order shall become 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 2016-023
February 8, 2016

SUBJECT: Appointment — Acting Executive Director, Office on Aging


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to section 302 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Official Code § 7-503.02 (2012 Repl.), it is hereby **ORDERED** that:

1. **LAURA NEWLAND** is appointed Acting Executive Director, Office on Aging and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-066, dated February 2, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 21, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 17, 2016
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
Ruthanne Miller, James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00001; Three Brothers, LLC, t/a Rioja Market, 1824 Columbia Road NW, License #60011, Retailer B, ANC 1C
Substantial Change (Class B Retailer - Transferring to a New Location)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00739; Chicken Tortilla, Inc., t/a Ocopa, 1324 H Street NE License #88102, Retailer CR, ANC 6A
Failed to File Quarterly Statements (2nd Quarter 2015)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00673; Juanita's Inc., t/a Juanita's Restaurant, 3521 14th Street NW, License #91432, Retailer CT, ANC 1A
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00786; Juanita's Inc., t/a Juanita's Restaurant, 3521 14th Street NW, License #91432, Retailer CT, ANC 1A
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00787; Juanita's Inc., t/a Juanita's Restaurant, 3521 14th Street NW, License #91432, Retailer CT, ANC 1A
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00684; Big City Foods III, LLC, t/a Carolina Kitchen Bar & Grill, 2300 Washington Place NE, License #91059, Retailer CR, ANC 5C
No ABC Manager on Duty

Board's Calendar
February 17, 2016

- Show Cause Hearing (Status) 9:30 AM**
Case # 15-251-00224; Debebe Addis, t/a Mesobe Restaurant and Deli Market
1853 7th Street NW, License #81030, Retailer CR, ANC 1B
Operating after Hours, Substantial Change in Operation Without Board's Approval, Failed to Obtain a Cover Charge Endorsement
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00332; F&A, Inc., t/a Anacostia Market, 1303 Good Hope
Road SE, License #86470, Retailer B, ANC 8A
No ABC Manager on Duty, Failed to Post License Conspicuously in the Establishment
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CC-00510; 2608 Connecticut Avenue, LLC, t/a Italian Pizza Kitchen
2608 Connecticut Ave NW, License #85456, Retailer CR, ANC 3C
Substantial Change without Boards Approval (Increase in Occupancy), No ABC Manager on Duty, Transfer of Ownership Without Board's Approval
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00795; STK, LLC, t/a STK, 1250 Connecticut Ave NW
License #92844, Retailer CR, ANC 2B
No ABC Manager on Duty
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00675; Native Foods California, LLC, t/a Native Foods Café
701 Pennsylvania Ave NW, License #93268, Retailer DR, ANC 2C
No ABC Manager on Duty
- Show Cause Hearing (Status)* 9:30 AM**
Case # 15-CMP-00747; Native Foods California, LLC, t/a Native Foods Café
701 Pennsylvania Ave NW, License #93268, Retailer DR, ANC 2C
No ABC Manager on Duty
- Show Cause Hearing (Status) 9:30 AM**
Case # 15-CMP-00746; Native Foods California, LLC, t/a Native Foods Café
701 Pennsylvania Ave NW, License #93268, Retailer DR, License #93268
ANC 2C
No ABC Manager on Duty

Board's Calendar
February 17, 2016

Show Cause Hearing **10:00 AM**
Case # 15-CMP-00463; Po Boy Jim, LLC, t/a Po Boy Jim, 709 H Street NE
License #87903, Retailer CR, ANC 6C
**Failed to Take Steps Necessary to Ensure Property is Free of Litter,
Violation of Settlement Agreement**

Show Cause Hearing **11:00 AM**
Case # 15-CMP-00599; Songbyrd, LLC, t/a Songbyrd, 2477 18th Street NW
License #96137, Retailer CT, ANC 1C
No ABC Manager on Duty

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

Show Cause Hearing **2:30 PM**
Case # 15-251-00083; Mad Hatter CT Ave, LLC, t/a Mad Hatter, 1321
Connecticut Ave NW, License #82646, Retailer CT, ANC 2B
Failed to Follow Security Plan

Contested Fact Finding Hearing **3:30 PM**
Case # 15-CMP-00761 and # 15-CMP-00761(a), Boyermarketing, LLC, t/a
Odessa, 1413 K Street NW, License #100813, Retailer CN, ANC 2F
Fitness for Licensure

Protest Hearing **4:30 PM**
Case # 15-PRO-00105; Pilar Hospitality Group, LLC, t/a Bar Pilar, 1833 14th
Street NW, License #72472, Retailer CT, ANC 1B
Substantial Change (Request to add a Summer Garden)

Protest Hearing **4:30 PM**
Case # 15-PRO-00023; Naomi's Ladder, LLC, t/a Touche, 1123 H Street NE
License #96779, Retailer CT, ANC 6A
Application to Renew the License

Protest Hearing **4:30 PM**
Case # 15-PRO-00106; MMA by TMI, LLC, t/a To Be Determined, 2066
Rhode Island Ave NE, License #100283, Retailer CT, ANC 5C
Application for a New License
*This hearing is cancelled due to the withdrawal of the Application. See Board
Order No. 2016-048.*

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

WEDNESDAY, FEBRUARY 17, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-095567 – **Dolcezza Gelato** – Retailer – C – Tavern – 550 PENN STREET NE
[The Licensee has requested cancellation.]

ABRA-077268 – **Grapes n’ Hopes Market** – Retailer – B – Grocery – 512 RHODE ISLAND AVENUE NW

[This establishment is no longer operating. Licensee has failed to respond to correspondence dated 8/11/2015, advising of Safekeeping requirements. ABRA Enforcement confirmed the establishment was out of business on March 25, 2015.]

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

**NOTICE OF MEETING
LICENSING AGENDA**

**WEDNESDAY, FEBRUARY 17, 2016 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review Request for Change of Hours of Premises to extend hours and operate on Mondays. ***Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Premises:*** Sunday 10am to 12am, Monday Closed, Tuesday-Thursday 4pm to 1am, Friday 4pm to 2am, Saturday 10am to 2am. ***Proposed Hours of Operation:*** Sunday 7am to 12am, Monday 10am to 2am, Tuesday-Friday 12pm to 2am, Saturday 7am to 2am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption for Premises:*** Sunday 8am to 12am, Monday-Friday 12pm to 2am, Saturday 8am to 2am. ANC 1A. SMD 1A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***The Airedale***, 3605 14th Street NW, Retailer CT, License No. 100018.

2. Review Request for Change of Hours of Sidewalk Café to open earlier and operate on Mondays. ***Approved Hours of Operation for Sidewalk Café:*** Sunday 11am to 12am, Monday Closed, Tuesday-Thursday 4pm to 1am, Friday 4pm to 2am, Saturday 11am to 2am. ***Approved Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:*** Sunday 11am to 11pm, Monday Closed, Tuesday-Thursday 4pm to 11pm, Friday-Saturday 4pm to 12am. ***Proposed Hours of Operation for Sidewalk Café:*** Sunday 7am to 12am, Monday 10am to 1am, Tuesday-Friday 2pm to 1am, Saturday 7am to 1am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:*** Sunday 8am to 11pm, Monday-Thursday 2pm to 11pm, Friday 2pm to 12am, Saturday 8am to 12am. ANC 1A. SMD 1A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***The Airedale***, 3605 14th Street NW, Retailer CT, License No. 100018.

3. Review Request for Change of Hours of Summer Garden to open earlier and operate on Mondays. ***Approved Hours of Operation for Summer Garden:*** Sunday 10am to 12am, Monday Closed, Tuesday-Thursday 4pm to 1am, Friday 4pm to 2am, Saturday 10am to 2am. ***Approved Hours of Alcoholic Beverage Sales and Consumption for Summer*** Sunday 10am to 11pm, Monday Closed, Tuesday-Thursday 4pm to 11pm, Friday 4pm to 12am, Saturday 10am to 12am. ***Proposed Hours of Operation for Summer Garden:*** Sunday 7am to 12am, Monday-Thursday 12pm to 1am, Friday 12pm to 2am, Saturday 7am to 2am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption for Summer Garden:*** Sunday 8am to 12am, Monday-Thursday 12pm to 11pm, Friday 12pm to 12am, Saturday 8am to 12am. ANC 1A. SMD 1A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***The Airedale***, 3605 14th Street NW, Retailer CT, License No. 100018.

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4. Review Request for Change of Hours of Entertainment to offer Entertainment on Mondays. **Approved Hours of Live Entertainment:** Sunday 6am to 12am, Monday Closed, Tuesday-Thursday 6pm to 1am, Friday-Saturday 6pm to 2am. **Proposed Hours of Live Entertainment:** Sunday 6pm to 12am, Monday-Friday 6pm to 1am, Saturday 6pm to 2am. ANC 1A. SMD 1A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **The Airedale**, 3605 14th Street NW, Retailer CT, License No. 100018.
-
5. Review Application to Increase Total Occupancy Load to 303, adding 54 new seats to the existing Summer Garden. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Central Michel Richard**, 1001 Pennsylvania Avenue NW, Retailer CR, License No. 075607.
-
6. Review Request to expand the Seating Capacity of the restaurant to 98 and the bar/lounge area to 58 (156 seats total). ANC 3C. SMD 3C08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **The Savoy Suites Hotel**, 2505 Wisconsin Avenue NW, Retailer CH, License No. 090804.
-
7. Review Letter from Heidi Arnold of the American Heart Association requesting a Nonprofit Corporation Auction Permit to auction off items containing alcoholic beverages, such as wine donations, at the Heart's Delight fundraiser to be held March 11, 2016 from 6:30pm to 11:00pm at the Andrew W. Mellon Auditorium, 1301 Constitution Avenue NW, and on March 12, 2016 from 6:30pm to 11:00pm at the The Omni Shoreham Hotel, 2500 Calvert Street NW.
-

***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

Dental Equipment

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 Dental Equipment for the proposed Dental Clinic in 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 15th, and are due by 5:00 p.m. on Friday, February 26th.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF 2016 REGULAR MEETING DATES**

Regular Meetings of the Construction Codes Coordinating Board will be held on the following dates from 10:00 a.m. to noon at the Department of Consumer and Regulatory Affairs 1100 4th Street, S.W. – 4th Floor - Conference Room E4302:

Thursday, February 18, 2016

Thursday, March 17, 2016

Thursday, April 21, 2016

Thursday, May 19, 2016

Thursday, June 16, 2016

Thursday, July 21, 2016

Thursday, August 18, 2016

Thursday, September 15, 2016

Thursday, October 20, 2016

Thursday, November 17, 2016

Thursday, December 15, 2016

Meeting Minutes are posted on the DCRA website at <http://dcra.dc.gov/service/construction-codes-coordinating-board> and copies of meeting minutes and agendas are available on the Board of Ethics and Government Accountability (BEGA) website: <http://www.bega-dc.gov/board-commission/meetings>

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
NOTICE OF THE ISSUANCE OF A TEMPORARY EXEMPTION

Pursuant to 20 D.C. Municipal Regulations (DCMR) 2707.6, this constitutes notice that a temporary exemption is issued regarding the following:

- a. The name of the applicant:
 1. 1100 15th Street LLC – Permit No. AH1600375;
- b. The noise level to be permitted:
 1. 80dB at night;
- c. The period of time during which the exemption shall be in effect:
 1. 45-day night exemption, not including holidays, Sundays, and scheduled interruptions; and
- d. Any other conditions or qualifications necessary for the protection of the public under the standards applicable to the granting of a temporary exemption:
 1. Noise levels should not exceed 80dB.
 2. No work on holidays.
 3. No work on Sundays.
 4. This constitutes a temporary exemption from Title 20 Pursuant to 20 DCMR 2707 et seq., in the interest of the public welfare on the basis of reducing the overall duration of pedestrian and vehicular traffic disruption and public exposure to the hazards of building demolition.
- e. The effective time period for the exemption is February 10 – March 25, 2016.

D.C. PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****MULTIPLE REAL ESTATE SERVICES**

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for the following services: Architectural and Engineering, Civil Engineering, Transportation Engineering, Dry Utility Consulting, Geotechnical, Commissioning, Third Party Review, and Construction Manager at Risk for a public charter school facility project. For a copy of the RFP, please contact Ms. Ayesha Andrade of Brailsford & Dunlavey at aandrade@programmanagers.com. All proposals must be submitted by **12:00 pm noon** on **Friday, February 26, 2016**.

E.L. HAYNES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****HVAC Services**

E.L. Haynes Public Charter School (“ELH”) is seeking proposals for completing ten HVAC projects for our elementary school property, located at 4501 Kansas Avenue, NW.

The Contract will be assigned to a successful bidder who can provide the parts and service to complete these tasks. Applicants must respond to provide all 10 services in the response to request for applications.

Proposals are due via email to Kristin Yochum no later than 5:00 PM on Friday, February 12, 2016. We will notify the final vendor of selection by February 22, 2016. The RFP with bidding requirements can be obtained by contacting:

Kristin Yochum
E.L. Haynes Public Charter School
Phone: 202.667-4446 ext 3504
Email: kyochum@elhaynes.org

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

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 7E06

Petition Circulation Period: **Tuesday, February 16, 2016 thru Monday, March 7, 2016**

Petition Challenge Period: **Thursday, March 10, 2016 thru Wednesday, March 16, 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:

David Gilliland
Single-Member District 1B06

Maurice W. Dorsey
Single-Member District 2F01

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP****H Street Greenhouse: 1341 H Street, NE**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1341 H Street, NE, Washington, DC 20002, is Bearden Arts LLC, 1341 H Street NE, Washington, DC 20002. The application identifies the presence of dry cleaning solvents and petroleum hydrocarbons in soil and groundwater. The applicant intends to expand the existing structure into a multi-story mixed use building.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6A) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016--038 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****Skyland Town Center: 2626 Naylor Road, SE**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (Act)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), informs the public that it has received a Voluntary Cleanup Action Plan (VCAP) requesting to perform a remediation action for real property identified as Skyland Town Center, 2626 Naylor Road, SE. The applicant for the referenced address, Case No. VCP2015-033, is Skyland Holdings LLC, 8405 Greensboro Drive, 8th Floor, McLean, Virginia 22103. The VCAP identifies the presence of metals and petroleum compounds in soil and groundwater. The applicant intends to re-develop the property into a mixed-use residential/retail complex.

Written comments on the proposed Cleanup Action Plan must be received by the VCP program at the address listed below within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on the application, the Cleanup Action Plan, or a Certificate of Completion for any voluntary cleanup project.

The Cleanup Action Plan and supporting documents are available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First St., NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Cleanup Action Plan for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-1771.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-7B) for the area in which the property is located.

Please refer to Case No. VCP2015-033 in any correspondence related to this notice.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC OUTREACH MEETING
ON AIR QUALITY ISSUES****Air Quality Division**

Notice is hereby given that the Director of the Department of Energy and Environment (Department) will host a public outreach meeting to present information on the operation and responsibilities of the Department's Air Quality Division and seek feedback from the public and other interested persons on current operations. The Department seeks to engage the community on the mission and responsibilities of the Air Quality Division and is therefore holding these meetings to provide information and solicit public comment.

Location	Date/Time
Department of Energy and Environment 1200 First Street NE 5 th Floor Washington, D.C. 20002	March 08, 2016 6:00 PM

Interested parties may also submit written comments to Mr. William Bolden at the Department address above or at william.bolden@dc.gov no later than March 7, 2016 at 4:00 pm.

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
AARP		601 E Street NW Washington DC 20049	aarpdc@aarp.org
ABC of Metro Washington		6901 Muirkirk Meadows Drive, Suite F Beltsville Maryland 20705	ejones@abcmetrowashington.org
Accenture LLP		800 Connecticut Avenue NW Washington DC 20006	eric.sildon@stateandfed.com
AFLAC		1932 Wynnton Rd. Columbus Georgia 31999	john.mannion@skadden.com
Albers & Company	Intuit	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Albers & Company	Lilly USA, LLC	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Albers & Company	Fresenius Medical Care	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Albers & Company	Benevis, LLC for Kool Smiles	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Allstate Insurance Company		2775 Sanders Road Northbrook Illinois 60062	lpat6@allstate.com
Altria Client Services LLC	Altria Client Services, Inc. and its Affiliates	6601 West Broad Street Richmond Virginia 23230	eric.barker@altria.com
America's Health Insurance Plans		601 Pennsylvania Avenue NW, South Bld, Ste 500 Washington DC 20004	gtrujillo@ahip.org
American Beverage Association	American Beverage Association	c/o 2350 Kerner Blvd., Ste. 250 San Rafael California 94901	aba@nmgovlaw.com
American Cancer Society Cancer Action Network		7500 Greenway Center Dr, Suite 300 Greenbelt Maryland 20770	bpennino@cancer.org
American Chemistry Council	N/A	700 2nd St NE Washington DC 20002	josh_young@americanchemistry.com
American Civil Liberties Union of the Nation's Capital	American Civil Liberties Union of the Nation's Capital (self)	4301 Connecticut Avenue, NW, Suite 434 Washington DC 20008	melanie@aclu-nca.org
American Coatings Association, Attn: Alison Keane		1500 Rhode Island Avenue, N.W Washington DC 20005	AKeane@paint.org
American Council of Life Insurers		101 Constitution Ave NW Suite 700 Washington DC 20001	JoannWaiters@acli.com
American Federation for Children		1660 L Street, NW, Suite 1000 Washington DC 200036	musante@musantestrategies.com
American Heart Association		4301. N. Fairfax Dr., Suite 530 Arlington Virginia 22203	stuart.berlow@heart.org
American International Group		2919 Allen Parkway, L3-20 Houston Texas 70019	marcia.powell@aig.com
American Petroleum Institute		1220 L St NW Washington DC 20005	cobbsd@api.org
American University		American University, 4400 Mass. Ave NW Washington DC 20016	largo@american.edu
AmeriHealth Caritas		100 Stevens Drive Philadelphia PA 19113	longk@gtlaw.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Amgen	Amgen	601 13th St NW,12th Floor Washington DC 20005	kfeegel@amgen.com
AMHIC, A Reciprocal Association		804 Pershing Drive, No. 203 Silver Spring Maryland 20910	rbyer@amhic.com
Anheuser-Busch Companies		1401 I Street NW, Suite 200 Washington DC 20005	katja.zastrow@anheuser-busch.com
Arent Fox LLP	Uber Technologies, Inc.	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	Sunstone Hotels Investors Inc.	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	Shakespeare Theater	1717 K St NW Washington DC 20006	richard.newman@arentfox.com
Arent Fox LLP	Retail Energy Supply Association	1717 K Street NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	KIPP DC	1717 K St NW Washington DC 20006	thomas.castiello@arentfox.com
Arent Fox LLP	FWG Solutions, Inc.	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	DC United	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	Washington Drama Society, Inc. d/b/a Arena Stage	1717 K St NW Washington DC 20006	richard.newman@arentfox.com
Arent Fox LLP	BREOF Holdings, LLC	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox, LLP	AMHIC, A Reciprocal Association	1717 K Street, NW Washington DC 20006	jon.bouker@arentfox.com
Arthritis Foundation		1615 L St., N.W. Suite 320 Washington DC 20036	MGuimond@arthritis.org
AT&T	AT&T	1120 20th Street NW Suite 800 Washington DC 20036	denis.dunn@att.com
Bank of America Corporation		1100 North King Street DE5-001-02-07 Wilmington Delaware 19884	wendy.jamison@bankofamerica.com
Barry Place Partners LLC		c/o Ambling University Development Group, 348 Enterprise Drive Valdosta Georgia 31601	ghunter@audgllc.com
Bayer Corporation		100 Bayer Boulevard Whippany New Jersey 07981	christopher.leahy@bayer.com
Blues Alley Jazz LLC	N/A	1073 Wisconsin Ave. NW Washington DC 20007	executivedirector@bluesalley.org
Boehringer Ingelheim Pharmaceuticals, Inc.	Boehringer Ingelheim Pharmaceuticals, Inc.	900 Ridgebury Road Ridgefield Connecticut 06877	stacie.phan@boehringer-ingelheim.com
BREOF Holdings, LLC (f/k/a Brookfield Real Estate Opportunity Fund		181 Bay St Toronto Ontario M5J2T3	seamus.foran@brookfield.com
Capitol Outdoor, Inc., Attn: John Polis		3286 M Street, N.W Washington DC 20007	john@capitoloutdoor.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Capitol Petroleum Group		6820 Commercial Drive Suite B Springfield Virginia 22151	sworku@capitolpetro.com
CareFirst BlueCross BlueShield		1501 S.Clinton, 17th Floor Baltimore Maryland 21224	maria.tildon@carefirst.com
Carmen Group, Inc.	Georgetown University	505 9th Street, NW Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Crown Castle NG Atlantic LLC	505 9th Street, NW Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Hoffman Madison Waterfront LLC	505 9th Street, NW, 7th Floor Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Providence Hospital	505 9th Street, NW, 7th Floor Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Citelum DC, LLC	505 9th Street, NW, 7th Floor Washington DC 20004	carmene@carmengroup.com
Casey Trees		3030 12th St NE Washington DC 20017	mhughes@caseytrees.org
Celgene Corporation		1440 New York Ave NW Washington DC 20005	jmannion@skadden.com
Center for Science in the Public Interest		1220 L St NW Suite 300 Washington DC 20005	dallen@cspinet.org
Children's National Medical Center		111 Michigan Avenue NW; 5th Floor, West Wing Washington DC 20010	sguerrie@childrensnational.org
Christian Science Committee on Publication for the DC		138 E Street SE Washington DC 20003	districtofcolumbia@compub.org
Christina Figueras	Trial Lawyers Association of Metropolitan DC	1100 Conn. Ave NW Suite 800 Washington DC 20036	cwf@tla-dc.org
Citelum DC, LLC		490 L'Enfant Plaza, Suite 8214 Washington DC 20024	usadmin@citelum.com
Citigroup Washington, Inc.		1101 Pennsylvania Ave. NW, Suite 1000 Washington DC 20004	dcadm@citi.com
CityInterests		2900 K Street NW Suite 401 Washington DC 20007	anovak@cityinterests.co
Columbia Care, LLC		70 Industrial Avenue East Lowell Massachusetts 01852	bmayerson@col-care.com
Comcast of the District LLC		900 Michigan Avenue NE Washington DC 20017	stacy_burnette@cable.comcast.com
Consumer Technology Association		1919 S Eads St Arlington Virginia 22202	aschumacher@ce.org
Corrections Corporation of America		601 Pennsylvania Avenue, NW, Suite 210 South Bldg Washington DC 20004	jeremy.wiley@cca.com
Covanta	Covanta	445 South Street Morristown New Jersey 07960	ERosenberg@covanta.com
CrossFit, Inc.		1250 Connecticut Avenue NW, Suite 200 Washington DC 20036	theprofessor@crossfit.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
CSX Corporation	N/A	500 Water St 15th Floor Jacksonville Florida 32202	STEPHEN_FLIPPIN@CSX.COM
CVS Health		1275 Pennsylvania Ave, NW, Suite 700 Washington DC 20004	robin.seeley@cvscaremark.com
David W. Wilmot	Anheuser Busch	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David W. Wilmot	Hotel Association of Washington, DC	1455 Penn. Ave. NW Suite 400 Washington DC 20012	dwwdc1@gmail.com
David W. Wilmot	PhRMA	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David W. Wilmot	AT&T	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David Wilmot	Walmart	1455 Pennsylvania Ave NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David Wilmot	Citigroup Washington, Inc.	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DC Association of Health		1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DC Association of Health Plans		1455 Pennsylvania Ave NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DC Chamber of Commerce		509 9 th St NW Washington DC 20004	ewadlington@dcchamber.org
DC Hospital Association		1152 15th St NW Suite 900 Washington DC 20005	jpalmer@dcha.org
DC United		RFK Stadium 2400 E. Capitol St SE Washington DC 20003	eamaguana@dcunited.com
DC09		55 M Street SE Washington DC 20003	Emmanuel.Bailey@dc09.us
DC Athletic Trainer Association		PO Box 90215 Washington DC 20090	jennifer.rheeling@dc.gov
DC Building Industry Association	N/A	455 Massachusetts Ave NW Suite 400 Washington DC 20001	lmallory@dcbia.org
DC Insurance Federation	Insurance Industry	PO Box 78160 Washington DC 20013	wmcowen@dcif.org
Douglas Development		702 H Street, NW, Suite 400 Washington DC 20001	agourdine@douglasdevelopment.com
Drug Policy Alliance		925 15th St NW Washington DC 20005	gsmith@drugpolicy.org
Ellen Valentino-Benitez	MDDC Press Association	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Ellen Valentino-Benitez	MD-DE-DC Beverage Association	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Ellen Valentino-Benitez	American Petroleum Institute	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Entertainment Software Association		575 7th Street, NW Suite 300 Washington DC 20004	tfoulkes@theesa.com
Exelon Corporation		2301 Market Street, S23-1 Philadelphia Pennsylvania 19101	thomas.armstrong@exeloncorp.com
Express Scripts Holding Co.		300 New Jersey Ave NW, #600 WASHINGTON DC 20001	DMDederichs@express-scripts.com
Federal Home Loan Bank of Atlanta	N/A	1301 Pennsylvania Ave., Suite 1050 NW Washington DC 20004	emondres@fhlbatl.com
Feld Entertainment Inc.		8607 Westwood Center Drive Vienna Virginia 22182	lmoyers@feldinc.com
Frank D. Boston, III	Altria Client Services LLC and its Affiliates	2002 Clipper Park Road, Suite 108 Baltimore Maryland 21211	fdb3law@aol.com
Frank D. Boston, III	MillerCoors	2002 Clipper Park Road, Suite 108 Baltimore Maryland 21211	fdb3law@aol.com
Fresenius Medical Care		250 E. Day Road, Suite 300 Mishawaka Indiana 46545	keith.mentz@fmc-na.com
Friends of Choice in Urban Schools		1436 U St NW Washington DC 20009	mmusante@focusdc.org
FWG Solutions, Inc.		1725 I Street, NW, Suite 520 Washington DC 20006	nshokano.katabana@fwgsolutions.com
GCS, Inc.		1800 M Street, NW, Suite 1050S Washington DC 20036	msigal@gcs-dc.com
Genentech, Inc., A Member of the Roche Group	Genentech, Inc., A Member of the Roche Group	2350 Kerner Blvd Suite 250 San Rafael California 94901	genentech@nmgovlaw.com
Georgetown University		3700 O Street, NW Washington DC 20057	lbrown@georgetown.edu
Global Government and Industry Partners, LLC		1515 Lawrence St NE Washington DC 20017-2914	Coreyg@2gip.com
Goldblatt Martin Pozen LLP	Blues Alley Jazz	1625 K St NW Suite 700 Washington DC 20006	tpozen@gmpllp.com
Goldblatt Martin Pozen LLP	International Spy Museum	1625 K St NW, Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	American Chemistry Council	1625 K St NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	DC Building Industry Association	1625 K St NW #700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	CSX Corporation	1625 K St NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	Federal Home Loan Bank of Atlanta	1625 K Street NW, Suite 700 Washington DC 20006	tpozen@gmpllp.com
Goldblatt Martin Pozen LLP	Trustees of New Bethany Baptist Church	1625 K Street NW, Suite 700 Washington DC 20006	tpozen@gmpllp.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Robert Lloyd Clayton	Accenture LLP	1200 G St., NW, Suite 800 Washington DC 20005	robert_clayton@gshllp.com
Goulston & Storrs	MRP Realty	1999 K Street NW Suite 500 Washington DC 20006	dherndon@goulstonstorrs.com
Graves, Horton, Askew & Jenkins, LLC	Exelon Corporation	1750 K Street, NW, Suite 200 Washington DC 20006	chico@ghajfirm.com
Greenberg Traurig	Unity Health Care	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig LLP	Miller & Long DC	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig,LLP	AmeriHealth Caritas	2101 L St NW Washington DC 20037	longk@gtlaw.com
Greenstein DeLorme & Luchs, P.C.		1620 L St NW Suite 900 Washington DC 20036	vmp@gdllaw.com
Max Brown/Group360, LLC	Xerox Business Services, LLC and its Affiliates	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Corrections Corporation of America	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Consumer Technology Association	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Entertainment Software Association	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Medstar Health	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Public Consulting Group	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Zipcar	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Lyft Inc	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	MTM, Inc	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Ingleside at Rock Creek	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
G S Proctor and Associates	International Association of Firefighters, Local 36	14408 Old Mill Road, Ste 201 Upper Marlboro Maryland 20772	gsp@gsproctor.com
HNTB Corporation	HNTB Corporation	2350 Kerner Blvd., Ste. 250 San Rafael California 94901	jskelton@nmgovlaw.com
Hoffman-Madison Waterfront LLC		690 Water Street SW Washington DC 20024	ccrosse@pnhoffman.com
Holland & Knight LLC	Sherman Avenue, LLC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Holland & Knight LLP	Society of Landscape Architects, Potomac Chapter (PCASLA)	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Miller & Long Concrete Construction Company	800 17th Street NW, Suite 1100 Washington DC 20006	rod.woodson@hklaw.com
Holland & Knight LLP	Miller & Long - DC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Monument Realty	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Portfolio Recovery Associates	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Providence Hospital	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	CVS Health	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Douglas Development	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	GCS, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	rod.woodson@hklaw.com
Holland & Knight LLP	Georgetown University	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	McDonald's Corp.	800 17th Street NW, Suite 1100 Washington DC 20006	Rod.woodson@hklaw.com
Holland & Knight LLP	Barry Place Partners LLC	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Columbia Care	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Sursum Corda Cooperative Association, Inc.	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Lerner Enterprises	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	QC 369	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Safeway, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Hotel Association of Washington DC	Members of the Hotel Association of Washington, D.C., Inc.	1225 New York Ave NW Suite 250 Washington DC 20005	beverly@hawdc.com
IBM		600 14th St NW Suite 300 Washington DC 20005	jmannon@skadden.com
Institute for Justice		901 N. Glebe road, Suite 900 Arlington Virginia 22203	sarnold@wc-b.com
International Spy Museum		800 F Street NW Washington DC 20004	tchristian@spymuseum.org

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Intuit		601 Pennsylvania Ave. NW - No. Bldg, Suite 520 Washington DC 20004	Mark_Reed@intuit.com
Indivior Inc.		10710 Midlothian Turnpike, Suite 430 Richmond Virginia 23235	sam.moffit@indivior.com
James E. Nathanson	Trial Lawyers Association of Metropolitan Washington DC	1625 16th St NW #501 Washington DC 20009	jm@nathansons.net
Johnson and Johnson Services, Inc.		PO Box 5734 Columbia South Carolina 29250	jdarby1@its.jnj.com
Julyan & Julyan	Washington Parking Association	1100 G Street NW Washington DC 20005	julandjul@aol.com
Julyan and Julyan	Xerox Business Services, LLC	1100 G St NW Washington DC 20005	julandjul@aol.com
Julyan and Julyan	Terrell Place Properties LLC	1100 G St NW Washington DC 20005	julandjul@aol.com
Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.		2101 E Jefferson St Rockville Maryland 20852	Laurie.Kuiper@KP.org
Kerry Pearson	Pepco	750 Third Street, NW, Suite 404 Washington DC 20001	ksp1@kspllc.com
KIPP DC		1003 K St NW Suite 700 Washington DC 20001	alex.shaw@kipfdc.org
Benevis, LLC for Kool Smiles		1090 Northchase Parkway SE, Suite 150 Marietta Georgia 30067	aoreffice@benevis.com
Lawrence H. Mirel		8120 W Beach Drive NW Washington DC 20012	lawrencemirel@gmail.com
Lerner Enterprises		2000 Tower Oaks Boulevard, 8th Floor Rockville Maryland 20852	smiller@lerner.com
Lilly USA LLC		555 12th Street NW, Suite 650 Washington DC 20004	lydenti@lilly.com
Lorenzo M. Bellamy	Motor Vehicle Network(MVN-DC)	54 State Circle Annapolis Maryland 21401	kshearod@alexander-cleaver.com
Lorenzo M. Bellamy	MD DC Credit Union Association	54 State Circle Annapolis Maryland 21402	kshearod@alexander-cleaver.com
Lyft Inc.		568 Brannan Street San Francisco California 94103	kkleinbort@lyft.com
Manatt Phelps & Phillips LLP	Pepco Holdings Inc./Potomac Electric Power Company	1050 Connecticut Ave., NW, Suite 600 Washington DC 20036	smurray@manatt.com
Manatt, Phelps & Phillips LLP	Exelon	1050 Connecticut Ave., NW, Suite 600 Washington DC 20036	smurray@manatt.com
Manatt, Phelps & Phillips LLP	Petworth Holdings LLC	1050 Connecticut Ave., NW, Suite 600 Wahsington DC 20036	smurray@manatt.com
Manatt,Phelps & Phillips LLP	Capitol Petroleum Group LLC	1050 Connecticut Ave., NW, Suite 600 Washington DC 20036	smurray@manatt.com
Marijuana Policy Project		2370 Champlain St. NW, Suite 12 Washington DC 20009	kbell@mpp.org
MaryEvaCandon	Altria Client Services LLC and its Affiliates	2122 California St NW Washington DC 20008	candon@candonlaw.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
MaryEvaCandon	Epic Pharmacies, Inc., c/o MultiState Associates Inc	2122 California St NW Washington DC 20008	candon@candonlaw.com
McDonalds Corp.		4601 Six Forks Road, Suite 306 Raleigh North Carolina 27609	Susanne.Barham@us.mcd.com
MD-DE-DC Beverage Association		3 Church Circle #201 Annapolis Maryland 21401	evalentino@ellenvalentino.com
MDDC Press Association		60 West Street, Suite 107 Annapolis Maryland 21401	rsnyder@mddcpress.com
Medical Society of DC		1250 23rd St NW Suite 270 Washington DC 20037	shanbacker@msdc.org
MedStar Health		5565 Sterrett Place 5th Floor Columbia Maryland 21044	pegeen.a.townsend@medstar.net
Melvin Ray Hassell		1204 E. Beltline Apt. 3102 Cedar Hill Texas 75104	melvinhassell@yahoo.com
Merck Sharp & Dohme Corp.	Merck Sharp & Dohme Corp.	c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Suite 250 San Rafael California 94901	dlim@nmgovlaw.com
Miller & Long DC		5151 Wisconsin Avenue, NW Washington DC 20016	longk@gtlaw.com
MillerCoors LLC		6 Concourse Parkway Atlanta Georgia 30328	rochelle.marte@millercoors.com
Monument Realty		1700 K Street, NW, Suite 600 Washington DC 20006	ksalpini@monumentrealty.com
Monumental Sports & Entertainment, Attn: Randal J. Boe		601 F Street, N.W Washington DC 20004	rboe@monumentalsports.com
Mr. Kerry R. Watson Jr.	Motor Vehicle Network (MVN-DC)	54 State Circle Annapolis Maryland 21401	kshearod@alexander-cleaver.com
Mr. Kerry R. Watson, Jr.	MD DC Credit Union Association	54 State Circle Annapolis Maryland 21402	kshearod@alexander-cleaver.com
MRP Realty		317 L Street SE Washington DC 20007	mskena@mrprealty.com
MTM, Inc.		16 Hawk Ridge Dr Lake St Louis Missouri 63367	gvogel@mtm-inc.net
N William Jarvis	IBM	2600 Virginia Avenue NW Suite 202 Washington DC 20037	wjarvis@thejarviscompany.com
N William Jarvis	DC09	2600 Virginia Avenue NW Suite 202 Washington DC 20037	wjarvis@thejarviscompany.com
N William Jarvis	Comcast of the District LLC	2600 Virginia Avenue NW Suite 202 Washington DC 20037	wjarvis@thejarviscompany.com
National Restaurant Association		2055 L Street NW Washington DC 20036	mwhatley@restaurant.org
Nationwide Mutual Insurance		1401 Poplar Avenue Annapolis Maryland 21401	kristil@nationwide.com
Natural Resources Defense Council		40 West 20th St New York New York 10011	lcatapano@nrdc.org

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Novartis Pharmaceuticals Corp.		One Health Plaza Bldg. 701/433 East Hanover New Jersey 07936	gregory.slyfield@novartis.com
Otsuka America Pharmaceuticals Inc.		2440 Research Blvd. Rockville Maryland 20850	donna.erwin@otsuka-us.com
Paintcare, Inc.		1500 Rhode Island Ave. NW Washington DC 20005	akeane@paint.org
Patton Corporation	WANADA	PO Box 8490 Avon Colorado 81620	dpatton1221@gmail.com
Petworth Holdings LLC		225 Pennsylvania Ave., SE Washington DC 20003-1108	John@JohnCFormant.com
Pfizer Inc.	Pfizer Inc.	c/o 2350 Kerner Blvd. Ste 250 San Rafael California 94901	jskelton@nmgovlaw.com
Pharmaceutical Research and Manufacturers of America (PhRMA)	Pharmaceutical Research and Manufacturers of America (PhRMA)	950 F St. NW, Suite 300 Washington DC 20004	paul.larsen@stateandfed.com
Podesta Group, Inc.	Crossfit, Inc.	1001 G Street NW, Suite 1000W Washington DC 20001	lobby@podesta.com
Portfolio Recovery Associates		120 Corporate Boulevard, Suite 100 Norfolk Virginia 23502	Dwredmond@portfoliorecovery.com
Potomac Electric Power Company		701 Ninth Street, NW Washington DC 20068	jmbeasley@pepco.com
Property Casualty Insurers Assoc. of American (PCI)		8700 West Bryn Mawr Ave., Ste. 1200S. Chicago Illinois 60631	micaela.isler@pciaa.net
Providence Hospital		1150 Varnum Street, NE Washington DC 20017	tygressa.jones@provhosp.org
Public Consulting Group		148 State Street Boston Massachusetts 02109	dqaja@pcgus.com
QC 369, LLC		1001 G Street, NW, Suite 900 Washington DC 20001	rknopf@quad1.com
Reed Smith LLP	Save the Children	1301 K Street, NW Suite 1000 Washington DC 20005	tcheeseboro@reedsmith.com
Retail Energy Supply Association		7159 Red Top Road Hummelstown Pennsylvania 17036	tmccormick@resausa.org
Robert M Willis	American International Group, Inc	1200 G Street, NW, Suite 800 Washington DC 20005	rmwillistar@msn.com
Robert M. Willis Attorney & Counselor at Law	Aflac	1200 G Street, NW, Suite 800 Washington DC 20005	rmwillistar@msn.com
Donald R. Dinan	DC AthleticTrainers Association	221 9th Street, SE Washington DC 20003	dondinan@gmail.com
Safeway, Inc.		4551 Forbes Blvd. Lanham Maryland 20706	craig.muckle@safeway.com
Sanofi US	Sanofi US	55 Corporate Dr., MS 5A-500A Bridgewater New Jersey 08807	joseph.devaney@sanofi.com
Save the Children Federation, Inc.	Save the Children Federation, Inc.	501 Kings Highway East, Suite 400 Fairfield Connecticut 06825	cwauters@savechildren.org

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
SEIU Local 32BJ		25 West 18th Street, 5th Floor New York New York 10011	dschmidt@seiu32bj.org
Shakespeare Theatre		516 8th St SE Washington DC 20003	cjennings@shakespearetheatre.org
Sherman Avenue, LLC		3050 K Street, NW, Suite 125 Washington DC 20007	mrobinson@mrprealty.com
Sibley Memorial Hospital	Sibley Memorial Hospital	5255 Loughboro Road NW Washington DC 20016	mmckeev2@jhmi.edu
Society of Landscape Architects, Potomac Chapter (PCASLA)		PO Box 136, 611 Pennsylvania Avenue SE Washington DC 20003	g.wagner52@gmail.com
State Farm Mutual Automobile Insurance Company		6 Hillman Drive, Ste 200 Chadds Ford Pennsylvania 19317	catherine.a.rankin.bk31@statefarm.com
Sunovion Pharmaceuticals Inc.	Sunovion Pharmaceuticals Inc.	84 Waterford Drive Marlborough Massachusetts 01752	tony.magnetti@sunovion.com
Sunstone Hotels Investors Inc.		120 Vantis #350 Aliso Viejo California 92656	okolpin@sunstonehotels.com
Sursum Corda Cooperative Association, Inc.		1112 First Terrace, NW Washington DC 20003	durenlonnie@yahoo.com
DC Chapter of the National Organization for Women		501 12th Street NE, #23 Washington DC 20002	president@dc-now.org
TC Mid-Atlantic Development IV, Inc.		1055 Thomas Jefferson St NW Suite 600 Washington DC 20007	kmitchell@trammellcrow.com
Terrell Place Property LLC		1300 Wilson Blvd. #910 Arlington Virginia 22209	jkovach@beaconcapital.com
The College Board		1919 M street NW, Suite 300 washington DC 20036	mvillafranca@collegebaord.org
The George Washington University		2121 Eye St., NW Washington DC 20052	gwlegal@gwu.edu
The Nature Conservancy		5410 Grosvenor Lane, Suite 100 Bethesda Maryland 20814	jkurtz@tnc.org
The Washington Post		1301 K Street, N.W. Washington DC 20071	naria.belay@washpost.com
Trial Lawyers Association of Metropolitan Washington DC		1919 M Street, NW, Suite 350 Washington DC 20036	mary@tla-dc.org
Trustees of New Bethany Baptist Church	N/A	1300 Tenth St NW Washington DC 20001	dsanders522@verizon.net
Uber Technologies, Inc.		1455 Market St 4th Floor San Francisco California 94103	bfisch@multistate.com
UFCW Local 400		8400 Corporate Drive Suite 200 Landover Maryland 20785	apate@local400.org

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
United Negro College Fund, Inc.		1805 Seventh St NW Washington DC 20001 Washington DC 20001	dboykin@uncf.org
Unity Health Care		1220 12th Street, SE Washington DC 20003	longk@gtlaw.com
USAA		601 Pennsylvania Ave, NW Washington DC 20004	vicki.harris@usaa.com
Venable LLP Attn: William Hall	Paintcare, Inc.	575 7th Street, N.W Washington DC 20004	whall@venable.com
Venable LLP, Attn: William N. Hall	American Coatings Association ATTN: Allison Keane	575 7th Street, N.W Washington DC 20004	Whall@venable.com
Venable LLP, Attn: William N. Hall	Monumental Sports & Entertainment, ATTN: Randall J. Boe	575 7th Street, N.W Washington DC 20004	whall@venable.com
Venable LLP, Attn: William N. Hall	Capitol Outdoor, Inc. ATTN: John Polis	575 7th Street, N.W Washington DC 20004	whall@venable.com
Verizon Washington DC		1300 I St NW Suite 400w Washington DC 20005	joseph.l.askew.jr@verizon.com
Wal-Mart Stores, Inc.	Wal-Mart Stores, Inc.	2608 J Street, Suite 2 Bentonville Arkansas 72716	gerard.dehrmann@stateandfed.com
Warner Session, ESQ	National Electrical Contractors Association	1300 Eye Street, NW Suite 300 West Washington DC 20005	whs@warnersession.com
Washington Area New Automobile Dealers Association		5301 Wisconsin Avenue NW, Suite 210 Washington DC 20015	jod@wanada.org
Washington D.C. Assoc. of Realtors		500 New Jersey Avenue, Suite 310 Washington DC 20001	ekrauze@gcaar.com
Washington Drama Society, Inc., d/b/a Arena Stage		1101 6th St SW Washington DC 20024	edobie@arenastage.com
Washington Gas		101 Constitution Avenue, NW Washington DC 20080	vcourtney@washgas.com
Washington Parking Association		4200 Wisconsin Ave NW Suite 550 Washington DC 20016	info@washingtonparkingassociation.com
WEM Associates, LLC	DC Insurance Federation	3413 Stoneybrae Drive Falls Church Virginia 22044	wemcowen@wemassociates.com
Xerox Business Services, LLC and its Affiliates		1800 M St NW, North Tower 5th Floor Washington DC 20036	tanya.donalty@xerox.com
United States Public Interest Research Group		218 D St SE Washington DC 20003	zweinstein@pirg.org
Zipcar		403 8th Street, NW Washington DC 20001	shall@zipcar.com

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Multiple Services**

Friendship Public Charter School seeks **qualified vendors to provide** Multi-state and county criminal history search. Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 29th, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org.

Friendship Public Charter School seeks **qualified vendors to provide** conduct evaluation for summer programming. Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 29th, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org.

Friendship Public Charter School seeks **qualified vendors to provide** PRINTER AND COPIER LEASE AND MANAGEMENT. Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 29th, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org.

Friendship Public Charter School seeks **qualified vendors to provide** school leaders and teacher professional development to refine instructional and intervention strategies to increase student achievement in grades preschool through 12. Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 29th, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org.

Friendship Public Charter School seeks **qualified vendors to provide** temporary staffing and search firms to assist in recruiting temporary and permanent special education teachers serving grades Preschool through 12th grade. Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, February 29th, 2015. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, March 3, 2016, at 2:30pm** in the **11th Floor Main Conference Room 1107 at 441 Fourth Street NW, Washington, DC 20001**. Please note that government issued ID is needed to access the building. Use the South Lobby elevators to access the 11th floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Androgenic Agents	Hypoglycemics, Incretin Mimetics/Enhancers
Antibiotics, Vaginal	Hypoglycemics, Insulins
Antiemetics/Antivertigo Agents	Hypoglycemics, Meglitinides
Antihyperuricemics	Hypoglycemics, Metformins
Bladder Relaxants	Hypoglycemics, SGLT2 Inhibitors
Bone Resorption and Suppression Agents	Hypoglycemics, Thiazolidinediones
BPH Agents	Pancreatic Enzymes
Erythropoiesis Stimulating Agents	Phosphate Binders
GI Motility, Chronic, Irritable Bowel Syndrome	Progestins For Cachexia
Growth Hormone	Proton Pump Inhibitors
H. Pylori Agents	Ulcerative Colitis Agents
Hepatitis C Agents	Vaginal Estrogen Preparations
Histamine-2-Receptor Antagonists	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Wednesday, February 24, 2016**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45pm on February 24, 2016. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed **to arrive no later than February 24, 2016** to:

Department of Health Care Finance
 Attention: Charlene Fairfax, RPh, CDE
 441 4th Street NW, Suite 900 South
 Washington, DC 20001

**DEPARTMENT OF HEALTH CARE FINANCE
& DEPARTMENT ON DISABILITY SERVICES**

**PUBLIC NOTICE OF REVISIONS TO THE STATEWIDE
TRANSITION PLAN FOR THE DISTRICT
MEDICAID PROGRAM'S HOME AND
COMMUNITY-BASED SERVICES WAIVERS**

The Directors of the Department of Health Care Finance (DHCF) and Department on Disability Services (DDS), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02) (2012 Repl. & 2013 Supp.), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)) hereby give notice of their intent to submit revisions to the Statewide Transition Plan for the District of Columbia Medicaid program's Home and Community-Based Services (HCBS) Waivers to the Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

CMS regulations, effective March 17, 2014, and published in 79 Fed. Reg. 2948-3039 (Jan. 16, 2014), changed the definition of home and community-based services settings for HCBS Waiver services and required that DHCF and DDS develop and submit to CMS a transition plan identifying how the HCBS Waivers will be brought into compliance with the new outcome-oriented definition of HCBS settings. DHCF and DDS submitted a Statewide Transition Plan to CMS on March 17, 2015. That plan is available online on the DHCF website at: <http://dhcf.dc.gov/release/announcement-submitted-cms-district-columbia-plan-comply-new-federal-home-and-community> and the DDS website at: <http://dds.dc.gov/publication/dc-statewide-transition-plan-3-17-2015>. Following a period of public comment, DHCF and DDS plan to submit an update to that Statewide Transition Plan for CMS's review and approval.

Copies of the proposed revisions to the Statewide Transition Plan may be obtained no later than February 20, 2016 on the DHCF website at <http://dhcf.dc.gov>, the DDS website at <http://dds.dc.gov>, or upon request from Ieisha Gray, Director, Long Term Care Administration, D.C. Department of Healthcare Finance, 441 4th St, NW, 10th Floor, Washington D.C. 20001.

DHCF and DDS will hold two public forums during which written and oral comments on the proposed revisions to the Statewide Transition Plan will be accepted. The first public forum will be held at the R.I.S.E. Demonstration Center at 2730 Martin Luther King, Jr. Ave., SE Washington, D.C. 20032 (St. Elizabeths East Campus) on March 1, 2016 from 3-5 p.m. in the Conference Room. The second public forum will be held at the D.C. Department of Health Care

Finance at 441 4th St, NW, Washington D.C., 20001 on March 3, 2016 from 10 a.m.-12 p.m. in the Old Council Chambers (South Building).

Written comments on this transition plan may be submitted to Claudia Schlosberg, Medicaid Director, D.C. Department of Health Care Finance, 441 4th St, NW, 9th Floor, Washington D.C. 20001, or by e-mail at dhcfpubliccomments@dc.gov, during the thirty (30) day public comment period closing Monday, March 21, 2016, at 5 pm EST.

Copies of this notice will be published on the DHCF website at at <http://dhcf.dc.gov> and the the DDS website at <http://dds.dc.gov>.

For further information, contact Ieisha Gray, Director, Long Term Care Administration, D.C. Department of Health Care Finance, at (202) 442-5818, ieisha.gray@dc.gov or Erin Leveton, Program Manager, DDS State Office of Disability Administration, at (202) 730-1754, erin.leveton@dc.gov.

**DEPARTMENT OF HEALTH
HIV/AIDS, HEPATITIS, STD, & TB ADMINISTRATION
NOTICE OF FUNDING AVAILABILITY**

RFA# HSG.FBHP021716

FY2016 HIV Facility Based Housing Programs

The Government of the District of Columbia, Department of Health (DOH) HIV/AIDS, Hepatitis, STD, & TB Administration (HAHSTA) is soliciting applications from qualified applicants to provide Facility-Based Housing (FBH) programs for HIV positive individuals and their families at risk for continued or chronic homelessness needing assistance to access or maintain permanent housing placement.

Up to \$526,428 in Housing Opportunity for Persons with AIDS (HOPWA) funds from the U.S. Department of Housing and Urban Development (HUD) will be made available in FY2016.

HAHSTA is seeking applicants who will offer comprehensive services for timely transition of participants to either self-supported permanent housing or a permanent supportive housing setting. Successful programs will include services to determine self-sufficiency or transition to supportive settings, establish linkages with relevant services (e.g., behavioral health, job preparation, employment placement, treatment adherence support, among others), and provide available services to clients waiting for housing services and resources.

HAHSTA intends to grant awards in two (2) categories, Emergency Housing with support services and Transitional Housing with support services. An application is required for each service category. Awards are projected to begin April 1, 2016. There will be 3 budget periods. The first budget period is prorated to 6 months, ending September 30, 2016. Subsequent budget periods will be for 12 months with the second beginning October 1, 2016. The number of awards, project periods and award amounts are contingent upon availability of funds and recipient performance.

The following entities are eligible to apply for grant funds under this RFA: not-for-profit providers operating as housing programs. Awards will be made to organizations located and providing services within the District of Columbia.

The release date of RFA# HSG.FBHP021716 is Wednesday, February 17, 2016. The HIV/AIDS, Hepatitis, STD & TB Administration will have the completed RFA available for pick up at 899 North Capitol Street, NE, 4th Floor and on the Office of Partnerships and Grant Services website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> on Wednesday, February 17, 2016.

The Request for Application (RFA) submission deadline is 4:30 PM on Friday, March 9, 2016. The Pre-Application conference will be held at 899 North Capitol, NE, 4th floor Conference Room, Washington, DC 20002, on **Thursday, February 25, 2016, from 10:00 AM to 11:00 AM**. If you have any questions, please contact Sherita.grant@dc.gov via email or by telephone at (202) 671-5062.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 15-18: The Furies Collective

219 11th Street SE

Square 969, Lot 66

Designated January 28, 2016

Affected Advisory Neighborhood Commission: 6B

Designation Case No. 15-25: The Jost-Kuhn House

1354 Madison Street NW

Square 2799, Lots 19 and 809

Designated January 28, 2016

Affected Advisory Neighborhood Commission: 4A

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

INGENUITY PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Strategic Planning Consultant**

The Ingenuity Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for a strategic planning consultant.

Please go to <http://www.ingenuityprep.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., Friday, February 26, 2016.

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

Bid Administrator
bids@ingenuityprep.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.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****School Leaders Retreat Venue**

KIPP DC is seeking proposals from venues for a School Leaders Retreat for 70 people in November 2016 (meeting space, lodging, meals). The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals are due by 2pm EST on February 22, 2016. Questions can be addressed to joseph.hassine@kippdc.org.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

February 18, 2016
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, February 18, 2016, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.reaves@dc.gov.

AGENDA

- | | | |
|-------|------------------------------------|--------------------|
| I. | Call to Order and Roll Call | Chairman Bress |
| II. | Approval of Board Meeting Minutes | Chairman Bress |
| III. | Chairman's Comments | Chairman Bress |
| IV. | Acting Executive Director's Report | Ms. Morgan-Johnson |
| V. | Investment Committee Report | Ms. Blum |
| VI. | Operations Committee Report | Mr. Ross |
| VII. | Benefits Committee Report | Mr. Smith |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chairman Bress |
| XI. | Adjournment | |

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
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 March 1, 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 February 12, 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: March 1, 2016
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Acuff	Amy E.	Catholic Charities of the Archdiocese of Washington DC 924 G Street, NW	22202
Anderson	Robin E.	Sheridan Station 2516 Sheridan Road, SE	20020
Anderson	Hugh A.	Citibank 1225 Connecticut Avenue, NW	20036
Barfield, Jr	Morris	Self 4341 F Street, SE	20019
Bean	Morgan E.	Blackboard Inc 111 N 19th Street, NW	20036
Bingham-Hamilton	Marjorie	Transitional Housing Corporation 5101 16th Street, NW	20011
Blackwood	Janelle F.	ITIC 1101 K Street, NW, Suite 610	20005
Bobbitt	Donald	American Council on Education One Dupont Circle, NW, Suite 1B-50	20036
Brown	Jasmine	Deputy Mayor for Planning and Economic Development 1350 Pennsylvania Avenue, NW, Suite 675	20004
Carter	Angela	Donohoe Construction Company 2101 Wisconsin Avenue, NW	20772
Cisse	Alpha	M&T Bank 555 12th Street, NW	20004
Conley	Paula	Quadrangle Development Corporation 1001 G Street, NW, Suite 700W	20001
Crane	Gemma Katherine	Baker & McKenzie 815 Connecticut Avenue, NW	20006

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

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Crockett	Sha-Kayla	Bediz Group 1918 18th Street, NW, Courtyard Suite #2	20009
Daye	Heather M.	Self (Dual) 1218 I Street, SE, #32	20003
Eastes	Paula	Planet Depos 1110 Connecticut Avenue, NW	20036
Ellis	Helen R.	H2 Design Build, LLC 4700 14th Street, NW	20011
Erickson	Mary Elizabeth	Next Level Partners 410 1st Street, SE, Suite 310	20003
Ezekwe	Nkechinyere	Law Offices of Rosalind R. Ray 6856 Eastern Avenue, NW, Suite 208	20001
Favors	Yvonne T.	Venture Philanthropy Partners 1201 15th Street, NW, Room 510	20005
Funk	Katherine Marie	Metro Offices 1250 Connecticut Avenue, NW, Suite 200	20036
Gaines	Sashawna	Capital One Bank 336 Pennsylvania Avenue, SE	20003
Garner	Keisha A.	Garner Law PPLC 1200 G Street, NW, Suite 800	20005
Gilbert	Nakeda	ZGF Architects 1800 K Street, NW, Suite 200	20006
Gkoulgkountina	Georgia Ioanna	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Gray	Lynnett Maria	US Department of Veterans Affairs 810 Vermont Avenue, NW (003C1E)	20420
Harriman	Elizabeth	Agriculture Federal Credit Union 1400 Independence Avenue, SW Room, SM-2	20250

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries PublicEffective: March 1, 2016
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Henges	Dale L.	American Red Cross 2025 E Street, NW	20006
Johnson	Jeanetta	Office of the State Superintendent of Education (OSSE) 810 First Street, NE, 8th Floor	20002
Kallon	Moinama	Capital One Bank 336 Pennsylvania Avenue, SE	20003
Kanfer	Michael H.	Monarch Title 5151 Wisconsin Avenue, NW, Suite 350	20016
King	Ashley	TD Bank, N.A. 1753 Connecticut Avenue, NW	20009
Lewis	Arrian	H2 Design Build, LLC 4700 14th Street, NW, Unit B	20011
Little	Lisa R.	Kobre & Kim 1919 M Street, NW	20782
Lombardi	Raymond L.	Washington Door and Hardware LLC 5764 2nd Street, NE	20011
Longanecker	Craig A.	Charles Schwab & Company 1845 K Street, NW	20006
Matsumura	Yumi K.	Capital Guidance Corporation 672 Water Street, SW	20024
McGauley-Bradley	Lillian R.	OAG Child Support Service Division 441 4th Street, NW	20001
Mejia	Elmer J.	Wells Fargo 3314 Wisconsin Avenue, NW	20016
Mulcahy	Catherine Eleanor	Alexandria Capital 1030 15th Street, NW, Suite 450W	20005

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

Effective: March 1, 2016

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Nomkin	Joshua	Arabella Advisors 1201 Connecticut Avenue, NW, Suite 300	20036
O'Neal	Marilyn N.	Self 2404 24th Street, SE	20020
Pabico	Michelle	M&T Bank 1680 K Street, NW	20006
Pape	Jeremy Daniel	Wilmer Cutler Pickering Hale and Dorr LLP 1875 Pennsylvania Avenue, NW	20006
Patsch	Evan	Wells Fargo 3314 Wisconsin Avenue, NW	20016
Peeks	Marsha L.	Anchor Mental Health of Catholic Charities 1001 Lawrence Street, NE	20017
Pehlivanis	Christina	Blackboard, Inc. 1111 19th Street, NW	20036
Perry	Lauren W.	Self 727 Fern Place, NW	20012
Photiou	Christopher	T. Rowe Price 1717 K Street, NW, Suite A-100	20006
Poulson	Tasha	Self (Dual) 1239 46th Street, SE	20002
Rodriguez	Yanhina Soledad	EverFl, Inc 3299 K Street, NW, Suite 400	20007
Rush	Milta Liliana	The Donohoe Companies, Inc. 2101 Wisconsin Avenue, NW	20007
Simkins	Robert Moorman	Harris Wiltshire & Grannis, LLP 1919 M Street, NW, 8th Floor	20036
Spagnolo	Emily	Metro Offices 1250 Connecticut Avenue, NW, Suite 200	20036

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

Effective: March 1, 2016

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Spence	Kyle W.	Self (Dual) 70 I Street, SE #1004	20003
Stevens	Roslyn R.	Transitions Healthcare Capitol City 2425 25th Street, SE	20001
Swartz	Timothy A.	Freshfields Bruckhaus Deringer, US LLP 700 13th Street, NW	20005
Talento	Kelly	Compass 1506 19th Street, NW, Suite 1	20036
Taylor	Adelaide	DC Law Students In Court Program, INC 4340 Connecticut Avenue, NW	20008
Teixeira	Charles	DC Office of the Attorney General 441 4th Street, NW, Suite 1145S	20001
Tejada	Michael S.	Loeb & Loeb LLP 901 New York Avenue, NW, Suite 300 East	20001
Throne	Ramonia G.	Self 2302 Good Hope Road, SE, #202	20020
Valglica	Kathleen M.	Alderson Court Reporting 1155 Connecticut Avenue, NW, Suite 200	20036
Walker	Johanna	Wells Fargo Bank 1510 K Street, NW	20005
Walton	Zequilla	SOME, Inc. 60 O Street, NW	20001
Washington	Sharon	United Medical Center 1310 Southern Avenue, SE	20032
Webb-Braxton	Eileen A.	Atlantic Council 1030 15th Street, NW, 15th Floor	20005
Weber	Linda Marie	Fawcett & Fawcett, PC 1100 Connecticut Avenue, NW, Suite 340	20036

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

**Effective: March 1, 2016
Page 7**

Wheeler	David	TD Bank, N.A. 1753 Connecticut Avenue, NW	20009
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**TWO RIVERS PUBLIC CHARTER SCHOOL
INTENT TO AWARD A SOLE SOURCE CONTRACT**

Lindamood-Bell In-School Tutoring Services

Two Rivers Public Charter School intends to enter into a sole source contract with Lindamood-Bell Learning Processes for learning center on campus services using proprietary Lindamood-Bell instructional materials and Lindamood-Bell staff. The cost of this contract will be approximately \$100,000. The decision to sole source is because Lindamood-Bell is the exclusive licensed center in the District of Columbia that provides in-school learning centers staffed by Lindamood-Bell staff using Lindamood-Bell materials. Lindamood-Bell instructional materials are currently used by Two Rivers staff and additional capacity outside Two Rivers staff is needed for the remainder of the 2015-2016 school year.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES**

NOTICE OF PUBLIC MEETING

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, February 9, 2016 at 5:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes – December 8, 2016
- III.** Action Items - Resolutions
- IV.** Report of the Chair – Dr. Crider
- V.** Report of the President – Mr. Mason
- VI.** Committee Reports
 - a. Executive – Dr. Crider
 - b. Committee of the Whole – Dr. Crider
 - c. Academic and Student Affairs – Mr. Wyner
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force – Mr. Wilhite
 - d. Audit, Budget and Finance – Mr. Felton
 - e. Community College – Dr. Tardd
 - f. Operations – Mr. Bell
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Van/Bus**

Issued: February 12, 2016

Washington Latin is soliciting proposals from qualified vendors to provide sales of a van or bus for transportation purposes.

Questions and proposals may be e-mailed directly to Washington Latin PCS (bpaul@latinpcs.org) with the subject line as the type of service, Van/Bus. Deadline for submission is 12 noon on Friday, February 19, 2016.

E-mail is the preferred method for responding, but you may also mail proposals and supporting documents to the address below. All materials for proposals must be in our office by the above deadline.

Washington Latin Public Charter School
Attn: Business Office
5200 2nd Street, NW
Washington, DC 20011

**WILLIAM E. DOAR JR. PUBLIC CHARTER SCHOOL
FOR THE PERFORMING ARTS**

REQUEST FOR PROPOSALS

Heat and Air Conditioning Services

The William E. Doar Jr. Public Charter School for the Performing Arts, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from Vendors or Consultants for the following service:

W. E. Doar Jr. Public Charter school is soliciting a vendor to provide heat and air conditioning services for the 2015-2016 year.

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **2:00 p.m. EST on February 26, 2016** unless otherwise stated in associated RFP’s. Proposals should be emailed to bids@wedjschool.us

For information regarding the school please see: www.wedjschool.us

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19004 of 1933 Montana Ave LLC, as amended¹, pursuant to 11 DCMR § 3104.1 for a special exception under § 214 to allow accessory parking (14 spaces) for a new office use at 920 Bladensburg Road located across the alley from the subject property which is located in the R-4 District at the southeast corner of 16th Street, N.E. and Oates Street, N.E. (Square 4073, Lots 52 and 803.)

HEARING DATES: June 9, 2015, September 15, 2015, October 20, 2015² and December 15, 2015

DECISION DATE: January 12, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5 – original; Exhibit 34 – revised.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5D, which is automatically a party to this application. ANC 5D submitted a report noting that at a duly noticed public meeting, the ANC voted to support the application.³ (Exhibit 27.)

The Office of Planning (“OP”) submitted two reports regarding the application. In the first report, dated June 2, 2015, OP indicated that it was unable to provide a recommendation based on the relief as originally requested. (Exhibit 24.) OP encouraged the Applicant to clarify the zoning relief and address other issues related to the application. OP filed a supplemental report on

¹ The application was originally advertised to request special exceptions from the number of parking spaces requirements under § 2108.2, the accessory parking space location requirements under § 2116.7, and the parking space accessibility requirements under § 2117.4, to allow a new medical office use. The Applicant amended the application in the Prehearing Statement and submitted a revised Self Certification form (Exhibits 33 and 34) and the caption has been changed accordingly.

² The hearing on this application was postponed from the June 9th, September 15th, and October 20, 2015 public hearing sessions.

³ The Board noted that the report did not indicate how many members constitute a quorum, nor did it provide the vote count as required by 11 DCMR § 3115.1(d) and (g). Therefore, the ANC report cannot be given great weight.

BZA APPLICATION NO. 19004
PAGE NO. 2

December 8, 2015, expressing support for the revised application.⁴ (Exhibit 35.) OP stated that it supports the Applicant's revised request, but would also support "an enhanced landscaping plan to more effectively buffer the proposed parking lot from the adjacent residential uses." In response, the Board requested that the Applicant submit a revised landscape plan, which the Applicant filed into the record on January 5, 2016. (Exhibit 39.)

The D.C. Department of Transportation ("DDOT") filed a request for waiver of the seven-day time period for filing the report to allow the agency time to conduct its assessment of the application. (Exhibit 29.) DDOT filed its report on October 15, 2015, indicating that it had no objection to the proposal. (Exhibit 32.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 214. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 214, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application, is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 39 – REVISED SITE PLAN.**

VOTE: 4-0-1 (Marnique Y. Heath, Frederick L. Hill, Jeffrey L. Hinkle, and Peter G. May to Approve; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 29, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

⁴ OP stated that "the Applicant revised the initial application, which incorrectly requested relief under Sections 2116.7; 2108.2; and 2117.4, and also proposed twenty-one (21) parking spaces, some of which would be stacked. The Applicant is requesting to amend the Application to reduce the number of proposed spaces to fourteen (14), and to amend the request to be under Section 214." (Exhibit 35.)

BZA APPLICATION NO. 19004
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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19020-A of Jemal’s Bulldog L.L.C., pursuant to 11 DCMR § 3103.2, for variances from the court requirements under § 776, the off-street parking requirements under § 2101.1, and the loading requirements under § 2201.1, and pursuant to § 3104.1, a special exception from the rear yard requirements under § 774, to construct a new 13-story hotel building with cellar in the DD/C-3-C District at premises 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809).

HEARING DATE: June 23, 2015

DECISION DATE: July 28, 2015

CORRECTED¹ DECISION AND ORDER

This self-certified application was submitted on April 7, 2015 by Jemal’s Bulldog L.L.C., the owner of the property that is the subject of the application, to request an area variance from the court requirements under § 776 and variances from the parking requirements under § 2101.1 and loading requirements under § 2201.1, as well as a special exception from the rear yard requirements under § 774, to allow a new 13-story hotel, with cellar, in the DD/C-3-C district at 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809). Following a public hearing, the Board voted to grant the application subject to conditions.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated April 14, 2015, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 2; Advisory Neighborhood Commission (“ANC”) 2C, the ANC in which the subject property is located; and Single Member District/ANC 2C01. Pursuant to 11 DCMR § 3112.14, on April 15, 2015, the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 2C, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on April 24, 2015 (62 DCR 5173).

Party Status. The Applicant and ANC 2C were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application from Unite Here Local 25, a union of hotel workers that owns office space approximately one block to the east of the subject property. An application for party status in opposition to the application submitted by

¹ This order replaces Order No. 19020 and changes the exhibit number of the approved plans from Exhibit 7 to the correct number – Exhibit 37C. In all other substantive respects, this order remains the same.

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Ian Golub on behalf of JG Realty, Inc. was withdrawn.

Applicant's Case. The Applicant provided evidence and testimony from Paul Millstein and Andrea Gourdine on behalf of the Applicant; Peter Fillat, an architect; and Erwin Andres, a traffic analyst. The Applicant's witnesses described the design and planned operation of the hotel project and asserted that the application met the requirements for approval of the requested zoning relief.

OP Report. By memorandum dated June 16, 2015, the Office of Planning recommended approval of the requested zoning relief, subject to conditions proposed by the Applicant. (Exhibit 39.)

DDOT. By memorandum dated June 16, 2015, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 40.)

ANC Report. By letter dated June 4, 2015, ANC 2C indicated that, at a properly noticed public meeting on May 11, 2015 with a quorum present, the ANC voted 9-0-0 in support of the application, subject to certain "terms to which the applicant agreed" relating to the provision of a "pet-friendly building," bicycle parking, maintenance of areas adjacent to the planned hotel, and maintenance of the abutting public alley. (Exhibit 35.)

Party in opposition. The party in opposition objected to the Applicant's plan not to provide any on-site parking, citing an already limited supply of parking in the vicinity for its union members and employees as well as for residents and visitors to the nearby convention center.

Persons in support. The Board received letters in support of the application from owners of properties near the subject property. The letters stated generally that the Applicant's project would improve the quality and character of the surrounding neighborhood, commented favorably on the proposed design of the hotel building, and asserted that the project would not create detrimental effects on neighboring properties, including with respect to parking. The Board heard testimony in support of the application from a resident of a condominium building abutting the subject property, who described a memorandum of understanding entered into by the Applicant and the condominium association to address matters of concern to the residents, including parking, traffic in the public alley, and the size of trucks permitted to use of the hotel's loading facility.

FINDINGS OF FACT

The Subject Property

1. The subject property is located in the southern portion of Square 342, at the northeast corner of the intersection 11th and K Streets, N.W. (Lots 4, 5, 53, and 809), with an

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address of 1011 K Street, N.W.²

2. The subject property has a lot area of approximately 7,311 square feet. The parcel is L-shaped, with two relatively narrow “wings.” The southern boundary extends approximately 125 feet along K Street. The eastern boundary abuts private property (Lot 3) and extends a depth of 100 feet to a public alley that defines the northern-most boundary for a distance of 50 feet. The remaining two lot lines – 69 feet parallel with the eastern boundary and 75 feet parallel to K Street -- abut a neighboring property (Lot 810) fronting on 11th Street.
3. The subject property is improved with four-story buildings on Lots 53 and 809, and a surface parking lot on Lots 4 and 5. The two buildings, both constructed around 1880 and now vacant, occupy approximately 30% of the subject property.
4. The Applicant proposes to develop the subject property with a hotel that will be 13 stories and 130 feet in height, containing approximately 69,330 square feet of gross floor area. The new building will contain 200 guest rooms on floors 3 through 13 as well as a hotel lobby, bar, lounge/library, exercise room, and two conference rooms. The cellar will contain a kitchen, storage space, and administrative and back-of-house hotel uses, including offices, mechanical utility rooms, a laundry room, and bathrooms. The Applicant will restore and retain a portion of the two existing four-story buildings, which will be devoted to restaurant and retail space on the first two floors and hotel rooms on the upper floors.
5. The Applicant does not propose to provide any off-street parking at the subject property. Under § 2101.1, the minimum zoning requirement for parking at the proposed development is one parking space for each four hotel rooms, plus one parking space for each additional 300 square feet of floor area in either the largest function room or the largest exhibition space, whichever is greater. The planned hotel project would require at least 64 parking spaces; that is, 50 spaces for the 200 rooms, nine spaces for the largest function room (2,770 square feet), and five spaces for the restaurant use.
6. The hotel was designed with smaller than average rooms (around 150 square feet) intended to appeal primarily to guests who are generally expected to stay one or two nights, to arrive in the District via intercity bus, rail, or air, and to travel to the subject property via public transportation or on-demand transportation such as taxi and Uber.
7. The subject property is located approximately four blocks from three Metrorail stations, Gallery Place-Chinatown, McPherson Square, and Metro Center. The site is also in close

² The Applicant is in the process of seeking to close a portion of the public alley in Square 342, and to incorporate the relevant parcel as part of the subject property. The affected area is a north-south public alley, three feet wide, located between the parking lot and the buildings. (See Case No. S.O. 14-21629.)

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- proximity to several Metrobus and D.C. Circulator routes, Capital Bikeshare stations, and car-share facilities.
8. The Applicant anticipated that the hotel would have between 30 and 35 employees on site at any given time.
 9. The Applicant's traffic analyst prepared a "comprehensive transportation review" in support of the application. The review included an evaluation of on-street parking, identified parking garages near the subject property where parking might be available if needed for guests, and proposed a transportation demand management ("TDM") plan to encourage the use of non-vehicular travel modes to and from the site. (Exhibits 37D, 50.) Elements of the proposed TDM plan include the Applicant's appointment of a transportation management coordinator to implement and manage TDM strategies; provision of on-site services to offer information and real-time updates for transportation options; implementation of a marketing program to provide information about the lack of on-site parking and the availability of off-street parking in nearby garages, and to promote alternatives such as bicycling, car sharing, and ride matching; and offers of transportation incentives for hotel employees and guests, including bicycle amenities, a ride-matching and ride-sharing program, and financial incentives to encourage non-auto transportation uses by employees.
 10. The transportation management coordinator, as part of the TDM plan, "will be at the hotel to direct any vehicles that arrive at the front door to a nearby local garage" and "will coordinate with local overnight parking garages with whom the hotel operator has established a relationship to ensure that parking for the hotel users who decide to drive would be available," while also coordinating "valet parking operations for guests to facilitate off-site parking." The Applicant committed to leasing at least 10 parking spaces in nearby garages for use in conjunction with a curbside valet parking operation on K Street. The Applicant also obtained letters from the operators of two nearby parking garages indicating that those garages would have the capacity to accommodate any demand for off-street parking generated by the planned hotel. (Exhibit 50.)
 11. The Applicant proposed to provide loading for the hotel by means of the public alley abutting the subject property. In accordance with § 2201.1, a hotel with 200 rooms must provide a loading berth at 30 feet deep, a loading platform at 100 square feet, and a service/delivery space at 20 feet deep. The Applicant plans to provide the required loading berth and platform but requested a variance from the requirement to provide the service/delivery space.
 12. The proposed hotel would have two closed courts, one six feet wide by 12 feet long on the north façade, and one six feet wide by 64 feet, nine inches on the east side of the building. While the building is not required to provide any courts, the Zoning Regulations specify that if a closed court is provided at a building devoted to nonresidential use, the width of the court must be at least three inches per foot of height,

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- but not less than 12 feet. (11 DCMR § 776.1.) The area of a closed court must be at least twice the square of the width of the court based on the height of the court, but not less than 250 square feet. (11 DCMR § 776.2.)
13. Pursuant to § 774.1, a building on the subject property must provide a rear yard of at least 2.5 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet. The application proposes a rear yard six feet deep, where the minimum required depth would be 26.2 feet.
 14. At the rear lot line, the subject property abuts an east-west public alley 12 feet wide. Another alley, running generally north-south and 11.75 feet wide, intersects with the 12-foot alley near the subject property, separating the subject property from an office building to the northeast and an apartment house to the northwest. Public easements previously established effectively expanded the width of both alleys to 20 feet. Both the office building and the apartment house are set back from their southern property lines, providing additional distance from the subject property.
 15. Other properties abutting the subject property are improved with an eight-story building occupied by Hostelling International (Lot 810) and a two-story office building (Lot 3). Properties in the vicinity of the subject property are generally developed with apartment houses or office buildings, some with ground-floor commercial uses.
 16. The subject property is located within the Downtown Development (DD) overlay zone and the C-3-C district. The C-3 district is designed to accommodate major business and employment centers supplementary to the Central Business (C-4) district, and is intended to provide substantial amounts of employment, housing, and mixed uses. (11 DCMR §§ 740.1, 740.2.) The C-3-C district permits medium-high density development, including office, retail, housing, and mixed-use development. (11 DCMR § 740.8.) Hotel use is permitted in C-3-C as a matter of right. (11 DCMR § 701.6.) Purposes of the DD overlay zone include to “help accomplish the land use and development policies of the Comprehensive Plan” in Downtown sectors, and specifically to create a balanced mixture of uses for critically important land uses including hotel use, among others, and to protect historic buildings while permitting sensitive and compatible new development. (11 DCMR §§ 1700.2, 1700.3.)
 17. The Applicant agreed to implement the conditions requested by ANC 2C; that is to establish a pet-friendly building; to provide bicycle parking at the building, either as part of Capital Bikeshare or a bicycle parking stand; to be responsible for the maintenance and upkeep of the area adjacent to the building (including trees and flower boxes) in the 1000 block of K Street and the 1100 block of 11th Street; and to be responsible for the maintenance of the alley between 10th and 11th Streets including cleanliness, repair, maintenance, and security, and to ensure there is no unwanted loitering or soliciting in the alley. (Exhibits 35, 37.)

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CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the court requirements under § 776 and variances from the parking requirements under § 2101.1 and loading requirements under § 2201.1 to allow a new 13-story hotel, with cellar, in the DD/C-3-C district at 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809). The Board is authorized under § 8 of the Zoning Act (D.C. Official Code § 6- 641.07(g)(3) (2012 Repl.)) to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR § 3103.2.)

Based on the findings of fact, the Board concludes that the application satisfies the requirements for variance relief in accordance with § 3103.2. The subject property is faced with an exceptional situation as a narrow and oddly configured parcel, partly improved with two buildings dating to the nineteenth century that the Applicant wishes to preserve and bounded on two sides by improved private property under different ownership. The configuration of the subject property, as well as the location of the existing buildings on the site, restrict the space available for courts and yards, or for a driveway or ramp to provide access to any on-site parking, loading facilities, egress stairs, and an exit corridor for trash pickup.

With respect to parking, the Board concludes that the strict application of the Zoning Regulations would create a practical difficulty since the small size and narrow, irregular configuration of the subject property precludes the provision of on-site parking. The alley frontage of the subject property is, at 50 feet, insufficient to allocate space for a driveway to access below-grade parking, since that expanse must also accommodate loading facilities, a rear egress corridor, and a ramp for trash removal. A parking ramp built at that location would eliminate a large portion of the building’s ground floor otherwise devoted to loading, trash storage, and the hotel lobby, as well as space in the cellar. The Applicant projected that only five parking spaces could be provided on each below-grade level, due to the narrow dimensions of the subject property and the proposed location of building columns and core elements. The large number of below-grade levels needed to provide 64 parking spaces, the minimum requirement for zoning purposes, would make the hotel development cost-prohibitive.

With respect to loading, the Board concludes that the strict application of the Zoning Regulations would create a practical difficulty in providing the required service/delivery loading space, given the small size and narrow, irregular configuration of the subject property, particularly the rear alley access limited to 50 feet. Provision of the service/delivery loading space would interfere

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with the location of the exit corridor and the entrance ramp into the building from the loading area, and would eliminate space proposed in the Applicant's design for the trash compactor and bicycle parking. Location of the trash compactor and bicycle parking areas further inside the ground floor of the building, so as to make space for the service/delivery loading area, would adversely affect the provision of the hotel lobby, elevators, and building core, and the configuration and location of the building's structural columns.

With respect to courts, the Board notes that the Applicant proposed to provide two courts at the hotel building to increase light and air available to adjacent buildings and to provide east-facing windows as well as a window for Room 17 on Floor 3 and the bank of rooms above it. However, the provision of courts consistent with the strict requirements of the Zoning Regulations would require a substantial reduction in the size of the planned hotel, resulting in the elimination of storage space, interference with core elements and column spacing, and a reduction in the width of the planned corridor, resulting in hotel rooms that would be too narrow to comply with code requirements for the size of bedrooms. Alternatively, without the planned court on the east side of the building, the windows in approximately 99 rooms would be rendered at-risk, making the hotel development practically difficult. The Board concludes that strict compliance with the zoning requirements applicable to closed courts would compromise the layout of the building's interior and reduce the number of feasible bedrooms, making hotel development practically difficult.

The Board does not find that approval of the requested variances would cause substantial detriment to the public good or would substantially impair the intent, purpose, and integrity of the zone plan. With respect to parking, the planned hotel is expected to cater to guests who generally will not require on-site parking, and agrees with OP that other aspects of the Applicant's proposal militate against the need for parking, such as the lack of a banquet facility at the hotel. The Department of Transportation found that the hotel development would result in an "overall relatively minor increase in vehicular trips," given the "robust network of pedestrian, bicycle, and transit infrastructure" in close proximity to the subject property, the nearby availability of street parking for short-term accommodation of vehicles as well as off-street parking facilities for longer-term needs, the provision of bicycle parking by the Applicant, and the Applicant's implementation of a transportation demand management plan "intended to further promote the use of non-auto travel options." (Exhibit 40.)

The Board was not persuaded by the party in opposition's arguments that the parking variance could not be granted without causing substantial detriment to the public good or substantial impairment of the intent, purpose, and integrity of the zone plan, particularly in conjunction with the requested rear yard relief. The party in opposition testified especially about the lack of on-street parking at present, and asserted that the hotel development would exacerbate the existing parking shortage. The Board does not agree with the party in opposition that the TDM measures will be ineffective in decreasing the number of vehicle trips generated by the hotel use, especially considering the type of guests likely to stay at the hotel, the lack of special function rooms such as a banquet facility, and the range of measures that the Applicant will implement as part of its TDM program, which the Board adopts in this order as conditions of approval of the

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requested zoning relief. Nor does the Board agree that the parking variance would impair the intent of the zone plan; rather, parking relief will allow development of a matter-of-right use on a site now underutilized as a surface parking lot and containing vacant buildings, where on-site parking is not feasible due to the exceptional circumstances faced by the parcel.

With respect to loading, the Board accepts the conclusion reached by the Applicant's traffic study and OP that adequate loading facilities will be provided to serve the needs of the planned hotel. The Applicant anticipated approximately eight loading trips per day, made in trucks 30 feet long or smaller. Because the proposed hotel will not have a banquet hall or other large function spaces, the development at the subject property will not generate a demand for loading associated with major hotel events. DDOT noted that the Applicant was expected to comply with DDOT's standards, "the detailed design of which will be further addressed as part of the permitting process for this property." (Exhibit 40.) DDOT did not express any concern relating to the lack of a 20-foot service space at the planned hotel. With respect to the proposed closed courts, the Board notes the distance between the planned hotel and the existing buildings, and concurs with the conclusion of the Office of Planning that the courts will "allow the applicant to design the building with a double-loaded corridor, while still allowing for light and air into all guest rooms." (Exhibit 39.)

The Applicant also seeks a special exception from the rear yard requirements under § 774. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (See 11 DCMR § 3104.1.)

Pursuant to § 774.2, the Board may waive the rear yard requirement applicable to the subject property in accordance with the requirements for special exception approval under § 3104 and provided that the standards in §§ 774.3 through 774.6 are met. Those standards require that apartment and office windows must be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants (§ 774.3); that in determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms must be sufficient to provide adequate light and privacy to the rooms (§ 774.4); and that the building plan must include provisions for adequate off-street service functions, including parking and loading areas and access points (§ 774.5).

As described in the Findings of Fact, the Board concludes that the windows in the planned hotel building will be separated from facing windows in nearby apartment and office buildings a distance sufficient to provide light and air and to protect the privacy of the occupants of all the affected buildings, and that the angle of sight lines and the distance of penetration of sight lines into habitable rooms will be sufficient to provide adequate light and privacy to the rooms. The distance will be provided by the existing alley system in the square, where the widths of the

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public alleys have been augmented by easements, and by the setbacks of existing buildings to the north, so that the planned north-facing hotel windows at the rear of the subject property will be separated from the existing buildings across the alley at a distance sufficient to provide adequate light, air, and privacy for all building occupants. As demonstrated in the plans approved with the application, the proposed building was designed to limit the angle of sight lines and to maximize the distance of penetration of sight lines into habitable rooms. The Applicant minimized the number of principal windows that will overlook the rear alley, and those windows will be positioned so that privacy will be adequately protected. The rear yard relief will have little impact on the angle of sight lines due to the existing alleys and setbacks that separate the proposed building from the rear windows of the existing buildings to the north.

The party in opposition argued that the requested rear yard relief would not be appropriate in conjunction with approval of the requested parking variance, since one requirement for rear yard relief is a building plan that includes provisions for adequate off-street service functions, including parking and loading areas and access points (§ 774.5). The Board does not agree that parking relief should necessarily negate the potential for rear yard relief as well. As discussed above, the Board concludes that a parking variance is warranted under the circumstances. At the same time, the Applicant's proposal includes provisions for adequate off-street service functions in light of the nature of the planned hotel and the implementation of a TDM plan to discourage the need for on-site parking. Provisions for loading at the hotel will comply with zoning requirements, with the exception of the omission of a service/delivery space at 20 feet deep.

Approval of the requested rear yard relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. Approval of the rear yard relief will not adversely affect the use of any neighboring property, given the design of the planned hotel and its distance from existing buildings in the vicinity. Instead, the requested special exception will facilitate development of a matter-of-right use consistent with the purposes of both the DD overlay zone and the underlying C-3-C district.

The Board is required to give "great weight" to the recommendation of the Office of Planning, D.C. Official Code § 6-623.04 (2012 Repl.). In this case, as discussed above, the Board concurs with OP's recommendation of approval of the requested zoning relief.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)). In this case ANC 2C voted unanimously in support of the application subject to conditions, which the Applicant has agreed to implement. The Board adopts in this order a condition requiring bicycle parking at the hotel; the remainder of the ANC's conditions were outside the purview of the Board as not germane to the requested zoning relief. The ANC did not express issues or concerns about the application other than in the proposed conditions.

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Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for variances from court requirements under § 776, parking requirements under § 2101.1, and loading requirements under § 2201.1, as well as for a special exception from rear yard requirements under § 774, to allow a new 13-story hotel, with cellar, in the DD/C-3-C district at 1011 K Street, N.W. (Square 342, Lots 4, 5, 53, and 809), subject to the conditions adopted in this order. Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT TO APPROVED PLANS AT EXHIBIT 37C, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Transportation Management Coordinator (“TMC”)**: The Applicant shall designate a member of the hotel operations as the TMC who will act as the primary point of contact and will be responsible for coordinating, implementing and monitoring the TDM program, as identified below. This responsibility shall include the development and distribution of information and promotional brochures to hotel guests, visitors, and employees regarding transit facilities and services, pedestrian and bicycle facilities and linkages, ridesharing (carpool and vanpool), and car sharing. The TMC shall also be responsible for ensuring the TDM plan’s effectiveness, and improving upon it over time, if necessary. The contact information for the TMC shall be provided to DDOT/Zoning Enforcement with annual contact updates.
2. **On-Site Services**: The Applicant shall install a TransitScreen in the hotel lobby to provide hotel guests, visitors, and employees available transportation choices and provide real-time transportation updates. In addition, the Applicant shall make printed materials related to local transportation alternatives available to guests and employees upon request. These printed materials may include but are not limited to Metrorail and Metrobus maps and schedules, Capital Bikeshare maps, DC Circulator maps, and other non-auto services.
3. **Off-Site Services**: For the life of the project, the Applicant shall lease a minimum of ten parking spaces in a nearby parking garage for use by guests, visitors, or employees of the building.
4. **Marketing Program Generally**: The TMC shall establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. This program shall consist of a multi-modal access guide that provides comprehensive transportation information compiled in a brochure for distribution and/or provided on hotel websites. The marketing program shall also include website links to CommuterConnections.com and goDCgo.com, which provide transportation information and options for getting around the District. Additionally, this marketing program shall promote smartphone apps to direct hotel guests and employees to useful commuting options such as Uber, RideScout, CapitolHop, Embark DC Metro, MyNextBus, and WMATA.com.
5. **Marketing Program for Hotel Guests**: With respect to hotel guests, the TDM

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marketing program shall include a multi-level approach, as follows:

- a. The Applicant shall inform hotel guests about parking and alternate modes of transportation at every step of the pre-reservation and reservation process, through check-in, including providing thorough information regarding transportation alternatives and parking information so that guests know what to expect when booking a reservation. Detailed transportation and parking information will be prominently displayed on:
 - i. The hotel and restaurant websites;
 - ii. Online Travel Agency (“OTA”) websites;
 - iii. Other online booking and informational websites with which the hotel and/or restaurant partners (including rating review websites);
 - iv. Email booking confirmations;
 - v. Email booking reminders;
 - vi. Verbally via reservationists;
 - vii. Printed brochure available for distribution; and
 - viii. Hotel valet station.

All information shall emphasize and encourage alternate modes given the hotel’s convenient location near several Metrorail stations. These alternate modes shall include regional travel options such as Union Station and nearby airports and their connections to the hotel via commuter rail, Metrorail, intercity bus, taxi, Uber, and carshare. The website link will also provide off-site locations where hotel guests can find parking, in the event that they decide to drive.

- b. Hotel confirmations shall contain notice to guests that no parking is available on-site and that the hotel encourages and emphasizes alternative modes. The reservation email shall provide the alternative transportation options and the locations of off-site parking facilities, in the event guests decide to drive, and the Applicant shall assist guests in planning ahead to use alternative methods of transportation.

6. Curbside Coordination:

- a. **Doorman:** The Applicant shall designate a staff member to greet incoming hotel guests at the front door and curbside at the entrance of the hotel. This staff member will act as a doorman/curbside greeter who will be at the hotel to direct any vehicles that arrive at the front door to a nearby local garage, ensuring that no illegal parking or idling occurs in front of the building to impact traffic. In addition to the ten leased off-site parking spaces, the TMC shall coordinate with local overnight parking garages with whom the hotel operator has established a relationship to ensure that parking is available for the hotel users who decide to drive.

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- b. **Valet Service**: The Applicant shall designate a separate staff member to coordinate valet parking operations for guests to facilitate off-site parking. The Applicant shall implement the following valet plan, and shall continually adapt this plan in order to streamline the process based on continued experience at the subject property:
- i. The Applicant shall locate signage at the front of the valet station stating that there is no parking at the subject property and that valet service is offered upon request. If guests choose to valet their vehicles, the valet shall transport the vehicles between the hotel entrance and the designated parking facility. The number of valets may be adjusted in order to achieve the most efficient and cost effective valet parking system.
 - ii. The valet shall provide guests with valet tickets that will instruct guests on how to retrieve their vehicle. This may include contacting the valet stand directly, contacting the hotel front desk, and/or the ability to request the vehicle via text and/or smartphone app. When guests are ready to access their vehicle, they will be able to contact the valet via these communications in order to accelerate the delivery of their vehicle to the valet staging area on their departure.
7. **Transportation Incentives**: To help encourage non-auto transportation uses, the Applicant shall provide, and the TMC shall coordinate, free daily Capital Bikeshare passes to hotel guests as a part of Capital Bikeshare's Bulk Membership program for hotels. These daily passes shall be available upon request for hotel guests for the life of the hotel project. The Applicant shall prominently display the Capital Bikeshare pass incentive on the various booking sources for the hotel.
8. **Bicycle Amenities**: The Applicant shall encourage all alternative transportation modes including bicycling. Bicycling shall be promoted for employees with the provision of secure on-site bicycle parking spaces as well as exterior temporary bicycle parking. The TDM marketing program shall include brochures and links to websites on bicycling in the District and for Capital Bikeshare.
9. **Ride-matching/Ridesharing Program**: The Applicant shall provide detailed carpooling information as part of the TDM marketing program and shall reference carpool matching services sponsored by the Metropolitan Washington Council of Governments ("MWCOG"). The Applicant shall introduce ridesharing to employees at orientation, and shall provide carpooling sign-in sheets in employee break areas to encourage employees to travel together to and from work should they be on the same route, live in surrounding neighborhoods, or prefer company in their vehicle. In addition, the Applicant shall actively work with MWCOG to promote carpooling among its employees.

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10. **Hotel Employee Incentives:** To help encourage non-auto transportation use, the Applicant shall offer \$75 per month as a non-auto transportation incentive for the first seven years that the building is open to each hotel employee to be used for one of the following:

- a. A SmarTrip card for Metrobus, DC Circulator or Metrorail usage,
- b. An annual Capital Bikeshare membership, or
- c. An annual car-share membership.

Any additional costs incurred by employees for commuting via transit will also be eligible for Federal Transit Benefits at up to \$130/month that could be used to pay for transit to and from work on a tax-free basis. At the end of seven years, the Applicant shall reevaluate the incentive program for its effectiveness and determine if it should be continued or terminated.

11. **Reporting Requirements:** For the first three years that the hotel is open, the Applicant shall provide annually to the Office of Zoning, OP, DDOT, and ANC 2C an annual report that indicates the number of hotel guests and employees who drive to the Property, and how parking is handled (on-street, self-parked in a garage, valet, etc.).

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, Michael G. Turnbull, and Jeffrey L. Hinkle (by absentee vote) to APPROVE; Frederick L. Hill not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 29, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS

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PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19100 of 525 Longfellow St LLC, as amended, pursuant to 11 DCMR § 3103.2, for variances from the lot area and width requirements under § 401.3, and from the minimum distance to adjacent driveways requirements under § 2117.8 to allow the construction of three flats on three new record lots in the R-4 District at premises 525 Longfellow Street N.W. (Square 3206, Lot 3).¹

HEARING DATES: November 17, 2015² and January 26, 2016
DECISION DATE: January 26, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 11 – original, and 24 – revised.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 4D and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. ANC 4D submitted a report stating that at a properly noticed meeting on October 20, 2015, at which a quorum was present, the ANC voted 4-0 in support of the application with conditions. (Exhibit 33.) The ANC also testified at the first hearing in support of constructing the three-structure, six-unit proposal at the site as opposed to the larger two structure, four-unit alternative discussed by the Board, to keep the development more consistent with the community.³

Prior to the first hearing on November 17, 2015, the Office of Planning (“OP”) submitted a report dated November 10, 2015, recommending approval of the relief under § 2117.8(d), and expressing opposition to the variance from the lot area and width requirements of § 401.3 as originally proposed. OP was of the view that the property lacks practical difficulty for relief under § 401.3 because the property is currently a conforming lot and can be developed as either a

¹ The original application was amended to include variance relief from the minimum distance to adjacent driveways requirements under § 2117.8.

² The Board scheduled the case for a limited hearing on January 26, 2016.

³ In its deliberations, the Board cited the ANC’s support of the three-structure, six-unit proposal and noted that the design would be more in character with the neighborhood than the two-structure alternative. Also, the changes to the R-4 Zoning Regulations based on Z.C. Case No. 14-11 were not contemplated until after the purchase of the property.

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single conforming lot, or as two conforming lots in terms of lot area and width. (Exhibit 30). At the November 17th hearing, and in light of OP's preference for one or two conforming subdivided lots, rather than three, the Board scheduled a limited public hearing on January 26, 2016 to have the Applicant and OP submit additional information for the Board's consideration. (Hearing Transcript of November 17, 2015, ("Tr.," p. 113.) The Board requested that the Applicant submit: (1) financial information for alternative designs, (2) clearer architectural drawings, (3) plans for a four-unit alternative, and (4) follow-up on the height/number of stories for the project. (Tr. at 104-105, 109, and 110.) Also, the Board asked OP to address whether the proposal requires relief from the height requirements and whether the basement of the proposed development is considered a story. (Tr. at 109.) The Applicant's filings were submitted on January 20, 2016. (Exhibit 37.) OP filed a supplemental report dated January 20, 2016, in which it addressed the Board's inquiries and maintained its opposition to the § 401.3 relief, and support for the variance from § 2117.8. (Exhibit 36.)

The District Department of Transportation filed a report expressing no objection to the application as originally advertised. (Exhibit 29.)

Two letters in support of the application were filed in the record. The first letter was from a neighbor in support who resides at 521 Longfellow Street, N.W. (Exhibit 32). The second letter in support was from the Single Member District Commissioner for ANC 4D01. (Exhibit 38.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 401.3 and 2117.8. The only parties to the application were the Applicant and the ANC - which was in support of the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 401.3 and 2117.8, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS INCLUDED IN EXHIBIT 28, WITH THE FRONT ELEVATION (PAGE 11 OF EXHIBIT 28) AMENDED BY EXHIBIT 37, PAGE 4 – TITLED "STREET FAÇADE."**

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VOTE: 3-0-2 (Frederick L. Hill, Marnique Y. Heath, and Michael G. Turnbull to approve; Jeffrey L. Hinkle not present, not voting; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 2, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

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AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19163 of Cambridge Apartments Limited Partnership, pursuant to 11 DCMR § 3104.1, for a special exception from the nonconforming use requirements under § 2003.1, to allow a food market/café use in the DD/R-5-E District at premises 1221 Massachusetts Avenue N.W. (Square 282, Lot 44).

HEARING DATE: January 26, 2016

DECISION DATE: January 26, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 4 (original) and 16 (corrected).)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2F and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. The ANC did not submit a report or testify in the case. The Applicant and the Office of Planning ("OP") testified that the ANC had reviewed the application at its December 2, 2015 meeting and voted unanimously to support it.¹

OP submitted a timely report recommending approval of the application (Exhibit 19) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 18.) DDOT requested continued coordination on design issues for the sidewalk café.

A letter in opposition was submitted by the New Cambridge Tenants' Association, Inc. raising concerns about noise, trash, loitering, and parking. (Exhibit 20.) The Applicant testified that the association also raised these issues during the ANC meeting and that, in response, the Applicant agreed to eliminate the sidewalk café portion of the proposed project.²

¹ Without a written report from the ANC, the ANC's recommendation could not be afforded great weight.

² Although the plans depicted a sidewalk café, the Applicant testified that it removed the sidewalk café from consideration after discussions with neighbors. The Board noted that the sidewalk café would be an issue for Public Space, rather than zoning.

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As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for special exception from the nonconforming use requirements under § 2003.1, to allow a food market/café use in the DD/R-5-E District. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR §§ 3104.1 and 2003.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 3A3**.

VOTE: **3-0-2** (Marnique Y. Heath, Frederick L. Hill, and Michael G. Turnbull to APPROVE; Jeffrey L. Hinkle, not present or participating and one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: January 29, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO

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OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-280
Z.C. Case No. 05-280**

**Lano Parcel 12, LLC and Parkside Residential, LLC
(Two-Year PUD Time Extension @ Square 5041, Lots 806 and 807; Square 5055, Lot 26;
and Square 5056, Lots 41, 809-811, and 813)
November 9, 2015**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on November 9, 2015. At that meeting, the Commission approved the request of Lano Parcel 12, LLC and Parkside Residential, LLC (collectively, “Applicant”) for a two-year time extension of the first-stage planned unit development (“PUD”) for the Parkside project. The time extension request was made pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The Commission determined that this request was properly before it under the provisions of § 2407.10 *et seq.* of the Zoning Regulations.

FINDINGS OF FACT

Case Background

1. The Commission granted first-stage PUD approval for the property (“Property”) on April 13, 2007, pursuant to Z.C. Order No. 05-28.
2. Z.C. Order No. 05-28 approved approximately three million square feet of mixed-use development on 10 building blocks over 15 acres of vacant property east of the Anacostia River in Ward 7. Specifically, it approved 1,500-2,000 residential units; 500,000-750,000 square feet of office space; and 30,000-50,000 square feet of retail. It approved a maximum height of 110 feet for two office towers and a maximum height of 90 feet for the remainder of the Property. The first stage also approved the PUD-related rezoning of the Property from the R-5-A and C-2-B Zone Districts to the C-3-A and CR Zone Districts.
3. The approval was valid for a period of one year, within which time an application for a second-stage PUD was required to be filed. If the second-stage application was for less than the entire Property, the remaining second-stage applications were required to be filed within three years of the approval of the initial second-stage application. (Z.C. Order No. 05-28.)
4. The Applicant filed a second-stage application for a portion of the Property in November 2007. It was approved on October 3, 2008. Accordingly, all subsequent second-stage applications for the Property were required to be filed by October 3, 2011. (Z.C. Order No. 05-28A.)
5. By October 3, 2011, second-stage applications had been filed for five of the PUD blocks. The first-stage approval was subsequently modified during the processing of those second-stage applications. Z.C. Case No. 05-28E, which was approved on June 27, 2011, approved a change of use, increased the approved maximum height, and approved a

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PUD-related rezoning to the CR Zone District for a portion of the Property. (Z.C. Order Nos. 05-28 and 05-28E.)

6. On August 10, 2011, the Applicant filed a request to extend the first-stage approval through October 3, 2013 to allow for the remainder of the second-stage applications to be filed. The Commission approved the request in Z.C. Case No. 05-28H and the first-stage approval was extended through October 3, 2013. (Z.C. Order No. 05-28H.)
7. By October 3, 2013, the Applicant had filed second-stage applications for two additional blocks. On October 2, 2013, the Applicant filed a request for a second two-year extension of the first-stage PUD approval, again, to allow for the remaining second-stage applications to be filed. The Commission approved the request in Z.C. Case No. 05-28L and the first-stage approval was extended through October 3, 2015. (Z.C. Order No. 05-28L.)
8. By October 3, 2015, construction of the one-acre park approved in Z.C. Case No. 05-28F was completed, construction proceeded on the townhomes approved in Z.C. Case No. 05-28A and modified in Z.C. Case Nos. 05-28G and 05-28M, and construction proceeded on the multifamily building approved in Z.C. Case No. 05-28J/05-28K.
9. On October 2, 2015, the Applicant filed a request for a two-year extension of the first-stage PUD approval to allow for the remaining second-stage applications to be filed. (Exhibit [“Ex.”] 1-1F).
10. The request was placed on the Commission’s November 9, 2015 meeting agenda, at which time the Commission took action to approve a two-year extension of the first-stage PUD. The expiration of the first-stage approval was extended through October 3, 2017.
11. Since the issuance of Z.C. Order No. 05-28, the following second-stage applications have been approved:
 - Z.C. Case No. 05-28A: The Commission approved a second-stage application for Parcels A, B, and C. The approved project included an affordable senior housing facility and single-family townhomes. The affordable senior housing facility has been constructed and has been operating for over three years. The first phase of the townhomes is under construction and delivery is anticipated by Spring 2016;
 - Z.C. Case No. 05-28B: The Commission approved a second-stage application for the construction of a public health center on Parcel I. The approval was modified in Z.C. Case No. 05-28I; a 43,000-square-foot health center has been constructed on the property and has been operating for nearly two years;

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- Z.C. Case No. 05-28F: The Commission approved a second-stage application for the one-acre park at the center of the PUD. The park was completed in December 2014 and is currently maintained by the Applicant; and
- Z.C. Case No. 05-28J/05-28K: The Commission approved a second-stage application for a multi-family building consisting of 186 affordable units. Construction on this project commenced in January 2015 and is targeted for completion in Fall 2016. (Ex. 1-1F.)

Extension Request

12. Subsection 2407.11 of the Zoning Regulations grants the Commission the authority to extend a first-stage PUD approval in accordance with the standard and process for second-stage PUD extensions set forth in §§ 2408.10 through 2408.12. As required by those standards, the Commission must determine whether: (a) the extension request was served on all parties to the application by the Applicant and that parties were given at least 30 days to respond; (b) there was no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the Applicant demonstrated with substantial evidence that there was good cause for such extension.
13. The Applicant satisfied each of the three standards. The request was served on Advisory Neighborhood Commission ("ANC") 7D and the Parkside Townhomes Condominium, Inc., the only parties to the first-stage PUD, on the same day as it was filed with the Commission. The request was considered by the Commission after the 30-day period had lapsed. (Ex. 1-1F.)
14. There has been no substantial change in any material facts upon which the Commission based its original approval. The changes that did occur support the original approval. Since the initial approval, additional residential and educational projects have proceeded in the vicinity of the Property. In addition to the aforementioned changes, the other changes that have occurred are a part of the Parkside PUD, such as the construction of a senior housing facility, public health care facility, the public park, the multifamily building, and the townhomes. (Ex. 1-1F.)
15. The Comprehensive Plan designation and zoning designation for these parcels remains unchanged since the granting of the first-stage PUD in 2006 and the last extension granted in 2013. (Ex. 1-1F.)
16. The Applicant's failure to file the requisite second-stage applications within the requisite period of time was due to a confluence of factors, namely the state of the residential,

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- retail, and office markets east of the Anacostia River, and challenges in obtaining financing for mixed-income and mixed-use development coupled with the timing of construction of previously approved projects. (Ex. 1-1F.)
17. The first-stage PUD approved residential, office, and retail uses for the site. The demand has largely been for residential uses rather than office and retail uses. The Applicant sought second-stage approvals for residential phases and started construction on two of them. The residential projects will introduce almost 300 new residential units into this area. Phasing the approvals of the remaining residential projects provides the time necessary for the market to adjust to the new units without being flooded. (Ex. 1-1F.)
 18. The demand for office use is not yet fully established east of the Anacostia River. The Applicant has made efforts to cultivate this market: it has incorporated this area into the Central Employment Area and provided the funding for a new pedestrian bridge to the Metrorail station to supplement the existing pedestrian bridge. (Ex. 1-1F.)
 19. Nevertheless, economic growth, namely the expansion of the office market, has been delayed in this part of Ward 7. The office market that was anticipated at the time the PUD was approved in 2005 is only now beginning to resurface. (Ex. 1-1F.)
 20. Another challenge to drawing a large office user, ideal for the 750,000 square feet approved in the PUD, has been the lack of retail amenities in Parkside and adjacent neighborhoods. A large office tenant such as a General Services Administration agency will relocate its operations to an area served by a variety of retail options within a quarter-mile radius of the site. Retail tenants, in turn, look to locate their operations in established neighborhoods displaying robust income and education levels, increasing employment levels and population growth. While Parkside is a burgeoning neighborhood, it has not yet reached the levels of growth it needs to raise its attractiveness to retail and office tenants. For these reasons, the Applicant has focused on the development of housing in order to stimulate population growth and create a mixed-income environment. (Ex. 1-1F.)
 21. Nevertheless, the Applicant has moved forward with the benefits and amenities that were promised in the PUD, including the construction of a one-acre park and providing \$ 3,000,000 for a new pedestrian bridge to the Metrorail Station. Both the bridge and the park are pivotal aspects of the project, and the fact that the Applicant provides these benefits before the construction of the remaining phases of the PUD is noteworthy. (Ex. 1-1F.)
 22. ANC Single Member District representative, Justin Lini, submitted a letter dated November 9, 2015, in support of the request. Commissioner Lini stated that the progress

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that has been made on the Parkside PUD has improved the quality of life for residents. (Ex. 5.)

23. ANC 7D did not submit a letter into the record to indicate its support or opposition.
24. The Office of Planning (“OP”) submitted a report dated October 20, 2015. OP recommended approval of the time extension request and noted the Applicant’s fulfillment of the standard promulgated in § 2408.10 of the Zoning Regulations. OP noted that the Applicant “has demonstrated with substantial evidence good cause for the extension and [OP] recommends that the Commission grant the request.” (Ex. 4.)

CONCLUSIONS OF LAW

The Commission may extend the time period of an approved PUD provided the requirements of 11 DCMR §§ 2407.10, 2407.11, 2408.10, 2408.11, and 2408.12 are satisfied. Subsections 2407.10 and 2407.11 give the Commission the authority to extend the validity of a first-stage PUD approval. The Commission analyzes such extension requests pursuant to the standard set forth for second-stage PUD extensions in § 2408.10. Subsection 2408.10(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The Applicant served the parties to the original PUD application, ANC 7D and the Parkside Townhome Condominiums, when it filed the time extension application on October 2, 2015. Both parties were given 30 days to respond to the extension request.

Subsection 2408.10(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD. The Commission concludes that extending the time period of approval is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original PUD application.

Finally, § 2408.10(c) requires that the applicant demonstrate with substantial evidence that there is a good cause for the proposed extension, as provided in § 2408.11. Pursuant to § 2408.11, an extension of validity of a PUD may be granted if the applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) An inability to obtain sufficient project financing for the PUD, following an applicant’s diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant’s reasonable control;

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- (b) An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD Order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order.

The Commission finds that there is good cause shown to extend the period of time of the validity of the first-stage PUD. The Commission also finds that the Applicant made good faith efforts to effectuate the first-stage PUD and has pursued second-stage approvals in a financially challenging time where economic and market conditions were beyond the Applicant's reasonable control.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations (as discussed in paragraph 24 above). OP recommended approval of the time extension request and the Commission concurs in its recommendation.

For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11 DCMR §§ 2407.10, 2408.10, and 2408.11.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of Z.C. Case No. 05-280 for a two-year time extension of Z.C. Order No. 05-28, which was most recently extended in Z.C. Order No. 05-28L. The validity of the first-stage PUD is extended until October 3, 2017, within which time any outstanding second-stage PUD applications for the Property must be filed.

For the reasons stated above, the Commission concludes that the Applicant has met its burden; it is hereby **ORDERED** that the request be **GRANTED**.

On November 9, 2015, upon motion by Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11 DCMR 3028.8, this Order shall become final and effective upon publication in the *D.C. Register* on February 12, 2016.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-08B**

Z.C. Case No. 11-08B

Il Palazzo Project

**(One-Year Extension for a Planned Unit Development and Zoning Map Amendment @
Square 2578, Lot 26)
December 14, 2015**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) considered an application from MCREF Embassy, LLC (“Applicant”) for a one-year extension in which to start construction of the planned unit development (“PUD”) approved in Z.C. Case No. 11-08. The time extension request was made pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The Commission determined that this request was properly before it under the provisions of § 2408.10 *et seq.* of the Zoning Regulations. The Commission voted to approve the application without a public hearing at its public meeting on December 14, 2015. The reasons for its approval are stated below.

FINDINGS OF FACT

Case Background

1. On March 12, 2012, the Commission issued Z.C. Order No. 11-08 approving a residential PUD at Square 2578, Lot 26, more commonly known as 2700 16th Street, N.W. (“Property”). (Exhibit [“Ex.”] 1A.)
2. The Property consists of approximately 43,494 square feet of land area. The Property is bounded by 16th Street, N.W. to the east, Mozart Place, N.W. to the west, Fuller Street, N.W. to the south, and property of the Scottish Rite Temple to the north. The Property is located just south of Columbia Road. (*Id.*)
3. The Property is split-zoned: the eastern portion is located in the R-5-D Zone District and the western portion is located in the D/R-5-B Zone District in the Diplomatic Overlay. All of the properties along 16th Street, to the north, south, and east, are located in the R-5-D Zone District. (*Id.*)
4. The Applicant requested approval of a PUD-related map amendment for the portion of the Property located in the D/R-5-B Zone District to the R-5-D Zone District. (*Id.*)
5. The approved PUD includes 60-90 spaces of below-grade parking, 110-135 residential units, including six affordable units, at least five of which will be two-bedroom family units to be reserved for households with an annual income no greater than 80% of the Annual Median Income (AMI). (*Id.*)
6. By Z.C. Order No. 11-08A, which became effective on October 17, 2014, the validity of Z.C. Order No. 11-08 was extended through March 9, 2015.

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7. Z.C. Order No. 11-08A required that construction of the approved PUD begin before March 9, 2016.
8. On November 11, 2015, MCREF Embassy, LLC, owner of the Property, filed a request to extend the time within which it must start construction of the PUD by one year. (Ex. 1.)
9. The Office of Planning (“OP”) submitted a report dated November 25, 2015, in support of the requested extension. (Ex. 5.)
10. The request was placed on the Commission’s December 14, 2015, meeting agenda, at which time the Commission took action to approve a one-year extension of the time during which construction of the PUD can commence. The start of construction of the PUD was extended through March 9, 2017.

Extension Request

11. Subsection 2408.10 of the Zoning Regulations grants the Commission the authority to extend the time period within which construction of a PUD must commence. The Commission must determine whether: (a) the extension request was served on all parties to the application by the Applicant and that parties were given at least 30 days to respond; (b) there was no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD; and (c) the Applicant demonstrated with substantial evidence that there was good cause for such extension.
12. The Applicant satisfied each of the three standards. With respect to the first prong, the request was served on Advisory Neighborhood Commission (“ANC”) 1C, the only party to the PUD, on the same day as it was filed with the Commission. (Ex. 1.) The request was considered by the Commission after the 30-day period for response had lapsed.
13. The neighborhood in which the PUD is to be located has not undergone any significant changes since the PUD was initially granted. (Ex. 1.)
14. The Comprehensive Plan designation and zoning designation for the Property surrounding property remains unchanged since the approval of the PUD in 2011.
15. The Applicant noted that it had purchased the Property four months prior to submitting the request for an extension. (Ex. 1, 1C.)
16. Despite having recently acquired the Property, the Applicant made numerous efforts to meet the deadline for starting construction. It included an affidavit with its extension request that outlined the following efforts it made to start construction of the PUD:

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- Retained Davis Carter Scott to refine the plans to accommodate more livable interior spaces;
 - Hired Mill Creek Residential (“MCR”) as the general contractor. MCR has undertaken surveys to determine its preferred construction plan, including a comprehensive laser scan of the Property, an environmental and geotechnical survey of the Property, a survey of the existing landscaping and retaining wall, as well as an inspection of the roof of the historic resource;
 - Secured through MCR raze and demolition permits to begin interior alteration and hazardous material abatement on-site. Permit No. B1510743 was issued on July 29, 2015, and Permit No. B1510933 was issued on August 3, 2015, just one month after the Applicant closed on the Property; and
 - Met with representatives of the Festival Kitchen to coordinate construction of their kitchen space with construction of the project, using MCR as general contractor.
17. ANC 1C did not submit a report into the record to indicate its support or opposition of the extension.
18. OP submitted a report dated November 25, 2015. OP recommended approval of the time extension request and noted the Applicant’s fulfillment of the standard promulgated in § 2408.10 of the Zoning Regulations. OP noted that there had been a change in ownership that delayed the start of construction, which made compliance with the PUD deadlines beyond the Applicant’s control. (Ex. 5.)

CONCLUSIONS OF LAW

The Commission may extend the time period of an approved PUD provided the requirements of 11 DCMR §§ 2408.10, 2408.11, and 2408.12 are satisfied. Subsections 2408.10 and 2408.11 give the Commission the authority to extend the period during which construction must commence. Subsection 2408.10(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The Applicant served ANC 1C, the only other part in this proceeding, when it filed the PUD and Zoning Map amendment and time extension application on November 11, 2015. The ANC was given 30 days to respond to the extension request.

Subsection 2408.10(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD. The Commission concludes that extending the time period of approval is appropriate, as there are no

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substantial changes in the material facts that the Commission relied on in approving the original PUD application.

Finally, § 2408.10(c) requires that the applicant demonstrate with substantial evidence that there is a good cause for the proposed extension, as provided in § 2408.11. Pursuant to § 2408.11, an extension of validity of a PUD may be granted if the applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) An inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;
- (b) An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the PUD order.

The Commission finds that there is good cause shown to extend the period of time within which construction of the PUD must commence. The Commission also finds that the Applicant has made good faith efforts to start construction within the requisite time period and demonstrated that it continues to pursue construction of the PUD.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 1C. As noted, that ANC did not submit a report as to this request.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP's recommendations (as discussed in paragraph 18 above). OP recommended approval of the time extension request and the Commission concurs in its recommendation.

For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11 DCMR §§ 2408.10 and 2408.11.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of Z.C. Case No.

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11-08B for a one-year time extension of Z.C. Order No. 11-08A. The validity of the PUD is extended until March 9, 2017, within which time construction of the PUD must commence.

For the reasons stated above, the Commission concludes that the Applicant has met its burden; it is hereby **ORDERED** that the request be **GRANTED**.

On December 14, 2015, upon motion by Vice Chairperson Cohen, as seconded by Commissioner May, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register* on February 19, 2016.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 15-17
Z.C. Case No. 15-17
(Text Amendment to Title 11 DCMR – Child Development Homes)
January 11, 2016**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

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