

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-52, Temporary Assistance for Needy Families Assistance Level Increase Amendment Act of 2017
- D.C. Council schedules a public hearing on Bill 22-0197, Primary Date Alteration Amendment Act of 2017
- D.C. Council schedules a public oversight roundtable on District Department of Transportation’s Streetlight Modernization Project
- Department of Energy and Environment solicits grant applications for participation in the Municipalization Study
- Board of Ethics and Government Accountability formulates Advisory Opinion 1602-001, Post-Employment Restrictions
- Department of Housing and Community Development announces funding availability for programs to provide services for Permanent Supportive Housing
- Office of the State Superintendent of Education clarifies policies and procedures for student residency verification

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-18

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 17, 2017

To amend, on an emergency basis, due to congressional review, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to increase the number of medical marijuana dispensaries that may be registered to operate in the District from 5 to 6, and to require the Mayor to open an application period for the registration of a medical marijuana dispensary in Ward 7 or Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Dispensary Congressional Review Emergency Amendment Act of 2017”.

Sec. 2. Section 7(d)(2) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(d)(2)), is amended as follows:

(a) Subparagraph (A) is amended by striking the number “5” and inserting the number “6” in its place.

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

“(D) The Mayor shall open an application period for the registration of a dispensary in Ward 7 or Ward 8 within 60 days after the effective date of the Medical Marijuana Dispensary Emergency Amendment Act of 2016, effective December 19, 2016 (D.C. Act 21-573; 63 DCR 15689).”.

Sec. 3. Applicability.

This act shall apply as of March 19, 2017.

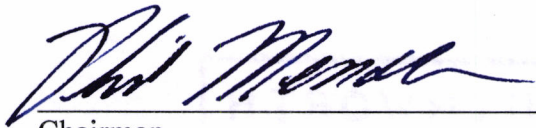
Sec. 4. Fiscal impact statement.

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

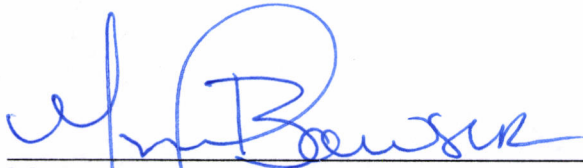
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 17, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-19

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 15, 2017

To amend, on an emergency basis, due to congressional review, the Omnibus Public Safety and Justice Amendment Act of 2009 to make it unlawful to tamper with a detection device required by any custodial or supervision entity with authority over an individual subject to monitoring.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tampering with a Detection Device Congressional Review Emergency Amendment Act of 2017".

Sec. 2. Section 103(a)(1) of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-1211(a)(1)), is amended by striking the phrase "who is required to wear a device as a condition of a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment, or who is required to wear a device while incarcerated," and inserting the phrase "who is required to wear a device while incarcerated or committed, while subject to a protection order, or while on pretrial release, presentence release, predisposition release, supervised release, probation, or parole" in its place.

Sec. 3. Fiscal impact statement.

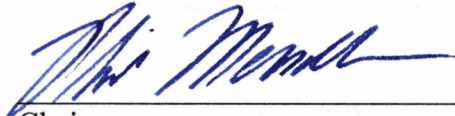
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

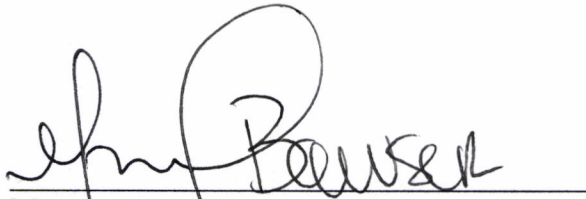
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To approve, on an emergency basis, Modification Nos. M0001 and M0002 to Contract No. CW40572 with Centric Group, LLC dba Keefe Supply Company to provide a secure inmate commissary management service and to authorize payment for the goods and services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW40572 with Centric Group, LLC dba Keefe Supply Company Approval and Payment Authorization Emergency Act of 2017".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. M0001 and M0002 to Contract No. CW40572 with Centric Group, LLC dba Keefe Supply Company to provide a secure inmate commissary management service, and authorizes payment in the amount of \$1,100,000 for the goods and services received and to be received under Modification Nos. M0001 and M0002.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

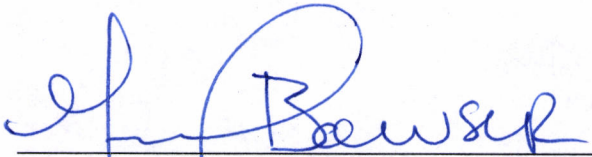
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To approve, on an emergency basis, Modification Nos. 8 and 9 to Contract No. CW40436 with Pearson VUE, a business of NCS Pearson, Inc., to provide professional-licensing services and to authorize payment in the amount of \$2,275,000 the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW40436 Approval and Payment Authorization Emergency Act of 2017".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 8 and 9 to Contract No. CW40436 with Pearson VUE, a business of NCS Pearson, Inc., to provide professional-licensing services, and authorizes payment in the amount of \$2,275,000 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

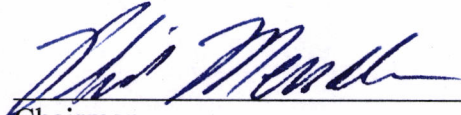
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

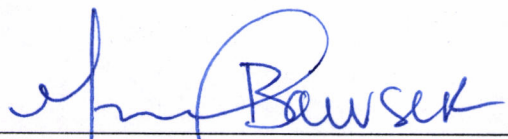
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-22

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To approve, on an emergency basis, Modification Nos. 2, 3, and 4 to Contract No. DCJM-2014-H-0006-10 with RCM of Washington Inc. to provide occupancy-related residential expenses and services to District citizens with intellectual and developmental disabilities, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCJM-2014-H-0006-10 Approval and Payment Authorization Emergency Act of 2017".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 2, 3, and 4 to Contract No. DCJM-2014-H-0006-10 with RCM of Washington Inc. to provide occupancy-related residential expenses and services to District citizens with intellectual and developmental disabilities, and authorizes payment in the not-to-exceed amount of \$1,103,527.40 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-23

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To amend, on an emergency basis, due to congressional review, Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the Office of the Attorney General is authorized to petition the Superior Court of the District of Columbia to issue temporary or permanent injunctions against housing providers that violate certain consumer protection laws that protect tenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "At-Risk Tenant Protection Clarifying Congressional Review Emergency Amendment Act of 2017".

Sec. 2. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-3909 is amended as follows:

(1) Strike the phrase "Corporation Counsel" wherever it appears and insert the phrase "Office of the Attorney General" in its place.

(2) Subsection (c)(5) is amended by striking the phrase "Corporation's Counsel's" and inserting the phrase "Office of the Attorney General's" in its place.

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

"(d) The Office of the Attorney General may apply the provisions and exercise the duties of this section to landlord-tenant relations."

(b) Section 28-3910(a) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Office of the Attorney General" in its place.

Sec. 3. Applicability.

This act shall apply as of March 19, 2017.

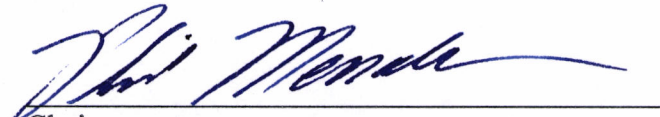
Sec. 4. Fiscal impact statement.

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

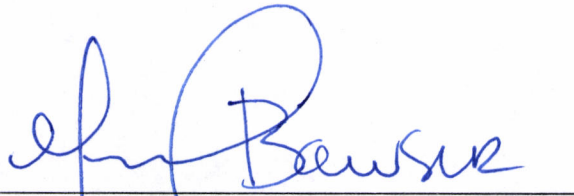
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Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To officially designate, on an emergency basis, the public alley in Square 2851, bounded by Irving Street, N.W., Columbia Road, N.W., 11th Street, N.W., and Sherman Avenue, N.W., in Ward 1, as Williams Alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Williams Alley Designation Emergency Act of 2017”.

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) (“Act”), and notwithstanding the requirements of section 421(f) of the Act (D.C. Official Code § 9-204.21(f)), the Council officially designates the public alley in Square 2851, bounded by Irving Street, N.W., Columbia Road, N.W., 11th Street, N.W., and Sherman Avenue, N.W., in Ward 1, as “Williams Alley”.

Sec. 3. The Theodore ‘Ted’ Williams Alley Designation Act of 2016, effective October 8, 2016 (D.C. Law 21-156; 63 DCR 10162), is repealed.

Sec. 4. Transmittal.

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

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Williams Alley Designation Act of 2017, as approved by the Committee of the Whole on March 7, 2017 (Committee print of Bill 22-3), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-25

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to clarify the administrative requirements for property dispositions that were in progress at the time of recently enacted changes to the act; and to amend the Land Disposition Transparency and Clarification Amendment Act of 2016 to clarify the law on making substantive changes to a land disposition agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Land Disposition Transparency Emergency Amendment Act of 2017".

Sec. 2. Section 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), is amended by adding a new subsection (b-5) to read as follows:

"(b-5) Notwithstanding subsections (a-1)(4) and (b-2) of this section, for the following projects, the Mayor shall hold at least one public hearing on the finding that the real property is no longer required for public purposes before submitting the proposed surplus resolution and proposed disposition resolution to Council, which shall be held on an accessible evening or weekend time and in an accessible location in the vicinity of the real property and for which the Mayor shall provide at least 30 days written notice of the public hearing to the affected Advisory Neighborhood Commission and publicize notice of the hearing in the District of Columbia Register at least 15 days before the hearing:

- "(1) Franklin School (Ward 2);
- "(2) Grimke School (Ward 1);
- "(3) Parcel 42 (Ward 6);
- "(4) Water Front Station II (Ward 6);
- "(5) Crummell School (Ward 5);
- "(6) Truxton Circle (Ward 5);
- "(7) MLK Gateway (Ward 8);
- "(8) 1125 Spring Road, N.W. (Ward 4);

ENROLLED ORIGINAL

“(9) 200 K Street, N.W. (Parking Deck)(Ward 6); and
“(10) Northwest One (New Communities)(Ward 6).”.

Sec. 3. Section 2(d)(4) of the Land Disposition Transparency and Clarification Amendment Act of 2016, enacted on February 17, 2017 (D.C. Act 21-685; 64 DCR 2152), is amended by striking the phrase “with this resolution, unless” and inserting the phrase “with this resolution in accordance with subsection (b-1)(2) of this section, unless” in its place.

Sec. 4. Applicability.

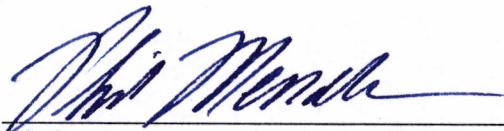
Section 2 shall apply upon the effective date of the Land Disposition Transparency and Clarification Amendment Act of 2016, enacted on February 17, 2017 (D.C. Act 21-685; 64 DCR 2152).

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-26

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To approve, on an emergency basis, Modification Nos. 2, 3, 4, and 5 to Contract No. CW36461 with SB & Company, LLC, to provide comprehensive annual financial report audit services, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW36461 with SB & Company, LLC, Approval and Payment Authorization Emergency Act of 2017”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 2, 3, 4, and 5 to Contract No. CW36461 with SB & Company, LLC, to provide comprehensive annual financial report audit services, and authorizes payment in the total amount of \$1,778,479 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

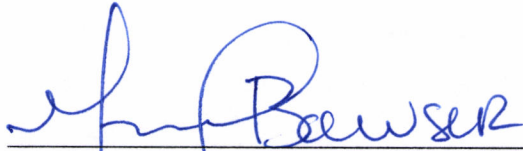
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-27

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To retroactively approve, on an emergency basis, a memorandum of understanding between the Deputy Mayor for Health and Human Services and the DC Children and Youth Investment Trust Corporation providing that any unspent, excess, or surplus grant funds issued by the District shall be transferred to the United Way National Capital Area and to approve an agreement with the United Way governing the expenditure of the unspent, excess, or surplus District funds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "CYITC Surplus Funds MOU Authorization Emergency Act of 2017".

Sec. 2. (a) Pursuant to section 2403(a-2) of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1553(a-2)) ("Act"), and notwithstanding section 2403(a) and (a-1) of the Act, and any other applicable law, the Council retroactively approves the memorandum of understanding ("MOU") between the Office of the Deputy Mayor for Health and Human Services and the DC Children and Youth Investment Trust Corporation, dba DC Trust, ("CYITC") executed on June 14, 2016, as amended. The MOU provides, among other things, that at the end of the relevant grant period, or upon final completion of the program described in the MOU, CYITC will transfer any unspent, excess, or surplus District funds to the United Way National Capital Area ("United Way"), a nonprofit organization.

(b) Notwithstanding section 2403 of the Act, the Council further approves the agreement between the Office of the Deputy Mayor for Health and Human Services and the United Way that governs the expenditure of the unspent, excess, or surplus District funds.


Sec. 3. Fiscal impact statement.

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

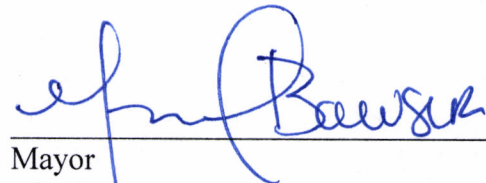
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To retroactively approve, on an emergency basis, a fiscal agency grant agreement executed by the Deputy Mayor for Health and Human Services and the United Way National Capital Area issuing the United Way National Capital Area a \$4.9 million grant to administer the District's grants program arising under the Children and Youth Initiative Establishment Act of 1999 on an interim basis and to approve an amendment to the agreement to exempt it from certain provisions of the Children and Youth Initiative Establishment Act of 1999 and to make other changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "United Way Fiscal Agency Grant Agreement Authorization Emergency Act of 2017".

Sec. 2. (a) Pursuant to section 2403(a-2) of the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1553(a-2)) ("Act"), and notwithstanding section 2403(a-1)(1) of the Act, the Council retroactively approves the fiscal agency grant agreement between the Office of the Deputy Mayor for Health and Human Services and the United Way National Capital Area ("United Way") dated September 28, 2016 ("Agreement"). The Agreement issues to the United Way a grant in the amount of \$4.9 million for the purpose of United Way administering and overseeing the District's grants program arising under the Act for the period from October 1, 2016, to October 31, 2017.

(b) The Council approves the amendment to the Agreement to: (1) revise the grant amount to \$4.92 million; (2) exempt the Agreement from section 2403(a-1)(1) of the Act, which provides that sub-grants shall be awarded on a 3-year basis; (3) further limit the expenditure of funds; and (4) modify administrative requirements.

Sec. 3. Fiscal impact statement.

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

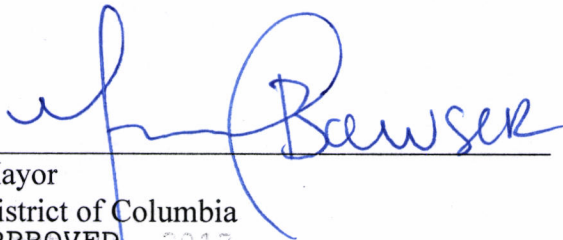
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED, 2017
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To amend, on an emergency basis, due to congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify that the Council is an independent entity for personnel purposes and create a new process by which certain Council attorneys shall file a certificate of good standing with the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Council Independent Authority Clarification Congressional Review Emergency Amendment Act of 2017".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 103(a)(2) (D.C. Official Code § 1-601.02(a)(2)) is amended by striking the phrase "independent agencies" and inserting the phrase "the Council, independent agencies" in its place.

(b) Section 201(c) (D.C. Official Code § 1-602.01(c)) is amended by striking the phrase "all District agencies" and inserting the phrase "the Council and all District agencies" in its place.

(c) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "as an agency." and inserting the phrase "as an agency. The term "agency" shall not include the Council." in its place.

(2) Paragraph (13) is amended by striking the phrase "the Council of the District of Columbia and the Office of the Attorney General for the District of Columbia shall be considered independent agencies" and inserting the phrase "the Office of the Attorney General for the District of Columbia shall be considered an independent agency" in its place.

(d) Section 407 (D.C. Official Code § 1-604.07) is amended by striking the phrase "independent agencies" and inserting the phrase "Council or within the independent agencies" in its place.

(e) Section 701(b) (D.C. Official Code § 1-607.01(b)) is amended by striking the phrase "Each agency" and inserting the phrase "The Council and each agency" in its place.

(f) Section 852 (D.C. Official Code § 1-608.52) is amended by striking the phrase "independent and subordinate agencies" and inserting the phrase "the Council, independent

ENROLLED ORIGINAL

agencies, and subordinate agencies” in its place.

(g) Section 855 (D.C. Official Code § 1-608.55) is amended by adding a new subsection (a-2) to read as follows:

“(a-2) Attorneys employed by the Council:

“(1) If employed in the office of a Councilmember, shall act under the direction, supervision, and control of the Councilmember;

“(2) If employed in the office of a Committee of the Council, shall act under the direction, supervision, and control of the Chair of the Committee; and

“(3) If employed in the office of a Council Officer, shall act under the direction, supervision, and control of the Council Officer.”.

(h) Section 857(a)(1) (D.C. Official Code § 1-608.57(a)(1)) is amended by striking the phrase “independent agencies” and inserting the phrase “an independent agency or the Council” in its place.

(i) Section 881 (D.C. Official Code § 1-608.81) is amended to read as follows:

“Sec. 881. Certificate of Good Standing filing requirement for Executive Branch attorneys.

“(a)(1) Except as provided by the rules for temporary waiver of this requirement, each attorney, hearing officer, or administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of employment, and who is employed by the Mayor, a subordinate agency under the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or by any independent agency, shall file with the Department of Human Resources a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals by December 15 of each year.

“(2) The Director of Human Resources may verify the good standing of attorneys, hearing officers, and administrative law judges subject to this requirement by electronic means with the District of Columbia Bar.

“(b) The Director of Human Resources shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys, hearing officers, and administrative law judges who have not met the filing requirements of subsection (a) of this section.

“(c) The Director of Human Resources shall promulgate rules and regulations concerning:

“(1) The timing for filing a Certificate of Good Standing pursuant to subsection (a) of this section and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement established by subsection (a) of this section may be granted by the personnel authority for the agency; and

“(3) The procedures by which attorneys, hearing officers, or administrative law judges shall be notified of the filing requirement established by subsection (a) of this section and whether they are in compliance with the requirement.

“(d) The rules and regulations promulgated pursuant to subsection (c) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal

ENROLLED ORIGINAL

holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules and regulations within the 45-day review period, the rules and regulations shall be deemed approved.

“(e) The failure of an attorney, hearing officer, or administrative law judge subject to subsection (a) of this section to comply with its requirements shall result in the forfeiture of employment.

“(f) This section shall not apply to an attorney employed by the Council.”.

(j) A new section 881a is added to read as follows:

“Sec. 881a. Certificate of Good Standing filing requirement for Council attorneys.

“(a) Except for temporary waiver of this requirement pursuant to procedures established by the Council, each attorney who is required to be a member of the District of Columbia Bar as a prerequisite of employment, and who is employed by the Council, shall file annually with the Secretary to the Council a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals.

“(b) The Secretary to the Council shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys who have not met the filing requirements of subsection (a) of this section.

“(c) The Council may develop policies and procedures to implement this section including:

“(1) Procedures addressing the timing for filing a Certificate of Good Standing pursuant to subsection (a) of this section and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement established by subsection (a) of this section may be granted by the personnel authority for the attorney who is employed by the Council; and

“(3) The procedures by which an attorney who is employed by the Council shall be notified of the filing requirement established by subsection (a) of this section and whether he or she is in compliance with the requirement.”.

(k) Section 1119(b) (D.C. Official Code § 1-611.19(b)) is amended by striking the phrase “personnel authority” and inserting the phrase “personnel authority, as defined in section 406(b),” in its place.

(l) Section 1232 (D.C. Official Code § 1-612.32) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Each agency or independent agency” and inserting the phrase “The Council, each agency, and each independent agency” in its place.

(2) Subsection (c) is amended by striking the phrase “Office of Personnel” and inserting the phrase “the Office of the Secretary to the Council, if the recipient employee is an employee of the Council, or the Director of Human Resources, if the recipient employee is an employee of an agency or independent agency” in its place.

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

“(d)(1) Notwithstanding any other provision of this section, if the head of an agency, or in the case of the Council, the Secretary to the Council, determines that any

ENROLLED ORIGINAL

organization or program within the Council, agency, or independent agency is being substantially disrupted in carrying out its functions or is incurring additional costs because of its participation in the voluntary leave transfer program, the agency head, or in the case of the Council, the Secretary to the Council, may exclude from the program any employee or group of employees.

“(2) If the head of an agency excludes an employee or group of employees from the voluntary leave transfer program, he or she shall submit a report to the Director of Human Resources specifying how the organization or program would be substantially disrupted in carrying out its functions or would incur additional costs. This information shall be included in the Voluntary Transfer of Leave Program Report required under section 1238. This paragraph shall not apply to the Council.”.

(m) Section 1233 (D.C. Official Code § 1-612.33) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, to the Secretary to the Council,” in its place.

(2) Subsection (c)(3) is amended by striking the phrase “the agency or independent agency” and inserting the phrase “the Council, agency, or independent agency” in its place.

(3) Subsection (d) is amended by striking the phrase “The agency” and inserting the phrase, “The Council or an agency” in its place.

(n) Section 1234(a) (D.C. Official Code § 1-612.34(a)) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, to the Secretary to the Council,” in its place.

(o) Section 1235 (D.C. Official Code § 1-612.35) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, the Secretary to the Council,” in its place.

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

(A) Strike the phrase “agency head or designee” and insert the phrase “agency head or designee, or in the case of an employee of the Council, the Secretary to the Council,” in its place.

(B) Strike the phrase “agency or independent agency” and insert the phrase “agency, independent agency, or, in the case of the Council, the relevant Council office,” in its place.

(3) Subsection (c) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, the Secretary to the Council,” in its place.

(p) Section 1236(a) (D.C. Official Code § 1-612.36(a)) is amended by striking the phrase “Each agency or independent agency” and inserting the phrase “The Council, each agency, and each independent agency” in its place.

(q) Section 2801 (D.C. Official Code § 1-628.01) is amended by striking the phrase “The Mayor” and inserting the phrase “The Council, the Mayor” in its place.

ENROLLED ORIGINAL

Sec. 3. Applicability.

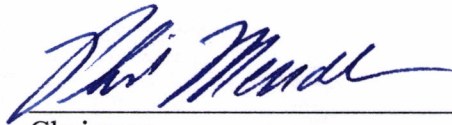
This act shall apply as of February 15, 2017.

Sec. 4. Fiscal impact statement.

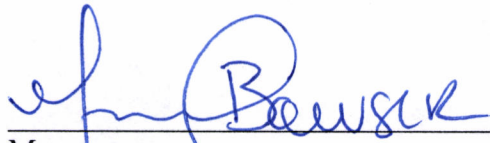
The Council adopts the fiscal impact statement in the committee report for the Council Independent Authority Clarification Amendment Act, enacted on January 24, 2017 (D.C. Act 21-616; 64 DCR 876), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To amend, on an emergency basis, section 500.4 of Title 17 of the District of Columbia Municipal Regulations to reauthorize the technology-enhancement fee added to the total cost of each basic business license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Business License Technology Fee Reauthorization Emergency Amendment Act of 2017”.

Sec. 2. Section 500.4 of Title 17 of the District of Columbia Municipal Regulations is amended to read as follows:

“500.4 Starting on October 1, 2010, the Director shall charge an additional fee of ten percent (10%) on the total cost of each basic business license to cover the costs of enhanced technological capabilities of the basic business licensing system.”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

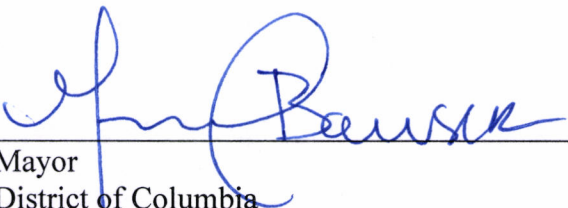
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To amend, on an emergency basis, due to congressional review, the Firearms Control Regulations Act of 1975 to permit and regulate the possession and sale of stun guns, to repeal the age requirement for the possession and use of self-defense sprays, and to repeal the registration requirement for self-defense sprays; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to conform the definition of stun gun; to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to provide for an enhanced penalty for committing a crime while armed with a stun gun; and to amend section 47-2851.03 of the District of Columbia Official Code to require vendors to obtain an endorsement to the basic business license to sell stun guns.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Stun Gun Regulation Congressional Review Emergency Amendment Act of 2017".

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

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (7)(D) is repealed.

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

(A) Subparagraph (C) is amended by striking the word "or" at the end.

(B) Subparagraph (D) is amended by striking the phrase "a weapon." and inserting the phrase "a weapon; or" in its place.

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

"(E) A stun gun."

(3) A new paragraph (17A) is added to read as follows:

"(17A) "Stun gun" means any device designed or redesigned, made or remade, or readily converted or restored, and used or intended to be used offensively or defensively to immobilize or incapacitate a person by the use of electric current or audible, optical, or electromagnetic pulse."

ENROLLED ORIGINAL

(b) Section 213 (D.C. Official Code § 7-2502.13) is amended by striking the phrase “18 years of age or older”.

(c) Section 214 (D.C. Official Code § 7-2502.14) is repealed.

(d) New sections 215 and 216 are added to read as follows:

“Sec. 215. Possession of stun guns.

“(a) No person under 18 years of age shall possess a stun gun in the District; provided, that brief possession for self-defense in response to an immediate threat of harm shall not be a violation of this subsection.

“(b) No person who possesses a stun gun shall use that weapon except in the exercise of reasonable force in defense of person or property.

“(c) Unless permission specific to the individual and occasion is given, no person, except a law enforcement officer as defined in section 901, shall possess a stun gun in the following locations:

“(1) A building or office occupied by the District of Columbia government, its agencies, or instrumentalities;

“(2) A penal institution, secure juvenile residential facility, or halfway house;

“(3) A building or portion thereof, occupied by a children’s facility, preschool, or public or private elementary or secondary school; or

“(4) Any building or grounds clearly posted by the owner or occupant to prohibit the carrying of a stun gun.

“Sec. 216. Sale of stun guns.

“(a) In order to lawfully sell a stun gun in the District, a vendor shall obtain pursuant to D.C. Official Code § 47-2851.03(e) a stun gun endorsement on its basic business license from the Department of Consumer and Regulatory Affairs (“Department”) on a form to be provided by the Department.

“(b) This section shall not apply to a vendor who sells fewer than 5 stun guns in a 12-month period.”

(e) Section 706(b)(1) (D.C. Official Code § 7-2507.06(b)(1)) is amended as follows:

(1) Subparagraph (B) is amended by striking the word “and” at the end.

(2) Subparagraph (C) is amended by striking the phrase “time of arrest.” and inserting the phrase “time of arrest;” in its place.

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

“(D) Possession of a self-defense spray in violation of section 213; and

“(E) Possession of a stun gun in violation of section 215.”

Sec. 3. Section 2(2)(A)(iii)(III) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(2)(A)(iii)(III)), is amended to read as follows:

“(III) A stun gun, as defined in section 101(17A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(17A));”.

ENROLLED ORIGINAL

Sec. 4. Section 2(a) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4502(a)), is amended by striking the phrase "rifle, dirk," and inserting the phrase "rifle, stun gun, dirk," in its place.

Sec. 5. Section 47-2851.03 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (11A) to read as follows:
“(11A) Stun Gun;”.

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

“(e) A vendor who sells more than 5 stun guns in a 12-month period shall obtain a stun gun endorsement under subsection (a)(11A) of this section on its basic business license from the Department on a form provided by the Department. No additional information shall be required for the issuance of a stun gun endorsement.”.

Sec. 6. Fiscal impact statement.

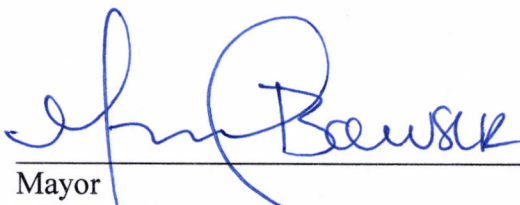
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 27, 2017

To amend, on an emergency basis, the Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016 to revise an amendment to section 105.3.10 of Chapter 12A of the District of Columbia Municipal Regulations to authorize interior designers licensed and registered in the District to approve certain non-structural alterations and designs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Interior Design Regulation Emergency Amendment Act of 2017".

Sec. 2. The amendatory section 105.3.10 of Chapter 12A of the District of Columbia Municipal Regulations within section 3(a) of the Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016, enacted on January 26, 2017 (D.C. Act 21-647; 64 DCR 946), is amended to read as follows:

"105.3.10 Design Professional in Responsible Charge. All design for new construction work, alteration, repair, expansion, addition, or modification work involving the practice of professional architecture, which shall have the same meaning as the term "practice of architecture" in D.C. Official Code § 47-2853.61, shall be prepared only by an architect licensed by the District and work involving the practice of professional engineering, which shall have the same meaning as the term "practice of engineering" in D.C. Official Code § 47-2853.131, shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer. Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member or any part of the structure having a required fire resistance rating, or the public safety, health or welfare, and which do not involve the practice of engineering as defined by applicable District of Columbia laws, shall be deemed to comply with this section when such plans are prepared, signed and sealed by an interior designer licensed and registered in the District of Columbia in accordance with applicable District of Columbia laws."

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

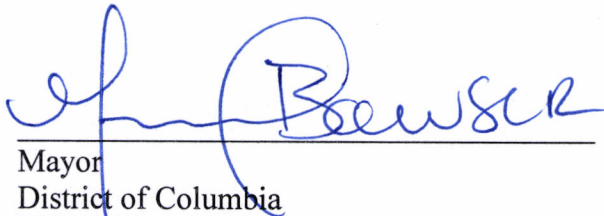
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 27, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 28, 2017

To amend, on an emergency basis, due to congressional review, An Act To provide for the payment and collection of wages in the District of Columbia to clarify that the Office of Administrative Hearings judges will hear wage theft cases, to exempt an employer from being required to pay wages to bona fide executive, administrative, and professional employees at least twice during each calendar month, to clarify that subcontractors include intermediate subcontractors, to clarify that general contractors and clients of temporary staffing agencies may waive their right to indemnification, to clarify that the Attorney General can bring civil enforcement actions in court and inspect business records, to incorporate record-keeping requirements from the Minimum Wage Act Revision Act of 1992, to allow businesses to challenge a demand for business records before a neutral decision-maker, to revise criminal penalties for violations of the act, to clarify the remedies and processes for civil and administrative actions to enforce wage theft laws, to clarify deadlines pertaining to service of wage theft complaints and that membership organizations may bring civil actions on behalf of their members, to clarify the Mayor's authority to issue rules, and to require the Mayor to issue rules identifying relevant prevailing federal standards for record-keeping requirements, to amend the Minimum Wage Act Revision Act of 1992 to remove the exclusion of parking lot and garage attendants from receiving the protections of the District's minimum and overtime laws, to require the Mayor to issue rules identifying relevant prevailing federal standards for record-keeping requirements, to exempt employers from keeping precise time records for bona fide executive, administrative, professional non-hourly employees, to allow businesses to challenge a demand for business records before a neutral decision-maker, to clarify when an employer or a temporary staffing firm must provide notices to an employee in a second language, to require the Mayor to publish translations of notices and sample templates online in all the languages required by the Language Access Act of 2004, to clarify how the Mayor shall make certain information available to employers, to clarify that general contractors and clients of temporary staffing agencies may waive their right to indemnification, to clarify the remedies and procedures available in civil and administrative actions; to amend the Wage Theft Prevention Amendment Act of 2014 to repeal an obsolete provision; to amend the Accrued Sick and Safe Leave Act of 2008 and the Living Wage Act of 2006 to require the Mayor to issue rules identifying relevant prevailing federal standards for record-keeping requirements; and to provide that all rules, forms, and regulations issued pursuant to the Wage Theft Prevention Amendment

ENROLLED ORIGINAL

Act of 2014 and to any emergency and temporary amendments to that act shall remain in force until repealed or superseded.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Wage Theft Prevention Clarification and Overtime Fairness Congressional Review Emergency Amendment Act of 2017”.

Sec. 2. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 32-1301) is amended as follows:

(1) Paragraph (1) is designated paragraph (1B).

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

“(1) “Administrative Law Judge” means an administrative law judge of the Office of Administrative Hearings, established by section 5 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; 2-1831.02).

“(1A) “Attorney General” means the Attorney General for the District of Columbia, as established by section 435 of the District of Columbia Home Rule Act, effective May 28, 2011 (D.C. Law 18-160A; D.C. Official Code § 1-204.35).”.

(b) Section 2 (D.C. Official Code § 32-1302) is amended by striking the phrase “Every employer shall pay all wages earned to his employees at least twice during each calendar month, on regular paydays designated in advance by the employer;” and inserting the phrase “An employer shall pay all wages earned to his or her employees on regular paydays designated in advance by the employer and at least twice during each calendar month; except, that all bona fide administrative, executive, and professional employees (those employees employed in a bona fide administrative, executive, or professional capacity, as defined in section 7-999.1 of the District of Columbia Municipal Regulation (7 DCMR 999.1), shall be paid at least once per month;” in its place.

(c) Section 3 (D.C. Official Code § 32-1303) is amended as follows:

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

“(5) A subcontractor, including any intermediate subcontractor, and the general contractor shall be jointly and severally liable to the subcontractor’s employees for the subcontractor’s violations of this act, the Living Wage Act, and the Sick and Safe Leave Act. Except as otherwise provided in a contract between the subcontractor and the general contractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the subcontractor’s violations of this act, the Living Wage Act, and the Sick and Safe Leave Act, unless those violations were due to the lack of prompt payment in accordance with the terms of the contract between the general contractor and the subcontractor.”.

(2) Paragraph 6 is amended by striking phrase “Unless otherwise agreed to by the parties, the temporary staffing firm shall indemnify the employer as a result of the temporary staffing firm’s violations” and inserting the phrase “Except as otherwise provided in a contract

ENROLLED ORIGINAL

between the temporary staffing firm and its client, the temporary staffing firm shall indemnify its client for any wages, damages, interest, penalties, or attorneys' fees owed as a result of the temporary staffing firm's violations" in its place.

(d) Section 6 (D.C. Official Code § 32-1306) is amended as follows:

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

"(2)(A) The Attorney General, acting in the public interest, including the need to deter future violations, may bring a civil action in a court of competent jurisdiction against an employer or other person violating this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act for restitution, injunctive, compensatory, and other authorized relief for any individual or for the public at large. Upon prevailing in court, the Attorney General shall be entitled to:

"(i) Reasonable attorneys' fees and costs;

"(ii) Statutory penalties equal to any administrative penalties provided by law; and

"(iii) On behalf of an aggrieved employee:

"(I) The payment of back wages unlawfully withheld;

"(II) Additional liquidated damages equal to treble the back wages unlawfully withheld; and

"(III) Equitable relief as may be appropriate.

"(B) The Attorney General shall not, in any action brought pursuant to this section, be awarded an amount already recovered by an employee."

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

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

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

"(2) The Attorney General shall have the power to investigate whether there are violations of this act, the Living Wage Act, the Sick and Safe Leave Act, and the Minimum Wage Revision Act, and administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony and to take depositions and affidavits in connection with any such investigation."

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

"(c) A person to whom a subpoena authorized by this section has been issued shall have the opportunity to move to quash or modify the subpoena in the Superior Court of the District of Columbia. In case of failure of a person to comply with any subpoena lawfully issued under this section, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, it shall be the duty of the Superior Court of the District of Columbia or any judge thereof, upon application by the Mayor or the Attorney General, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such Court or a refusal to testify therein."

(3) New subsections (d) and (e) are added to read as follows:

"(d)(1) Every employer subject to any provision of this act or of any regulation or order issued pursuant to this act shall make, keep, and preserve, for a period of not less than 3 years or

ENROLLED ORIGINAL

the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater, a record of:

“(A) The name, address, and occupation of each employee;

“(B) A record of the date of birth of any employee under 19 years of age;

“(C) The rate of pay and the amount paid each pay period to each employee;

“(D) The precise time worked each day and each workweek by each employee, except for employees who are not paid on an hourly basis and who are exempt from the minimum wage and overtime requirements under section 5(a) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1004(a)); and

“(E) Any other records or information as the Mayor may prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this act.

“(2)(A) Any records shall be open and made available for inspection or transcription by the Mayor, the Mayor’s authorized representative, or the Office of Attorney General upon demand at any reasonable time. An employer shall furnish to the Mayor, the Mayor’s authorized representative, or the Office of the Attorney General on demand a sworn statement of records and information upon forms prescribed or approved by the Mayor or Attorney General.

“(B) No employer may be found to be in violation of subparagraph (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney General’s demand before a judge, including an administrative law judge.

“(e) Every employer shall furnish to each employee at the time of payment of wages an itemized statement showing the:

“(1) Date of the wage payment;

“(2) Gross wages paid;

“(3) Deductions from and additions to wages;

“(4) Net wages paid;

“(5) Hours worked during the pay period; and

“(6) Any other information as the Mayor may prescribe by regulation.”.

(e) Section 7(a) (D.C. Official Code § 32-1307(a)) is amended to read as follows:

“(a)(1) An employer who negligently fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:

“(A) For the first offense, an amount per affected employee of not more than \$2,500;

“(B) For any subsequent offense, an amount per affected employee of not more than \$5,000.

“(2) An employer who willfully fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall:

“(A) For the first offense, be fined not more than \$5,000 per affected employee, or imprisoned not more than 30 days; or

ENROLLED ORIGINAL

“(B) For any subsequent offense, be fined not more than \$10,000 per affected employee, or imprisoned not more than 90 days.

“(3) The fines set forth in paragraphs (1) and (2) of this subsection shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).”.

(f) Section 8 (D.C. Official Code § 32-1308) is amended as follows:

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

“(a)(1)(A) Subject to subparagraph (B) of this paragraph, a person aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act may bring a civil action in a court of competent jurisdiction against the employer or other person violating this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act and, upon prevailing, shall be awarded reasonable attorneys’ fees and costs and entitled to restitution including:

“(i) The payment of any back wages unlawfully withheld;

“(ii) Liquidated damages equal to treble the amount of unpaid wages;

“(iii) Statutory penalties; and

“(iv) Such legal or equitable relief as may be appropriate, including reinstatement of employment, and other injunctive relief.

“(B) No person in any action brought pursuant to this section shall be awarded any amount already recovered by an employee.

“(C) Actions may be maintained by one or more employees, who may designate an agent or representative to maintain the action for themselves, or on behalf of all employees similarly situated as follows:

“(i) Individually by an aggrieved person;

“(ii) Jointly by one or more aggrieved persons;

“(iii) Consistent with the collective action procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b);

“(iv) As a class action;

“(v) Initially as a collective action pursuant to the procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b), and subsequently as a class action;

“(vi) By a labor organization or association of employees whose member is aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act; or

“(vii) By the Office of Attorney General for the District of Columbia, pursuant to section 6.”.

(2) Subsection (b)(4) is amended by striking the word “Mayor” and inserting the word “District” in its place.

(g) Section 8a (D.C. Official Code § 32-1308.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “A signed complaint” and inserting the phrase “A physically or electronically signed complaint” in its place.

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

ENROLLED ORIGINAL

(A) Paragraph (1) is amended by striking the word “deliver” and inserting the word “serve” in its place.

(B) Paragraph (2) is amended by striking the word “receipt” and inserting the phrase “receipt of service” in its place.

(C) Paragraph (3) is amended by striking the word “mailed” and inserting the word “served” in its place.

(D) Paragraph (4) is amended to read as follows:

“(4) If a respondent admits the allegation, the Mayor shall issue an administrative order requiring the respondent to provide restitution, including the payment of any back wages unlawfully withheld, liquidated damages equal to the amount of unpaid wages, reasonable attorney fees and costs, and other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief, and which may include statutory penalties. The Mayor or Attorney General may also proceed with an audit or subpoena to determine if the rights of employees other than the complainant have also been violated.”.

(E) Paragraph (5) is amended by striking the word “mailed” and inserting the word “served” in its place.

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

(i) Strike the word “delivered” and insert the word “served” in its place.

(ii) Strike the phrase “pay any unpaid wages, compensation, liquidated damages, and fine or penalty owed and requiring the respondent to cure any violations.” and insert the phrase “provide restitution including the payment of any back wages unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties, reasonable attorney fees and costs, other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief.” in its place.

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

“(7) The Mayor shall issue an initial determination within 60 days after the date the complaint is served. The initial determination shall set forth a brief summary of the evidence considered, the findings of fact, the conclusions of law, and an order requiring the respondent to provide restitution, including the payment of any back wages unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties, reasonable attorney fees and costs, and other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief. The initial determination shall be provided to both parties and set forth the losing party’s right to appeal under this section or to seek other relief available under this act.”.

(H) Paragraph (9) is amended by striking the word “filing” and inserting the word “serving” in its place.

(3) Subsection (e)(1) is amended by striking the phrase “administrative law judge shall issue an order based on the findings from the hearing. The”.

(4) Subsection (f)(2) is amended read as follows

“(2) Appropriate relief shall include the payment of any back wages unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties,

ENROLLED ORIGINAL

reasonable attorney fees and costs, and other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief.”.

(5) Subsection (m)(4) is amended by striking the word “Mayor” and inserting the word “District” in its place.

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

“(n) Appeals of any order issued or fine assessed under this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act shall be made to the District of Columbia Court of Appeals.”.

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

“Sec. 8b. Interpretation of fees.

No inference shall be drawn, or precedent established, based on the provisions in section 8 or section 8a that provide that attorney fees shall be calculated pursuant to the matrix approved in *Salazar v. District of Columbia*, 123 F.Supp.2d 8 (D.D.C. 2000) that such fees are reasonable for any law other than this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act.”.

(i) A new section 10b is added to read as follows:

“Sec. 10b. Rules.

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

(j) Section 212(a) (D.C. Official Code § 32-1331.12(a)) is amended by striking the phrase “3 years, in or about its place of business,” and inserting the phrase “3 years or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater, in or about its place of business,” in its place.

Sec. 3. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 5(b) (D.C. Official Code § 32-1004(b)) is amended as follows:

(1) Paragraph (3) is amended by adding the word “or” at the end.

(2) Paragraph (5) is repealed.

(b) Section 8 (D.C. Official Code § 32-1007) is amended to read as follows:

“(a) The Mayor and the Attorney General shall each have the power to administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, registers, and other evidence relative to any matters under investigation, at any public hearing, or at any meeting of any committee or for the use of the Mayor or the Attorney General in securing compliance with this act.

“(b) In case of disobedience to a subpoena, the Mayor or the Attorney General may invoke the aid of the Superior Court of the District of Columbia to require the attendance and testimony of witnesses and the production of documentary evidence.

“(c) In case of contumacy or refusal to obey a subpoena, the Court may issue an order to require an appearance before the Mayor or the Attorney General, the production of documentary evidence, and the giving of evidence.

ENROLLED ORIGINAL

“(d) A person or entity to whom a subpoena has been issued may move to quash or modify the subpoena,

“(e) Any failure to obey the order of the Court may be punished by the Court as contempt.”.

(c) Section 9 (D.C. Official Code § 32-1008) is amended as follows:

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

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

(i) The lead-in language is amended striking the phrase “or whatever the prevailing federal standard is,” and inserting the phrase “or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act,” in its place.

(ii) Subparagraph (D) is amended to read as follows:

“(D) The precise times worked each day and each workweek by each employee, except for employees who are not paid on an hourly basis and who are exempt from the minimum wage and overtime requirements under section 5(a); and”.

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

“(2)(A) Any records shall be open and made available for inspection or transcription by the Mayor, the Mayor’s authorized representative, or the Office of Attorney General upon demand at any reasonable time. An employer shall furnish to the Mayor, the Mayor’s authorized representative, or the Office of the Attorney General on demand a sworn statement of records and information upon forms prescribed or approved by the Mayor or Attorney General.

“(B) No employer may be found to be in violation of subparagraph (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney General’s demand before a judge, including an administrative law judge.”.

(2) Subsection (c) is amended by striking the phrase “shall furnish to each employee at the time of hiring a written notice, both in English and in the employee’s primary language, containing the following information:” and inserting the phrase “shall furnish to each employee at the time of hiring, and whenever any of the information contained in the written notice changes, a written notice in English; provided, that if the Mayor has made a sample template available in a language other than English that the employer knows to be the employee’s primary language or that the employee requests, the employer shall furnish the written notice to the employee in that other language also. The notice required by this subsection shall contain:” in its place.

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

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

“(1)(A) Within 90 days of February 26, 2015, and within 30 days of any change to the information contained in the prior written notice, an employer, except in those instances where notice is provided pursuant to section 9a, shall furnish each employee with an updated notice containing the information required under subsection (c) of this section in English and in any additional language required by subsection (c) of this section.

ENROLLED ORIGINAL

“(B) To show proof of compliance with these notice requirements, an employer shall retain either copies of the written notice furnished to employees that are signed and dated by the employer and by the employee acknowledging receipt or electronic records demonstrating that the employee received and acknowledged the notice via email or other electronic means.”.

(B) Paragraph (3) is amended by striking the phrase “subsections (b) and (c) of”.

(4) Subsection (e) is amended adding a sentence at the end to read as follows:

“On or before February 26, 2017, the Mayor also shall publish online a translation of the sample template in any languages required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933). The Mayor shall also publish online translations of the sample template in any additional languages the Mayor considers appropriate to carry out the purposes of this section.”.

(d) Section 9a (D.C. Official Code § 32-1008.01) is amended as follows:

(1) Section (a)(1) is amended by adding a sentence at the end to read as follows:

“The notice shall be provided in English and, if the Mayor has made available a translation of the sample template in a language that is known by the temporary staffing firm to be the employee’s primary language or that the employee requests, the temporary staffing firm shall furnish written notice to the employee in that other language also.”.

(2) The lead-in language to subsection (b) is amended to read as follows:

“(b) When a temporary staffing firm assigns an employee to perform work at, or provide services for, a client, the temporary staffing firm shall furnish the employee a written notice in English, and in another language that the employer knows to be the employee’s primary language or that the employee requests, if a sample template has been made available pursuant to subsection (c) of this section, of:”.

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

“(c) On or before February 26, 2017, the Mayor shall publish online a translation of the sample template of the notice required by this section in any language required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933). The Mayor shall also publish online translations of the sample template in any additional languages the Mayor considers appropriate to carry out the purposes of this section.”.

(e) Section 12(d)(1)(C) (D.C. Official Code § 32-1011(d)(1)(C)) is amended by striking the phrase “or whatever the prevailing federal standard is, whichever is greater” and inserting the phrase “or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater,” in its place.

(f) Section 12a (D.C. Official Code § 32-1011.01) is amended by striking the phrase “liquidated damages of not less than \$1,000 and not more than \$10,000” and inserting the phrase “all appropriate relief provided for under section 10a of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 979; D.C. Official Code § 32-1311)” in its place.

(g) Section 13 (D.C. Official Code § 32-1012) is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (a) is amended by striking the phrase “according to” and inserting the phrase “according to, and with all the remedies provided under,” in its place.

(2) Subsection (b)(2) is amended by striking the phrase “The court may award an amount of liquidated damages less than treble the amount of unpaid wages, but not less than the amount of unpaid wages. In any action commenced to recover unpaid wages or liquidated damages, the employer shall demonstrate” and inserting the phrase “The court may award an additional amount of liquidated damages less than treble the amount of unpaid wages, but not less than the amount of unpaid wages, only if the employer demonstrates” in its place.

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

“(c) A subcontractor, including any intermediate subcontractor, and the general contractor shall be jointly and severally liable to the subcontractor’s employees for the subcontractor’s violations of this act. Except as otherwise provided in a contract between the subcontractor and the general contractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the subcontractor’s violations of this act, unless those violations were due to the lack of prompt payment in accordance with the terms of the contract between the general contractor and the subcontractor.”

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

“(f)(1) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of a client pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the client shall be jointly and severally liable for violations of this act to the employee and to the District.

“(2) The District, the employee, or the employee’s representative shall notify the temporary staffing firm of the alleged violations at least 30 days before filing a claim for a violation against a client who was not the employee’s direct employer.

“(3) Except as otherwise provided in a contract between the temporary staffing firm and its client, the temporary staffing firm shall indemnify its client for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the temporary staffing firm’s violations of this act.”

(h) Section 13a (D.C. Official Code § 32-1012.01) is amended to read as follows

“Administrative complaints filed for violations of this act shall be considered under the same procedures and with all the same legal and equitable remedies available for violations of Title I of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 976; D.C. Official Code § 32-1301 *et seq.*)”.

Sec. 4. Conforming amendments.

(a) Section 11b(a) of the Accrued Sick and Safe Leave Act, effective February 22, 2014 (D.C. Law 20-89; D.C. Official Code § 32-131.10b(a)), is amended by striking the phrase “3 years” and inserting the phrase “3 years or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater,” in its place.

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(b) Section 107 of the Living Wage Act, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.07), is amended by striking the phrase “3 years from the payroll date” and inserting the phrase “3 years or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater, from the payroll date” in its place.

(c) Paragraph 11 of section 105.3 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR 105.3(11)) is amended as follows:

(1) Strike the phrase “general contractor or construction manager,” and insert the phrase “general contractor, construction manager, and each subcontractor,” in its place.

(2) Strike the phrase “general constructor or construction manager is selected” and insert the phrase “general contractor, construction manager, or any subcontractor is selected” in its place.

Sec. 5. Continuation of rules, forms, and regulations.

All rules, forms, and regulations issued pursuant to the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157), and any rules, forms, and regulations issued pursuant to any like succeeding emergency and temporary acts, including the Wage Theft Prevention Clarification Temporary Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-101; 63 DCR 2220), and the Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2016, effective November 30, 2016 (D.C. Law 21-170; 63 DCR 12600), shall continue in effect according to their terms until lawfully amended, repealed, or superseded.

Sec. 6. Repealers.

(a) Section 7 of the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157), is repealed.

(b) The Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2016, effective November 30, 2016 (D.C. Law 21-170; 63 DCR 12600), is repealed.

(c) The Revised Wage Theft Prevention Clarification Temporary Amendment Act of 2016, enacted on December 6, 2016 (D.C. Act 21-562; 63 DCR 15051), is repealed.

Sec. 7. Applicability.

This act shall apply as of March 21, 2017.

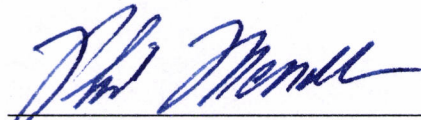
Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Wage Theft Prevention Clarification and Overtime Fairness Amendment Act of 2016, enacted on February 17, 2017 (D.C. Act 21-684; 64 DCR 2140), 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).

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Sec. 9. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
March 27, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 28, 2017

To amend, on an emergency basis, due to congressional review, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to enhance the reporting requirements of political action committees and independent expenditure committees during nonelection years and to apply current contribution limitations to political action committees during nonelection years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Campaign Finance Reform and Transparency Congressional Review Emergency Amendment Act of 2017".

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 309(b) (D.C. Official Code § 1-1163.09(b)) is amended as follows:

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

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

"(2) In addition to the reporting requirements in paragraph (1) of this subsection, the treasurer of each political action committee and independent expenditure committee shall file the reports required by subsection (a) of this section on the 10th day of April and October of each year in which there is no election. The reports shall be complete as of the date prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing."

(b) Section 333 (D.C. Official Code § 1-1163.33) is amended by adding a new subsection (f-1) to read as follows:

"(f-1) Limitations on contributions under this section shall apply to political action committees during nonelection years."

Sec. 3. Applicability.

This act shall apply as of March 24, 2017.


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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
March 27, 2017

ENROLLED ORIGINAL

AN ACT

DC ACT 22-35

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 28, 2017

To amend, on an emergency basis, the Advisory Neighborhood Commissions Act of 1975 to transfer duties related to Advisory Neighborhood Commission quarterly financial reports from the District of Columbia Auditor to the Office of Advisory Neighborhood Commissions in order for one full-time equivalent employee to be transferred from the District of Columbia Auditor to the Office of Advisory Neighborhood Commissions to ensure the ability of the Office of Advisory Neighborhood Commissions to carry out new functions under the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016 by April 1, 2017; and to amend the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016 to make the new duties assigned to the Executive Director of the Office of Advisory Neighborhood Commissions apply when the underlying Advisory Neighborhood Commissions Omnibus Amendment Act of 2016 is fully funded.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Advisory Neighborhood Commissions Transfer Authorization Emergency Amendment Act of 2017”.

Sec. 2. The Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 13(l) (D.C. Official Code § 1-309.10(l)) is amended by striking the phrase “District of Columbia Auditor” and inserting the acronym “OANC” in its place.

(b) Section 15(d)(2) (D.C. Official Code § 1-309.12(d)(2)) is amended by striking the phrase “District of Columbia Auditor” and inserting the acronym “OANC” in its place.

(c) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

(1) Subsection (g) is amended by striking the word “Auditor” and inserting the acronym “OANC” in its place.

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

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

(i) Strike the word “Auditor” wherever it appears and insert the acronym “OANC” in its place.

(ii) Strike the word “Auditor’s” and insert the acronym “OANC’s” in its place.

ENROLLED ORIGINAL

(B) Paragraph (2) is amended by striking the word "Auditor" wherever it appears and inserting the acronym "OANC" in its place.

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

"(1-1)(1) A Commission shall expend funds to reimburse any Commissioner who submits a complete application for reimbursement from the Commission allotment for qualifying travel or childcare expenses incurred to carry out qualifying official duties of the Commissioner in accordance with this subsection; provided, that the maximum total reimbursement that any individual Commissioner may receive under this subsection in a single calendar year shall be \$500.

"(2) An application for reimbursement shall be completed using a form created by the OANC, which shall be available to individual Commissioners upon request, and which shall indicate any attachments required to demonstrate that the expense qualifies under this subsection. A Commission Treasurer shall not approve the release of Commission funds under this subsection except where the application for reimbursement meets all requirements under this subsection. To qualify for reimbursement under this subsection, a Commissioner shall submit an application within 30 days of incurring the relevant expense. Upon approving an application for reimbursement under this subsection, the Commission Treasurer shall electronically transmit the application to the OANC, which shall maintain electronic copies of all applications. The Commission Treasurer shall ensure that applications submitted under this subsection are included in quarterly financial reports of the Commission prepared pursuant to subsection (j) of this section.

"(3) For the purposes of this subsection, the term:

"(A) "Qualifying official duties" shall be limited to the following:

- "(i) Attending regular and special public meetings of the Commission on which the Commissioner sits;
- "(ii) Delivering official testimony on behalf of the Commission as a whole, or a committee of the Commission at an official proceeding of any agency, board, or commission within the District government that receives public testimony, or before the Council;
- "(iii) Attending meetings of a Commission committee on which the Commissioner sits;
- "(iv) Traveling to and from the offices of government entities in order to participate in meetings on behalf of the Commission; and
- "(v) Attending training provided under this act.

"(B) "Qualifying travel or childcare expenses" shall be limited to the following, to the extent they are incurred to perform qualifying official duties under this subsection:

- "(i) Expenses for public transportation provided by the Washington Metropolitan Area Transit Authority; and
- "(ii) Expenses charged to the Commissioner for childcare services that comply with all licensing requirements of the Office of the State Superintendent of Education."

ENROLLED ORIGINAL

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

(A) Paragraph (2) is amended to read as follows:

“(2) An applicant for a grant shall submit an application in writing to the Commission and to the OANC. The application shall be in the form of a template designed by the OANC, and shall contain:

“(A) A description of the proposed project for which the grant is requested;

“(B) A statement of expected public benefits;

“(C) The total cost of the proposed project, including other sources of funding, if any; and

“(D) An accounting by the grantees of the expected overhead costs the grantees will incur in carrying out the grant. No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”.

(B) Paragraph (3) is amended to read as follows:

“(3) Within 60 days following the issuance of a grant, and every 90 days thereafter during the life of the grant, the grant recipient shall forward to the Commission and the OANC a statement as to the use of the funds consistent with the grant application, complete with receipts that support the expenditures. The OANC:

“(A) May prohibit all Commissions from providing a grant to any past grant recipient that used grant funds contrary to the associated grant agreement; and

“(B) Shall maintain a list, available to any Commissioner upon request, of prohibited grantees identified pursuant to subparagraph (A) of this paragraph.”.

(d) Section 18 (D.C. Official Code § 1-309.15) is amended to read as follows:

“Sec. 18. Office of Advisory Neighborhood Commissions; appointment of Executive Director.

“(a) There is hereby established an Office of Advisory Neighborhood Commissions to provide technical, administrative, and financial reporting assistance to the Advisory Neighborhood Commissions. Subject to appropriations beginning in Fiscal Year 2001, the OANC shall be funded by an annual budget allocation. The OANC is intended to support the efforts of Advisory Neighborhood Commissions, review Commission quarterly financial reports, and approve or disapprove the release of Commission quarterly allotments pursuant to section 16.

“(b) The OANC shall be headed by an Executive Director who shall be appointed by the Council.”.

Sec. 3. Section 3 of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, enacted on February 16, 2017 (D.C. Act 21-687; 64 DCR 2162), is amended by striking the phrase “(h)(8), and (i)” and inserting the phrase “and (h)(8)” in its place.

Sec. 4. Fiscal impact statement.


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

ENROLLED ORIGINAL

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
March 27, 2017

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

**Bill 22-42, the “First Responder Income Tax Exclusion Amendment Act of 2017”
Bill 22-43, the “East End Commercial Real Property Tax Rate Reduction Amendment Act of 2017”
Bill 22-202, the “East End Grocery and Retail Incentive Program Tax Abatement Act of 2017”**

Wednesday, April 26, 2017

10:00 a.m.

**Room 123 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Wednesday, April 26, 2017 at 10:00 a.m. in Room 123, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-42, the “First Responder Income Tax Exclusion Amendment Act of 2017” amends Title 47-1803.02(a) of the District of Columbia Official Code to exclude from gross income the amount received as annual salary by eligible District of Columbia government first responders.

Bill 22-43, the “East End Commercial Real Property Tax Rate Reduction Amendment Act of 2017” amends Chapter 8 of Title 47 of the District of Columbia Official Code to lower the real property tax rate for Class 2 Properties located East of the Anacostia River.

Bill 22-202, the “East End Grocery and Retail Incentive Program Tax Abatement Act of 2017” amends Chapter 46 of Title 47 of the D.C. Official Code to waive deed recordation, real property, personal property, corporate franchise (including combined reporting), and sales taxes for eligible sites in Ward 7 and 8.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, April 25, 2017. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON HUMAN SERVICES**

ANNOUNCES A PUBLIC HEARING ON

**B22-52, THE “TEMPORARY ASSISTANCE FOR NEEDY FAMILIES ASSISTANCE
LEVEL INCREASE AMENDMENT ACT OF 2017”**

AND

**B22-194, THE “DC HEALTHCARE ALLIANCE PROGRAM RECERTIFICATION
SIMPLIFICATION AMENDMENT ACT OF 2017”**

**Monday, April 24, 2017, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Monday, April 24, 2017, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, will hold a public hearing on B22-52, the “Temporary Assistance for Needy Families Assistance Level Increase Amendment Act of 2017” and B22-194, the “DC Healthcare Alliance Program Recertification Simplification Amendment Act of 2017”. The hearing will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 10:00 a.m.

The stated purpose of B22-52, the “Temporary Assistance for Needy Families Assistance Level Increase Amendment Act of 2017”, is to increase the schedule assistance level to 26.7% in Fiscal Year 2018.

The stated purpose of B22-194, the “DC Healthcare Alliance Program Recertification Simplification Amendment Act of 2017”, is to permit Alliance enrollees to complete the semiannual recertification interview requirement with a qualified community health organization or over the phone with the Department of Human Services (DHS). Current regulations require enrollees to do this interview “face-to-face” at DHS. Further, the bill instructs the Mayor to issue regulations on how a community health organization can become qualified to conduct the interview.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at humanservices@dccouncil.us or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, April 20**. 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 are encouraged to bring **twenty single-sided copies** of their written testimony.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at humanservices@dccouncil.us 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 May 8.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-75, Language Access for Education Amendment Act of 2017

on

Monday, April 24, 2017

**11:00 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 22-75, the “Language Access for Education Amendment Act of 2017.” The hearing will be held at 11:00 a.m. on Monday, April 24, 2017 in Hearing Room 120 of the John A. Wilson Building.

The stated purpose of Bill 22-75 is to apply government language access requirements to the Mayor’s Office of Community Affairs, the Secretary to the Council, and other entities; require all public schools, including charter schools, to provide essential translation services; require additional coordination and duties of language access coordinators; clarify appeals procedures and monetary penalties for violations of the Lanaguage Access Act of 2004. This legislation was originally introduced in Council Period 21 and the Committee of the Whole, the Committee on Education, and the Committee on Judiciary held a joint public hearing where members of the public were invited to testify on the proposed legislation. Subsequently, the Committee on Education and the Committee on the Judiciary marked up the bill. Bill 22-75 represents the marked up version of the bill by the Committee on the Judiciary.

The purpose of this hearing to receive testimony from select expert and advocate witnesses on issues related to the proposed legislation. Thus, this hearing will be limited to those invited to testify. While this hearing is limited to oral testimony from invited witnesses, written statements from the public will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, May 8, 2017.

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

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

BILL 22-0197, THE “PRIMARY DATE ALTERATION AMENDMENT ACT OF 2017”

**Wednesday, April 26, 2017, 3 p.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, April 26, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing on Bill 22-0197, the “Primary Date Alteration Amendment Act of 2017”. The hearing will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 3 p.m.

The stated purpose of Bill 22-0197, the “Primary Date Alteration Amendment Act of 2017”, is to amend the District of Columbia Election Code of 1955 to comply with federal law by changing the date of the District of Columbia primary elections to the third Tuesday in June.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, April 21**. 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 are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at judiciary@dccouncil.us 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 April 26.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2018 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2018 BUDGET SUPPORT ACT OF 2017,
 FISCAL YEAR 2018 LOCAL BUDGET ACT OF 2017, AND
 COMMITTEE MARK-UP SCHEDULE**

3/27/2017

SUMMARY

April 4, 2017	Mayor Transmits the Fiscal Year 2018 Proposed Budget and Financial Plan
April 6, 2017	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2018 Proposed Budget and Financial Plan
April 7, 2017 to May 11, 2017	Committee Public Hearings on the "Fiscal Year 2018 Local Budget Act of 2017." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2018 Budget Support Act that affect the agencies under each Committee's purview)
May 12, 2017	Committee of the Whole Public Hearing on the "Fiscal Year 2018 Local Budget Act of 2017", "Fiscal Year 2018 Federal Budget Act of 2017" and "Fiscal Year 2018 Budget Support Act of 2017."
May 16-18, 2017	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2018
May 24, 2017	Budget Work Session 9:00 a.m.
May 30, 2017	Committee of the Whole and Council consideration of the "Fiscal Year 2018 Local Budget Act of 2017", "Fiscal Year 2018 Federal Budget Act of 2017" and the "Fiscal Year 2018 Budget Support Act of 2017"
June TBD	Council consideration of the "Fiscal Year 2018 Local Budget Act of 2017" and the "Fiscal Year 2018 Budget Support Act of 2017"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2018 Proposed Budget and Financial Plan, the "Fiscal Year 2018 Local Budget Act of 2017," the "Fiscal Year 2018 Federal Budget Act of 2017" and the "Fiscal Year 2018 Budget Support Act of 2017". The hearings will begin Friday, April 7, 2017 and conclude on Thursday, May 11, 2017 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 Tuesday, May 16, 2017 and conclude on Thursday, May 18, 2017 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 the corresponding committee office. 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 hearings and mark-up schedule please contact the committee of interest.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
April 6, 2017	April 7, 2017	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2018 Proposed Budget and Financial Plan - Room 500; 10:00 a.m.
April 7, 2017	April 11, 2017	Office of Asian & Pacific Islander Affairs, Office of Veteran Affairs & Office of Latino Affairs (Government Operations - Room 500; 10:00 a.m.)
April 11, 2017	April 10, 2017	Committee of Government Operations - Room 412; 11:00 a.m.
April 13, 2017	April 10, 2017	Office of Zoning (COW - Room 500; 10:00 a.m.)
April 13, 2017	April 11, 2017	Office of Administrative Hearings, Office of the Inspector General & Public Access Corporation (Government Operations - Room 123; 10:00 a.m.)
April 12, 2017	April 26, 2017	Committee on Finance & Revenue - Room 123; 10:00 a.m.
April 24, 2017	May 9, 2017	Office of Chief Medical Examiner (Judiciary - Room 412; 10:30 a.m.)
April 28, 2017	April 12, 2017	Office of the Chief Technology Officer (Government Operations - Room 123; 10:00 a.m.)
May 1, 2017	April 25, 2017	Office on Returning Citizen Affairs & Advisory Neighborhood Commission (Housing & Neighborhood Revitalization - Room 500; 10:00 a.m.)
May 9, 2017	April 27, 2017	Department of Youth Rehabilitation Services (Human Services- Room 123; 11:00 a.m.)
May 9, 2017	April 28, 2017	Office of Chief Technology Officer (Government Operations - Room 500; 11:00 a.m.)
May 11, 2017	May 3, 2017	Public Service Commission & Office of People's Counsel (Business & Economic Development - Room 500: 10:00 a.m.)

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE		Chairman Phil Mendelson
THURSDAY, APRIL 6, 2017; COUNCIL CHAMBER (Room 500)		
Time	Subject	
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2018 Proposed Budget and Financial Plan	

COMMITTEE ON GOVERNMENT OPERATIONS		Chairman Brandon Todd
FRIDAY, APRIL 7, 2017; COUNCIL CHAMBER (Room 500)		
Time	Agency	
10:00 a.m. - End	Office of Asian and Pacific Islander Affairs	
	Office of Veteran Affairs	
	Office of Latino Affairs	

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE OF THE WHOLE		Chairman Phil Mendelson
MONDAY, APRIL 10, 2017; Room 412		
Time	Agency	
10:00 a.m. - 2:00 p.m.	Metropolitan Washington Council of Governments	
	Office of Planning	

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION		Chairperson Anita Bonds
TUESDAY, APRIL 11, 2017; COUNCIL CHAMBER (Room 500)		
Time	Agency	
11:00 a.m. - End	Office of the Tenant Advocate	
	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 GOVERNMENT OPERATIONS		Chairman Brandon Todd
TUESDAY, APRIL 11, 2017; Room 412		
Time	Agency	
11:00 a.m. - End	Executive Office of the Mayor	
	Office of the City Administrator	
	Office of the Senior Advisor	
	Mayor's Office of Legal Counsel	
	Secretary of the District of Columbia	

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE OF THE WHOLE		Chairman Phil Mendelson
TUESDAY APRIL 11, 2017; Room 123		
Time	Agency	
11:00 a.m. - 2:00 p.m.	University of the District of Columbia	
	District of Columbia Retirement Board/Funds	
	District Retiree Health Contribution	

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
WEDNESDAY, APRIL 12, 2017; COUNCIL CHAMBER (Room 500)		
Time	Agency	
9:30 a.m. - 5:00 p.m.	Deputy Mayor for Public Safety and Justice	
	Criminal Justice Coordinating Council	
	Metropolitan Police Department	
	Office of Police Complaints	
	Office of Victim Services and Justice Grants	

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

WEDNESDAY, APRIL 12, 2017; Room 412	
Time	Agency
11:00 a.m. - End	Deputy Mayor for Health and Human Services United Medical Center

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu (oiimadojemu@dccouncil.us) or by calling 202-727-7774.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, APRIL 12, 2017; Room 123	
Time	Agency
10:00 a.m. - End	Commission on the Arts and Humanities Washington Metropolitan Area Transit Authority

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

THURSDAY, APRIL 13, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - 4:00 p.m.	Office of Budget and Planning Office of Zoning Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

THURSDAY, APRIL 13, 2017; 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 BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

THURSDAY, APRIL 13, 2017; Room 120	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development Department of Insurance, Securities and Banking Department of For-Hire Vehicles For-Hire Vehicle Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham (dcheatham@dccouncil.us) or by calling 202-297-0152.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairman Brandon Todd

THURSDAY, APRIL 13, 2017; Room 123	
Time	Agency
10:00 a.m. - End	Office of Administrative Hearings Office of the Inspector General Public Access Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 24, 2017; 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 THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

MONDAY, APRIL 24, 2017; Room 412	
Time	Agency
10:30 a.m. - 5:00 p.m.	Office of Chief Medical Examiner
	Office of the Attorney General
	Department of Corrections
	Corrections Information Council
	Office of Human Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

TUESDAY, APRIL 25, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
12:00 p.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

TUESDAY, APRIL 25, 2017; Room 412	
Time	Agency
10:00 a.m. - End	Office on Aging

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

TUESDAY, APRIL 25, 2017; Room 120	
Time	Agency
10:00 a.m. - 2:00 p.m.	Council of the District of Columbia
	District of Columbia Auditor
	New Columbia Statehood Commission
	Contract Appeals Board
	Office of Contracting and Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may email: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON EDUCATION

Chairperson David Grosso

TUESDAY, APRIL 25, 2017; Room 123	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

WEDNESDAY, APRIL 26, 2017; Room 412	
Time	Agency
10:00 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 EDUCATION

Chairperson David Grosso

WEDNESDAY, APRIL 26, 2017; Room 120	
Time	Agency
11:00 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.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, APRIL 27, 2017; COUNCIL CHAMBER (Room 500)	
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.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

THURSDAY, APRIL 27, 2017; 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 email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

THURSDAY, APRIL 27, 2017; Room 120	
Time	Agency
10:00 a.m. - End	Office of Employee Appeals
	Office of Labor Relations and Collective Bargaining
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, APRIL 27, 2017; Room 123	
Time	Agency
9:30 a.m. - 5:00 p.m.	Fire and Emergency Medical Services Department
	Office of Unified Communications
	Board of Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

FRIDAY, APRIL 28, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	District of Columbia Health Benefit Exchange Authority
	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu (oimadojemu@dccouncil.us) or by calling 202-727-7774.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, APRIL 28, 2017; Room 412	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	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 & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

MONDAY, MAY 1, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office on Returning Citizen Affairs
	Advisory Neighborhood 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

MONDAY, MAY 1, 2017; Room 412	
Time	Agency
11:00 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.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

WEDNESDAY, MAY 3, 2017; 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 email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, MAY 3, 2017; Room 412

Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses)

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, MAY 3, 2017; Room 120

Time	Agency
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Office of Cable Television, Film, Music and Entertainment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham (dcheatham@dccouncil.us) or by calling 202-297-0152.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

THURSDAY, MAY 4, 2017; COUNCIL CHAMBER (Room 500)

Time	Agency
10:00 a.m. - End	Department of Employment Services
	Deputy Mayor for Greater Economic Opportunity
	Workforce Investment Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, MAY 4, 2017; Room 412

Time	Agency
10:00 a.m.	District of Columbia 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.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

THURSDAY, MAY 4, 2017; Room 120

Time	Agency
11:00 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 FINANCE & REVENUE

Chairperson Jack Evans

THURSDAY, MAY 4, 2017; Room 123

Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	District of Columbia Lottery and Charitable Games
	Real Property Tax Appeals Commission
	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 HEALTH

Chairperson Vincent Gray

FRIDAY, MAY 5, 2017; COUNCIL CHAMBER (Room 500)

Time	Agency
11:00 a.m.	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu (oimadojemu@dccouncil.us) or by calling 202-727-7774.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

TUESDAY, MAY 9, 2017; COUNCIL CHAMBER (Room 500)

Time	Agency
11:00 a.m. - End	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

TUESDAY, MAY 9, 2017; Room 412

Time	Agency
1:00 p.m. - End	Office of Risk Management

	Department of Human Resources
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Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

TUESDAY, MAY 9, 2017; Room 123

Time	Agency
11:00 a.m. - End	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

TUESDAY, MAY 9, 2017; Room 120

Time	Agency
11:00 a.m. - 4:00 p.m.	Homeland Security and Emergency Management Agency

	Department of Forensic Sciences
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	District of Columbia National Guard
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Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

WEDNESDAY, MAY 10, 2017; Room 412

Time	Agency
11:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu (oimadojemu@dccouncil.us) or by calling 202-727-7774.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

THURSDAY, MAY 11, 2017; COUNCIL CHAMBER (Room 500)

Time	Agency
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development

	District of Columbia Boxing and Wrestling Commission
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	Walter Reed Army Medical Center Site Reuse Advisory Committee
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	Public Service Commission
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	Office of People's Counsel
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Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham (dcheatham@dccouncil.us) or by calling 202-297-0152.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, MAY 12, 2017; COUNCIL CHAMBER (Room 500)

Time	Agency
10:00 a.m. - End	Committee of the Whole Hearing on the "Fiscal Year 2018 Local Budget Act of 2017," "Fiscal Year 2018 Federal Budget Act of 2017" and "Fiscal Year 2018 Budget Support Act of 2017"

COMMITTEE MARK-UP SCHEDULE

TUESDAY, MAY 16, 2017; COUNCIL CHAMBER (Room 500)

Time	Committee
12:00 p.m. - 2:00 p.m.	Committee on Government Operations
2:00 p.m. - 4:00 p.m.	Committee on Finance and Revenue
4:00 p.m. - 6:00 p.m.	Committee on Business and Economic Development

WEDNESDAY, MAY 17, 2017; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 12:00 p.m.	Committee on Health
12:00 p.m. - 2:00 p.m.	Committee on Labor and Workforce Development
2:00 p.m. - 4:00 p.m.	Committee on Human Services
4:00 p.m. - 6:00 p.m.	Committee on Transportation and the Environment

THURSDAY, MAY 18, 2017; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 12:00 p.m.	Committee on Housing and Neighborhood Revitalization
12:00 p.m. - 2:00 p.m.	Committee on the Judiciary and Public Safety
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 TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE

The District Department of Transportation's Streetlight Modernization Project

May 3rd, 2017, at 11:00 AM
in Room 123 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Wednesday, May 3, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public oversight roundtable on the District Department of Transportation's (DDOT) initiative to modernize the District's streetlight system through the installation of LED bulbs. The public roundtable will begin at 11:00 AM in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Currently, DDOT, in conjunction with the DC Office of Public-Private Partnerships (OP3) is advancing an initiative to modernize the District's streetlight system through conversion to LED technology. The purpose of the roundtable is to discuss and to hear testimony regarding DDOT's plan to replace the District's streetlights with LED lights, to examine the potential health effects associated with the installation of LED bulbs, and to ascertain whether the District's installation plan is in keeping with industry standards and other similarly situated jurisdictions.

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 eight 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. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements 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 May 17, 2017.

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

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 22-0085, THE "POLICE COMPLAINTS BOARD
BOBBI STRANG CONFIRMATION RESOLUTION OF 2017"**

**PROPOSED RESOLUTION 22-0110, THE "COMMISSION ON HUMAN RIGHTS
MOTOKO AIZAWA CONFIRMATION RESOLUTION OF 2017"**

**PROPOSED RESOLUTION 22-0170, THE "HOMELAND SECURITY COMMISSION
DAVID HEYMAN CONFIRMATION RESOLUTION OF 2017"**

**PROPOSED RESOLUTION 22-0180, THE "COMMISSION ON HUMAN RIGHTS
ALI MUHAMMAD CONFIRMATION RESOLUTION OF 2017"**

**PROPOSED RESOLUTION 22-0182, THE "COMMISSION ON HUMAN RIGHTS
KAREN MULHAUSER CONFIRMATION RESOLUTION OF 2017"**

**PROPOSED RESOLUTION 22-0184, THE "DISTRICT OF COLUMBIA
CORRECTIONS INFORMATION COUNCIL GOVERNING BOARD
CHARLES THORNTON CONFIRMATION RESOLUTION OF 2017"**

**PROPOSED RESOLUTION 22-0185, THE "POLICE COMPLAINTS BOARD
MORGAN C. KANE CONFIRMATION RESOLUTION OF 2017"**

**Wednesday, April 5, 2017, 11:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, April 5, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider Proposed Resolutions 22-0085, the "Police Complaints Board Bobbi Strang Confirmation Resolution of

2017"; 22-0110, the "Commission on Human Rights Motoko Aizawa Confirmation Resolution of 2017"; 22-0170, the "Homeland Security Commission David Heyman Confirmation Resolution of 2017"; 22-0180, the "Commission on Human Rights Ali Muhammad Confirmation Resolution of 2017"; 22-0182, the "Commission on Human Rights Karen Mulhauser Confirmation Resolution of 2017"; 22-0184, the "District of Columbia Corrections Information Council Governing Board Charles Thornton Confirmation Resolution of 2017"; and 22-0185, the "Police Complaints Board Morgan C. Kane Confirmation Resolution of 2017". The roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004, at 11:00 a.m.

Proposed Resolutions 22-0085 and 22-0185 would confirm Bobbi Strang and Morgan C. Kane to the Police Complaints Board for terms to end January 20, 2020, and January 20, 2018, respectively.

Proposed Resolutions 22-0110, 22-0180, and 22-0182 would confirm Motoko Aizawa, Ali Muhammad, and Karen Mulhauser, respectively, to the Commission on Human Rights for terms to end December 31, 2019.

Proposed Resolution 22-0170 would confirm David Heyman to the Homeland Security Commission for a term to end February 8, 2019.

Proposed Resolution 22-0184 would confirm Charles Thornton to the Governing Board of the Corrections Information Council for a term to end June 7, 2019.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, April 3, 2017**. 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 **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@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 at judiciary@dccouncil.us 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 April 14.**

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

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

ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEE ON

PR22-0176, the “Housing Production Trust Fund Board James Knight Confirmation Resolution of 2017”

PR22-0177, the “Housing Production Trust Fund Board Stanley Jackson Confirmation Resolution of 2017”

PR22-0178, the “Housing Production Trust Fund Board Susanne Slater Confirmation Resolution of 2017”

and

PR22-0179, the “Housing Production Trust Fund Board Robert Pohlman Confirmation Resolution of 2017”

on

Friday, April 7, 2017, at 2:00 PM
 John A. Wilson Building, Room 123
 1350 Pennsylvania Avenue, NW
 Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, will hold a public roundtable on PR22-0176, the “Housing Production Trust Fund Board James Knight Confirmation Resolution of 2017”, PR22-0177, the “Housing Production Trust Fund Board Stanley Jackson Confirmation Resolution of 2017”, PR22-0178, the “Housing Production Trust Fund Board Susanne Slater Confirmation Resolution of 2017”, and PR22-0179, the “Housing Production Trust Fund Board Robert Pohlman Confirmation Resolution of 2017” The public roundtable will be held on Friday, April 7, 2017, at 2:00 PM in Room 123 of the John A. Wilson Building.

The stated purpose of PR22-0176 is to confirm the reappointment of James Knight to the Housing Production Trust Fund Board. The stated purpose of PR22-0177 is to confirm the reappointment of Stanley Jackson to the Housing Production Trust Fund Board. The stated purpose of PR22-0178 is to confirm the reappointment of Susanne Slater to the Housing Production Trust Fund Board. The stated purpose of PR22-0179 is to confirm the reappointment of Robert Pohlman to the Housing Production Trust Fund Board. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of this nominee for this position.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8900, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on April 6, 2017. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, April 21, 2017.

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

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

on

**PR 22-189, Not-For-Profit Hospital Corporation Board of Directors Millicent Gorham
Appointment Resolution of 2017**

on

**Friday, April 7, 2017
2:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public roundtable of the Committee of Whole on PR 22-189, the “Not-For-Profit Hospital Corporation Board of Directors Millicent Gorham Appointment Resolution of 2017.” The roundtable will be held Friday, April 7, 2017 at 2:00 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 22-189 is to appoint Ms. Millicent Gorham to the Not-For-Profit Hospital Corporation Board of Directors for a 3-year term. The Not-For-Profit Hospital Corporation operates the United Medical Center hospital in Ward 8. The mission of the Not-For-Profit Hospital Corporation is dedicated to the health and well-being of individuals and communities entrusted in its care. The purpose of this roundtable is to receive testimony from public witnesses as to the fitness of this nominee for the Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Wednesday, April 5, 2017. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on April 5, 2017 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on April 21, 2017.

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

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

PR 22-190, the “Sense of the Council Supporting the National Mall Underground Parking Feasibility Study Resolution of 2017”

on

**Friday, April 7, 2017
1:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 22-190**, the “Sense of the Council Supporting the National Mall Underground Parking Feasibility Study Resolution of 2017.” The roundtable will be held at 1:30 p.m. on Friday, April 7, 2017 in room 412 of the John A. Wilson Building.

The stated purpose of **PR 22-190** is to declare the Sense of the Council to support a National Mall Underground Parking Feasibility Study to evaluate the concept of a parking structure built under the National Mall that would also serve as a retention structure to reduce or prevent flooding in the District’s Federal Triangle area. The feasibility study would be undertaken by the Planning Division of the U.S. Army Corps of Engineers (Balitmore District) and would involve an economic analysis of the feasibility of constructing an underground structure. The total cost for the twelve-month feasibility study is estimated to be \$100,000. The cost to the District will be zero dollars, as the National Mall Coalition has committed to covering the entire cost of the study.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **April 5, 2017**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on April 5, 2017 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at noon on Monday, April 21, 2017.

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. 22-28: Request to reprogram \$984,000 of Capital Funds Budget Authority and Allotment within the Office of Deputy Mayor for Planning and Economic Development through Reverse Pay-As-You-Go Capital Funds was filed in the Office of the Secretary on March 27, 2017. This reprogramming is needed to finance pre-development construction activities for the Park Morton affordable housing project.

RECEIVED: 14 day review begins March 28, 2017

Reprog. 22-29: Request to reprogram \$12,846 of Capital Funds Budget Authority and Allotment from the Department of General Services to the Local Funds Budget of the Department of General Services through Reverse Pay-As-You-Go Capital Funds was filed in the Office of the Secretary on March 27, 2017. This reprogramming is needed for the purchase and installation of a mobility stair lift for Brookland Middle School.

RECEIVED: 14 day review begins March 28, 2017

Reprog. 22-30: Request to reprogram \$737,570 of Special Purpose Revenue Funds Budget Authority from the Office of the Deputy Mayor for Planning and Economic Development to the Pay-As-You-Go Capital Fund was filed in the Office of the Secretary on March 27, 2017. This reprogramming ensures that DGS receives reimbursement for renovation and modernization projects at Cardozo High School and Powell Elementary School.

RECEIVED: 14 day review begins March 28, 2017

Reprog. 22-31: Request to reprogram \$78,000 of Capital Funds Budget Authority and Allotment from the Department of General Services to the Local Funds Budget of the Department of General Services through Reverse Pay-As-You-Go Capital Funds was filed in the Office of the Secretary on March 27, 2017. This reprogramming is needed for the funding of portable lighting fixtures and equipment for the auditorium at Ron Brown Empowering Males High School.

RECEIVED: 14 day review begins March 28, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 31, 2017
Protest Petition Deadline: May 15, 2017
Roll Call Hearing Date: May 30, 2017
Protest Hearing Date: July 26, 2017

License No.: ABRA-105646
Licensee: 2012 9th Street Cafe, LLC
Trade Name: Garden State
License Class: Retailer's Class "C" Tavern
Address: 2012 9th Street, N.W.
Contact: Candace Fitch, Esq.: 202-258-8634

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 30, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on July 26, 2017 at 1:30 p.m.

NATURE OF OPERATION

A new Tavern serving traditional pub food. Seating capacity of 63 inside. Total Occupancy Load of 99. Summer Garden with 97 seats. The Tavern will include Entertainment with a Cover Charge.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND ON THE OUTDOOR SUMMER GARDEN

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 3 am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND ON THE OUTDOOR SUMMER GARDEN

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 31, 2017
Protest Petition Deadline: May 15 2017
Roll Call Hearing Date: May 30, 2017

License No.: ABRA-104119
Licensee: Rito Loco, LLC
Trade Name: Rito Loco
License Class: Retailer's Class "C" Restaurant
Address: 606 Florida Avenue, N.W.
Contact: Amy Veloz: (202) 686-7600

WARD 6

ANC 6E

SMD 6E02

Notice is hereby given that this licensee has requested Substantial Changes to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 30, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGES

Applicant requests a Summer Garden Endorsement with seating for 49 patrons. Applicant also requests to extend existing Entertainment Endorsement to Summer Garden.

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

Sunday through Thursday 9 am – 2 am, and Friday and Saturday 9 am – 3 am

CURRENT HOURS OF ENTERTAINMENT ON PREMISE

Sunday through Thursday 6 pm – 2 am, and Friday and Saturday 6 pm – 3 am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 9 am – 2 am, and Friday and Saturday 9 am – 3 am

PROPOSED HOURS OF ENTERTAINMENT FOR SUMMER GARDEN

Sunday through Thursday 6 pm – 2 am, and Friday and Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: March 10, 2017
Protest Petition Deadline: April 24, 2017
Roll Call Hearing Date: May 8, 2017
Protest Hearing Date: June 28, 2017

License No.: ABRA-105464
Licensee: Sal & Moi, Inc.
Trade Name: Sal's Cafe
License Class: Retailer's Class "D" Restaurant
Address: 400 C Street, S.W.
Contact: Syed Wahid: (202) 484-0707

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 8, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The **Protest Hearing date** is scheduled on **June 28, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A café serving sandwiches with a Total Occupancy Load of 6 seats.

HOURS OF OPERATION

Sunday through Saturday 8:00 am – 9:00 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11:00 am – 9:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 31, 2017
Protest Petition Deadline: May 15, 2017
Roll Call Hearing Date: May 30, 2017

License No.: ABRA-102372
Licensee: Ever Yang, Inc.
Trade Name: Sunny’s Liquor
License Class: Retailer’s Class “A” Liquor Store
Address: 2400 Martin Luther King, Jr. Avenue, S.E.
Contact: Yang Suk Hong: (202) 889-0777

WARD 8 ANC 8A SMD 8A06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on May 30, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to Add Sunday Hours of 9:00 am –10:00 pm.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Monday through Saturday 9:00 am – 10:00 pm

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 9:00 am – 10:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: March 31, 2017
Protest Petition Deadline: May 15, 2017
Roll Call Hearing Date: May 30, 2017

License No.: ABRA-105808
Licensee: Squash on Fire Restaurant, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 2233 M Street, N.W.
Contact: Michael D. Fonseca, Esq.: (202) 625-7700

WARD 2

ANC 2A

SMD 2A06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on May 30, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Licensee requests to transfer location of liquor license from 3033 M Street, N.W., to 2233 M Street, N.W. Total Occupancy Load of 292 and a Summer Garden with 22 seats. No Dancing, Entertainment or Cover Charge.

HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday through Saturday 5 am – 12 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday through Saturday 8 am – 12 am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MAY 17, 2017
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 SIX

19465 **Application of Nicholas Burger**, pursuant to 11 DCMR Subtitle X, Chapter 9, ANC 6B for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to add a two-story addition to an existing one-family dwelling in the RF-1 Zone at premises 1336 E Street S.E. (Square 1042, Lot 828).

WARD SIX

19487 **Application of Chris Cox**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a ANC 6B special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a one-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 328 8th Street S.E. (Square 924, Lot 827).

WARD SIX

19490 **Application of Logan-Shaw Child Care**, pursuant to 11 DCMR Subtitle X, ANC 6E Chapter 9, for a special exception under Subtitle U § 513.1(m) for a daytime care use not meeting the requirements of Subtitle U § 512.1(c), to establish a daytime care use for 51 children in the ARTS-2 Zone at premises 1700 7th Street, N.W. (Square 419, Lot 37).

WARD SIX

19494 **Application of Nike USA, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for ANC 6C a special exception under Subtitle C §1504.1 from the penthouse setback requirement of Subtitle C §1502.1, to allow screening for mechanical equipment on an existing two-story plus cellar attached building in the MU-24 Zone at premises 507 2nd Street, N.E. (Square 754, Lot 31).

BZA PUBLIC HEARING NOTICE

MAY 17, 2017

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WARD TWO

19495 **Application of Eric and Susan Meyers**, pursuant to 11 DCMR Subtitle X, ANC 2F Chapter 9, for a special exception under Subtitle C §1504.1, from the penthouse setback requirements of Subtitle C § 1502.1, and special exceptions under Subtitle K § 813, from the penthouse height requirement of Subtitle K § 803.3, the 45-degree angle setback requirement of Subtitle K § 803.4, and the rear yard requirements of Subtitle K § 805.1, to construct a seven-story retail and residential building in the ARTS-3 Zone at premises 1341 and 1345 14th Street, N.W. (Square 242, Lots 840 and 831).

WARD THREE

19485 **Appeal of The Chain Bridge Road Preservation Committee**, pursuant to 11 ANC 3D DCMR Subtitle Y § 302, from the decision made on January 13, 2017 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permits B1611845, B1611846 and B1611848, to allow construction of three new three-story with cellar detached dwellings with swimming pools and driveways in the R-1-A/Chain Bridge Road University Terrace Overlay (now R-21 Zone) at premises 3006, 3010, and 3016 University Terrace, N.W. (Square 1426, Lots 51, 52, and 53).

WARD EIGHT**THIS CASE WAS POSTPONED FROM JANUARY 11, 2017, FEBRUARY 15, 2017, AND MARCH 15, 2017 AT THE APPLICANT'S REQUEST:**

19400 **Application of Alabama Avenue, LLC**, pursuant to 11 DCMR Subtitle X, ANC 8B Chapter 9, for a special exception under the RA-use requirements of Subtitle U § 421.1, to allow the construction of a 30-unit apartment building in the RA-1 Zone at premises 2495 Alabama Avenue S.E. (Square 5730, Lots 13, 15, 17, 19, 21, 23, and 913).

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 Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the

BZA PUBLIC HEARING NOTICE

MAY 17, 2017

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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.*

Do you need assistance to participate?

Amharic

ለመነተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

BZA PUBLIC HEARING NOTICE

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Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
CARLTON E. HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
ONE BOARD SEAT VACANT
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

TIME AND PLACE: **Thursday, May 18, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 11-15F (Howard University – Amendment to Central Campus Plan Pursuant to 11-X § 101.10)

THIS CASE IS OF INTEREST TO ANCs 1B & 5E

On March 9, 2017, the Office of Zoning received an application from Howard University (the “Applicant”). The Applicant is requesting to amend the boundaries of its Campus Plan to extract several properties which the University has determined are no longer needed for university use. The properties at issue include the following properties (collectively, the “Extraction Properties”):

1. Effingham Apartments located at 2711-2719 Georgia Avenue, N.W. (Lots 833, 834 and 835, Square 3058);
2. Carver Hall located at 211 Elm Street, N.W. (Lot 830, Square 3084);
3. Slowe Hall located at 1919 Third Street, N.W. (Lot 835, Square 3088);
4. East Towers Parking Lot located at 2251 Sherman Avenue, N.W. (part of Lot 1101, Square 2873);
5. 9th and V Street Parking Lots located at 9th & V Streets, N.W. (Lot 797, Square 2873; Lots 156, 159, 162, 167, 218-220, 284, 302, 331, 382, 383, 872, 873, 976, 982, and 1108, Square 2875);
6. Parking Lot Three located at the northwestern corner of Georgia Avenue and W Street, N.W., (Lots 62, 811, 934, 945, 968, 970, 972, 977, 979 and 1023, Square 2877); and.
7. Florida Avenue Townhomes located at 907 and 909 Florida Avenue, N.W. (Lots 872 and 873, Square 2873).

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

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

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

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

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

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://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.

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ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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DEPARTMENT OF CORRECTIONS**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Corrections (Director), pursuant to the authority in Section 3c(c) of the District of Columbia Good Time Credits Act of 1986 (“Act”), effective May 17, 2011 (D.C. Law 18-372; D.C. Official Code § 24-221.01c(c) (2012 Repl.)), and Mayor’s Order 2006-53, dated May 9, 2006, hereby gives notice of the adoption of amendments to Chapter 6 (Good Time Credits) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

The rules increase the limit on good time credit from eight (8) to ten (10) credits per month to ensure that the rules conform with changes made to the Act by Bill 21-360, the Neighborhood Engagement Achieves Results Amendment Act of 2016.

DOC adopted the emergency rules on September 29, 2016 and they became effective on that date. The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 28, 2016 at 63 DCR 13511. The emergency rules remained in effect one hundred and twenty (120) days after the rules were adopted, until January 27, 2017. DOC did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on November 27, 2016, and no substantive changes were made. Pursuant to the District of Columbia Good Time Credits Act of 1986 (“Act”), effective May 17, 2011 (D.C. Law 18-372; D.C. Official Code § 24-221.01c(c) (2012 Repl.)), the proposed rules were submitted to the Council of the District of Columbia for a forty-five (45)-day review period. The review period expired on February 17, 2017 without any action by Council; therefore, the rules were deemed approved at that time.

These rules were adopted as final on March 7, 2017 and shall take effect upon publication in the *D.C. Register*.

Chapter 6, GOOD TIME CREDITS, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended as follows:

Section 601, LIMITATIONS ON CREDITS, amends Subsection 601.2 to read as follows:

601.2 An inmate shall not earn more than ten (10) good time credits per calendar month under this chapter.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education (“State Superintendent”), pursuant to Section 3(b)(3) of the District of Columbia State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(3) (2012 Repl. & 2016 Supp.)); Sections 11 and 16 of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code §§ 38-308(a) and 38-313 (2012 Repl.)); and Mayor’s Order 2017-007; Section 101(d) of the Public School Enrollment Integrity Clarification and Board of Education Honoraria Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02(c) (2012 Repl. & 2016 Supp.)); and the District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.01(c) (2012 Repl. & 2016 Supp.)), hereby gives notice of the adoption of the following amendments to Chapter 50 (Residency Verification for Public Schools and Public Charter Schools) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”), deletion in its entirety Chapter 51 (Non-Residents Attending District of Columbia Public Schools and Public Charter Schools) of Subtitle A (Office of the State Superintendent of Education), Title 5 DCMR (Education), and deletion in their entirety Subsections 2000.2, 2000.4, 2000.5, 2002.11, 2002.15, 2002.16, Sections 2006-2009, and Section 2099 of Chapter 20 (Admission of Students) of Subtitle E (Original Title 5), Title 5 DCMR (Education) .

The Office of the State Superintendent of Education (OSSE), pursuant to Section 3(b)(3) of the State Education Office Establishment Act of 2000 (D.C. Official Code § 38-2602(b)(3) (2012 Repl. & 2016 Supp.)), is responsible for establishing the rules for the verification of District residency for public and public charter school students, with the approval of the State Board of Education (SBOE), pursuant to Section 403(a)(10) of the Public Education and Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(10) (2012 Repl. & 2016 Supp.)). The purpose of this rulemaking is to clarify the policies and procedures required to ensure District residents have access to available space at local schools, and that when extra space is available, non-resident students are permitted to enroll in a public school if they pay non-resident tuition. Through this rulemaking, the Office of the State Superintendent of Education (“OSSE”) seeks to reduce burdens and lift barriers for both local education agencies and families in the residency verification process. Given, however, that universal pre-Kindergarten (pre-K) is not offered in neighboring jurisdictions, provisions to reduce burden for parents of school age children are not provided to parents of pre-K students.

On January 13, 2017, a Notice of Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period at 64 DCR 345. The public comment period for the Notice of Proposed Rulemaking closed on February 13, 2017, with the State Superintendent having received comments from one (1) member of the regulated community that recommended OSSE remove the phrase “legal presence” entirely from the rulemaking. OSSE appreciates this comment because OSSE did not intend to include the phrase “legal presence” in the Notice of Proposed Rulemaking. Inclusion of the phrase “legal presence” in §§ 5002.2, 5004.2 and 5004.3

was a drafting error. Therefore, in response to the comment and to correct the drafting error, OSSE has deleted the phrase “legal presence” where it appeared in §§ 5002.2, 5004.2 and 5004.3. These amendments did not change the OSSE’s intent to avoid setting forth any language that could in any way be interpreted to discriminate against students based on their immigration status. The commenter also requested OSSE consider amending the October 5th enrollment deadline. OSSE considered this comment, however OSSE has elected not to incorporate the commenter’s suggested change to the October 5th enrollment deadline because D.C. Official Code § 38-308(a) requires that the residency status of a student shall be established by October 5th.

Finally, OSSE has made some minor technical changes to clarify and correct minor drafting errors. The final rules are being adopted in substantially the same form as proposed with clarifications and deletions taking into account suggestions received in public comments. These changes do not substantially alter or change the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the notice of proposed rulemaking.

The State Board of Education took action on March 15, 2017, to approve this rule pursuant to Section 403(a)(10) of the District of Columbia State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(10) (2012 Repl.)). In addition, the Student Residency Verification and Investigations Approval Resolution of 2017 (PR 22-41), was deemed approved on March 20, 2017 by the Council of the District of Columbia, pursuant to Section 16 of the District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-313 (2012 Repl.)).

The rule will become effective upon publication in the *D.C. Register*.

Chapter 50, RESIDENCY VERIFICATION FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended in its entirety to read as follows:

CHAPTER 50 STUDENT RESIDENCY

5000 GENERAL PROVISIONS

- 5000.1 The purpose of this chapter is to establish procedures for residency verification and non-resident investigation for all students attending District of Columbia Public Schools (“DCPS”) and public charter schools in the District.
- 5000.2 The review of all contested residency cases within DCPS and public charter schools, the promulgation of procedures for residency verification, and the enforcement of residency and tuition payment requirements shall be the sole and exclusive responsibility of the Office of the State Superintendent of Education (“OSSE”), or its designee, as provided in these regulations, effective October 1, 2017.

5000.3 Policies and procedures related to residency verification and enrollment shall be available to the public and shall be posted on OSSE and local education agency (“LEA”) websites.

5000.4 Residency verification and non-resident investigation policies and practices of an LEA or school shall not create barriers to the identification of, or enrollment of, attendance, or success in school of, students experiencing homelessness, or undocumented students.

5001 ESTABLISHING STUDENT RESIDENCY

5001.1 All pre-K age and school aged children or eligible adult students who establish bona fide residency in the District of Columbia, may attend a District of Columbia public school or District of Columbia public charter school (collectively a “District public school”), a publicly funded pre-Kindergarten (“pre-K”) program in a community-based organization, or other school or educational program with funding provided by the District of Columbia, free of charge.

5001.2 A resident student shall have priority over a non-resident student seeking admission to a District public school, or other school or educational program with funding provided by the District of Columbia.

5001.3 In the absence of evidence to the contrary, residency for students under eighteen (18) years of age and not emancipated shall be presumed to be the *bona fide* residence of the student’s parents, guardian, custodian or other primary caregiver, as defined in this chapter.

5001.4 For the purposes of Sections 5001 to 5005, adult students, self-supporting or the parents, guardians, custodians, or other primary caregiver of a minor student, shall be referred to as the person seeking to enroll the student.

5001.5 The District of Columbia is the bona fide residence of the person seeking to enroll the student if:

- (a) The person has established a physical presence in the District of Columbia; and
- (b) The person has submitted valid and proper documentation in accordance with Subsections 5004.2 or 5004.3.

5001.6 In the event the student’s parents do not maintain the same residency and do not have a formal custodial agreement entered into by a court of competent jurisdiction, the student shall be presumed to be a resident, if one of the parents has established bona fide residency in the District.

- 5001.7 In the event the student's parents do not maintain the same residency but do have a formal custodial agreement entered into by a court of competent jurisdiction awarding physical custody and legal custody to one or both parents, the student shall be presumed to be a resident, if:
- (a) The student's parents share joint physical custody and joint legal custody of the student and at least one parent has established *bona fide* residency in the District;
 - (b) The student's parents share joint physical custody even if only one parent is awarded sole legal custody and the parent awarded sole legal custody has not established *bona fide* residency in the District but the parent not awarded legal custody has established *bona fide* residency in the District;
 - (c) The parent awarded sole physical custody and sole legal custody has established *bona fide* residency in the District; or
 - (d) The student's parents share joint legal custody even if only one parent is awarded sole physical custody and the parent awarded sole physical custody has not established *bona fide* residency in the District but the parent not awarded physical custody has established *bona fide* residency in the District.
- 5001.8 A student experiencing homelessness is not required to establish residency as a condition of enrollment in a District public school. The appropriate school official shall notify OSSE when a student is experiencing homelessness or may be suspected of experiencing homelessness and shall work with OSSE, as appropriate, to ensure proper identification and promptly provide the student with the available services and assistance required by the McKinney-Vento Act, and provide notice of the student's educational rights.
- 5001.9 An undocumented student is not required to provide proof of immigration status as a condition of enrollment in a District public school. The residency of an undocumented student, who is eligible for admission to a DCPS or public charter school, is established in accordance with Subsection 5004.7.
- 5001.10 The residency of a ward of the District of Columbia, who is eligible for admission to a DCPS or public charter school, is established in accordance with Subsection 5004.8.
- 5001.11 The residence of an adult student, who is eligible for admission to a DCPS or public charter school, is not the residence of the adult student's parents, custodian, guardian or other primary caregiver, unless the adult student establishes residency in accordance with Subsection 5004.9.

5001.12 The residency of a child of a minor parent, who is eligible for admission to a DCPS or public charter school, is established in accordance with Subsection 5004.10.

5002 STUDENT RESIDENCY VERIFICATION

5002.1 The residency of each student seeking to attend a District public school or receiving funding from the District of Columbia to attend another school or educational program shall be verified consistent with this chapter, and as described below:

- (a) Upon initial enrollment, the person seeking to enroll the student shall establish residency in the District of Columbia, including an acknowledgement confirming responsibility for tuition payment for any period of time the student is determined to be a non-resident while enrolled and attending a District public school;
- (b) Each student attending a District public school or receiving funding from the District of Columbia to attend another school or educational program shall establish residency annually; and
- (c) The current LEA of enrollment shall verify each student's residency annually.

5002.2 Except as provided in Subsection 5002.3, annual residency verification of a student's *bona fide* residence by the current LEA of enrollment shall include:

- (a) Completion of a residency verification form provided by OSSE;
- (b) Submission and review of documentation to establish District residency as provided in either Subsections 5004.2 or 5004.3; and
- (c) Submission and review of other primary caregiver documentation, as required.

5002.3 Annual residency verification of a school age student, as defined in this chapter, whose *bona fide* residence was verified by the current LEA of enrollment in the prior school year and who maintains *bona fide* residence in the District of Columbia, may be limited to the submission of a residency verification form, as provided by OSSE and completed by the person seeking to enroll the student, which shall include the following:

- (a) Written confirmation that affirms that student's *bona fide* residence in the District has remained the same;

- (b) Appointment of OSSE, or another specifically designated District agency identified by OSSE, such as the Office of Tax and Revenue, as the representative authorized to verify student's residency status through an interagency data-sharing process; and
 - (c) Consent to random verification of student's residency status through an interagency data-sharing process.
- 5002.4 Even if annual residency verification is completed pursuant to Subsection 5002.3, OSSE may, if it concludes that additional information is needed, seek further documentation to verify the student's residency or otherwise investigate the residency status of the student.
- 5002.5 Even if annual residency verification is completed pursuant to Subsection 5002.3, school official(s), if they reasonably conclude that additional information is needed, seek further documentation to verify the student's residency or otherwise investigate the residency status of the student.
- 5002.6 An adult student, self-supporting student, or parent(s), guardian(s), custodian(s) or other primary caregiver of a minor student attending a District public school or receiving funding from the District of Columbia to attend another school or educational program shall re-establish residency in the District if the student's address of residency changes after October 5th of the school year and the current LEA of enrollment has completed the student's annual residency verification.
- 5002.7 A LEA shall verify District residency of a student who is funded to attend a school or educational program outside the District of Columbia public school system annually and as necessary, in accordance with this chapter. Nothing in this subsection shall prevent the placement of a student during the pendency of the residency verification.
- 5002.8 The residency of a student who attends a school or educational program other than a public school in the District of Columbia and whose tuition is paid by the District of Columbia, shall be verified in conformance with the procedures set forth in this chapter.
- 5002.9 At the time a student transfers from a District public school to another District public school, the receiving LEA shall be responsible for verifying residency and collecting the residency verification documents from the sending LEA, or from the student, student's parents, guardian, custodian or other primary caregiver directly if residency verification documentation submitted is not available from the sending LEA. The receiving LEA shall maintain the student's residency verification documentation.
- 5002.10 A student shall be permitted to attend and remain enrolled in a school while his or her residency verification status is pending.

5003 STUDENT RESIDENCY VERIFICATION: TIMING

- 5003.1 The residency of each student enrolled in a District public school shall be verified by the current LEA of enrollment, or its designee, not earlier than the date results of the District's Common Lottery system are released and not later than October 5th, or ten (10) days of initial enrollment, whichever is later, for the school year that begins on or after July 1st of each year.
- 5003.2 An LEA may require students to submit residency verification prior to OSSE's October 5th deadline, but not later than OSSE's October 5th deadline, unless the student has enrolled in the school after October 5th, in which case the student shall submit residency verification within ten (10) days of initial enrollment.
- 5003.3 OSSE, or its designee, may investigate the residency status of a student or take other steps to verify the student's residency status if student fails to provide adequate documentation to establish residency by October 5th of the current school year or (10) days following enrollment, whichever is later.
- 5003.4 A student matched to the LEA through the Common Lottery system shall establish residency in the District of Columbia by the deadline set by the Common Lottery system for the school year that begins on or after July 1st of that same year. If the person enrolling the student is not able to establish residency by the LEA's initial enrollment deadline, the LEA may consider the student's space forfeited.

5004 STUDENT RESIDENCY VERIFICATION: METHODS

- 5004.1 A person seeking to enroll the student shall provide documentation in compliance with this chapter and all relevant District of Columbia laws in order to establish residency.
- 5004.2 One (1) of the following items shall establish *bona fide* residence in the District of Columbia for the purposes of this chapter:
- (a) Proof of payment of District personal income tax, in the name of the person seeking to enroll the student, for the tax period closest in time to the consideration of District residency;
 - (b) A pay stub issued less than forty-five (45) days prior to consideration of residency in the name of the person seeking to enroll the student that shows his or her District residency and evidence of the withholding of District income tax;
 - (c) Current official documentation of financial assistance received by the person seeking to enroll the student, from the District Government

including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;

- (d) Confirmation, based upon completion and submission of a tax information authorization waiver form, by the District Office of Finance and Revenue of payment of District income taxes by the person seeking to enroll the student;
- (e) Current official military housing orders showing residency in the District of the person seeking to enroll the student; or
- (f) A currently valid court order indicating that the student is a ward of the District.

5004.3 If person enrolling the student is unable to provide one (1) of the items in Subsection 5004.2, the person enrolling the student shall provide two (2) of the following items to establish *bona fide* residence in the District of Columbia for the purposes of this chapter:

- (a) A current motor vehicle registration in the name of the person seeking to enroll the student and evidencing District residency;
- (b) A valid unexpired lease or rental agreement in the name of the person seeking to enroll the student, and paid receipts or canceled checks (for a period within two (2) months immediately preceding consideration of residency) for payment of rent on a District residence in which the student actually resides;
- (c) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the person seeking to enroll the student; and
- (d) Utility bills (excluding telephone bills) and paid receipts or cancelled checks (from a period within the two (2) months immediately preceding consideration of residency) in the name of the person seeking to enroll the student that show a District residence address.
- (e) An LEA shall not accept any other documentation to establish or verify residency from a person seeking to enroll the student, unless except as authorized under procedures approved by OSSE pursuant to D.C. Official Code § 38-311 or any superseding statute.

5004.4 Documentation to establish residency may be presented in the following manner:

- (a) Provided to the school principal or his or her designee by the person seeking to enroll the student, in person or by that person's appointed representative;
- (b) Subject to implementation of an interagency data sharing process, pursuant to such a process with the consent of the person seeking to enroll the student; or
- (c) Pursuant to other District-wide policies or procedures approved by OSSE.

5004.5 The principal or the principal's designated employee may conduct a home visit to determine residency of the person seeking to enroll the student if:

- (a) The person seeking to enroll the student is unable to produce the documentation to establish District residency as required in Subsections 5004.2 or 5004.3; and
- (b) The person seeking to enroll the student provides written consent in a manner approved by OSSE.

5004.6 A home visit to determine residency shall be limited to obtaining evidence that verifies the person seeking to enroll the student and the student reside at the District address.

5004.7 An undocumented student may establish bona fide residence in the District of Columbia through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the undocumented student's parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) OSSE's McKinney-Vento Act documentation if the student is an unaccompanied student.

5004.8 A ward of the District of Columbia, including a foster child, may establish bona fide residence in the District of Columbia through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the ward's parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or

- (c) A court order or official documentation from the District's Child and Family Services Agency providing that the child is a ward of the District of Columbia.

5004.9 An adult student may establish bona fide residence in the District of Columbia at the residence of his or her parent(s), custodian, guardian or other primary caregiver through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the adult student or his or her parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A signed statement, sworn under penalty of perjury, that an individual is the parent, custodian, guardian or other primary caregiver of the adult student and the adult student resides with him or her.

5004.10 A minor parent seeking to enroll a child may establish *bona fide* residence in the District of Columbia of the child at the residence minor parent's parent(s), custodian, guardian or other primary caregiver through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the minor parent or his or her parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A signed statement, sworn under penalty of perjury, that an individual is the parent, custodian, guardian or other primary caregiver of the minor parent and the minor parent resides with him or her.

5004.11 A student living on embassy property in the District of Columbia shall establish *bona fide* residence in the District of Columbia through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the student or his or her parent(s), custodian, guardian or other primary caregiver;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A dated statement, signed by an appropriate embassy official and including the official embassy seal, issued within the twelve (12) month period before the date of the statement, stating the name of the person seeking to enroll the student and stating that the person (i) currently lives on embassy property in the District of Columbia or (ii) will reside on that

embassy property, and that the embassy will confirm this during the relevant school year.

5004.12 A self-supporting student seeking to enroll his or her self may establish *bona fide* residence in the District of Columbia through one of the following:

- (a) Documentation as required under Subsections 5004.2, 5004.3, or 5005.3 that is in the name of the self-supporting student;
- (b) A home visit pursuant to Subsection 5004.5; or
- (c) A court order or official documentation providing that the minor student who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

5005 STUDENT RESIDENCY VERIFICATION: OTHER PRIMARY CAREGIVER

5005.1 In addition to establishing his or her residency status, a primary caregiver, other than the student's parent, guardian or custodian, seeking to enroll a student in a District public school shall provide documentation that establishes his or her status as the student's other primary caregiver.

5005.2 A minor student's *bona fide* residence in the District of Columbia may be based upon that of another primary caregiver if:

- (a) The student resides with the other primary caregiver;
- (b) The other primary caregiver provides both (1) care or control; and (2) substantial support, for the student; and
- (c) The student's parents, guardians, or custodians have abandoned the child; or
- (d) The student's parents, guardians, or custodians are unable to provide both care or control, and substantial support due to adverse consequences such as serious family hardship.

5005.3 The status as another primary caregiver of each person seeking to enroll a student in a school shall be established through one of the following:

- (a) Previous school records indicating that the student is in the care of the caregiver;
- (b) Immunization or medical records indicating that the student is in the care of the caregiver;

- (c) Proof that the caregiver receives public or medical benefits on behalf of the student;
- (d) A signed statement, sworn under penalty of perjury, that he or she is the primary caregiver for the student; or
- (e) An attestation from a legal, medical or social service professional attesting to the caregiver's status relevant to the student.

5005.4 Documentation to establish or verify the status of other primary caregiver pursuant to Subsections 5005.3(d) or 5005.3(e) shall be in the form provided by OSSE.

5005.5 An LEA shall not accept any other documentation to establish or verify the status of other primary caregiver from a person seeking to enroll the student, unless approved by OSSE pursuant to D.C. Official Code § 38-311, or any superseding statute.

5005.6 Notwithstanding Subsection 5005.3, in limited exceptional circumstances, OSSE may determine that a child is a resident upon the written request of an LEA or person seeking to enroll a student, pursuant to D.C. Official Code § 38-302(d), if OSSE finds:

- (a) That the care or control and the substantial support are supplied by the person or persons with whom a child is residing and the parent, guardian or custodian of such child is unable to supply such care or control and substantial support; or
- (b) That such child is self-supporting.

5006 STUDENT RESIDENCY VERIFICATION: MONITORING

5006.1 OSSE may monitor a District public school to ensure proper verification of student residency. OSSE's monitoring may include scheduled and unscheduled visits to the District public school or local education agency.

5006.2 A District public school shall fully cooperate with authorized representatives of the Government of the District of Columbia, including OSSE, during a monitoring visit and shall provide them access to facilities, staff, records, and other information related to the verification of student residency, upon request.

5007 NON-RESIDENT STUDENTS

5007.1 A non-resident student enrolled in a District public school shall pay non-resident tuition consistent with provisions of this chapter.

- 5007.2 An LEA may enroll a non-resident student after a determination is made by the LEA that space is available at a District public school because no qualified District resident is seeking admittance during the same period of time for the same grade at the relevant school location.
- 5007.3 Current non-resident students who have been approved to attend a District public school may remain until the terminal grade of that school without re-application if:
- (a) The current non-resident student has paid in full the total non-resident tuition by July 15th of each school year that the non-resident student has been in attendance; and
 - (b) The current non-resident student's initial enrollment in the school was in accordance with all applicable policies, regulations and laws, and not based on false or fraudulent information.
- 5007.4 Upon completion of a terminal grade of a school, current non-resident students who have been approved to attend a District public school are not guaranteed a space at a feeder or other District public school for the following grade. All non-resident students who wish to attend a feeder or other District public school for the following grade shall apply to enroll in the feeder or other District public school.
- 5007.5 The following categories of non-resident students may be approved to attend a District public school even though the school is not otherwise open to non-resident students (subject to their payment non-resident tuition) in order to provide for continuity of instruction:
- (a) A student who is enrolled and attending the final grade level of a school who becomes a non-resident student during that school year; and
 - (b) A student who would have re-enrolled in the final grade level of a school in September, but who became a non-resident student during the school year or summer prior to that final grade year.
- 5007.6 A ward of the District of Columbia who is no longer a ward because he or she was placed in the permanent care and custody of a parent, guardian, or custodian who resides outside of the District of Columbia shall be approved to attend the District public school that he or she attended before being permanently placed, until the terminal grade of that school and is not required to pay non-resident tuition.
- 5007.7 Except for those non-resident students covered under Subsections 5007.3, 5007.5, and 5007.6, all non-resident students who wish to continue to attend a District

public school shall reapply to the school each year and the LEA shall determine each year whether space is available and whether the student may attend as provided for in this section.

5007.8 Upon request, the head of an LEA, a principal of a school, or the designee of any of them, shall provide to OSSE, or its designee, all waiting lists that were in effect or established during the time period(s) that a non-resident student attended or was enrolled at its school or campus.

5007.9 A non-resident student attending a District public school shall be officially enrolled at the school and reported on the school's roster as a non-resident student.

5008 NON-RESIDENT STUDENTS: INVESTIGATIONS

5008.1 Upon request, the head of an LEA, a principal of a school, or his or her designee shall provide to OSSE, or its designee, any and all documentation necessary to facilitate non-residency investigations within five (5) business days.

5008.2 OSSE, or its designee, may investigate the residency status of a student or take other steps to verify the student's residency status if the student fails to provide adequate documentation to establish residency by October 5th of the current school year or ten (10) days following enrollment, whichever is later.

5008.3 Proof of District residency which appears to be satisfactory neither prevents OSSE or school officials, with reasonable basis, from seeking further information to verify the student's residency or the other primary caregiver status of the adult enrolling the student, nor prevents OSSE, or its designee, from investigating the residency of the student or the residency or other primary caregiver status of the adult.

5008.4 Upon request, the person seeking to enroll a student shall provide to OSSE or an appropriate school official, or the designee of either, documentation to establish residency in accordance with the requirements set forth in Section 5004 or any other documentation necessary to facilitate non-residency investigations within ten (10) days of the request.

5008.5 OSSE or its designee shall investigate allegations of non-residency and summarize the results of the investigation in a written report within a reasonable timeframe.

5008.6 OSSE shall make the results of an investigation available to the LEA, the person seeking to enroll the student, the District of Columbia Office of the Inspector General and the District of Columbia Office of the Attorney General, upon request.

5009 NON-RESIDENT STUDENTS: FINDING OF NON-RESIDENCY AND NOTIFICATION

5009.1 Based on the information gathered from an investigation, the residency verification process or otherwise, OSSE may issue a finding that a student is not a resident of the District of Columbia.

5009.2 When OSSE issues a finding that a student is not a resident of the District of Columbia, OSSE shall provide the adult student, the self-supporting student, or the parent, guardian, custodian or other primary caregiver of the minor student written notification of the finding and an opportunity for review as specified in this chapter. The written notification shall be delivered by OSSE through the following methods:

- (a) By mail to the last known home, work or school address on file with the LEA for the student and to the out-of-District address of record, if any; and
- (b) By email, to the last known e-mail address of the person seeking to enroll the student, if known to OSSE.

5009.3 The written notification shall:

- (a) Include the basis for finding that the student is a non-resident;
- (b) Notify the student or student's parent, guardian, custodian or other primary caregiver that they have ten (10) business days from the date the written notification is issued to request an administrative review of the non-residency finding by an impartial party or office assigned by OSSE to review such matters and render a final decision;
- (c) Explain that the student may remain enrolled at that school he or she is attending school until a final administrative decision is made;
- (d) Explain that unless OSSE receives a request for administrative review of the non-residency finding within ten (10) business days after the date of the written notification, the non-resident finding will become the final administrative decision, the student will be disenrolled from the school, and tuition will be owed for period of time in which the student was enrolled but was not a District resident; and
- (e) State that if the student is voluntarily or involuntarily disenrolled from school before a final decision is made that the student was or is in fact not a District resident, the District shall calculate the a pro-rated amount of non-resident tuition owed, reflecting the student's time at the school while

he or she was a non-resident, how and by when payment should be made, and that OSSE may take any authorized action to collect this amount.

5010 NON-RESIDENT STUDENTS: ADMINISTRATIVE REVIEW OF CONTESTED RESIDENCY CASE AND FINAL DECISION

- 5010.1 Requests for an administrative review of an OSSE non-resident finding shall be filed with OSSE no later than ten (10) business days after the date the written notification of the non-resident finding is issued. If a request for review is not received within a timely manner, and no corrective actions are confirmed to have been taken on behalf of the student, the finding of non-residency, and the proposed decisions to disenroll the student from the school and assess tuition, shall become the final administrative decision of the agency.
- 5010.2 OSSE shall refer a request for review of a contested residency case to an impartial hearing officer or administrative review office for a final administrative decision. Any hearing shall be conducted pursuant to Section 10 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-509 (2016 Supp.)).
- 5010.3 OSSE shall refer a request for review of a contested residency case to the designated hearing officer or administrative review office by filing a copy of the request for review that it received, along with a statement that OSSE requests the hearing officer or administrative review office to hear and decide the case.
- 5010.4 In all contested residency cases, the hearing officer or administrative review office assigned to hear the case shall set the hearing date and issue the hearing notice.
- 5010.5 The presiding hearing officer or Administrative Law Judge shall issue a final decision in all contested residency cases assigned to him or her. The hearing officer or Administrative Law Judge's final decision shall be in writing and shall be the final administrative decision of OSSE. The statement of appeal rights required by Section 5011 shall be attached to or included in the written final administrative decision.
- 5010.6 In contested residency cases, the adult student, self-supporting student, or ward, or the parent, custodian, or guardian of the minor student who is claiming District of Columbia residency has the burden of proving residency status for the purpose of establishing whether the student may enroll in and attend a District public school tuition-free.
- 5010.7 The presiding hearing officer or Administrative Law Judge shall be governed by the Office of Administrative Hearings Rules at 1 DCMR §§ 2905-2909, that are used in DCPS residency cases to address procedural issues, to the extent possible and as appropriate to encourage consistency across District public schools in the

residency verification process. Where the Office of Administrative Hearings (“OAH”) rules for DCPS residency cases do not address a procedural issue, the hearing officer or Administrative Law Judge shall be guided by the OAH Rules of Practice and Procedure. Where the OAH Rules of Practice and Procedure do not address a procedural issue, the hearing officer or Administrative Law Judge shall be guided by the District of Columbia Superior Court Rules of Civil Procedure to decide the issue.

5010.8 The office assigned by OSSE to hear contested residency cases may establish written standard operating procedures to guide parties in contested residency cases through the process of an administrative review before a hearing officer.

5010.9 In all contested residency cases, the currently enrolled student shall be allowed to continue to attend school without prepayment of tuition, pending the final administrative decision.

5011 NON-RESIDENT STUDENTS: APPEAL RIGHTS

5011.1 Every appealable decision issued by a hearing officer or Administrative Law Judge in a contested residency case shall include a statement of the appeal rights described in this section.

5011.2 A party to a contested residency case who is aggrieved by a decision of the hearing officer or Administrative Law Judge assigned to his or her case has 30 calendar days from the date the decision was issued to file an appeal to the D.C. Court of Appeals.

5011.3 The filing of an appeal or a petition for review will not automatically stay (or delay) the date a final decision goes into effect.

5011.4 Any party may file a motion to stay a final decision pending appeal. Any party may file a motion to stay the effective date of a final decision that has been issued. A motion for a stay shall include the reasons for granting the stay.

5011.5 In determining whether to grant a stay, the hearing officer or Administrative Law Judge may consider the following factors: whether the party filing the motion is likely to succeed on the merits, whether denial of the stay will cause irreparable injury, whether and to what degree granting the stay will harm other parties, and whether the public interest favors granting a stay.

5012 NON-RESIDENT STUDENTS: ACTION UPON FINAL DECISION

5012.1 OSSE shall provide notice of a final administrative decision in a matter involving non-residency to the LEA.

- 5012.2 Upon receiving notice from OSSE that a final administrative decision has been made that a student is a non-resident and an appeal of the final administrative determination has not been timely requested, the LEA shall:
- (a) Update the student records to reflect his or her appropriate residency, tuition, and enrollment status, including, but not limited to, the following systems as appropriate: the LEA data systems; state level reporting and data systems including without limitation, the Student Longitudinal Educational Data system and the Specialized Education Data System; and Public Charter School Board data system;
 - (b) Notify OSSE if the student voluntarily or involuntarily un-enrolls from the school, so that the District may take action, including legal action, to collect tuition owed; and
 - (c) Ensure that any action requiring withdrawal of a non-resident student with an Individual Education Program shall be consistent with the requirements of the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. §§ 1400 *et seq.* and other applicable federal and local laws and regulations.

5012.3 A matter involving non-residency shall be referred by OSSE to the Office of the Attorney General and may be referred to the Office of Inspector General for appropriate legal action if there is evidence that an individual knowingly supplied false information in connection with residency verification.

5013 NON-RESIDENT STUDENTS: TUITION PAYMENTS

5013.1 Adult non-resident students or the parents, guardians, custodians or other primary caregiver of a minor non-resident student attending a District funded school shall be subject to and responsible for non-resident tuition payments consistent with this chapter.

5013.2 Non-resident tuition payments shall be made payable to “*D.C. Treasurer*” and delivered to OSSE in a timely manner in accordance with OSSE’s tuition collection process or policy, or the applicable tuition payment agreement if one exists. OSSE shall provide the responsible individual with confirmation that it has received the non-resident tuition payments.

5013.3 If the tuition payment of a current non-resident student who has been approved to attend a District public school is delinquent for a period of ninety (90) days or more, OSSE may exclude the non-resident student from attending a District public school based on non-payment.

5013.4 In the event a District public school has already received Uniform Per Student Funding Formula (“UPSFF”) funding for a student found to be a non-resident, the District may withhold a portion of the school’s subsequent funding, equal to the

amount of UPSFF funding previously distributed to the LEA for the student found to be a non-resident.

5013.5 All agreements regarding the tuition payment for the non-resident student shall be in writing.

5013.6 A LEA shall maintain a tuition payment agreement and a written record of tuition payments, if available, in a student's permanent file, which shall be made available during the annual enrollment audit and upon request by OSSE, or another government agency, for each non-resident student.

5013.7 A matter involving tuition payments for non-residents may be referred by OSSE to the Office of the Attorney General for collection of tuition payments.

5014 NON-RESIDENT STUDENTS: TUITION RATES

5014.1 OSSE shall establish non-resident tuition rate determinations that reflect the amount necessary to cover all expenses incurred by the District public school as a result of the student's use of the school's services or the amount paid by the District of Columbia to fund the student's services received at a school or educational program with funding provided by the District of Columbia.

5014.2 Non-resident tuition rate determinations shall include the UPSFF amount, which includes all relevant weights associated with the UPSFF, the per pupil facilities allowance for public charter schools or other OSSE approved allowances as appropriate, and any other supplemental allocations.

5014.3 OSSE may establish non-resident tuition rate determinations that exceed the UPSFF but shall be the amount necessary to cover all expenses described in Subsection 5014.1.

5014.4 The rates may be pro-rated to reflect the portion of the school year during which the non-resident student will be enrolled.

5099 DEFINITIONS

5099.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:

Adult Student – A student who is eighteen (18) years of age or older, or who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

Appointed Representative – An individual acting on behalf of a person, pursuant to his or her written authorization, in presenting to a school or chartering

authority official documentation to establish or verify the District residency of the person seeking to enroll the student.

Care or Control – A parent, custodian, guardian, other primary caregiver, or person with whom a child is residing with is exercising primary responsibility to provide the child with guidance, maintenance, and physical care as follows:

Guidance is participation in the responsibility for the child's development on a daily basis. Such participation includes, but are not limited to, attending school conferences, disciplining the child, participating in decisions concerning the child's well-being and involvement in the child's extracurricular activities;

Maintenance is providing necessities such as food, clothing and shelter; and

Physical care is providing continuous care for the child by performing tasks required in the child's daily life. Such tasks include, but not limited to, bathing, feeding, dressing, assuring medical attention will be received by the child, preparing meals, supervising the child's activities and assisting with other physical care needs.

Chartering Authority – A District of Columbia entity authorized to grant charters for the establishment of public charter schools, pursuant to either the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1802.01 *et seq.* (2012 Repl. & 2016 Supp.)), or the Public Charter School Act of 1996, effective May 29, 1996 (D.C. Law 11-135; D.C. Official Code §§ 1701.01 *et seq.* (2012 Repl. & 2016 Supp.)), as amended.

Child – A person who is less than eighteen (18) years of age.

Common Lottery – a single, random lottery that determines placement for new students at all participating schools, including but not limited to, public charter schools (PK3–12), DCPS out-of-boundary schools (PK3–12), all DCPS PK3 and PK4 programs, including in-boundary school; and DCPS selective citywide high schools (9–12) that is governed by the Common Lottery Board established by the Common Lottery Advisory Board Establishment Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-194 (2012 Repl. & 2016 Supp.)).

Custodian – A person to whom physical custody has been granted by a court of competent jurisdiction.

Formal Custody Agreement – A determination by a court of competent jurisdiction providing for the legal custody and physical custody of a child.

District Funded School(s) – Includes any public school, public charter school, private or public school outside of the District of Columbia receiving funding from the District of Columbia.

District of Columbia Public Schools or DCPS – The District of Columbia Public Schools system, not including public charter schools.

District Public School(s) – Includes any school within the District of Columbia Public Schools system or any District of Columbia public charter school.

Enroll and Enrollment – A process through which a student obtains admission to a public or public charter school that includes, at a minimum the following stages:

- (a) Application by student to attend the school;
- (b) Acceptance and notification of an available slot to the student by the school;
- (c) Acceptance of the offered slot by the student (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form”);
- (d) Registration of the student in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement; and
- (e) Receipt of educational services, which are deemed to begin on the first official school day.

Guardian – A person who has been appointed legal guardian of a student by a court of competent jurisdiction.

Legal custody – A determination by a court of competent jurisdiction that a parent has legal responsibility for a child, which includes the right to make decisions regarding a child’s health, education, and general welfare.

Local Educational Agency or LEA – Pursuant to 20 U.S.C.S. § 7801(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political

subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

McKinney-Vento Act – The McKinney-Vento Homeless Education Assistance Act of 1967 (101 Stat. 482; 42 U.S.C. §§ 11301 *et seq.*).

Office of the State Superintendent of Education or OSSE – The state level agency established by Chapter 26 of Title 38 of the D.C. Official Code.

Orphan – A child who resides in the District of Columbia and who does not have a living parent or guardian.

Other Primary Caregiver – The person other than a parent or court appointed custodian or guardian who is the primary provider of care and support to a child who resides with him or her, and whose parent, custodian, or guardian is unable to supply such care and support and submits evidence that he or she is the primary caregiver of the student in the manner provided in D.C. Official Code § 38-310 and this chapter.

Parent – The natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody.

Pre-K age child – A child who is (i) three (3) years of age on or before September 30 of the program year for which the child is being enrolled; (ii), four (4) years of age; or (iii) five (5) years of age after September 30th of the program year for which the child is being enrolled.

Physical custody – A determination by a court of competent jurisdiction of a child's living arrangements including where the child resides and any visitation schedule.

Physical presence – The actual occupation and inhabitation of a place of abode with the intent to dwell for a continuous period of time.

Public Charter School – A District of Columbia school authorized to operate by a chartering authority.

School – A public charter school, a school within the District of Columbia Public Schools system, a school in another state or a nonpublic school in the District of Columbia enrolling a student funded by the District of Columbia.

School-age student – A child who is between five (5) years of age on or before September 30 of the current school year and eighteen (18) years of age.

Self-supporting student – A minor student who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

Student experiencing homelessness – An individual who lacks a fixed, regular, and adequate nighttime residence. These individuals shall include pre-K age children, school-age children, or eligible adult students:

- (a) Sharing the housing of other persons due to loss of housing, economic hardship or similar reasons;
- (b) Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodation;
- (c) Living in emergency or transitional shelters, (including D.C. transitional housing);
- (d) In a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation or human habitation;
- (e) Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- (f) Living in a hospital due to abandonment;
- (g) Migratory children, as defined in Section 1309 of the Elementary and Secondary Education Act of 1965, (115 Stat. 1579; 20 U.S.C. § 6399), who qualify as homeless because they live in circumstances described above; or
- (h) Unaccompanied youth, including youths who are not in physical custody of a parent or guardian, who qualify as homeless because they live in circumstances described above.

Serious Family Hardship – Death, incarceration, serious illness, abuse or neglect by parent, active military assignment, drug addiction or loss of habitability of a parent, guardian, or custodian.

Support – A parent, custodian, guardian, other primary caregiver, or person with whom a child is residing who is exercising primary responsibility to provide the child with financial resources for the child's livelihood.

Uniform Per Student Funding Formula or UPSFF – The amount of funding provided for each student attending a public school in the District of Columbia pursuant to section 2401 of the District of Columbia School

Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1804.01).

Waiting List – A roster of students maintained by the LEA or school of students seeking enrollment.

Ward – A child who is a District of Columbia foster child, either living in or outside of the District, or a child who is in the custody of a District of Columbia public child welfare agency or juvenile justice system.

Chapter 51, NON RESIDENTS ATTENDING DISTRICT OF COLUMBIA PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS, of Title 5-A DCMR, is hereby deleted in its entirety.

The following subsections and sections of Chapter 20, ADMISSION OF STUDENTS, of Title 5-E DCMR, ORIGINAL TITLE 5, are hereby deleted in their entirety:

Subsection 5E-2000.2

Subsection 5E-2000.4

Subsection 5E-2000.5

Subsection 5E-2002.11

Subsection 5E-2002.15

Subsection 5E-2002.16

Sections 5E-2006 through 5E-2009

Section 5E-2099

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 905 (2014 Repl.)), Section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03 (2014 Repl.)), and Mayor's Order 2016-077, dated May 2, 2016, hereby gives notice of the adoption of the following rulemaking that amends Chapter 4 (Motor Vehicle Title and Registration) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking, which applies to all pending applications, clarifies the authority of the Director to rescind a personalized identification tag and provide the same process for rejection or rescission of organizational tags as for personalized identification tags.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on November 11, 2016 at 63 DCR 13937. No comments were received. No changes were made to the text of the proposed rules. The final rules were adopted on December 12, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Subsection 423.13 of Section 423, PERSONALIZED IDENTIFICATION TAGS, is amended as follows:

By inserting the phrase “or rescind the issuance of any tag” after the word “content”.

Section 433, ORGANIZATIONAL TAGS, is amended as follows:

A new Subsection 433.9 is added to read as follows:

433.9 The Director shall reject any proposed organizational tag or rescind the issuance of any organizational tag that conveys a message, or displays an image, that is confusing or offensive to the general public.

A new Subsection 433.10 is added to read as follows:

433.10 For the purposes of § 433.9, the Director shall reject or rescind the issuance of any organizational tag with a design or combination of letters or numbers that:

- (a) Is vulgar, derogatory, profane, scatological or obscene, with any connotation, in any language;

- (b) Connote, in any language, breast, genitalia, pubic area, or buttocks or relate to sexual or eliminatory functions.
- (c) Connote, in any language (i) any illicit drug, narcotic, intoxicant, or related paraphernalia; (ii) the sale, user, or purveyor of such a substance; or (iii) the physiological state produced by such a substance;
- (d) Refer, in any language, to a race, religion, color, deity, ethnic heritage, gender, sexual orientation, disability status, or political affiliation;
- (e) Suggest, in any language, a government or governmental agency;
- (f) Suggest, in any language, a privilege not given by law in this state; or
- (g) Form, in any language, a slang term, abbreviation, phonetic spelling or mirror image of a word described in this subsection.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to Section 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 § 7-1671.13 (2012 Repl.)); Section 4902(d) of the Health Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(d) (2012 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the intent to adopt the following amendments to Chapter 8 (Recommending Physicians) of Subtitle C (Medical Marijuana), Title 22 (Health), of the District of Columbia Municipal Regulations ("DCMR"), in final, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon completion of the thirty (30) day Council period of review if the Council does not act earlier to adopt a resolution approving the rules.

The purpose of this rulemaking is to clarify that a referral or request for a consultation from a qualifying patient's primary care provider or specialist for the purposes of determining whether the patient may benefit from the use of medical marijuana is within the permissible scope of a bona fide physician-patient relationship for purposes of complying with the Act and the regulations implementing the Act, further define prohibited conduct, and establish a definition for "expediter."

Chapter 8, RECOMMENDING PHYSICIANS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 800, QUALIFICATIONS TO BE RECOMMENDING PHYSICIAN, is amended to read as follows:

800 QUALIFICATIONS TO BE A RECOMMENDING PHYSICIAN

800.1 A physician who is licensed and in good standing to practice medicine or osteopathy in the District of Columbia may recommend the use of medical marijuana to a qualifying patient if the physician:

- (a) Is in a *bona fide* physician-patient relationship with the qualifying patient, which for purposes of complying with this chapter and the Act shall mean that the physician:
 - (1) Has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination, not more than ninety (90) days prior to making the recommendation; and
 - (2) Has responsibility for the ongoing care and treatment of the patient either directly or in consultation with another licensed physician;

- (b) Makes the recommendation based upon the physician's assessment of the qualifying patient's:
 - (1) Medical history;
 - (2) Current medical condition; and
 - (3) A review of other approved medications and treatments that might provide the qualifying patient with relief from a qualifying medical condition or the side effects of a qualifying medical treatment; and
- (c) Is not the owner, director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center.

800.2 A physician who is licensed and in good standing to practice medicine or osteopathy in the District of Columbia may evaluate a patient for the sole or primary purpose of the recommendation of medical marijuana only if:

- (a) The evaluation is based upon a written referral to the recommending physician by the patient's current primary care physician or a physician specialist responsible for the current treatment of the patient's medical condition;
- (b) The recommending physician complies with the requirements set forth in Subsection 800.1; and
- (c) There is no exchange of any form of remuneration, gift, donation, bartering, referral fees, or fee-splitting between the referring and recommending physician either directly or indirectly.

Section 803, NO OFFICE AT DISPENSARY OR CULTIVATION CENTER, is amended to read as follows:

803 NO OFFICE AT DISPENSARY OR CULTIVATION CENTER

803.1 A physician recommending the use of medical marijuana to a qualifying patient shall not have a professional office located at or adjacent to a dispensary or cultivation center, shall not have employees, agents, volunteers, or independent-contractors affiliated directly or indirectly with the physician be located at or adjacent to a dispensary or cultivation center, and shall not receive financial compensation directly or indirectly from a dispensary or cultivation center.

803.2 A physician recommending the use of medical marijuana to a qualifying patient shall not have employees, agents, volunteers, or independent-contractors affiliated directly or indirectly with a dispensary or cultivation center on the premises of the physician's professional office, clinic, or an institutional facility where the

physician sees patients or has privileges to see patients.

- 803.3 A physician recommending the use of medical marijuana to a qualifying patient shall not have expeditors or employees, agents, volunteers or independent-contractors affiliated directly or indirectly with an expeditor on the premises of the physician professional office, clinic, or an institutional facility where the physician sees patients or has privileges to see patients.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding one (1) new definition to appear in alphabetical order:

Expediter - other than a registered caregiver, any person or entity employed, contracted, volunteering, or compensated by any form of remuneration, gift, donation, or bartering, to register individuals as patients in the medical marijuana program, to connect individuals with recommending physicians, to solicit individuals to become qualifying patients, to complete application forms or to assist individuals in completing application forms to become qualifying patients, or to transport or deliver to the Department application forms for individuals seeking to become qualifying patients.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF THIRD 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 (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.744; D.C. Official Code § 1-307.02 (2012 Repl. & 2016 Supp.)) and 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 Chapter 45 (Medicaid Reimbursement for Federally Qualified Health Centers) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This third emergency and proposed rule amends the Medicaid reimbursement methodology for a Federally Qualified Health Center (FQHC). Federal law authorizes Medicaid reimbursement of FQHCs on a prospective payment system (PPS) that comports with federal regulations that have been in place since 2001, or an Alternative Payment Methodology (APM) that is based on reasonable costs, subject to certain requirements. The current PPS reimbursement model has been in effect since January 1, 2001. Since that time, the number of FQHCs operating in the District, the variety of services offered, and patients served have increased.

The major components of the proposed reimbursement model include: (1) an APM for primary care services, behavioral health services, preventive, diagnostic, and comprehensive dental services; (2) a limit on reimbursement for administrative costs; (3) an additional payment based upon performance of each FQHC beginning in January 2018; and (4) a new PPS reimbursement model for new providers that enroll in the Medicaid program after the effective date of the corresponding SPA. These rules set forth the standards for participation in the Medicaid program, the standards used to develop the PPS, APM, cost reporting and auditing processes, and establish the requirements for Medicaid reimbursement of FQHCs for Medicaid-reimbursable services that are outside the scope of core services that qualify for APM rates. DHCF projects an increase in aggregate expenditures of approximately \$307,000 in Fiscal Year (FY) 2016 and \$1,927,000 in FY 2017.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on August 5, 2016, at 63 DCR 010227. Two (2) sets of comments were received and a number of substantive changes were made. A Notice of Second Emergency and Proposed Rulemaking was adopted on November 19, 2016 and published in the *D.C. Register* on December 2, 2016, at 63 DCR 014902. Two (2) sets of comments were received from FQHC stakeholders; one from the D.C. Primary Care Association (DCPCA) and one from Unity Health Care. DHCF carefully considered all comments received and substantive changes were made as appropriate, as detailed below.

Medicaid/Medicare Crossover Claims

DCPCA praised DHCF's decision to pay up to the Medicaid rate for individuals enrolled in Medicare or in other insurance programs, but expressed concerns that crossover claims made prior to September 1, 2016 have been inappropriately processed.

Addressing the resolution of reimbursements before September 1, 2016 is beyond the scope of this rulemaking, so this issue is not addressed in the proposed rule. The comment prompted additional review that identified that the rule did not clearly address the agency's approach for claims involving Qualified Medicare Beneficiaries for whom Medicaid only pays Medicare cost-sharing expenses. This proposed rule adds language clarifying that claims associated with services provided to QMBs, DHCF will reimburse FQHCs the difference between any payment received from Medicare and the Medicare prospective payment rate.

Scope of Covered Primary Care Services

DCPCA alleged that the PPS rate and the four APM rates, described in Sections 4502 (PPS), 4503 (primary care services), 4504 (behavioral health services), 4505 (preventive and diagnostic dental services), and 4506 (comprehensive dental services), do not cover the scope of services that federal law requires under §1902(bb)(1). Section 1902(bb)(1) requires FQHCs to cover services described in §1905(a)(2)(C), which requires coverage of "FQHC services (as defined in §1902(l)(2) and any other ambulatory services offered by a FQHC and which are otherwise included in the [state] plan." Commenters assert that all of these services must be covered on a per visit basis under §1902(bb) of the Social Security Act.

Additionally, DCPCA requested clarification on the term "medical" services, to ensure that they include dental and behavioral health services, which are typically distinguished from the term. The commenter requested that "medical" include "all services required under the Social Security Act."

Under the proposed rule, DHCF will cover the full scope of services required under § 1902(bb)(1). DHCF is proposing revisions to the rule to clarify the intent that services that meet the definition of primary medical, behavioral health, preventive and diagnostic dental or comprehensive dental services will be reimbursed on a per encounter basis. All other services reimbursable under the Medicaid fee schedule that are appropriately provided in a clinic setting and not within these indicated categories, including ambulatory services, will be paid on a fee-for-service basis under the Medicaid fee schedule. DHCF believes this approach is consistent with federal requirements and other state reimbursement approaches. For example, Nevada reimburses at the encounter rate for HRSA-approved services, which excludes non-primary care services. All other reimbursable services are paid based on the fee schedule. The language proposed in this rule mirrors language adopted by New Hampshire, which only reimburses for "other ambulatory services" (as defined in 1905(a)(2)(B) and (C) of the Social Security Act) that are covered under the Medicaid State Plan, and provides payment according to the Medicaid fee schedule. The new language indicates that ambulatory services are those outside the defined scope of services for primary medical, behavioral health or dental services that are not hospital-based and otherwise covered under the Medicaid State Plan and are reimbursable on a fee-for-service basis.

Supplemental Payments in Managed Care Setting

DCPCA expressed appreciation for DHCF's recognition of the need for an FQHC appeals process to the agency, but expressed concern that FQHC's should have a right to payment for Medicaid-covered services provided to Medicaid-enrolled beneficiaries that is enforceable with DHCF. The issue, they explained, is not whether the MCO inappropriately denied the claim, but whether the encounter would have been paid under the fee-for-service Medicaid system. DCPCA cited the example of MCOs taking sixty (60) days or more to complete credentialing, all while the FQHCs are providing services to Medicaid-eligible beneficiaries. Their comments cite case law supporting the principle that states remain responsible for reimbursing FQHCs for all Medicaid-eligible encounters.

In response to the comment received from DCPCA, DHCF created a workgroup comprised of individuals from DCPCA and DHCF (including DHCF staff familiar with MCO operations, fee-for-service operations, wrap-payments, and compliance). Over the course of four (4) months, the group met almost weekly to develop an overarching appeals process. The workgroup informed its work via analysis of denied payments currently experienced by FQHCs, implementation of mitigation strategies for future appeals, and research of case law from other regions of the United States. The resulting overarching framework for appeals is specific to the MCOs and DHCF, wherein FQHCs will have the ability to appeal a denied claim through a unified two-level appeal MCO process, and subsequent to the MCO process, a DHCF-level review. DHCF believes this proposed approach is fair and responsive to the concerns raised by DCPCA.

Reimbursement for Out of State Providers

DCPCA stated that DHCF has no authority to pay an FQHC located outside of the District, less than the rate it would pay an FQHC located inside of the District if that out of boundary FQHC provided services that would have been paid for within the boundaries of the District. DCPCA goes on to explain that if that out of boundary FQHC has a PPS or APM rate in the District of Columbia, then the agency is obligated to pay for services at the PPS rate.

DHCF understands that under federal Medicaid requirements at 42 CFR § 431.52, the agency must pay for "services furnished in another state to the same extent that it would pay for services furnished within its boundaries if the services are furnished to a recipient who is a resident of the state," however, federal regulations only require Medicaid agencies to pay at the state's own rate if certain conditions are met. Those conditions include emergency medical services; services that would endanger the health of the beneficiary if she or he were required to wait until a returned to the home state before those services were rendered; medical services that are necessary and more available in the other state; or if it is general practice for beneficiaries to use medical resources in another state.

It is only under the above stated conditions that a Medicaid agency is required to pay for services, furnished in another state, at the same rate it would pay for those services within its own boundaries. In accordance with these requirements, DHCF has revised the language in this proposed rule to clarify the limited conditions under which the agency would have to pay at the

same rate that it would for services within its boundaries. Additionally, it has clarified when it will pay the PPS or APM rate for FQHCs that do not meet these conditions.

Reimbursement Exclusions for Allowable Costs

Unity Health Care (Unity) expressed concerns with offsetting FQHC expenses with costs that are reimbursed or otherwise paid for by locally funded grants or other locally funded sources. Specifically, Unity expressed concern that time-limited grants should not be taken into account in the rate-setting process every three years because they expire and funds will be unavailable to offset expenses, resulting in financial losses for the FQHC.

The Department's position regarding this issue is consistent with the agency's general reimbursement principle of not paying twice for the same FQHC costs. This policy is rooted in the Medicaid reimbursement principles of cost-efficiency and cost-effectiveness. While Unity only identifies the expiration of a grant as an example, FQHCs may also receive a grant award after the base rate-setting year, which can have the opposite effect of giving the FQHC an unaccounted windfall. Since rates are determined at specific points in time, FQHCs' locally funded grants need to be accounted for when they are available and included in the rate-setting calculation. The Department will rebase the rates periodically (*i.e.*, every three years). During the rebase process, the Department will adjust the FQHC rates using the most recent year's cost report and utilization information. Through the rebase process, any additional grant-related costs will be captured in the cost reports and factored into the rate-setting computation. DHCF will not, however, require FQHCs to report all locally funded grant awards and recalculate rates during the years between the triennial rate-setting in the rebase year. DHCF believes this is the most practically feasible way to ensure fairness and cost-effectiveness in the rate-setting process given the administrative challenges associated with rate-setting. For these reasons, DHCF is not proposing changes to this section in this proposal.

Performance Payments

Stakeholders submitted questions regarding the proposed performance payment methodology and requirements in response to the initial emergency and proposed rulemaking and DHCF explained in the second emergency and proposed rulemaking that it would propose revisions in a subsequent rule. In this third emergency and proposed rulemaking, DHCF is proposing revisions to the performance payment section to reflect a collaboration between DHCF and DCPCA and other FQHCs. In this revised version, DHCF is reformulating the quality metrics in order to not solely focus on events outside the FQHC (*e.g.*, number of inpatient admissions among FQHC patients), but instead, focus on the types of care and interventions directly furnished by the FQHC that would normally result in reduced inpatient admissions or emergency department utilization. The proposed performance payment methodology included in this rule includes process and access to care measures that DHCF believes will encourage providers to take action that will ultimately impact the three key performance measures. DHCF is also recommending fewer requirements to enter the program in this proposed revision and converted some of the prior pre-requisite requirements for entry into performance measures (*e.g.*, meeting NCQA Patient-Centered Medical Home standards and providing twenty-four (24) hour, seven (7) days a week access to care). DHCF is also proposing changes to align the program with the Health

Home pay-for-performance program. Finally, DHCF is proposing a new Section 4514 which requires all FQHCs to report specified federal Health Resource Services Administration (HRSA) and performance measures data annually. These new requirements will ensure that the District can appropriately track the impact of new payment methods on FQHC performance and patient outcomes. With these revisions, DHCF believes the performance payment program will be better targeted to support DHCF's efforts to promote improved care management and increased utilization of care in primary, lower-cost clinic settings.

Revisions to Conform with State Plan Amendment Submission

DHCF is also proposing changes in this rulemaking to comport with comments received from the federal Centers for Medicare and Medicaid Services (CMS) on the State Plan Amendment (SPA) submitted by DCHF to CMS to authorize implementation of this new reimbursement methodology. Pursuant to these comments, DHCF is proposing the following changes: (1) clarifying that FQHCs must be approved by HRSA, not CMS, prior to seeking Medicaid reimbursement in Subsection 4500.2(a); (2) adding a requirement that the wrap-around supplemental payment schedule will be agreed to by DHCF and the FQHC, and that payments will be made no less frequently than every four (4) months and reconciled no less than annually in Subsections 4502.6, 4503.9, 4504.10, and 4505.9; (3) clarifying that in cases where global payments are agreed to by FQHCs contracting with MCOs, the per encounter payment will be no less than the PPS rate in Subsections 4502.7, 4503.10, 4504.11, 4505.10, and 4506.10; (4) eliminating the one-fifth reimbursement methodology for group visit behavioral health services, replacing with a PPS payment rate for group visits and making conforming changes to Section 4504; (5) clarifying that in order to qualify as a FQHC's change in scope of services any addition of a new service not previously provided by the FQHC must first be approved by HRSA but is not subject to inclusion in the FQHC's "Scope of Project" in Subsection 4509.2(a); (6) eliminating the requirement in establishing the PPS for a new FQHC provider that the FQHC's administrative costs not exceed twenty percent (20%) of total allowable costs; and (7) adding new requirements for DHCF to notify FQHCs of participation, performance pool, measures, and payment award for performance payment program under Section 4515.

Following consideration of all comments received, DHCF has amended the previous rule by: (1) clarifying payment of the Medicare PPS rate for qualified Medicare beneficiary claims; (2) defining how DHCF will pay for "other ambulatory services" and outlining what services are included under that term; (3) expanding on the current appeals language by adding a process for administrative reconsideration of MCO denials, nonpayment, or underpayment of claims, as well as adding the fee-for-service appeals process reflected in the D.C. Medicaid Management Information System (MMIS) Provider Billing Manual; (4) clarifying the reimbursement rate for out of boundary FQHCs; (5) reformulating the quality metrics used for Performance Payments; and (6) making necessary changes as required by CMS noted above.

These emergency rules were adopted on March 16, 2017, 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 July 14, 2017, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director also gives notice of the intent to take final rulemaking action to adopt these rules not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 45, MEDICAID REIMBURSEMENT FOR FEDERALLY QUALIFIED HEALTH CENTERS of Title 29 DCMR, PUBLIC WELFARE, is deleted in its entirety and replaced with a new Chapter 45 to read as follows:

CHAPTER 45 MEDICAID REIMBURSEMENT FOR FEDERALLY QUALIFIED HEALTH CENTERS

- 4500 General Provisions**
- 4501 Reimbursement**
- 4502 Prospective Payment System**
- 4503 Alternative Payment Methodology For Primary Care Services**
- 4504 Alternative Payment Methodology For Behavioral Health Services**
- 4505 Alternative Payment Methodology For Preventive And Diagnostic Dental Services**
- 4506 Alternative Payment Methodology For Comprehensive Dental Services**
- 4507 Primary Care Services**
- 4508 Behavioral Health Services**
- 4509 Change in the Scope Of Services**
- 4510 Allowable Costs**
- 4511 Exclusions From Allowable Costs**
- 4512 Reimbursement For New Providers**
- 4513 Reimbursement For Out Of State Providers**
- 4514 Mandatory Reporting Requirements**
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4500 GENERAL PROVISIONS

4500.1 The rules set forth in this chapter establish the conditions of participation for a Federally Qualified Health Center (FQHC) in the Medicaid program. These rules also establish the reimbursement methodology for services rendered to Medicaid beneficiaries by an FQHC.

4500.2 Prior to seeking Medicaid reimbursement each FQHC must:

- (a) Be approved by the federal Health Resources Services Administration (HRSA) and meet the requirements set forth in the applicable provisions of Title XVIII of the Social Security Act and implementing regulations, which shall include but not be limited to meeting the requirements governing federal approval of FQHC Look-Alikes;

- (b) Be screened and enrolled in the Medicaid program pursuant to the requirements set forth in Chapter 94 of Title 29 of the District of Columbia Municipal Regulations; and
- (c) Obtain a National Provider Identifier (NPI) for each site operated by an FQHC.

- 4500.3 Medicaid reimbursable services provided by an FQHC shall be furnished in accordance with Section 4231 of the State Medicaid Manual and provided in a setting that is within the scope of project approved by HRSA.
- 4500.4 Services may be provided at other sites including mobile vans, intermittent sites such as a homeless shelter, a seasonal site, or a beneficiary's place of residence, provided the sites and activities are within the FQHC's Scope of Project approved by HRSA and the claims for reimbursement are consistent with the services described in Sections 4502 and 4505 - 4508.
- 4500.5 All services provided by an FQHC shall be subject to quality standards, measures and guidelines established by National Committee for Quality Assurance (NCQA), HRSA, CMS and the Department of Health Care Finance (DHCF).
- 4500.6 Services for which an FQHC seeks Medicaid reimbursement pursuant to this Chapter shall be delivered in accordance with the corresponding standards for service delivery, as described in relevant sections of the District of Columbia State Plan for Medical Assistance and implementing regulations.

4501 REIMBURSEMENT

- 4501.1 Medicaid reimbursement for primary care, behavioral health, and dental services furnished by an FQHC shall be made under:
- (a) A Prospective Payment System (PPS) as described in Section 4502; or
 - (b) An Alternative Payment Methodology (APM) as described in Sections 4503 - 4506.
- 4501.2 Each FQHC that is enrolled in the District's Medicaid program as of the effective date of the corresponding State Plan Amendment (SPA) that elects to be reimbursed for services under an APM shall sign an agreement with the DHCF.
- 4501.3 The APM referenced in Subsection 4501.2 shall become effective on or after the date of an executed agreement between DHCF and the FQHC, or the effective date of the corresponding State Plan amendment, whichever is later.
- 4501.4 The APM shall comply with all requirements set forth in federal law and rules.

- 4501.5 Any FQHC that elects not to be reimbursed under an APM shall be reimbursed under the PPS methodology described in Section 4502.
- 4501.6 An FQHC may only be reimbursed at the PPS or APM rate for services that are within the scope of services described in Sections 4502, 4505, 4506, 4507, and 4508.
- 4501.87 If an FQHC seeks Medicaid reimbursement for services that are outside the scope of services described in Sections 4502, 4505, 4506, 4507, and 4508, the FQHC shall be reimbursed at the fee-for-service rate if it meets the following conditions:
- (a) Obtain a separate D.C. Medicaid identification number in accordance with Chapter 94 of Title 29 of the DCMR;
 - (b) Obtain a separate Healthcare Provider Taxonomy Code;
 - (c) Ensure that all individuals providing the service are authorized to render the service and meet the requirements governing the service; and
 - (d) Be subject to the limitations set forth in the State Plan for Medical Assistance (State Plan) and any governing rules and regulations.
- 4501.8 Each encounter for a Medicaid enrollee who is enrolled in Medicare or another form of insurance (or both) shall be paid an amount that is equal to the difference between the payment received from Medicare and any other payors and the FQHC's payment rate calculated pursuant to these rules.
- 4501.9 Each encounter for a qualified Medicare beneficiary for whom Medicaid is responsible for only cost-sharing payments shall be paid the amount that is equal to the difference between the payment the FQHC received from Medicare and the FQHCs' Medicare prospective payment rate.
- 4501.10 The payment received by an FQHC from Medicare, any other payor and Medicaid shall not exceed the Medicaid reimbursement rate.
- 4501.11 Each FQHC shall ensure that a service that requires multiple procedures, and which may be performed as part of a single course of treatment under general standards of care, shall be completed as a single encounter unless multiple visits are medically required to complete the treatment plan and the medical necessity is documented in the clinical record.

4502 PROSPECTIVE PAYMENT SYSTEM

- 4502.1 Medicaid reimbursement for services furnished on or after January 1, 2001 by an FQHC shall be at a Prospective Payment System (PPS) rate consistent with the requirements set forth in Section 1902(bb) of the Social Security Act and subject

to the following conditions:

- (a) When an FQHC furnishes “other ambulatory services” as defined under Section 1902(bb) of the Social Security Act, DHCF shall reimburse the provider using the fee-for-service rate; and
- (b) Other ambulatory services shall include services provided by an FQHC to a Medicaid-enrolled beneficiary that meet the following conditions:
 - (1) Not included in the scope of services defined under section 4501.6;
 - (2) Not provided in a hospital setting, either on an inpatient or outpatient basis; and
 - (3) Is a reimbursable service under the Medicaid State Plan.

4502.2 The PPS rate shall be paid for each encounter with a Medicaid beneficiary when a medical service or services are furnished. The PPS for services rendered beginning on or after January 1, 2001 through and including September 30, 2001, shall be calculated as follows:

- (a) The sum of the FQHC’s audited allowable costs for the FYs 1999 and 2000 shall be divided by the total number of patient encounters in FYs 1999 and 2000;
- (b) The amount established in Subsection 4502.2(a) shall be adjusted to take into account any increase or decrease in the scope of services furnished by the FQHC during FY 2001. Each FQHC shall report to DHCF any increase or decrease in the scope of services, including the starting date of the change. The amount of the adjustment shall be negotiated between the parties. The adjustment shall be implemented no later than ninety (90) days after establishment of the negotiated rate; and
- (c) Allowable costs shall include reasonable costs that are incurred by the FQHC in furnishing Medicaid coverable services to Medicaid eligible beneficiaries, as determined by Medicare Reasonable Cost Principles set forth in 42 C.F.R. Part 413.

4502.3 For services furnished beginning FY 2002 and each fiscal year thereafter, an FQHC shall be reimbursed at a rate that is equal to the rate in effect the previous fiscal year, increased by the percentage increase in the Medicare Economic Index, established in accordance with Section 1842(i)(3) of the Social Security Act and adjusted to take into account any increase or decrease in the scope of services furnished by the FQHC during the fiscal year.

4502.4 Each FQHC shall report to DHCF any increase or decrease in the scope of

services, including the starting date of the change, consistent with the requirements established in Section 4509.

4502.5 In any case in which an entity first qualifies as an FQHC after FY 2000, the prospective rate for services furnished in the first year shall be equal to the average of the prospective rates paid to other FQHCs located in the same area with a similar caseload, effective on the date of application. For each fiscal year following the first year in which the entity first qualified as an FQHC, the prospective payment rate shall be computed in accordance with Subsection 4502.3. This section shall not apply to a new provider. Reimbursement for a new provider is set forth in Section 4512.

4502.6 An FQHC that furnishes services that qualify as an encounter to Medicaid beneficiaries pursuant to a contract with a managed care entity, as defined in Section 1932(a)(1)(B) of the Social Security Act, where the payment (including a global payment) from such entity is less than the amount the FQHC would be entitled to receive under Subsections 4502.2 through 4502.5, will be eligible to receive a wrap-around supplemental payment processed and paid by DHCF. The wrap-around supplemental payment shall be made no less frequently than every four (4) months and reconciled no less than annually.

4502.7 The amount of the wrap-around supplemental payment identified in Subsection 4502.6 shall equal the difference between the payment received from the managed care organization (MCO) as determined on a per encounter basis and the FQHC PPS rate calculated pursuant to this section. In cases where an FQHC has a capitation payment arrangement with an MCO under which it receives a global payment for certain services, the amount payable to the FQHC shall be offset by the capitation payment, but in no case will the payment be less than the PPS rate the FQHC would be entitled to receive on a per encounter basis. The FQHC shall report the aggregate of all capitation payments received in the period covered by each wrap-around supplemental payment submission. This amount shall be offset against total amounts otherwise payable to the provider as part of the annual reconciliation described in Subsection 4502.6.

4503 ALTERNATIVE PAYMENT METHODOLOGY FOR PRIMARY CARE SERVICES

4503.1 The APM rate for primary care services rendered beginning the effective date of the corresponding SPA by an FQHC shall be determined as described in this section. The APM rate shall be applicable to all sites for FQHCs operating in multiple locations. The APM rate shall be available for each encounter with a D.C. Medicaid beneficiary for primary care services described in Section 4507.

4503.2 The APM rate for primary care services shall be calculated by taking the sum of the FQHC's audited allowable costs for primary care services and related administrative and capital costs and dividing it by the total number of eligible

primary care encounters.

- 4503.3 For services rendered beginning the effective date of the corresponding SPA through December 31, 2017, the APM rate shall be determined based upon each FQHC's FY 2013 audited allowable costs.
- 4503.4 An FQHC which has been in operation as an FQHC, or an FQHC look-alike as determined by HRSA, for fewer than five (5) years at the time of audit will receive the lesser of the average APM rate calculated as of the first day of the District fiscal year for similar facilities pursuant to Subsection 4503.2 or the APM rate based on costs reported by the FQHC or FQHC look-alike.
- 4503.5 For services rendered beginning the effective date of the corresponding SPA through December 31, 2017, the APM rate for primary care services shall not be lower than the Medicare PPS rate in FY 2016. If, an FQHC's APM rate for primary care services is less than the Medicare PPS rate, the APM rate shall be adjusted up to the Medicare PPS rate for the applicable time period.
- 4503.6 Except as described in Subsection 4503.4, for services rendered beginning January 1, 2018 through December 31, 2018, each FQHC shall be reimbursed an APM rate (which shall apply to all of the FQHC's sites if the FQHC has more than one (1) site), for each encounter with a D.C. Medicaid beneficiary for primary care services as follows:
- (a) The APM rate for primary care services shall be determined under Subsection 4503.2, except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for any FQHC that has ten thousand (10,000) or more encounters in a year as reported in the audited cost report.
- 4503.7 Except as described in Subsection 4503.4, the APM rate for primary care services rendered on or after January 1, 2019, shall be determined as described in Subsection 4503.2, except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for all FQHCs.
- 4503.8 The APM rate established pursuant to Subsection 4503.7 shall be adjusted annually by the percentage increase in the Medicare Economic Index, established in accordance with Section 1842(i)(3) of the Social Security Act, except for the years the APM rate is rebased as described in Section 4516.
- 4503.9 An FQHC that furnishes primary care services that qualify as an encounter to Medicaid beneficiaries pursuant to a contract with a managed care entity, as defined in Section 1932(a)(1)(B) of the Social Security Act, where the payment (including a global payment) from such entity is less than the amount the FQHC would be entitled to receive under this section will be eligible to receive a wrap-around supplemental payment processed and paid by DHCF. The wrap-around

supplemental payment shall be made no less frequently than every four (4) months and reconciled no less than annually.

- 4503.10 The amount of the wrap-around supplemental payment shall equal the difference between the payment received from the MCO as determined on a per encounter basis and the FQHC APM rate calculated pursuant to this section. In cases where an FQHC has a capitation payment arrangement with an MCO under which it receives a global payment for certain services, the amount payable to the FQHC shall be offset by the capitation payment, but in no case will the payment be less than the PPS rate the FQHC would be entitled to receive on a per encounter basis. The FQHC shall report their monthly capitation payment amount to DHCF. The FQHC shall report the aggregate of all capitation payments received in the period covered by each wrap-around supplemental payment submission. This amount shall be offset against total amounts otherwise payable to the provider as part of the annual reconciliation described in Subsection 4503.9.
- 4503.11 Reimbursement shall be limited for each beneficiary to one primary care encounter per day. The FQHC shall document each encounter in the beneficiary's medical record.
- 4503.12 The APM rate established pursuant to this section may be subject to adjustment to take into account any change in the scope of services as described in Section 4509.
- 4503.13 Each FQHC shall include the Current Procedural Terminology (CPT) code(s) that correspond to the specific services provided on each claim submitted for reimbursement.
- 4503.14 If an FQHC seeks Medicaid reimbursement for services that are outside the scope of primary care services described in Section 4507, such as prescription drugs, labor and delivery services, or laboratory and x-ray services that are not office based, the FQHC shall follow the requirements set forth in Subsection 4501.07.

4504 ALTERNATIVE PAYMENT METHODOLOGY FOR BEHAVIORAL HEALTH SERVICES

- 4504.1 The APM rate for behavioral health services rendered beginning the effective date of the corresponding SPA by an FQHC shall be determined as described in this section. The APM rate shall be applicable to all sites for FQHCs operating in multiple locations. The APM rate shall be available per encounter with a D.C. Medicaid beneficiary for behavioral health services described in Section 4508.
- 4504.2 Except for group therapy as described in Subsection 4504.3 and reimbursement to certain FQHCs as described in Subsection 4504.5, the APM rate for behavioral health services shall be calculated by taking the sum of the FQHC's audited allowable costs for behavioral health services and related administrative and

capital costs and dividing it by the total number of eligible behavioral health encounters.

- 4504.3 The APM rate for group therapy behavioral health services shall be equal to the PPS rate, regardless of whether the FQHC has elected the APM rate.
- 4504.4 For services rendered beginning the effective date of the corresponding SPA through December 31, 2017, the APM rate shall be determined based upon each FQHC's FY 2013 audited allowable costs.
- 4504.5 An FQHC which has been in operation as an FQHC, or an FQHC look-alike as determined by HRSA for fewer than five (5) years, at the time of audit will receive the lesser of the average APM rate calculated as of the first day of the District fiscal year for similar facilities pursuant to Subsection 4504.2 or the APM rate based on costs reported by the FQHC or FQHC look-alike.
- 4504.6 For services rendered beginning the effective date of the corresponding SPA through December 31, 2017, the APM rate for behavioral services shall not be lower than the Medicare PPS in FY 2016. If, an FQHC's APM rate for behavioral health services is less than the Medicare PPS rate, the APM rate shall be adjusted up to the Medicare PPS rate for the applicable time period.
- 4504.7 Except as described in Subsection 4504.5, for services rendered beginning January 1, 2018 through December 31, 2018, each FQHC shall be reimbursed an APM rate (which shall apply to all of the FQHC's sites if the FQHC has more than one (1) site), for each encounter with a D.C. Medicaid beneficiary for behavioral health services as follows:
- (a) The APM rate for behavioral health services shall be the amount determined under Subsection 4504.2, except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for any FQHC that has ten thousand (10,000) or more encounters in a year as reported in the audited cost report; and
 - (b) Group therapy shall be determined as described in Subsection 4504.3.
- 4504.8 Except as described in Subsection 4504.5, the APM rate for behavioral health services rendered on or after January 1, 2019, shall be determined as described in Subsection 4504.2, except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for all FQHCs.
- 4504.9 The APM rate established pursuant to Subsection 4504.8 shall be adjusted annually by the percentage increase in the Medicare Economic Index, established in accordance with Section 1842(i)(3) of the Social Security Act except for the years the APM rate is rebased as described in Section 4516.

- 4504.10 An FQHC that furnishes behavioral health services that qualify as an encounter to Medicaid beneficiaries pursuant to a contract with a managed care entity, as defined in Section 1932(a)(1)(B) of the Social Security Act, where the payment (including a global payment) from such entity is less than the amount the FQHC would be entitled to receive under this section will be eligible to receive a wrap-around supplemental payment processed and paid by DHCF. The wrap-around supplemental payment shall be made no less frequently than every four months and reconciled no less than annually.
- 4504.11 The amount of the wrap-around supplemental payment shall equal the difference between the payment received from the MCO as determined on a per encounter basis and the FQHC APM rate calculated pursuant to this section. In cases where an FQHC has a capitation payment arrangement with an MCO under which it receives a global payment for certain services, the amount payable to the FQHC shall be offset by the capitation payment, but in no case will the payment be less than the PPS rate the FQHC would be entitled to receive on a per encounter basis. The FQHC shall report their monthly capitation payment amount to DHCF. The FQHC shall report the aggregate of all capitation payments received in the period covered by each wrap-around supplemental payment submission. This amount shall be offset against total amounts otherwise payable to the provider as part of the annual reconciliation described in Subsection 4504.10.
- 4504.12 For services furnished on or after the effective date of the corresponding SPA, reimbursement shall be limited for each beneficiary to one behavioral service encounter per day. If a beneficiary participates in individual therapy and group therapy on the same day, the FQHC shall receive the individual therapy rate. The FQHC shall document each encounter in the beneficiary's medical record.
- 4504.13 The APM rate established pursuant to this Section may be subject to adjustment to take into account any change in the scope of services as described in Section 4509.
- 4504.14 Each FQHC shall include the Current Procedural Terminology (CPT) code(s) that correspond to the specific services provided on each claim submitted for reimbursement.
- 4504.15 If an FQHC seeks Medicaid reimbursement for services that are outside the scope of behavioral health services described in Section 4508, such as rehabilitative services, including Mental Health Rehabilitative Services, prescription drugs, or laboratory and x-ray services that are not office-based, the FQHC shall comply with the requirements set forth under Subsection 4501.07.
- 4504.16 Each FQHC that delivers substance abuse services must be certified by the Department of Behavioral Health in accordance with Chapter 63 of Title 22-A of the District of Columbia Municipal Regulations.

4505 ALTERNATIVE PAYMENT METHODOLOGY FOR PREVENTIVE AND DIAGNOSTIC DENTAL SERVICES

- 4505.1 The APM rate for preventive and diagnostic dental services rendered beginning the effective date of the corresponding SPA by an FQHC shall be determined as described in this section. The APM rate shall be applicable to all sites for FQHCs operating in multiple locations. The APM rate shall be available per encounter with a D.C. Medicaid beneficiary for preventive and diagnostic dental services described in Subsection 4505.5.
- 4505.2 The APM rate for preventive and diagnostic dental services shall be calculated by taking the sum of the FQHC's audited allowable costs for preventative and diagnostic dental services and administrative and capital costs and dividing it by the total number of eligible preventive and diagnostic dental service encounters.
- 4505.3 For services rendered beginning the effective date of the corresponding SPA through December 31, 2017, the APM rate shall be determined based upon each FQHC's FY 2013 audited allowable costs.
- 4505.4 Except as described in Subsection 4505.16, for services rendered beginning January 1, 2018 through December 31, 2018, the APM rate for preventive and diagnostic dental services shall be determined as described in Subsection 4505.2, except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for any FQHC that has ten thousand (10,000) or more encounters in a year as reported in the audited cost report.
- 4505.5 Except as described in Subsection 4505.16, the APM for preventive and diagnostic dental services rendered on or after January 1, 2019 shall be determined as described in Subsection 4505.2 except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for all FQHCs.
- 4505.6 The APM rate established pursuant to Subsection 4505.5 shall be adjusted annually by the percentage increase in the Medicare Economic Index, established in accordance with Section 1842(i)(3) of the Social Security Act, except for the years the APM rate is rebased as described in Section 4516.
- 4505.7 Subject to the limitations set forth in the section, covered preventive and diagnostic dental services provided by the FQHC may include the following procedures:
- (a) Diagnostic-American Dental Association (ADA) dental procedure codes (D0100-D0999) representing clinical oral examinations, radiographs, diagnostic imaging, tests and examinations; and
 - (b) Preventive-ADA dental procedure codes (D1000-D1999) representing

dental prophylaxis, topical fluoride treatment (office procedure), space maintenance (passive appliances and sealants).

- 4505.8 Only procedure codes listed in Subsection 4505.7 that are included on the D.C. Medicaid Fee for Service schedule as covered benefits shall be reimbursed by the Medicaid program. The D.C. Medicaid Fee for Service schedule is available online at <http://www.dc-medicaid.com>.
- 4505.9 An FQHC that furnishes preventive and diagnostic dental services that qualify as an encounter to Medicaid beneficiaries pursuant to a contract with a managed care entity, as defined in Section 1932(a)(1)(B) of the Social Security Act, where the payment (including a global payment) from such entity is less than the amount the FQHC would be entitled to receive under this section will be eligible to receive a wrap-around supplemental payment processed and paid by DHCF. The wrap-around supplemental payment shall be made no less frequently than every four months and reconciled no less than annually.
- 4505.10 The amount of the wrap-around supplemental payment shall equal the difference between the payment received from the MCO as determined on a per encounter basis and the amount of the FQHC APM rate calculated pursuant to this section. In cases where an FQHC has a capitation payment arrangement with an MCO under which it receives a global payment for certain services, the amount payable to the FQHC shall be offset by the capitation payment, but in no case will the payment be less than the PPS rate the FQHC would be entitled to receive on a per encounter basis. The FQHC shall report their monthly capitation payment amount to DHCF. The FQHC shall report the aggregate of all capitation payments received in the period covered by each wrap-around supplemental payment submission. This amount shall be offset against total amounts otherwise payable to the provider as part of the annual reconciliation described in Section 4505.9.
- 4505.11 Reimbursement of preventive and diagnostic dental service encounters shall be limited to one encounter per day for each beneficiary. The FQHC shall document each encounter in the beneficiary's dental record.
- 4505.12 If an encounter comprises both a preventive and diagnostic service and a comprehensive dental service as described in Section 4506, the FQHC shall bill the encounter as a comprehensive dental service.
- 4505.13 All preventive and diagnostic dental services shall be provided in accordance with the requirements, including any limitations, as set forth in Section 964 (Dental Services) of Title 29 DCMR.
- 4505.14 Each FQHC shall include the Current Dental Terminology (CDT) code(s) that correspond to the specific services provided on each claim submitted for reimbursement with associated tooth number, quadrant, and arch if applicable for the dental procedure.

4505.15 Each provider of preventive and diagnostic dental services, with the exception of children's fluoride varnish treatments, shall be a dentist or dental hygienist, working under the supervision of a dentist, who provide services consistent with the scope of practice authorized pursuant to the District of Columbia Health Occupations Revisions Act (HORA) of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2012 Repl. & 2015 Supp.)), or consistent with the applicable professional practices act within the jurisdiction where services are provided.

4505.16 An FQHC, or an FQHC look-alike as determined by HRSA, which has been in operation for fewer than five (5) years at the time of audit will receive the lesser of the average APM rate calculated as of the first day of the District fiscal year for similar facilities pursuant to Subsection 4505.2 or the APM rate based on costs reported by the FQHC, or FQHC look-alike.

4506 ALTERNATIVE PAYMENT METHODOLOGY FOR COMPREHENSIVE DENTAL SERVICES

4506.1 The APM rate for comprehensive dental services rendered by the FQHC on or after the effective date of the corresponding SPA by an FQHC shall be determined in accordance with this section.

4506.2 The APM rate shall be applicable to all sites for FQHCs operating in multiple locations. The APM rate shall be available for each encounter with a D.C. Medicaid beneficiary for comprehensive dental services described in Subsection 4506.8.

4506.3 The APM rate for comprehensive dental services shall be calculated by taking the sum of the FQHC's audited allowable costs for comprehensive dental services and related administrative and capital costs and dividing it by the total number of eligible comprehensive dental service encounters.

4506.4 For services rendered beginning on or after the effective date of the corresponding SPA, through December 31, 2017, the APM rate shall be determined based upon each FQHC's FY 2013 audited allowable costs.

4506.5 Except as described in Subsection 4506.17, for services rendered from January 1, 2018 through December 31, 2018, the APM rate for comprehensive dental services shall be determined as described in Subsection 4506.3, except that administrative costs shall not exceed twenty percent (20%) of the total allowable costs for any FQHC that has ten thousand (10,000) or more encounters in a year as reported in the audited cost report.

4506.6 Except as described in Subsection 4506.17, the APM for comprehensive dental services rendered on or after January 1, 2019, the twenty percent (20%)

administrative cap described in Subsection 4506.5 shall apply in determining the APM rate for all FQHCs, including those with less than ten thousand (10,000) annual encounters.

- 4506.7 The APM rate established pursuant to Subsection 4506.6 shall be adjusted annually by the percentage increase in the Medicare Economic Index, established in accordance with Section 1842(i)(3) of the Social Security Act, except for the years the APM rate is rebased as described in Section 4516.
- 4506.8 Subject to the limitations set forth in this section, covered comprehensive dental services provided by the FQHC may include the following procedures:
- (a) Restorative - ADA dental procedure codes (D2000-D2999) representing amalgam restoration, resin-based composite restorations, crowns (single restorations only), and additional restorative services;
 - (b) Endodontic - ADA dental procedures codes (D3000-D3999) representing pulp capping, pulpotomies, endodontic therapy of primary and permanent teeth, endodontic retreatment, apexification/recalcification procedures, apicoectomy/periradicular services, and other endodontic services;
 - (c) Peridontic - ADA dental procedure codes (D4000-D4999) representing surgical services, including usual postoperative care), nonsurgical periodontal services, and other periodontal services;
 - (d) Prosthodontic - ADA dental procedure codes (D5000-D5899) representing complete and partial dentures treatment including repairs and rebasing, interim prosthesis, and other removable prosthetic services;
 - (e) Maxillofacial Prosthetics - ADA dental procedure code (D5982) representing the surgical stent procedure;
 - (f) Implants Services - ADA dental procedure codes (D6000-D6199) representing Pre-surgical and surgical services, implant-supported prosthetics, and other implant services;
 - (g) Oral and Maxillofacial Surgery - ADA dental procedure codes (D7000-D7999) representing treatment and care related to extractions, alveoloplasty, vestibuloplasty, surgical treatment of lesions, treatment of fractures, repair traumatic wounds including complicated suturing;
 - (h) Orthodontics - ADA dental procedure codes (D8000-D8999) representing orthodontic treatments and services; and
 - (i) Adjunctive General Services - ADA dental procedure codes (D9000-D9999) representing unclassified treatment, anesthesia, professional

consultation, professional visits, drugs and miscellaneous.

- 4506.9 Only procedure codes listed in Subsection 4506.8 that are included on the D.C. Medicaid Fee for Service schedule as covered benefits shall be reimbursed by the Medicaid program. The D.C. Medicaid Fee for Service schedule is available online at <http://www.dc-medicaid.com>.
- 4506.10 An FQHC that furnishes comprehensive dental services that qualify as an encounter to Medicaid beneficiaries pursuant to a contract with a managed care entity, as defined in Section 1932(a)(1)(B) of the Social Security Act, where the payment (including a global payment) from such entity is less than the amount the FQHC would be entitled to receive under this section will be eligible to receive a wrap-around supplemental payment processed and paid by DHCF. The wrap-around supplemental payment shall be made no less frequently than every four (4) months and reconciled no less than annually.
- 4506.11 The amount of the wrap-around supplemental payment shall equal the difference between the payment received from the managed care entity as determined on a per encounter basis and the FQHC APM rate calculated receive pursuant to this section. In cases where an FQHC has a capitation payment arrangement with an MCO under which it receives a global payment for certain services, the amount payable to the FQHC shall be offset by the capitation payment, but in no case will the payment be less than the PPS rate the FQHC would be entitled to receive on a per encounter basis. The FQHC shall report their monthly capitation payment amount to DHCF. The FQHC shall report the aggregate of all capitation payments received in the period covered by each wrap submission. This amount shall be offset against total amounts otherwise payable to the provider as a part of the annual reconciliation described in Subsection 4506.10.
- 4506.12 Reimbursement of comprehensive dental service encounters shall be limited to one encounter per day for each beneficiary. The FQHC shall document each encounter in the beneficiary's dental record.
- 4506.13 If an encounter comprises both a preventive and diagnostic service as described in Section 4505 and a comprehensive dental service, the FQHC shall bill the encounter as a comprehensive dental service.
- 4506.14 All comprehensive dental services shall be provided in accordance with the requirements, including any limitations, as set forth in Section 964 (Dental Services) of Title 29 DCMR.
- 4506.15 Each FQHC shall include the CDT code(s) that correspond to the specific services provided on each claim submitted for reimbursement with associated tooth number, quadrant, surface, and arch if applicable for the dental procedure.
- 4506.16 Each provider of comprehensive dental services, with the exception of children's

fluoride varnish treatments, shall be a dentist or dental hygienist, working under the supervision of a dentist, who provide services consistent with the scope of practice authorized pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2012 Repl. & 2015 Supp.)), or consistent with the applicable professional practices act within the jurisdiction where services are provided.

- 4506.17 An FQHC, or an FQHC look-alike as determined by HRSA, which has been in operation for fewer than five (5) years at the time of audit will receive the lesser of the average APM rate calculated as of the first day of the District fiscal year for similar facilities pursuant to Subsection 4506.3 or the APM rate based on costs reported by the FQHC, or FQHC look-alike.

4507 PRIMARY CARE SERVICES

- 4507.1 Covered primary care services provided by the FQHC shall be limited to the following services:

- (a) Health services related to family medicine, internal medicine, pediatrics, obstetrics (excluding services related to birth and delivery), and gynecology which include but are not limited to:
- (1) Health management services and treatment for illness, injuries or chronic conditions (examples of chronic conditions include diabetes, high blood pressure, etc.) including but not limited to health education and self-management training;
 - (2) Services provided pursuant to the Early and Periodic Screening, Diagnostic and Treatment benefit for Medicaid eligible children under the age of twenty-one (21);
 - (3) Preventive fluoride varnish for children, provided the service is furnished during a well-child visit by a physician or pediatrician who is acting within the scope of practice authorized pursuant to District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2012 Repl. & 2015 Supp.)) (“HORA”).
 - (4) Preventive and diagnostic services, including but not limited to the following:
 - (i) Prenatal and postpartum care rendered at an FQHC, excluding labor and delivery;
 - (ii) Lactation consultation, education and support services if

provided by a certified nurse mid-wife licensed in accordance with HORA and certified by the International Board of Lactation Consultant Examiners (IBLCE) or a registered lactation consultant certified by IBLCE;

- (iii) Physical exams;
- (iv) Family planning services;
- (v) Screenings and assessments, including but not limited to, visual acuity and hearings screenings, and nutritional assessments and referrals;
- (vi) Risk assessments and initial counseling regarding risks for clinical services;
- (vii) PAP smears, breast exams and mammography referrals when provided as part of an office visit; and
- (viii) Preventive health education.

4507.2 Primary care services set forth in this Subsection 4507.1(a) shall be delivered by the following health care professionals who are licensed in accordance with HORA:

- (a) A physician;
- (b) An Advanced Practiced Registered Nurse (APRN);
- (c) A physician assistant working under the supervision of physician; or
- (d) A nurse-mid-wife.

4508 BEHAVIORAL HEALTH SERVICES

4508.1 Covered behavioral health services provided by an FQHC shall be limited to ambulatory mental health and substance abuse evaluation, treatment and management services identified by specific Current Procedural Terminology (CPT) codes. Such codes include psychiatric diagnosis, health and behavioral health assessment and treatment, individual and group psychotherapy, family therapy and pharmacologic management. DHCF shall issue a transmittal to the FQHCs which shall include the specific CPT codes including any billing requirements for covered behavioral health services.

4508.2 Covered behavioral health services set forth in this section shall be delivered by the following health care professionals who shall be licensed in accordance with

the HORA and certified by the Department of Behavioral Health when required by District Law:

- (a) A physician, including a psychiatrist;
- (b) An APRN;
- (c) A psychologist;
- (d) A licensed independent clinical social worker;
- (e) A licensed independent social worker (LISW);
- (f) A graduate social worker, working under the supervision of an LISW;
- (g) A licensed professional counselor;
- (h) A certified addiction counselor;
- (i) A licensed marriage and family therapist; and
- (j) A licensed psychologist associate, working under the supervision of a psychologist or psychiatrist.

4509**CHANGE IN THE SCOPE OF SERVICES**

4509.1 An FQHC may apply for an adjustment to its PPS rate or its APM rate (in any of the following four (4) service categories: (1) primary care; (2) behavioral health, (3) preventive and diagnostic dental services; and (4) comprehensive dental services) during any fiscal year after the effective date of the corresponding SPA, based upon a change in the scope of the services provided by the FQHC subject to the requirements set forth in the section.

4509.2 For services furnished on or after the effective date of these rules, a change in the scope of services shall only relate to services furnished on or after the effective date of the corresponding SPA and shall consist of a change in the type, intensity duration or amount of service as described below:

- (a) Type: for FQHCs adopting either the PPS or APM payment rate, the addition of a new service not previously provided by the FQHC, which must first be approved by HRSA and be consistent with the services described in Section 4505 - 4508;
- (b) Intensity: for FQHCs adopting the either the PPS or APM payment rate, a change in quantity or quality of a service demonstrated by an increase or decrease in the total quantity of labor and materials consumed by an

individual patient during an average encounter or a change in the types of patients served;

- (c) Duration: for FQHCs adopting either the PPS or APM payment rate, a change in the average length of time it takes FQHC providers to complete an average patient visit due to changing circumstances such as demographic shifts or the introduction of disease management programs;
- (d) Amount: for FQHCs adopting either the PPS or APM payment rate, an increase or decrease in the amount of services that an average patient receives in a Medicaid-covered visit such as additional outreach or case management services or improvements to technology or facilities that result in better services to the FQHC's patients.

4509.3 A change in the cost of a service, in and of itself, is not considered a change in the scope of services.

4509.4 A change in the scope of services shall not be based on a change in the number of encounters, or a change in the number of staff that furnish the existing service.

4509.5 DHCF shall review the costs related to the change in the scope of services. Rate changes based on a change in the scope of services provided by an FQHC shall be evaluated in accordance with the Medicare reasonable cost principles set forth in 42 CFR, Part 413.

4509.6 The adjustment to the PPS rate shall only be granted if the change in scope of services results in at least a five percent (5%) increase or decrease in the FQHC's allowable costs in the core service category for the fiscal year in which the change in scope of service became effective. The PPS rate adjustment for a change in scope shall be determined as the current PPS rate multiplied by the percentage change in the allowable cost attributable to the change in scope. The percentage change shall be calculated as follows:

- (a) The total allowable cost including the change in scope for a twelve (12) month period, minus the total allowable cost stated in the FQHC's prior year's cost report;
- (b) Divided by the total allowable cost stated in the FQHC's prior year's cost report; and
- (c) Multiplied by one hundred percent (100%).

4509.7 Subject to the limitation set forth in Subsection 4509.8, the adjustment to the APM rate shall be determined by dividing the total allowable cost plus the incremental allowable cost attributable to a change in the scope, by the total number of encounters including the encounters affected by the scope change

during the corresponding time period.

- 4509.8 The adjustment to the APM rate shall only be granted if the change in scope of services results in at least a five percent (5%) increase or decrease in the FQHC's allowable costs in the core service category for the fiscal year in which the change in scope of service became effective. This percentage shall be calculated by comparing the FQHC's APM rate at the beginning of the fiscal year in question with the cost per encounter as calculated by a completed Medicaid cost report using data from the same fiscal year.
- 4509.9 For services furnished on or after the effective date of the corresponding SPA, an FQHC shall submit a written notification to DHCF within ninety (90) days after a change of the scope of service, and the FQHC shall file a cost report demonstrating the increase in cost per encounter no later than 90 days after the close of one year of operation in which the scope change occurred. The FQHC shall submit documentation in support of the request.
- 4509.10 DHCF shall provide a written notice of its determination to the FQHC within one hundred eighty (180) days of receiving all information related to the request described in Subsections 4509.9.
- 4509.11 If approved, the PPS or APM rate calculated pursuant to Sections 4502 or 4503 - 4506 shall be adjusted to reflect the adjustment for the change in the scope of service. The adjustment shall be effective on the first day of the first full month after DHCF has approved the request. There shall be no retroactive adjustment.
- 4509.12 DHCF shall review or audit the subsequently filed annual cost report to verify the costs that have a changed scope. Based upon that review DHCF may adjust the rate in accordance with the requirements set forth in this section.
- 4509.13 For services furnished on or after the effective date of the corresponding SPA, a request for a rate adjustment based on change in scope of services shall be limited to one (1) request per year, per FQHC.

4510 ALLOWABLE COSTS

- 4510.1 The standards established in this section are to provide guidance in determining whether certain cost items will be recognized as allowable costs incurred by a FQHC in furnishing primary care, behavioral health, diagnostic and preventive dental services, and comprehensive dental services regardless of the applicable payment methodology. In the absence of specific instructions or guidelines, each FQHC shall follow the Medicare reasonable cost principles set forth in 42 CFR Part 413 and instructions set forth in the Medicare Provider Reimbursement Manual.
- 4510.2 Allowable costs, to the extent they are reasonable, necessary and related to patient

care shall include but are not limited to the following:

- (a) Compensation for the services rendered by each health care professional listed in Subsections 4507.2, 4508.2, 4505.15 and 4506.16 and other supporting health care professionals including but not limited to registered nurses, licensed practical nurses, nurse aides, medical assistants, physician's assistants, technicians, etc.;
- (b) Compensation for services for supervising health care professionals described in Subsections 4507.2, 4508.2, 4505.15 and 4506.16;
- (c) Costs of services and supplies incident to the provision of services as described in (f) of this subsection;
- (d) Administrative and capital costs that are incurred in furnishing primary care, behavioral health services, diagnostic and preventive dental services, and comprehensive dental services, including clinic administration, subject to the limitation set forth in this section;
- (e) Enabling services that support an individual's management of his or her health and social service needs or improve the FQHC's ability to treat the individual, including:
 - (1) Health education and promotion services including assisting the individual in developing a self-management plan, executing the plan through self-monitoring and management skills, educating the individual on accessing care in appropriate settings and making healthy lifestyle and wellness choices; connecting the individual to peer and/or recovery supports including self-help and advocacy groups; and providing support for improving an individual's social network. These services shall be provided by health educators, with or without specific degrees in this area, family planning specialists, HIV specialists, or other professionals who provide information about health conditions and guidance about appropriate use of health services;
 - (2) Translation and interpretation services during an encounter at the FQHC. These services are provided by staff whose full time or dedicated time is devoted to translation and/or interpretation services or by an outside licensed translation and interpretation service provider. Any portion of the time of a physician, nurse, medical assistant, or other support and administrative staff who provides interpretation or translation during the course of his or her other billable activities shall not be included;
 - (3) Referrals to providers of medical services (including specialty

- referral when medically indicated) and other health-related services (including substance abuse and mental health services). Such services shall not be reimbursed separately as enabling services where such referrals are provided during the course of other billable treatment activities;
- (4) Eligibility assistance services designed to assist individuals in establishing eligibility for and gaining access to Federal, State and District programs that provide or financially support the provision of medical related services;
 - (5) Health literacy;
 - (6) Outreach services to identify potential patients and clients and/or facilitate access or referral of potential health center patients to available health center services, including reminders for upcoming events, brochures and social services;
 - (7) Care coordination, which consists of services designed to organize person-centered care activities and information sharing among those involved in the clinical and social aspects of an individual's care to achieve safer and more effective healthcare and improved health outcomes. These services shall be provided by individuals trained as, and with specific titles of care coordinators, case managers, referral coordinators, or other titles such as nurses, social workers, and other professional staff who are specifically allocated to care coordination during assigned hours but not when these services are an integral part of their other duties such as providing direct patient care;
 - (8) Staff cost related to quality improvement, data analytics, and compliance; and
 - (9) Training for health care professionals for the provision of health care services-
- (f) Incidental services and supplies that are integral, although incidental, to the diagnostic or treatment components of the services described in Subsections 4505.7, 4506.8, 4507.1(a), and 4508.1 which shall include but are not limited to the following:
- (1) Lactation consultation, education and support services that are provided by health care professionals described in Subsection 4507.1(4)(ii);
 - (2) Medical services ordinarily rendered by an FQHC staff person such

as taking patient history, blood pressure measurement or temperatures, and changing dressings;

- (3) Medical supplies, equipment or other disposable products such as gauze, bandages, and wrist braces;
- (4) Administration of drugs or medication treatments, including administration of contraceptive treatments, that are delivered during a primary care visit, not including the cost of the drugs and medications;
- (5) Immunizations;
- (6) Electrocardiograms;
- (7) Office-based laboratory screenings or tests performed by FQHC employees in conjunction with an encounter, which shall not include lab work performed by an external laboratory or x-ray provider. These services include but are not limited to stool testing for occult blood, dipstick urinalysis, cholesterol screening, and tuberculosis testing for high-risk beneficiaries; and
- (8) Hardware and software systems, including implementation services, used to facilitate patient record-keeping and related services to support implementation.

4510.3 For the purposes of determining allowable and reasonable costs in the purchase of goods and services from a related party, each FQHC shall identify all related parties.

4510.4 A related party is any individual, organization or entity who currently or within the previous five (5) years has had a business relationship with the owner or operator of an FQHC, either directly or indirectly, or is related by marriage of birth to the owner or operator of the FQHC, or who has a relationship arising from common ownership or control.

4510.5 The cost claimed on the cost report for services, facilities and supplies furnished by a related party shall not exceed the lower of:

- (a) The cost incurred by the related party; or
- (b) The price of comparable services, facilities, or supplies generally available.

4510.6 Administrative and capital costs shall be allocated and included in determining the total allowable costs for primary care services and behavioral health services.

4510.7 Administrative and general overhead costs shall consist of overhead facility costs as described in Subsection 4510.8 and administrative costs as described in Subsection 4510.9.

4510.8 Capital and facility costs shall include but not be limited to:

- (a) Rent;
- (b) Insurance;
- (c) Interest on mortgages or loans;
- (d) Utilities;
- (e) Depreciation on buildings;
- (f) Depreciation on equipment;
- (g) Maintenance, including janitorial services;
- (h) Building security services; and
- (i) Real estate and property taxes.

4510.9 Administrative costs shall include but not be limited to:

- (a) Administrative Salaries (*i.e.*, salary expenditures related to the administrative work of a FQHC);
- (b) Fringe benefits and payroll taxes of personnel described in paragraph (a) of this subsection;
- (c) Depreciation on office equipment;
- (d) Office supplies;
- (e) Legal expenses;
- (f) Accounting expenses;
- (g) Training costs of administrative personnel for the provision of health care services;
- (h) Telephone expense; and

- (i) Hardware and software, including implementation costs, not related to patient record keeping.

4510.10 Administrative costs shall be subject to a ceiling of twenty percent (20%) as described in Sections 4503, 4504, 4505 and 4506. Costs in excess of the ceiling shall not be included in allowable costs.

4511 EXCLUSIONS FROM ALLOWABLE COSTS

4511.1 The costs that shall be excluded from allowable costs for purposes of calculating the APM rate shall include, but not be limited to, the following:

- (a) Cost of services provided in settings that are not included in the FQHC's Scope of Project that is approved by HRSA;
- (b) Cost of services that are outside the scope of services described in Sections 4505 - 4508;
- (c) Graduate Medical Education costs; and
- (d) Expenses incurred by the FQHC that are unrelated to the delivery of primary care, behavioral health and dental services as defined in Sections 4505 - 4508, which shall include but are not limited to the following:
 - (1) Staff educational costs, including student loan reimbursements, except for training and staff development, required to enhance job performance;
 - (2) Marketing and public relations expenses;
 - (3) Community services that are provided as part of a large scale effort, such as a mass scale community wide immunization program or any other community wide service
 - (4) Environmental activities;
 - (5) Research;
 - (6) Transportation costs;
 - (7) Indirect costs allocated to unallowable direct health service costs;
 - (8) Entertainment including costs for office parties and other social functions, retirement gifts, meals, and lodging;
 - (9) Board of Director fees;

- (10) Federal, state and local income taxes;
- (11) Excise taxes;
- (12) All costs related to physicians and other professional's private practices;
- (13) Donations, services and goods and space, except for those that are allowable pursuant to the Office of Management and Budget Circular No. A-122 and the Medicare Provider Reimbursement Manual;
- (14) Fines and penalties;
- (15) Bad debts, including losses arising from uncollectible accounts receivable and other claims, related collection and legal costs;
- (16) Advertising, except for recruitment of personnel, procurement of goods and services, and disposal of medical equipment and supplies;
- (17) Contributions to a contingency reserve or any similar provision made for an event, the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of the event taking place;
- (18) Over-funding of contributions to self-insurance funds that do not represent payments based on current liabilities;
- (19) Fundraising expenses;
- (20) Goodwill;
- (21) Political contributions, lobbying expenses or other related expenses;
- (22) Costs attributable to the use of a vehicle or other company equipment for personal use;
- (23) Other personal expenses not related to patient care for the core services; and
- (24) Charitable contributions.

4511.2 Costs reimbursed or otherwise paid for by locally funded grants or other locally

funded sources, shall be offset against expenses in determining allowable cost.

4511.3 An FQHC shall identify each grant by name and funding source in the supplemental data submitted with the cost report.

4511.4 Revenues related to the following categories shall be offset against expense.

(a) Investment Income: Investment income on restricted and unrestricted funds which are commingled with other funds must be applied together against, but should not exceed, the total interest expense included in allowable costs;

(b) Refunds and rebates for expenses;

(c) Rental income for building and office space;

(d) Related organization transactions pursuant to 42 CFR § 413.17;

(e) Sale of drugs to other than patient;

(f) Vending Machines

4511.5 Enabling services described in Subsection 4510.2 shall not include any services that may be or are included as a part of a patient encounter, administrative, facility or other reimbursable cost described in these rules. The costs of enabling services shall be reasonable as determined in accordance with the Medicare reasonable cost principles set forth in 42 CFR Part 413.

4512 REIMBURSEMENT FOR NEW PROVIDERS

4512.1 Each new provider seeking Medicaid reimbursement as an FQHC shall meet all of the requirements set forth in Section 4500.

4512.2 Reimbursement for services furnished by a new provider shall be determined in accordance the PPS methodology set forth in this section.

4512.3 The PPS rate for services furnished during the first year of operation shall be calculated as of the first day of the District's fiscal year in which the FQHC commences operations, and shall be equal to the average of the PPS rates paid to other FQHCs located in the same geographical area with a similar caseload.

4512.4 After the first year of operation, the FQHC shall submit a cost report to DHCF. DHCF shall audit the cost report in accordance with the standards set forth in Sections 4510 and 4511 and establish a PPS for each of the following four categories:

- (a) Primary care services as described in Section 4507;
- (b) Behavioral health services as described in Section 4508;
- (c) Preventive and diagnostic dental services as described in Subsection 4505.7; and
- (d) Comprehensive dental services as described in Subsection 4506.7.

4512.5 The PPS shall be calculated for each category described in Subsections 4512.4 (a) through 4512.4(d) by taking the sum of the FQHC's audited allowable cost for the applicable category, including related administrative and capital costs, and dividing it by the total number of eligible encounters for that category.

4512.6 The PPS rate described in Subsection 4512.5 shall remain in effect until all provider rates are rebased in accordance with Section 4516. After rebasing the FQHC shall have the option of electing an APM rate in accordance with the procedures set forth in Section 4501.

4512.7 In addition to the PPS rate described in this section, the FQHC shall be entitled to receive a supplemental wrap-around payment as described in Subsections 4502.6 through 4502.7.

4512.8 Each new FQHC provider seeking Medicaid reimbursement shall:

- (a) Obtain a separate National Provider Identification number; and
- (b) Be screened and enrolled in the Medicaid program pursuant to the requirements set forth in Chapter 94 of Title 29 DCMR.

4512.9 Each new FQHC shall only seek Medicaid reimbursement for services provided in settings that are consistent with the services described in Sections 4505 - 4508.

4512.10 If an FQHC discontinues operations, either as a facility or at one of its sites, the FQHC shall notify DHCF in writing at least ninety days (90) prior to discontinuing services.

4512.11 The new provider will be allowed one encounter on the same day for each of the categories described in Subsection 4512.4(a), (b), and either (c) or (d), consistent with the requirements set forth under Subsections 4505.12 and 4506.13.

4513 REIMBURSEMENT FOR OUT OF STATE PROVIDERS

4513.1 A FQHC located outside of the District of Columbia that seeks reimbursement for services furnished to District of Columbia Medicaid beneficiaries shall comply with the requirements set forth under Subsection 4500.2 and shall be reimbursed

as described below:

- (a) At the District of Columbia’s PPS rate if one of the following conditions are met:
 - (1) Medical services are needed because of a medical emergency;
 - (2) Medical services are needed and the beneficiary’s health would be endangered if he or she were required to travel to his or her State of residence;
 - (3) The State determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resource are more readily available in the other State; or
 - (4) It is general practice for beneficiaries in a particular locality to use medical resources in another State.
- (b) For FQHCs that receive the PPS rate and do not meet one of the conditions in Subsection 4513.1(a), the lesser of the District of Columbia’s PPS rate or the amount of reimbursement determined by the Medicaid agency in the state the FQHC is located.

4513.2 For Medicaid beneficiaries that are enrolled out of state, the FQHC shall seek reimbursement from the state in which the beneficiary is enrolled. The FQHC shall not seek reimbursement from DHCF.

4514 MANDATORY REPORTING REQUIREMENTS

4514.1 Each FQHC shall report to DHCF, annually, on the following two (2) measure sets:

- (a) HRSA UDS “Quality of Care” and “Health Outcomes and Disparities” measures which may be located at the HRSA Bureau of Primary Care website at <https://www.bphc.hrsa.gov/datareporting/reporting/index.html>; and
- (b) The performance measures set forth in the table below:

FQHC Performance Measures				
Measure Number/ Name	Measurement Domain	NQF #	Steward	Description
1.Extended After Hours	Patient-Centered Access	N/A	DHCF	FQHC offers extended hours beyond the traditional 8am-5pm business hours.

<p>2. 24/7 Access Policy</p>	<p>Patient-Centered Access</p>	<p>N/A</p>	<p>DHCF</p>	<p>Make access to care available 24/7. At a minimum, 24/7 access includes the availability of clinical services and advice at times that assure accessibility and meet the needs of the population to be served, and access to clinical telephonic advice when the FQHC is closed. When the FQHC is closed, 24/7 access includes the provision of telephone access to an individual with qualification and training (consistent with licensing requirements in the District) to exercise professional judgment in assessing a FQHC patient's need for emergency medical care, and the ability to direct a patient on how to seek emergency care. A patient's need for emergency care might arise from an emergent physical, oral, behavioral and/or other health need. If the patient's needs are not immediate, the individual responding to the patient via the FQHC's telephone access line shall also have the capacity to refer patients to a physician or to a licensed or certified independent practitioner that delivers health care services within the FQHC or outside the FQHC, if needed, for further assessment and future care.</p>
<p>3. Adults' Access to Preventive/ Ambulatory Health Services</p>	<p>Patient-Centered Access</p>	<p>N/A</p>	<p>NCQA</p>	<p>The percentage of members 20 years and older who had an ambulatory or preventive care visit.</p> <p>Numerator: Number of ambulatory or preventive care visits during the measurement year</p> <p>Denominator: Members age twenty (20) years and older as of December 31 of the measurement year</p>
<p>4. Follow-up After Hospital Discharge</p>	<p>Transitions of Care</p>	<p>N/A</p>	<p>Minnesota Community Measurement</p>	<p>Percentage of patients with selected clinical conditions (heart failure, pneumonia, ischemic vascular disease and Chronic obstructive pulmonary disease) that have follow-up telephonic/ electronic contact from the FQHC within three (3) calendar days of discharge or a follow-up face-to-face visit with a health care provider (physician, physician assistant, nurse practitioner, nurse, care-coordinator) within seven (7) calendar days of hospital discharge.</p>
<p>5. Follow-up After Hospitalization for Mental Illness</p>	<p>Transitions of Care</p>	<p>0576</p>	<p>NCQA</p>	<p>For discharges of patients age six (6) and older who were hospitalized for treatment of selected mental health disorders, the percentage that had an outpatient visit, an intensive outpatient encounter, or partial hospitalization with a mental health practitioner. Two rates are reported:</p> <ul style="list-style-type: none"> • The percentage of discharges for which the patient received follow-up within thirty (30) calendar days of discharge. • The percentage of discharges for which the patient received follow-up within seven (7) calendar days of discharge.

6. Timely Transmission of Transition Record	Transitions of Care	0648	American Medical Association-Physician Consortium for Performance Improvement	The percentage of patients, regardless of age, discharged from an inpatient facility (e.g., hospital inpatient or observation, skilled nursing facility, or rehabilitation facility) to their home or any other site of care for whom a transition record was transmitted to the facility or primary physician or other health care professional designated for follow-up care within twenty-four (24) hours of discharge.
7. Plan All-Cause Readmission	Utilization	1768	NCQA	For FQHC patients eighteen (18) years of age and older, the number of acute inpatient stays during the measurement year that were followed by an acute readmission for any diagnosis within thirty (30) calendar days and the predicted probability of an acute readmission. Data is reported in the following categories: <ol style="list-style-type: none"> 1. Count of Index Hospital Stays (denominator) 2. Count of thirty (30)-Day Readmissions (numerator) 3. Average adjusted Probability of Readmission
8. Potentially Preventable Hospitalization	Utilization	N/A	AHRQ	Percentage of inpatient admissions among FQHC participants for specific ambulatory care conditions that may have been prevented through appropriate outpatient care.
9. Low-Acuity Non-Emergent Emergency Department Visits	Utilization	N/A	DHCF	Percentage of avoidable low-acuity non-emergent ED visits.

4514.2 DHCF will notify FQHCs of the performance measures, measure specifications, and any changes through transmittals issued to the FQHCs no later than ninety (90) calendar days prior to October 1st each year.

4514.3 The measurement year for measures outlined in Subsection 4514.1(b) shall begin October 1, 2017 of and end on September 30, 2018, repeating annually, unless otherwise specified by DHCF.

4514.4 For measures described in Subsection 4514.1(a), each FQHC shall submit measures to DHCF once HRSA has approved the FQHC’s final report. The final report must be sent to DHCF no later than September 1st of each year, beginning September 1, 2017.

4515 PERFORMANCE PAYMENT

4515.1 Beginning October 1, 2017, each FQHC that elects the APM rate and meets the standards outlined in Subsection 4515.2 may be eligible to participate in the FQHC performance payment program.

4515.2 To participate in the performance payment program, a FQHC must have elected

the APM rate and must submit the following to DHCF by September 1, 2017 and annually thereafter:

- (a) Letter of Intent to participate in the performance payment program;
- (b) Most current HRSA-approved quality improvement plan and any annual updates. In subsequent years, if the FQHC has not updated the HRSA-approved plan, then the FQHC shall provide DHCF with written notification that there have been no changes to the quality improvement plan; and
- (c) Annual performance data reporting measures described in Subsection 4514.1(a).

4515.3 DHCF shall notify the FQHC if all requirements have been met no later than fifteen (15) business days after the receipt of the required materials.

4515.4 The performance payment program's baseline year will be the first year in which FQHC performance is measured to benchmark improvement in future years. The baseline year for FQHCs that elect to participate in the performance payment program shall begin October 1, 2017 and end on September 30, 2018. For FQHCs that elect to participate in the performance payment program after the initial baseline year, their first baseline year will begin on October 1st of the first year that an FQHC elects to participate in the performance program and end on September 30th.

4515.5 The measurement year (MY) is any year following an FQHC meeting the participation requirements described in Subsection 4515.2 and the completion of the baseline year; the first MY under the FQHC performance payment program will begin on October 1, 2018.

4515.6 Assessments and benchmarks will be based on comparing data collected in the baseline year to data collected during the first measurement year. During subsequent years, benchmarks will be based on performance during the prior measurement year.

4515.7 FQHCs shall be assessed based on either the attainment or the improvement of a defined threshold. If a FQHC did not attain its goal, then DHCF shall assess whether the FQHC improved from the previous measurement year. The following guidelines are set forth below:

- (a) For measures #3 through 9, as described in Subsection 4514.1(b), a FQHC must achieve above the seventy-fifth (75th) percentile from the previous measurement year;
- (b) For measures #1 and 2, as described in Subsection 4514.1(b), the

improvement benchmark will only be assessed on attainment of the goal. Specifically, whether the FQHC has provided DHCF with documentation demonstrating they have met the specifications outlined in the measures;

- (c) For measures # 3 through 9 as described in Subsection 4514.1(b), where improvement can be measured, the improvement benchmark will be a statistically significant improvement in the performance of a measure as compared to the prior year's performance. A statistically significant improvement has a probability of 0.05 that the improvement was not due to random error. DHCF shall perform the appropriate statistical analysis (*e.g.*, t-test) to determine that the performance between measurement years is a result that cannot be attributed to chance.

4515.8 DHCF shall provide written notification of the attainment and individualized improvement thresholds to each participating FQHC no later than one hundred and eighty (180) calendar days after the conclusion of the previous MY after all performance measures are received and validated.

4515.9 A FQHC may opt to aggregate its beneficiary population with another FQHC's population for the purposes of calculating attainment of a performance measure or improvement on any of the required measures described in Subsection 4514.1(b) subject to the following terms and conditions:

- (a) Each FQHC must notify DHCF of their selection of the aggregation option no later than September 1st prior to the baseline or new measurement year;
- (b) FQHCs opting to aggregate their populations together must do so for calculation of all measures during a given baseline or measurement year;
- (c) Each FQHC shall report data that is identifiable for the FQHC's individual performance, along with the aggregated data;
- (d) A FQHC shall elect the option to aggregate annually and may change their selection, including opting against pooling or opting to pool with a different FQHC, on an annual basis; and
- (e) When a FQHC has opted to aggregate beneficiaries, performance is measured for the aggregated FQHCs throughout the duration of the performance period unless one of the aggregated entities withdraws from the FQHC program during the performance period. If one of the FQHCs that has opted to aggregate beneficiaries withdraws before the performance period is complete, the remaining FQHC's performance will be measured based on the remaining FQHC's beneficiaries.

4515.10 For MY2019, beginning on October 1, 2018, the amount of the performance bonus funding pool available for payment shall be the difference between all of the District's FQHCs' uncapped administrative cost and the District's FQHCs'

capped administrative cost reflected in 2013 audited cost reports.

- 4515.11 For MY2020 and future years, the amount of the performance bonus funding pool shall be the amount available in the previous year pool, adjusted annually by the percentage increase in the Medicare Economic Index, established in accordance with Section 1842(i)(3) of the Social Security Act.
- 4515.12 DHCF shall notify the FQHCs of the performance bonus funding pool amount no later than ninety (90) calendar days prior to October 1, 2018, and annually thereafter ninety (90) calendar days before October 1st.
- 4515.13 The available funds in the annual performance bonus funding pool will be allocated to each participating FQHC that qualifies for a performance award as described in Subsection 4515.14.
- 4515.14 A participating FQHC's performance payment shall be the FQHC's maximum annual bonus payment as described in Subsection 4515.15, multiplied by the FQHC's annual performance percentage using the methodology described in Subsection 4515.17.
- 4515.15 Each participating FQHC's maximum annual bonus payment shall be the FQHC's market share determined in accordance with Subsection 4515.16, multiplied by the annual performance bonus funding pool, plus any additional allocation calculated pursuant to Subsection 4515.16(c).
- 4515.16 The market share shall be calculated as follows:
- (a) In cases where there are no statistical outliers, the market share for a participating FQHC shall be the number of the FQHC's unique Medicaid beneficiaries that received primary care services from the FQHC during the baseline or previous measurement year, divided by the total number of Medicaid beneficiaries who received primary care services from the participating FQHCs during the baseline or previous measurement year;
 - (b) In cases where there is a statistical outlier, the market share calculation shall be determined as follows:
 - (1) DHCF shall apply a cap for FQHCs whose market share is considered a statistical outlier. A statistical outlier is any FQHC that has a market share less than the lower bound or exceeding the upper bound. The upper-bound and lower-bound outlier shall be determined in the following manner:
 - (i) Calculate the quartiles of the number of unique Medicaid beneficiaries that received primary care services from the FQHC. The quartiles are the three (3) points that divide the

data set into four (4) equal groups, each group comprising a quarter (1/4) of the data. The first quartile is defined as the middle number, otherwise known as the median, between the smallest number and the median of the data set. The second quartile is the median of the data. The third quartile is the middle value between the median and the highest value of the data set;

- (ii) Calculate the interquartile range (IQR) by subtracting the first quartile from the third quartile;
 - (iii) Multiply the IQR by one point five (1.5) to obtain the IQR factor;
 - (iv) Add the third quartile to the IQR factor to calculate the upper bound; and
 - (v) Subtract the IQR factor from first quartile to calculate the lower bound.
- (2) If an FQHC is a statistical outlier because its total number of beneficiaries exceeds the upper bound, the FQHC's market share will be the median of the upper bound number and the FQHC's actual number of unique Medicaid beneficiaries that received primary care services in the baseline or previous measurement year divided by the total number of Medicaid beneficiaries who received primary care services from the participating FQHCs during the baseline or previous measurement year;
- (3) If an FQHC is a statistical outlier because its number of beneficiaries is less than the lower bound, the outlier FQHC's market share will be the lower bound number, divided by the total number of Medicaid beneficiaries who received primary care services from the participating FQHCs during the baseline or previous measurement year; and
- (4) For FQHCs that are not statistical outliers participating during a measurement year when there are statistical outliers, the non-outlier FQHC's market share shall be calculated in same manner as described in subparagraph (a); and
- (c) If there is an upper bound outlier, and there are remaining performance payment pool after all funds have been disseminated according to market share, the remaining additional funds shall be proportionally allocated to the non-outlier FQHCs based on the number of that FQHCs primary care beneficiaries divided by the total number of non-outlier FQHC

beneficiaries.

4515.17 To determine the FQHC’s annual performance percentage for each year, DHCF shall score each participating FQHC’s performance in three measurement domains. This scoring will be determined as follows:

- (a) A maximum of one hundred (100) points will be awarded to each FQHC across the three (3) measurement domains (*i.e.*, patient-centered care access (measures 1-3), transitions of care (measures 4-6), and utilization (measures 7-9) as described in Subsection 4514.1(b).
- (b) Each measure in the domain is assigned points by dividing the total points by the number of measures in each domain. Points for each domain for the first three (3) MYs are described in the table set forth in Subsection 4515.17(c). Future point distribution for measurement attainment or improvement will be provided by DHCF to FQHCs by a transmittal on an annual basis ninety (90) calendar days before October 1.
- (c)

FQHC Performance Measure Point Distribution Methodology			
	MY 2019	MY 2020	MY 2021
Total Patient-Centered Access Domain Points <i>(allowed points per measure)</i>	20 <i>(10)</i>	15 <i>(7.5)</i>	10 <i>(5)</i>
Total Clinical Process Domain Points	30 <i>(7.5)</i>	25 <i>(6.25)</i>	20 <i>(5)</i>
Total Utilization Domain Points	50 <i>(16.67)</i>	60 <i>(20)</i>	70 <i>(23.3)</i>
Total	100	100	100

- (d) Points for each measure shall be awarded in cases where an FQHC meets either the attainment or improvement benchmark based on the prior measurement year’s performance as described below:
 - (1) An FQHC shall receive the allowed points per measure as described in Subsection 4515.17(c) if they submit documentation for the Extended Hours and 24/7 Access measures (*e.g.*, ten (10) points in MY2019 for each of these measures);
 - (2) An FQHC shall receive points if they have met or exceeded the seventy-fifth (75th) percentile attainment benchmark.

- (3) An FQHC performing below the attainment benchmark may be able to receive the allowed points per measure as described in Subsection 4515.17(c) for each measure if it has met its improvement threshold described in Subsection 4515.7(c).
- (4) If an FQHC neither attains nor improves performance on a given measure, zero points will be awarded for that measure.
- (e) The annual performance percentage for each qualifying FQHC shall be calculated using the following methodology:
 - (1) Sum points awarded for each measure in the domain to determine the domain totals;
 - (2) Sum domain totals to determine total performance points;
 - (3) Divide total performance points by the maximum allowed points to determine the annual performance percentage.

4515.18 If participating FQHCs have aggregated beneficiaries together for determination of performance, the award percentage for the aggregated entities shall be applied to each FQHC's maximum bonus amount to determine the FQHC's performance award individually.

4515.19 Beginning with MY2019, and annually thereafter, performance payments shall be calculated and distributed no later than 180 calendar days after the conclusion of each measurement year once all performance measures are received and have been validated.

4516 REBASING FOR APM

4516.1 No later than January 1, 2018 and every three (3) years thereafter, the cost and financial data used to determine the APM rate shall be updated based upon audited cost reports that reflect costs that are two (2) years prior to the base year and in accordance with the methodology set forth in Sections 4503, 4504, 4505, and 4506.

4517 COST REPORTING AND RECORD MAINTENANCE

4517.1 Each FQHC shall submit to DHCF a Medicaid cost report, prepared based on the accrual basis of accounting, in accordance with Generally Accepted Accounting Principles. In addition FQHCs are required to submit their audited financial statements and any supplemental statements as required by DHCF no later than one hundred and fifty days (150) days after the end of each FQHC's fiscal year, unless DHCF grants an extension or the FQHC discontinues participation in the Medicaid program as a FQHC. In the absence of audited financial statements, the

FQHC may submit unaudited financial statements prepared by the FQHC.

- 4517.2 Each FQHC shall also submit to DHCF its FQHC Medicare cost report that is filed with its respective Medicare fiscal intermediary, if submission of the Medicare cost report is required by the federal Centers for Medicare and Medicaid Services.
- 4517.3 Each FQHC shall maintain adequate financial records and statistical data for proper determination of allowable costs and in support of the costs reflected on each line of the cost report. The financial records shall include the FQHC's accounting and related records including the general ledger and books of original entry, all transactions documents, statistical data, lease and rental agreements and any other original documents which pertain to the determination of costs.
- 4517.4 Each FQHC shall maintain the records pertaining to each cost report for a period of not less than ten (10) years after filing of the cost report. If the records relate to a cost reporting period under audit or appeal, records shall be retained until the audit or appeal is completed.
- 4517.5 DHCF reserves the right to audit each FQHC's Medicaid cost reports and financial reports at any time. DHCF may review or audit the cost reports to determine allowable costs in the base rate calculation or any rate adjustment as set forth in these rules.
- 4517.6 If a provider's cost report has not been submitted to DHCF within hundred and fifty (150) days after the end of the FQHC's fiscal year as set forth in Subsection 4517.1, or within the deadline granted pursuant to an extension, DHCF reserves the right not to adjust the FQHC's APM rate or PPS rate for services as described in Subsections 4502.3, 4503.7, 4504.8, 4505.4 and 4506.4.
- 4517.7 Each FQHC shall submit to DHCF a copy of the annual HRSA Uniform Data System (UDS) report within thirty (30) calendar days of the filing.

4518 ACCESS TO RECORDS

- 4518.1 Each FQHC shall grant full access to all records during announced and unannounced audits and reviews by DHCF personnel, representatives of the U.S. Department of Health and Human Services, and any authorized agent(s) or official(s) of the federal or District of Columbia government.

4519 APPEALS

- 4519.1 For appeals of DHCF Payment Rate Calculations, Scope of Service Adjustments or Audit Adjustments for FQHCs:

(a) At the conclusion of any required audit, payment rate or scope of service

adjustment, the FQHC shall receive a notice that includes a description of each audit finding, payment rate or scope of service adjustment and the reason for any adjustment to allowable costs or to the payment rate.

- (b) An FQHC may request an administrative review of payment rate calculations, scope of service adjustments or audit adjustments. The FQHC may request administrative review within thirty (30) calendar days of receiving the Notice of Audit Findings by sending a written request for administrative review to the Office of Rates, Reimbursement and Financial Analysis, DHCF.
- (c) The written request for administrative review shall identify the specific audit adjustment, payment rate calculation, or scope of service adjustment to be reviewed, and include an explanation of why the FQHC believes the adjustment or calculation to be in error, the requested relief, and supporting documentation.
- (d) DHCF shall mail a formal response to the FQHC no later than sixty (60) calendar days from the date of receipt of the written request for administrative review.
- (e) Within thirty (30) calendar days of receipt of DHCF's written determination relative to the administrative review, the FQHC may appeal the determination by filing a written request for appeal with the Office of Administrative Hearings (OAH).
- (f) The filing of an appeal with OAH shall not stay DHCF's action to adjust the FQHCs payment rate.

4519.2 For FQHC appeals of DHCF decisions on fee-for-service claims:

- (a) An FQHC may request a formal review of a decision made on a fee-for-service claim. To be eligible for a formal review, the FQHC must make the request within three-hundred and sixty-five (365) calendar days of receiving notice of the decision;
- (b) The written request for formal review shall include an explanation of the problem, the requested relief, supporting documentation and meet any additional standards DHCF or its designee may require. Written requests for formal review must be sent to the addresses provided in the DC MMIS Provider Billing Manual;
- (c) DHCF or its designee shall render a written decision on a request for a formal review within forty-five (45) calendar days of a completed request for review; and

- (d) Nothing in this rule waives or modifies the requirements for the timely filing of Medicaid provider claims set forth in 29 DCMR §§ 900, *et seq.*

4519.3 For FQHC appeals of MCO decisions on claims for reimbursement:

- (a) An FQHC may request administrative reconsideration from DHCF in order to challenge an MCO's denial, nonpayment or underpayment of a claim. To be eligible for administrative reconsideration, the FQHC shall:
 - (1) Exhaust the appeal process established by the MCO who issued the denial, nonpayment or underpayment; and
 - (2) Receive a final written notice of determination (WND) from the MCO, or provide documentation that the timeframe for the MCO to render a final WND has expired without decision; and
- (b) Requests for administrative reconsideration shall be made to DHCF by mail, email, fax, or in person to DHCF's Appeals Coordinator within thirty (30) calendar days of the date of the final WND from the MCO. If no final WND was provided, the request shall be made within thirty (30) calendar days of the date that the MCO was due to render its final WND. Requests for administrative reconsideration shall include the following minimum information and documentation:
 - (1) MCO name;
 - (2) MCO ID;
 - (3) A copy of the final WND indicating that the FQHC has exhausted all available appeal opportunities with the MCO, or documentation indicating the deadline for the MCO to render a final WND has expired;
 - (4) An original fee-for-service equivalent claim for reimbursement which shall include:
 - (i) Date of Service;
 - (ii) Healthcare Common Procedure Coding System/Current Procedural Terminology code;
 - (iii) Payment amount at issue;
 - (iv) Medicaid ID of the enrollee; and
 - (v) Name and Date of Birth of enrollee; and

- (5) A written statement by the FQHC describing why the MCO's decision should not be upheld, including any supporting documentation; and
- (c) DHCF will notify the MCO when a FQHC request for administrative reconsideration has been filed to allow the MCO the opportunity to share supporting documentation;
- (d) DHCF reserves the right to request additional information and/or supporting documentation from the FQHC and/or the MCO, as appropriate, to assist in its determination. Failure to respond to agency requests for additional information and/or supporting documentation within the timeframe provided will not prevent DHCF from rendering a written decision;
- (e) DHCF shall render a written decision within forty-five (45) calendar days of receiving a complete request for administrative reconsideration. If new information is provided to DHCF that warrants an extension in the amount of time it will take the agency to render a decision, the agency reserves the right to extend its review period by no more than ten (10) calendar days. The FQHC shall be notified if such an extension is required.
- (f) The written decision shall constitute the final determination on the subject claim. The written decision by DHCF shall include the following minimum information:
 - (1) Basis for decision; and
 - (2) Supporting documentation or findings, if appropriate; and
- (g) If DHCF determines that the decision of the MCO was improper, then DHCF will direct the MCO to make proper payment to the provider no later than thirty (30) calendar days of its written decision. Once payment is made, the FQHC can follow protocol in making a request to DHCF for wrap payment;
- (h) If DHCF determines that the decision of the MCO was proper, but that the FQHC is still due reimbursement or payment, DHCF shall make the appropriate payment no later than thirty (30) calendar days of its written decision; and
- (i) Nothing in this rule waives or modifies the requirements for the timely filing of Medicaid provider claims set forth in 29 DCMR §§ 900, *et seq.*

For purposes of this chapter, the following terms shall have the meanings ascribed:

Alternative Payment Methodology - A reimbursement model other than a Prospective Payment System Rate for services furnished by an FQHC which meets the requirements set forth in Section 1902(bb)(6) of the Social Security Act.

Capitation payment - A payment an MCO makes periodically to an FQHC on behalf of a beneficiary enrolled with the FQHC pursuant to a contract between the MCO and FQHC. In exchange for the payment, the FQHC agrees to provide or arrange for the provision of the service(s) covered under the contract regardless of whether the particular beneficiary receives services during the covered period.

Encounter - A face-to-face visit between a Medicaid beneficiary and a qualified FQHC health care professional as described in Subsections 4507.2, 4508.2, 4505.15 and 4506.16, who exercises independent judgment when providing services for a primary care, behavioral health service or dental service. An encounter may also include a visit between a Medicaid beneficiary receiving healthcare services and a provider via telemedicine in accordance with District requirements.

FQHC look-alike - A private, charitable, tax-exempt non-profit organization or public entity that is approved by the federal Centers for Medicaid and Medicare Services and authorized to provide Federally Qualified Health Center Services.

Global payments – A single payment by an MCO to an FQHC to cover multiple visits.

New Provider – An FQHC that enrolls in the District’s Medicaid Program after the effective date of the corresponding SPA or after the date that the rates are rebased.

Prospective Payment System Rate – The rate paid for services furnished in a particular fiscal year that is not dependent on actual cost experience during the same year in which the rate is in effect.

Single course of treatment –A process or sequence of services that are furnished at the same time or at the same visit.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Senior Deputy/State Medicaid Director, Department of Health Care Finance, Government of the District

of Columbia, 441 4th Street, N.W., Suite 900, Washington D.C. 20001, via telephone on (202) 442-8742, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-075
March 17, 2017

SUBJECT: Appointment — Committee on Metabolic Disorders


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 of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with the District of Columbia Newborn Screening Act of 1979, effective April 29, 1980, D.C. Law 3-65, D.C. Official Code § 7-835 (2012 Repl.), it is hereby **ORDERED** that:

1. **DORINA BEKOE** is appointed as a consumer member of the Committee on Metabolic Disorders, replacing Joanne Adelberg, for a term to end September 30, 2019.
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 2017-076
March 20, 2017

SUBJECT: Designation of Special Event Areas – Beat the Streets

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. The following public space areas shall be designated as Special Event Areas to accommodate activities associated with Beat the Streets, a program directed by the Metropolitan Police Department to build strong relationships with the community and prevent and deter crime. Activities may include a moon bounce, a rock climbing wall, food pantry distribution, and music:
 - a. On Wednesday, June 21, 2017, commencing at 2:00 p.m. and continuing until 7:30 p.m., the 1300 block of Congress Street, S.E., shall be closed to vehicular traffic;
 - b. On Wednesday, June 28, 2017, commencing at 2:00 p.m. and continuing until 7:30 p.m., the 600 block of O. Street, N.W., shall be closed to vehicular traffic;
 - c. On Wednesday, July 12, 2017, commencing at 2:00 p.m. and continuing until 7:30 p.m., the 3800 block of Dix Street, S.E., shall be closed to vehicular traffic;
 - d. On Wednesday, July 19, 2017, commencing at 2:00 p.m., and continuing until 7:30 p.m., the 1500 block of Maryland Avenue, N.E., shall be closed to vehicular traffic;
 - e. On Wednesday, July 26, 2017, commencing at 2:00 p.m. and continuing until 7:30 p.m., the 4100 block of 9th Street N.W., shall be closed to vehicular traffic;
 - f. On Wednesday, August 2, 2017, commencing at 2:00 p.m. and continuing until 7:30 p.m., the 100 block of L. Street, N.E., shall be closed to vehicular traffic;

- g. On Thursday, August 10, 2017, commencing at 2:00 p.m. and continuing until 7:30 p.m., the 100 block of Atlantic Street, S.W., shall be closed to vehicular traffic;
- 2. The designated areas shall be operated and overseen by the Metropolitan Police Department.
- 3. This Order is authorization for the use of the designated streets and curb lanes only, and the operating entities shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.
- 4. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHN
SECRETARY OF THE DISTRICT OF COLUMBIA

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

Mayor's Order 2017-077
March 23, 2017

SUBJECT: Appointments – Board of Industrial Trades


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) (2016 Repl.), and pursuant to the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.06(d) (2012 Repl.)), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1- 523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **MICHAEL DALTON**, pursuant to the Board of Industrial Trades Michael Dalton Confirmation Resolution of 2017, effective February 25, 2017, PR22-0050, is appointed as a consumer member of the Board of Industrial Trades, replacing Victoria Leonard, for a term to end June 26, 2018.
2. **RALEIGH HEYWARD**, pursuant to the Board of Industrial Trades Raleigh Heyward Confirmation Resolution of 2017, effective February 25, 2017, PR22-0049, is appointed as a plumber member of the Board of Industrial Trades, replacing Steven Givens, for a term to end April 16, 2017, and for a full term to end April 16, 2020.
3. **TERRENCE HUGHES**, pursuant to the Board of Industrial Trades Terrence Hughes Confirmation Resolution of 2016, effective January 30, 2017, PR22-0023, is appointed as a plumber member of the Board of Industrial Trades, replacing Shell Carter Davis, for a term to end June 26, 2017.
4. **ALEX LEMU**, pursuant to the Board of Industrial Trades Alex Lemu Confirmation Resolution of 2017, effective February 25, 2017, PR22-0048, is appointed as a licensed steam and other operating engineer member of the Board of Industrial Trades, replacing Shawn Ellis, for a term to end June 26, 2017, and for a full term to end June 26, 2020.

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


MURIEL BOWSER
MAYOR

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

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

Mayor's Order 2017-078
March 23, 2017

SUBJECT: Reappointments - Board of Real Estate Appraisers

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) (2016 Repl.), pursuant to to the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.06(g) (2012 Repl.)), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1- 523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **TODD CANTERBURY**, pursuant to the Board of Real Estate Appraisers Todd Canterbury Confirmation Resolution of 2016, effective December 17, 2016, PR21-1004, is reappointed as a licensed real estate appraiser member of the Board of Real Estate Appraisers for a term to end June 26, 2019.
2. **TAMORA PAPAS**, pursuant to the Board of Real Estate Appraisers Tamora Papas Confirmation Resolution of 2016, effective December 17, 2016, PR21-1005, is reappointed as a licensed real estate appraiser member of the Board of Real Estate Appraisers for a term to end June 26, 2019.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 17, 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 2017-079
March 23, 2017

SUBJECT: Appointment – Real Property Tax Appeals Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 2(b)(3) of the Real Property Tax Appeals Commission Establishment Act of 2010, effective April 8, 2011 (D.C. Law 18-363; D.C. Official Code § 47-825.01a (2015 Repl.), which established the Real Property Tax Appeals Commission, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **EDWIN DUGAS**, pursuant to the Real Property Tax Appeals Commission Edwin Dugas Confirmation Resolution of 2016, effective December 6, 2016, PR21-0681, is appointed as a part-time commissioner to the Real Property Tax Appeals Commission, replacing Sean A. Warfield, for a term to end April 30, 2020.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 6, 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 2017-080
March 23, 2017

SUBJECT: Reappointments and Appointments — Commission on the Arts and Humanities

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1 -22; D.C. Official Code § 39-203 (2012 Repl. and June 2016 Supp.)), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **ALMA GATES**, pursuant to the Commission on the Arts and Humanities Alma Gates Confirmation Resolution of 2016, effective December 6, 2016, R21-0679, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.
2. **RHONA FRIEDMAN**, pursuant to the Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2016, effective December 6, 2016, R21-0677, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.
3. **ELVI MOORE**, pursuant to the Commission on the Arts and Humanities Confirmation Elvi Moore Resolution of 2016, effective December 6, 2016, R21-0675, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.
4. **CICIE SATTARNILASSKORN**, pursuant to the Commission on the Arts and Humanities Cicie Sattarnilasskorn Confirmation Resolution of 2016, effective December 6, 2016, R21-0680, is appointed as a member of the Commission on the Arts and Humanities, replacing Barbara Jones, for a term to end June 30, 2019.
5. **HAILI FRANCIS**, pursuant to the Commission on the Arts and Humanities Haili Francis Confirmation Resolution of 2016, effective December 6, 2016, R21-0678, is appointed as a member of the Commission on the Arts and Humanities, replacing Rogelio Maxwell, for a term to end June 30, 2019.

- 6. **JOSEF PALERMO**, pursuant to the Commission on the Arts and Humanities Josef Palermo Confirmation Resolution of 2016, effective December 6, 2016, R21-0676, is appointed as a member of the Commission on the Arts and Humanities, replacing Marvin Bowser, for a term to end June 30, 2019.

- 7. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 6, 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 2017-081
March 23, 2017

SUBJECT: Appointment — Board of Medicine


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 of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 203 of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03) (2016 Repl.), it is hereby **ORDERED** that:

1. **ANITRA PATRICIA DENSON** is appointed as the Department of Health designee to the Board of Medicine, serving at the pleasure of the Mayor.
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 2017-082
March 23, 2017

SUBJECT: Reappointments and Appointments – Commission on Latino Community Development

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 401 of the District of Columbia Latino Community Development Act, effective September 29, 1976, D.C. Law 1-86, D.C. Code § 2-1321 *et seq.* (2016 Repl.), it is hereby **ORDERED** that:


1. The following individuals are reappointed as public members of the Commission on Latino Community Development (hereinafter referred to as “**Commission**”), for terms to end July 26, 2020:
 - a. **JESSIE HERNANDEZ**
 - b. **LUIS ANGELO GOMEZ**
2. **GUSTAVO VITERI** is appointed as a public member of the Commission, replacing Olympia Lopez, for a term to end July 26, 2019.
3. The following individuals are appointed as District agency designees, serving at the pleasure of the Mayor.
 - a. **HILLARY ESPINOSA**, as the District of Columbia Public Library designee.
 - b. **BRIAN HOLLAND**, as the District of Columbia Department of Employment Services designee.
 - c. **MOSES NUNEZ**, as the District of Columbia Department of Housing and Community Development and Community Development designee.
 - d. **TYRA REDUS**, as the District of Columbia Department of Transportation designee.
 - e. **GLEN REYNOSO**, as the District of Columbia Department of Parks and Recreation designee.

f. **ANTHEA SEYMOUR**, as the District of Columbia Department of Human Services designee.

4. **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 2017-083
March 23, 2017

SUBJECT: Appointment — State Advisory Panel on Special Education for the District of Columbia

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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) (2016 Repl.), and in accordance with Mayor's Order 2012-48, dated April 5, 2012, it is hereby **ORDERED** that:

1. **MEGAN DHO**, is appointed as a representative from the State child welfare agency responsible for foster care member of the State Advisory Panel on Special Education for the District of Columbia, replacing Courtney Hall, to serve at the pleasure of the Mayor.
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 2017-084
March 24, 2017

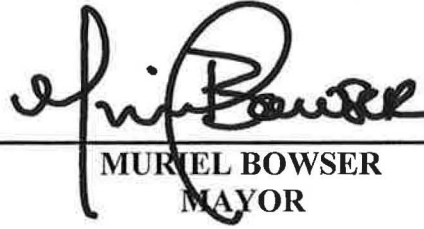
SUBJECT: Reappointments — Domestic Violence Fatality Review Board

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003 (D.C. Law 14-296, D.C. Official Code § 16-1053 (2012 Repl.)), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **DIANNE HAMPTON**, pursuant to the Domestic Violence Fatality Review Board Dianne Hampton Confirmation Resolution of 2016, effective December 20, 2016, R21-0712, is reappointed as a community representative member of the Domestic Violence Fatality Review Board, for a term to end July 20, 2019.
2. **ERIN LARKIN**, pursuant to the Domestic Violence Fatality Review Board Erin Larkin Confirmation Resolution of 2016, effective December 20, 2016, R21-0731, is reappointed as a community representative member of the Domestic Violence Fatality Review Board, for a term to end July 20, 2019.
3. **LAURIE KOHN**, pursuant to the Domestic Violence Fatality Review Board Laurie Kohn Confirmation Resolution of 2016, effective December 20, 2016, R21-0713, is reappointed as a community representative member of the Domestic Violence Fatality Review Board, for a term to end July 20, 2019.
4. **SHARLENE KRANZ**, pursuant to the Domestic Violence Fatality Review Board Sharlene Kranz Confirmation Resolution of 2016, effective December 20, 2016, R21-0714, is reappointed as a community representative member of the Domestic Violence Fatality Review Board, for a term to end July 20, 2019.
5. **VARINA WINDER**, pursuant to the Domestic Violence Fatality Review Board Varina Winder Confirmation Resolution of 2016, effective December 20, 2016, R21-0715, is reappointed as a member of the Domestic Violence Fatality Review Board, for a term to end July 20, 2019.

6. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to December 20, 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 2017-085
March 24, 2017

SUBJECT: Appointments – District of Columbia Commission for National and Community Service


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) (2016 Repl.), pursuant to Mayor's Order 2013-171, dated September 19, 2013, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, it is hereby **ORDERED** that:

1. The following persons are appointed as public at-large members, of the District of Columbia Commission for National and Community Service, filling vacant seats, for terms to end July 31, 2019:
 - a. **LEVAR JONES**
 - b. **LAUREN WALDRON**
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 2017-086
March 24, 2017

SUBJECT: Appointments — Health Information Exchange Policy Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-035, dated March 10, 2016, it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Health Information Exchange Policy Board ("**Board**"), serving at the pleasure of the Mayor:
 - a. **DENA HASAN** as an employee of the Department of Human Services, replacing Sakina Thompson.
 - b. **ERIN HOLVE** as an employee of the Department of Health Care Finance, replacing Christopher Botts.
 - c. **BARNEY KRUCOFF** as an employee of the Office of Chief Technology Officer, replacing Archana Vemulapalli.
2. **ERIN HOLVE** is appointed as chairperson of the Board, and shall serve in that capacity at the pleasure of the Mayor.
3. **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 2017-087
March 24, 2017

SUBJECT: Appointment — Board of Audiology and Speech-Language Pathology

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 of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 6, 2007, D.C. Law 16-219, D.C. Official Code § 3-1202.18 (2016 Repl.), it is hereby **ORDERED** that:

1. **KRISTIN SPIVEY** is appointed as chairperson of the Board of Audiology and Speech-Language Pathology, and shall serve in that capacity at the pleasure of the Mayor, or until her term expires on February 25, 2020.
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 2017-088
March 28, 2017

SUBJECT: Delegation — Authority to the Chief of the Fire and Emergency Medical Services Department and Chief Procurement 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(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), pursuant to new subsections (j-1) and (j-2) of An Act To grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944, 58 Stat. 819; D.C. Official Code § 1-301.01 (2016 Repl.), as amended by the Placement of Orders With Government Entities Emergency Amendment Act of 2016, effective October 8, 2016 D.C. Law 21-160, § 3002, 63 DCR 10775 (“**Placement Act**”); and also pursuant to new subsections of An Act To provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes, approved August 14, 1950, 64 Stat. 441; D.C. Official Code § 5-414 (2014 Repl.), as amended by the Reciprocal Agreements for Mutual Aid Emergency Amendment Act of 2016, effective October 8, 2016, D.C. Law 21-160, § 3012, 63 DCR 10775 (“**Reciprocal Act**”), it is hereby **ORDERED** that:

1. The Chief of the Fire and Emergency Medical Services Department (**Chief of FEMS**) is delegated the authority of the Mayor under the Placement Act to contract with the Washington Metropolitan Area Transit Authority and/or the Metropolitan Washington Council of Governments for the provision or receipt of materials, supplies, equipment, work, or services of any kind, subject to the approval of the Chief Procurement Officer. The Chief of FEMS may also request the Chief Procurement Officer to conduct and award procurements pursuant to this paragraph.
2. The Chief of the FEMS is delegated the authority of the Mayor under the Reciprocal Act to:
 - a. Enter into and to renew reciprocal agreements, for such period as he or she deems advisable, with the appropriate county, municipal, and other governmental units in Prince George's and Montgomery Counties, Maryland, and Arlington, Fairfax, and Loudon Counties, Virginia, with the City of Alexandria, Virginia, with the City of Fairfax, Virginia, with the City of Falls Church, Virginia, and with incorporated or unincorporated fire departments, fire companies, and organizations of fire

personnel in such counties and cities, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of firefighting personnel and equipment, by and for the District of Columbia and such counties and cities, for the extinguishment of fires and for the preservation of life and property in emergencies, in the District and in such counties and cities; and

- b. Make available to the federal government, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, and any other local or regional authority or intergovernmental organization, personnel and equipment of the Fire and Emergency Medical Services Department to extinguish fires, and to save lives, on property of the federal government, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, or another local or regional authority of which the District is a member or intergovernmental organization to which the District or any of its offices or agencies belongs in Prince George's and Montgomery Counties, Maryland; Arlington, Fairfax, and Loudon Counties, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia.
- 3. The authority delegated to the Chief of FEMS by this Order may be further delegated by the Chief of FEMS to subordinates under his or her jurisdiction.
- 4. The authority delegated to the Chief Procurement Officer by this Order may be further delegated by the Chief Procurement Officer to subordinates under his or her jurisdiction.
- 5. **EFFECTIVE DATE:** This Order shall become effective immediately.


 MURIEL BOWSER
 MAYOR

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

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Arabella Teal.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Teal’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Teal has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on August 29, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Teal’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Audrey Jenkins.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Jenkins’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Jenkins has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on August 15, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Jenkins’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Mary Masulla.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Masulla’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Masulla has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on August 15, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Masulla’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Nicholas Cobbs.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Cobbs’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Cobbs has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his six-year term on August 29, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Cobbs’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Scott Harvey

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Harvey’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Harvey has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his six-year term on August 29, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Harvey’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Sharon Goodie.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Goodie’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Goodie has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on August 29, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Goodie’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

**DISTRICT OF COLUMBIA COMMISSION ON
SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES OF
THE OFFICE OF ADMINISTRATIVE HEARINGS**

**NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Wanda Tucker.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Tucker’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Tucker has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her six-year term on August 15, 2017.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Tucker’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before April 24, 2017. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
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Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, APRIL 5, 2017
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Mafara Hobson, Jake Perry

Fact Finding Hearing* **9:30 AM**
Case # 17-251-00032; U Street Music Hall, LLC, t/a U Street Music Hall
1115 U Street NW, License N#83219, Retailer Multipurpose Facility, ANC 1B
Chief of Police Hearing Request, Assault with a Dangerous Weapon

Fact Finding Hearing* **10:00 AM**
Case # 17-251-00010;
Inner Circle 1223, LLC, t/a Dirty Martini Inn Bar/Dirty Bar, 1223 Connecticut
Ave NW, License #83919, Retailer CN,ANC 2B
Failed to Follow Security Plan

Show Cause Hearing* **11:00 AM**
Case # 16-CC-00063; 1010 V, LLC, t/a Living Room, 1010 Vermont Ave NW
License #76906, Retailer CT,ANC 2F
**Sale to Minor Violation, Offered a Facility for Dancing Larger than 140
square feet**

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

Show Cause Hearing* **1:30 PM**
Case # 16-CMP-00539; Louyans, Inc., t/a City Lights of China, 1729-1731
Connecticut Ave NW, License #14818, Retailer CR, ANC
Failed to File Quarterly Statements

Protest Hearing* **2:00 PM**
Case # 16-PRO-00122; Raso Corporation t/a Nomad Hookah, 1200 H Street
NE, License #87558, Retailer CT, ANC 2C
Petition to Amend or Terminate the Settlement Agreement

Board's Calendar
April 5, 2017

Contested Fact Finding Hearing*

4:30 PM

Kiss, LLC, t/a Kiss Tavern; 637 T Street NW, License #104710, Retailer CT
ANC 1B

Fitness for Licensure

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, APRIL 5, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to remove license from Safekeeping for re-opening of Establishment, effective April 20, 2017. Original Safekeeping Date: 6/1/2016. ANC 2C. SMD 2C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Austin Grill*, 750 E Street NW, Retailer CR, License No. 076102.

2. Review Request to remove license from Safekeeping to begin serving alcohol again. ANC 5E. SMD 5E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. & *Pizza*, 666 Monroe Street NE, Retailer CR, License No. 094478.

3. Review Request to Extend Safekeeping of License – Fifth Request. Original Safekeeping Date: 7/1/2005. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Skylark Lounge (formerly)*, 1943 New York Avenue NE (formerly), Retailer CN, License No. 090611.

4. Review Request to Extend Safekeeping of License to complete construction – Fourth Request. Original Safekeeping Date: Pre-1994. ANC 4B. SMD 4B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Seven Seas Restaurant*, 5915 Georgia Avenue NW, Retailer CR, License No. 000654.

5. Review Request to Extend Safekeeping of License – Third Request. Original Safekeeping Date: 3/1/2013. ANC 1D. SMD 1D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Sangria Café*, 3636 16th Street NW A, Retailer CR, License No. 090781.

6. Review request to extend Safekeeping of License – Second Request. Original Safekeeping Date: 7/27/2016. ANC 2E. SMD 2E06. . No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *After Peacock Room*, 2622 P Street NW, Retailer CR, License No. 095964.
-

7. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 1/11/2017. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *The Darcy Hotel*, 1515 Rhode Island Avenue NW, Retailer CH, License No. 102437.
-

8. Review Application for Class Change from C Tavern to C Nightclub. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Aqua Restaurant*, 1818 New York Avenue NE, Retailer CT, License No. 060477.
-

9. Review Application for Sidewalk Café with seating for 14 patrons. *Proposed Hours of Operation and Alcoholic Beverage Sale and Consumption for Sidewalk Café*: Sunday-Saturday 10am to 12am. ANC 4C. SMD 4C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Himitsu*, 828 Upshur Street NW, Retailer CR, License No. 104583.
-

10. Review proposed business plan for new Caterer with food truck for special events. ANC 6D. SMD 6D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Goodies Frozen Custard & Treats*, 1400 Independence Avenue SW, Caterer, License No. 105788.
-

***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.**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture and Interior Design
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**April 28, 2017
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 27, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – April 28, 2017 at 9:30 a.m.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

NOTICE OF PUBLIC MEETING

DISTRICT OF COLUMBIA - BOARD OF BARBER AND COSMETOLOGY
1100 4th Street SW, Room E-300, Washington DC 20024
Monday, April 3, 2017
AGENDA

1. **CALL to ORDER**- 10:00 a.m. (*Public Session*)
2. **ATTENDANCE**
3. **COMMENTS** from the Public
4. **DRAFT MINUTES** – *March 6, 2017 - vote*
5. **CORRESPONDENCE**
6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **BOARD COMMITTEES**
 - A. Forum and Education Committee Meeting Planning and Meeting Dates
9. **EXECUTIVE SESSION - (CLOSED TO PUBLIC)**

Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
10. **FINAL RECOMMENDATIONS/ACTIONS**
11. **ADJOURN - vote**

Next Scheduled Regular Meeting is **Tuesday, May 9, 2017 at 9am.**
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**April 6, 2017
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, March 9, 2016
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – May 4, 2017 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
April 18, 2017**

1. Call to Order – 1:00 p.m.
2. Introduction of New Board Members
3. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
4. Attendance (Start of Public Session) – 2:20 p.m.
5. Comments from the Public
6. Minutes - Draft, March 2017
8. Recommendations
9. Old Business
10. New Business
11. Adjourn

Next Scheduled Regular Board Meeting, May 16, 2017
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**April 20, 2017
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 18, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 15, 2017 at 10:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

April 2017

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	No Meeting	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	20	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	28	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	3	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	20	7:00-pm-8:30 pm
Pamela Hall	Board of Funeral Directors	6	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	20	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	11	8:30 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades	18	1:00pm-3:30 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

**D.C. BOXING AND WRESTLING COMMISSION
NOTICE OF PUBLIC MEETING
1100 4th Street, SW, Suite 200E, Washington, DC 20024**

**AGENDA
April 20, 2017
6:30 P.M.**

1. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
2. Call to Order
3. Attendance (Start of Public Session)
4. Comments from the Public
5. Minutes – March 16, 2017
6. Budget
7. Correspondence
8. Old Business
9. New Business
 - A. Upcoming Professional Events
 - B. Upcoming Amateur Events
10. Adjournment

NEXT MEETING SCHEDULED FOR MAY 18, 2017

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**April 20, 2017 ~ Room 300
9:00 A.M. (Application Review by Board Members)**

11:00 A.M.

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next Scheduled Meeting – April 20, 2017
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
April 11, 2017**

1. Call to Order - 9:30 a.m. (Public Session)
2. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding) – 9:30 am-10:00 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
3. Attendance (Public Session) – 10:00 a.m.
4. Comments from the Public
5. Minutes - Draft, March 14, 2017
6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2017 Calendar
 - F. Correspondence
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, May 9, 2017
1100 4th Street, SW, Room 300B, Washington, DC 20024

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

Municipalization Study

The Department of Energy and Environment (the Department) seeks eligible entities to study the municipalization of utilities and research innovative practices that can help utilities address the challenges and opportunities of the changing energy landscape in the 21st century. The amount available for the project is approximately \$100,000.00. This amount is subject to availability of funding and approval by the appropriate agencies.

Beginning 3/31/2017, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to energygrants@dc.gov with "Request copy of RFA 2017-1717-EA" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Kyle Haas at (202) 673-6741 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Kyle Haas RE: 2017-1717-EA" on the outside of the envelope.

An informational meeting and conference call will be held on 4/4/2017. The call number is (877) 730-3868 and conference code is 7706597.

The deadline for application submissions is 4/28/2017, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to energygrants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: energygrants@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

Office of Government Ethics

BEGA - Advisory Opinion - 1602-001 - Post-Employment Restrictions

VIA EMAIL

March 9, 2017

Rob Hawkins
Of Counsel
Nelson Mullins Riley & Scarborough LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001
rob.hawkins@nelsonmullins.com

Dear Mr. Hawkins:

This responds to your request of February 9, 2017, for guidance regarding the post-employment restrictions that will apply to you, now that you have left District government service. Based on a discussion we had on February 10, and follow-up emails in which you provided additional information, I can provide the following advice.

You state that you served as Deputy General Counsel and Special Counsel in the Executive Office of the Mayor ("EOM"), from January 2015 to June 2016, then as Communications Director and Deputy Chief of Staff from June 2016 through January 20, 2017. As Deputy Chief of Staff and Communications Director you oversaw executive communications staff, communications functions and products for the Mayor, including message development, speechwriting, press engagement, and social media. You also assisted with shaping strategy for the Mayor's public relations and provided policy advice on a variety of communications and legislative initiatives. You left your position as Communications Director and Deputy Chief of Staff in the Executive Office of the Mayor ("EOM") to work for a law firm, and your last day of work was Friday, January 20, 2017.

Post-Employment Restrictions

Although there are several post-employment restrictions that apply to District employees, the primary one that concerns you is the One-Year Cooling-Off Period. The two-year official responsibility and permanent prohibitions would not be of particular concern unless you participated personally and substantially in particular matters involving specific parties during your tenure.¹ You have represented to us that you do not recall working on any such matters.

¹ The discussion of post-employment restrictions that follows is based on 6B DCMR Chapter 18, which became effective on April 11, 2014 (61 DCR 3799).

Letter to Rob Hawkins

One-Year Cooling-Off Period

A former District employee is prohibited, for one year, from having any transactions with the employee's agency that are **intended to influence the agency** in connection with any particular government matter pending before the agency or in which it has a direct and substantial interest, whether or not such matter involves a specific party.²

This restriction is "intended to prohibit the possible use of personal influence based on past government affiliations to facilitate the transaction of business," which explains why the one-year prohibition is sometimes referred to as a cooling-off period. This prohibition applies regardless of whether the particular government matter involves a specific party and regardless of whether you participated in or had responsibility for that particular matter when you were employed in the EOM. The prohibition also applies whether the former employee represents him or herself or someone else, either by appearance before the former agency or through communications with the agency.³

While the foregoing restrictions may appear to be clear enough, what, for you, as the former Deputy General Counsel, Communications Director and Deputy Chief of Staff, constitutes your former agency is not. We previously opined on the meaning of "agency" for purposes of former EOM employees in BEGA Advisory Opinion No. 1229-001, dated September 25, 2014. In that opinion, we noted that the determination of an employee's former "agency" was difficult for former EOM employees because the District Personnel Manual ("DPM") does not define the EOM, and, as an operational matter, each Mayor configures the EOM to suit his or her particular official needs.

We looked to section 3(3) of the Government Reorganization Procedures Act of 1981 ("Reorganization Procedures Act"), effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.02(3)), where the statutory definition of the term "Executive Office of the Mayor" means "those offices or agencies expressly established to provide managerial, budgetary, personnel, secretarial, planning, informational, and special assistance to the Mayor in carrying out the Mayor's administrative functions in the management of the District government."⁴

We previously verified that the only time a Mayor submits an organization chart to the Council is as part of the annual budget proposal and that this would be the appropriate place to determine the organizational components of the EOM for post-employment purposes. The organization

² 6B DCMR § 1811.10.

³ 6B DCMR § 1811.12.

⁴ Section 3(1) of the Reorganization Procedures Act (D.C. Official Code § 1-315.02(1)) expressly excludes the EOM from the definition of the term "agency." That exclusion, however, is understandable for purposes of the Reorganization Procedures Act itself. Section 4 of the Act (D.C. Official Code § 1-315.03) defines reorganization generally as an "action which results in the transfer, consolidation, abolition, or authorization with respect to functions and hierarchy, between or among agencies, and which affects the structure or structures thereof." (Emphasis added.) On the other hand, the Mayor's configuring (or reconfiguring) agencies and offices within the EOM represents a realignment, rather than a reorganization accomplished pursuant to the Reorganization Procedures Act. See Mayor's Order 2009-90 (dated June 2, 2009) (explaining that the Order "applies to realignments within a District government department or agency that affect the internal structure or functions of the department or agency but do not constitute a reorganization") (emphasis added).

Letter to Rob Hawkins

chart for Fiscal Year 2017, can be accessed at: <https://tinyurl.com/zrbbyjx>,⁵ and it lists the Office of the Chief of Staff and the Office of Communications as two of several offices comprising the EOM.⁶

Based on the foregoing, for purposes of the one-year post-employment cooling off period, your former agency is the EOM. More specifically, your former agency is the Office of the Mayor and the agencies and offices designated by the Mayor, including the Office of the Chief of Staff and the Office of Communications, as comprising the EOM in the Fiscal Year 2017 budget submission to the Council. Neither the subordinate agencies of the District, the offices of the various Deputy Mayors, nor the Office of the City Administrator fall within the definition. That said, you are prohibited for one year from January 20, 2017, from having any transactions with the EOM that are intended to influence the agency on any particular government matter pending before it or in which it has a direct and substantial interest.

Other Post-Employment Restrictions

A former District government employee shall be prohibited for two (2) years after terminating District government employment from knowingly acting as an attorney, agent, or representative in any formal or informal matter before any District agency if he or she previously had official responsibility for that matter.⁷ Official responsibility is generally defined to mean “the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, personally or through subordinates, to approve, disapprove, or otherwise direct governmental action.”⁸ You have represented to us that during your tenure you did not have official responsibility over any particular matter, take any actions affecting such matters, and none were pending when you left government service.

Finally, a former District government employee is also “permanently prohibited from knowingly acting as an attorney, agent, or representative in any formal or informal **appearance** before an agency as to a particular matter involving a specific party if the employee participated personally

⁵ FY 2017 Proposed Budget and Financial Plan (Congressional Submission) at A-16.

⁶ The other offices listed in the chart and elsewhere in the Fiscal Year 2017 budget materials as making up the EOM include the Office of the Chief of Staff, Office of the General Counsel, Office of Partnerships and Grants, Office of Communications, Mayor’s Correspondence Unit, Office of Talent and Appointments, Office of Scheduling and Advance, Office of Community Affairs, Clean City Office, Office of Community Relations and Services, Youth Advisory Council, ServeDC, Office of African Affairs, Office of Asian and Pacific Islander Affairs, Office of LGBTQ Affairs, Office of Latino Affairs, Office of Religious Affairs, Office of Veteran Affairs, Office of Returning Citizens Affairs, the Office on Women’s Policy and Initiatives. Note that the Office of the Senior Advisor (OSA), which includes the Office of Policy and Legislative Affairs, were listed as being a part of EOM in the FY16 budget. However, these offices were removed from EOM in the FY17 budget. Under 5 CFR §2641.204 (g)(2), with which District employees must comply, an employee’s former agency is defined, in pertinent part, to “ordinarily be considered to be the whole of any larger agency of which his former agency was a part on the date he terminated senior service.” (Emphasis added.)

⁷ 6B DCMR § 1811.6, provides that “a matter for which the former government employee had official responsibility is any matter that was actually pending under the former employee’s responsibility within a period of one (1) year before the termination of such responsibility.”

⁸ 6B DCMR § 1899.1.

Letter to Rob Hawkins

and substantially in that matter as a government employee.”⁹ You have similarly represented that you did not handle these types of matters during your tenure.¹⁰

In conclusion, for one year after leaving the District government, you are prohibited from having any transactions with the Executive Office of the Mayor that are intended to influence the agency in connection with any particular government matter pending before the agency or in which it has a direct and substantial interest. This includes in-person appearances, phone calls, emails or signing your name on letters or correspondence intended to influence any employee of the EOM. Further, to the extent you may have participated personally and substantially with particular government matters involving specific parties, you may not make appearances or communications with respect to those matters for the life of the matter.

In the event you may wish to nonetheless engage in otherwise restricted conduct, please be aware that a former District government employee may be exempted from the restrictions on post-employment practices pursuant to 6B DCMR § 1811.15, if the Mayor (or designee), in consultation with the federal government’s Director of the Office of Government Ethics, executes a certification published in the D.C. Register. The certification must state:

1. That the former government employee has outstanding qualifications in a scientific, technological, or other technical discipline;
2. Is acting with respect to a particular matter which requires such qualifications; and
3. The interest of the District of Columbia would be served by such former government employee's participation.

This office is available to assist you should you decide to pursue an exemption.

Conclusion

This advice is provided to you pursuant to section 219 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.19), which empowers me to provide such guidance. As a result, no enforcement action for a violation of the District’s Code of Conduct may be taken against you in this context, provided that you have made full and accurate disclosure of all relevant circumstances and information in seeking this advisory opinion.

⁹ 6B DCMR § 1811.3.

¹⁰ Although the term "particular government matter" is not defined in 6B DCMR § 1899 .1, matters such as contracts, leases, and other projects involving specific parties are clearly included in it. Ordinarily, matters of general rulemaking, policymaking, and legislation are not particular matters. Your description of your employment duties and responsibilities while at EOM include participating in legislative initiatives. In some limited situations, legislative matters may be so narrowly focused on discrete and identifiable classes of persons, even if they do not involve specific parties, that they may nonetheless meet the prohibition. See, Memorandum from Robert I. Cusick, Dir., U.S. Office of Government Ethics, to Designated Agency Ethics Officials on "Particular Matter Involving Specific Parties," "Particular Matter," and "Matter," at 8 (DO-06-29; Oct. 4, 2006) ("Essentially, the term [particular matter] covers two categories of matters: (1) those that involve specific parties ... , and (2) those that do not involve specific parties but at least focus on the interests of a discrete and identifiable class of persons, such as a particular industry or profession."). On the other hand, "consideration or adoption of broad policy options directed to the interests of a large and diverse group of persons" does not fall within this category of matters. Id. at 9.

Letter to Rob Hawkins

You are also advised that the Ethics Act requires this opinion to be published in the District of Columbia Register within 30 days of its issuance, but that your identity will not be disclosed unless you consent to such disclosure in writing. We encourage individuals to so consent in the interest of greater government transparency. Please, then, let me know your wishes about disclosure.

Pursuant to section 219(c)(1) of the Ethics Act (D.C. Official Code § 1-1162.19 (c)(1)), you may appeal this determination to the Ethics Board. If you wish to do so, please send a written appeal to: Board of Ethics and Government Accountability, Attn: John Grimaldi, Esq., 441 4th Street, N.W. Suite 830 South, Washington, D.C. 20001, or email to bega@dc.gov.

Sincerely,

_____/s/_____
DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

#1602-001

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

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, April 12, 2017 at 5:30 pm**. The call in number is 1-650-479-3208; Access code: 733 914 814. The Executive Board meeting is open to the public.

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

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
March 29, 2017

On MARCH 29, 2017 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

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

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

Executive Director for the Board – Frank B. Meyers, J.D.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Psychology (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

Due to schedule change, the Board’s next regular meeting, previously scheduled for Thursday, April 13, 2017, will be moved to Thursday, April 6, 2017, from 4:00 PM to 6:30 PM. The meeting will be open to the public from 4:00 PM until 4:30 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 4:30 PM to 6:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at www.doh.dc.gov/events to view the agenda.

**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. 17-06: Federal Office Building No. 6
400 Maryland Avenue SW (Square 492, Lot 116)
Designated March 23, 2017

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.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF FUNDING AVAILABILITY**

Polly Donaldson, Director, Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) for funding under the Housing Production Trust Fund (HPTF) program, the Community Development Block Grant (CDBG) program, Home Investment Partnerships (HOME) program, the National Housing Trust Fund (NHTF) program the Housing Opportunities for Persons with AIDS (HOPWA) program, the Department of Behavioral Health (DBH) funds administered by DHCD, the District of Columbia Housing Authority's (DCHA) Local Rent Supplement Program (LRSP), Housing Choice Voucher Program (HCVP), the Annual Contributions Contract Program (ACC), and the Department of Human Services (DHS) supportive services funds for Permanent Supportive Housing.

AFFORDABLE HOUSING CAPITAL SUBSIDY (DHCD and DBH)

DHCD, on behalf of its partner agencies, is issuing a Consolidated Request for Proposals (RFP) and will consider development subsidy requests for the following project types:

- Production of new rental units at 0-30% of the Area Median Income (AMI) and 31-50% of AMI; and
- Production of homeownership units at 0-30% of the Area Median Income (AMI), 31-50% of AMI, and 51-80% of AMI; and
- Preservation of existing affordable housing units for households at all income levels at or below 80% AMI.

For new construction and vacant rehabilitation rental projects, DHCD requires at least a 5% set-aside of funded units as Permanent Supportive Housing (PSH). PSH programs must adhere to the Housing First model and all vacancies must be filled through the Coordinated Entry system. PSH projects will be also eligible for funding from the sources listed below.

OPERATING SUBSIDY (DCHA)

The District of Columbia Housing Authority's LRSP, HCVP, and ACC funds are made available to provide project-based rental subsidies to units for qualified persons or households.

SUPPORTIVE SERVICES (DHS)

The Department of Human Services will provide funding to community based organizations to deliver intensive supportive services to single adult and family participants (who are chronically homeless, vulnerable, and face significant barriers to achieving self-sufficiency) in permanent supportive housing programs/projects funded through this NOFA.

The Consolidated Request for Proposals (RFP) will be released on Friday, March 31, 2017 and applications will be due on Wednesday May 31, 2017.

Application materials, further instructions, and information about capacity building workshops will be available online at dhcd.dc.gov and at <https://octo.quickbase.com/db/bjc34b76f>. The entire application and submission process will be online and no hard copy submissions will be required or accepted.

**Muriel Bowser, Mayor of the District of Columbia
Brian Kenner, Deputy Mayor for Planning and Economic Development
Polly Donaldson, Director, Department of Housing and Community Development**

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF FINAL TARIFF****FORMAL CASE NO. 988, IN THE MATTER OF THE DEVELOPMENT OF UNIVERSAL SERVICE STANDARDS AND THE UNIVERSAL SERVICE TRUST FUND FOR THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code and in accordance with section 2-505 of the District of Columbia Official Code,¹ of its final tariff action taken on March 15, 2017, in Order No. 18722, granting the Application² of Verizon Washington DC, Inc. (“Verizon DC”) requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201
Section 1A, 10th Revised Page 3**

2. Verizon DC identified the proposed tariff amendment as an update to its Universal Service Trust Fund surcharge, which is required by Chapter 28 of the Commission’s Rules of Practice and Procedure. The surcharge is being updated to true up the 2015-2016 payments with the amounts actually billed to customers, and to adjust the surcharge for the 2017 assessment. With the approval of this Application, the monthly per line surcharge is \$0.07 per non-Centrex line and \$0.01 per Centrex line. Verizon DC represented that this Application would increase the surcharge \$0.07 for non-Centrex lines and \$0.01 for Centrex lines.³ In Order No. 18722, the Commission approved Verizon DC’s Application.

¹ D.C. Official Code § 2-505 (2001); D.C. Official Code § 34-802 (2001).

² *Formal Case No. 988, In the Matter of the Development of Universal Service Standards and the Universal Service Trust Fund for the District of Columbia*, District of Columbia Universal Service Trust Fund Surcharge Compliance Filing (2017 Surcharge) (“Verizon DC Application”), filed December 30, 2016.

³ Application at 2.

WASHINGTON LATIN PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Issued: March 31, 2017

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for Replacement of WAP infrastructure (35 units+switch) w/ Meraki MR42s, including licensing and support. Questions and proposals may be e-mailed directly to clyon@latinpcs.org and gizurieta@latinpcs.org.

Deadline for submissions is **12pm (noon) April 10, 2017**. No phone calls please. E-mail is the preferred method for responding but you can also mail (must arrive by deadline) proposals and supporting documents to the following address:

Washington Latin Public Charter School
Attn: Finance Office
5200 2nd Street NW
Washington, DC 20011

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, April 6, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

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

DRAFT AGENDA

- | | | |
|----|---|-----------------------|
| 1. | Call to Order | Board Chairman |
| 2. | Roll Call | Board Secretary |
| 3. | Approval of March 2, 2017 Meeting Minutes | Board Chairman |
| 4. | Committee Reports | Committee Chairperson |
| 5. | General Manager's Report | General Manager |
| 6. | Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. | Other Business | Board Chairman |
| 8. | Adjournment | Board Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19358 of Bearden Arts, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building in the NC-14 Zone at premises 1341 H Street, N.E. (Square 1027, Lot 159).

HEARING DATES: September 25, November 30, and December 21, 2016¹
DECISION DATE: December 21, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report recommending approval with conditions. The report indicated that at a regularly scheduled and properly noticed public meeting on November 10, 2016, at which a quorum was present, the ANC voted 5-0 to support the application with the condition that restrictions be included in sales documents prohibiting placing anything on the H Street balconies, including hanging or displaying anything, RPP restrictions written into the sales documents, and restrictions on amplified music on the roof deck to be included in sales documents. (Exhibit 46.) Brad Greenfield, on behalf of the ANC, testified in support of the application. The Applicant agreed to adhere to the ANC's conditions. (Transcript ("Tr.") December 21, 2016, p. 124.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application.² (Exhibit 42.) The District Department of Transportation ("DDOT") submitted a

¹ The public hearing was postponed from the hearing dates of September 25 and November 30, 2016 at the request of the ANC and the Applicant. (Exhibits 43 and 44.)

² In its report OP noted that additional relief may be needed based on its method of calculating FAR and if that additional relief were requested that OP would recommend denial of FAR relief. (Exhibit 42.) At the public hearing, the Applicant testified that it disagreed with OP's calculation and instead based its request on the Zoning

timely report indicating that it had no objection to the grant of the application with one condition. (Exhibit 27.)

Letters of support for the application were submitted to the record. (Exhibits 37, 47-50, 52-60, and 80-81.) Mike Shaffer testified in support of the application.

Letters in opposition to the application were submitted to the record. (Exhibits 45, 61, 63, 66, 68, 70, 83, and 86.) Testimony in opposition to the application was provided by Jason Martin and Steve Lambert, owners of a bar/restaurant, the Rock and Roll Hotel, 1353 H Street, N.E., regarding their concerns that the residential project was being built in proximity of many restaurants and bars. They requested that if the project were approved that the residents of the project be required to acknowledge in the purchase contract that they are “not afforded the same level of allowable noise levels in a mixed use zone as they would be in a residential zone containing bars and restaurants.” (Exhibit 86.) Testimony in opposition to the application also was provided by Sandra Bisanti and Rifaat Bisanti, owners of another, adjacent commercial use. The Bisantis testified as to their concerns regarding (1) the location of the boundary lines, (2) the impact of the party wall between the properties, (3) whether the Applicant could put windows in the party wall, and (4) potential complaints from future residents about noise from their existing business, particularly from an outdoor terrace that was approved. (Exhibit 87.) Several letters were also submitted to the record by neighbors who requested a formal agreement with the Applicant to ensure that there would not be windows at the rear of the building. (Exhibits 71-74, 76, 78.)

The Board noted that there had been discussions between the Applicant and the Bisantis and it expects that these discussions will continue in order to develop an agreement regarding these issues. Nonetheless, the Board acknowledged that several of the issues raised by the Bisantis were outside of its purview, but that those issues would be dealt with under the Building Code and by approvals of other agencies. The Board indicated that it wanted to include a discussion of a potential agreement between the Applicant and the adjacent neighbors in the order and conditioned the Board’s approval on the Applicant putting language into the public offering statement that no one would be eligible for RPP, there would be no undue noise or amplified sound on the Applicant’s roof terrace, and there would be an acknowledgement by and warning included in the public offering to the future residential purchasers or residents that they are moving into an urban area where there are bars and restaurants that have roof terraces and that they understand and accept that there will be noise, in particular from neighboring and adjacent businesses and properties.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the enlargement and design requirements of Subtitle H § 910.1 and § 1202.1, to construct a mixed-use building. No parties appeared at the

Administrator’s FAR calculation. OP testified that “this was something that more appropriately the Office of Planning can work with the Zoning Administrator to address...” (Tr., December 21, 2016, p. 79.)

FINAL DATE OF ORDER: March 21, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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 SUBTITLE A § 303, 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

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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. 19431 of Meghann Curtis and Michael Fuchs, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear first-floor addition to an existing one-family dwelling in the RF-1 Zone at premises 608 G Street S.E. (Square 877, Lot 817).

HEARING DATE: March 8, 2017

DECISION DATE: March 8, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 14, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 32.)

The Office of Planning ("OP") submitted a timely report, dated February 24, 2017, in support of the application. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a timely report, dated February 24, 2017, expressing no objection to the approval of the application. (Exhibit 35.)

Three letters from adjacent neighbors of support for the application were submitted to the record. (Exhibits 11, 12, and 14.) The Capitol Hill Restoration Society ("CHRS") submitted a letter in support of the application. (Exhibit 37.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X §

901.2, for a special exception under Subtitle E § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear first-floor addition to an existing one-family dwelling in the RF-1 Zone. 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 adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.2, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7 - ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, 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: March 17, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y

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§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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. 19432 of Michael and Justine Bello, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, the rooftop architectural element requirement of Subtitle E § 206.1, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to construct a rear first-floor addition to an existing one-family dwelling in the RF-1 Zone at premises 337 16th Street S.E. (Square 1074, Lot 84).

HEARING DATE: March 8, 2017

DECISION DATE: March 8, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5 (original); Exhibit 42 (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 14, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibits 39 and 40 (duplicate Form 129).)

The Office of Planning ("OP") submitted a timely report dated February 24, 2017, recommending approval of the application with the relief as amended (as noted in footnote 1 herein). (Exhibit 46.)

¹ The Applicant amended the application by adding a special exception under Subtitle E § 206.1 – the rooftop architectural element requirement to the original request. (Exhibit 42 – Revised Zoning Self-certification and Exhibit 43 – Revised Application Form 120.) This relief is reflected in the caption above.

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 47.)

Nine letters from residents were submitted in support of the application. (Exhibits 30-38.) Also, a letter in support of the application was submitted by the Capitol Hill Restoration Society. (Exhibit 49.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201, not meeting the nonconforming structure requirements under Subtitle C § 202.2, the lot occupancy requirements under Subtitle E § 304.1, the rear yard requirements under Subtitle E § 306.1, and the rooftop architectural element requirement under Subtitle E § 206.1. 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 adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5201, 304.1, § 306.1, and 206.1, and Subtitle C § 202.2, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter G. May², 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.

² Board Member May disclosed that he has a working relationship with Ms. Bello, but that he believed he could remain impartial in hearing the case. No other members of the Board voiced any objections to having him participate.

FINAL DATE OF ORDER: March 20, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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.

BZA APPLICATION NO. 19432

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19433 of Anita Puri and Robert Legg, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a rear second-story addition to an existing one-family dwelling in the RF-1 Zone at premises 1335 Massachusetts Avenue, S.E. (Square 1037, Lot 89).

HEARING DATE: March 8, 2017
DECISION DATE: March 8, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 14, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report, dated February 24, 2017, in support of the application. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a timely report, dated February 24, 2017, expressing no objection to the approval of the application. (Exhibit 38.)

There were letters of support for the application from the adjacent property owners at 1333 and 1337 Massachusetts Avenue, S.E. (Exhibits 28 and 33), as well as support from other property owners in the area. (Exhibits 29-32.) Also, the Capitol Hill Restoration Society submitted a letter of support for the application to the record. (Exhibit 40.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of

Subtitle E § 304.1, to construct a rear second-story addition to an existing one-family dwelling in the RF-1 Zone. 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 adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle E §§ 5201 and 304.1, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 36 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **4-0-1** (Frederick L. Hill, Peter G. May, Lesylleé M. White, and Carlton E. Hart 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: March 21, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 19433

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PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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, PESTERING 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. 19434 of Nathaniel Robb and Patricia Kilby-Robb, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to allow a rear deck addition to an existing flat in the RF-1 Zone at premises 1361 Oak Street N.W. (Square 2835, Lot 73).

HEARING DATE: March 15, 2017

DECISION DATE: March 15, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated November 9, 2016, and a revised memorandum, dated March 14, 2017, from the Zoning Administrator (“ZA”), certifying the required relief. (Exhibits 4 (original) and 40 (revised).)

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”) 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a timely report recommending approval of the application, as amended. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on February 8, 2017, at which a quorum was present, the ANC voted 11-0-0 to support the application, as amended. (Exhibit 32.) ANC Commissioner Dotti Love Wade testified on behalf of the ANC.

The Office of Planning (“OP”) submitted a timely report and testified in support of the application as amended. OP indicated that the special exception and variance requests noted in footnote 1 had been withdrawn. (Exhibit 32.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 37.)

¹ The Applicant amended the application and clarified their intent to maintain a two-unit flat and not convert to three units, as originally cited. (Exhibit 12.) Based on that clarification, the Zoning Administrator revised the memorandum that accompanied the application to reflect that the project is for a flat. (Exhibit 40.) The Applicant withdrew requests for a special exception from Subtitle U § 320.2 and a variance from Subtitle E § 302 and kept the requests for special exceptions from lot occupancy under Subtitle E § 304.1 and from rear yard requirements under Subtitle E § 306.1. The caption has been revised accordingly.

Six letters in opposition to the application were submitted for the record by several neighbors. (Exhibits 30, 30A, 31, 33, 34, and 39.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to allow a rear deck addition to an existing flat in the RF-1 Zone. The only parties to the case were the Applicant and the ANC. 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 adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5201, 304.1, and 306.1, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 10.**

VOTE: **4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull, 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: March 22, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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. 19442 of Matthew Manders, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the side yard requirements of Subtitle D § 307.1, to add a deck to the rear of an existing one-family dwelling in the R-1-B Zone at premises 5120 Fulton Street N.W. (Square 1419, Lot 824).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: March 15, 2017 (Expedited Review Calendar)

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

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") 3D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. The ANC filed a report in support of the application. The ANC report indicated that at a regularly scheduled, duly noticed public meeting on March 1, 2017, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 38.)

The Office of Planning ("OP") submitted a timely report in support of the application with conditions. The OP report indicated that the Applicant agreed to the conditions. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a timely report expressing no objection to the approval of the application. (Exhibit 36.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the side yard requirements of Subtitle D § 307.1, to add a deck to the rear of an existing one-family dwelling in the R-1-B Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, and Subtitle D §§ 5201 and 307.1, 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, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall maintain the existing vegetative screen (Exhibit 34E) to screen the view of the deck from the public alley;
2. The Applicant shall maintain the existing vegetative screening of bamboo (Exhibit 34B) between 5120 and 5122 Fulton Street;
3. The Applicant shall plant a new row of bamboo, contained at the ground level by metal, at the property line, to screen the views between 5120 Fulton Street and the adjacent property at 5116 Fulton Street (Exhibit 34A);
4. The Applicant shall install planters along the proposed deck's railings, to provide additional screening for the adjacent properties; and
5. The Applicant shall plant a new row of bamboo, contained at the ground level by metal, at the street-facing edge of the deck, to screen the views from Fulton Street (Exhibit 34I).

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull 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: March 22, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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 SUBTITLE A § 303, 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,

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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. 19444 of Daniel A Vega, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 304, to construct a rear deck addition to an existing one-family dwelling in the R-3 Zone at premises 2335 3rd Street N.E. (Square 3558, Lot 49).

HEARING DATE: March 15, 2017

DECISION DATE: March 15, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated December 1, 2016, from the Zoning Administrator, certifying the required relief. (Exhibit 8.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC did not submit a report or testify regarding this application. The ANC commissioner representing Single Member District (“SMD”), ANC 5E10, in which the Applicant’s property is located, submitted a letter in support of the application. (Exhibit 33.)

The Office of Planning (“OP”) submitted a timely report, dated March 3, 2017, in support of the application. (Exhibit 3.) The District Department of Transportation (“DDOT”) submitted a timely report, dated February 27, 2017, expressing no objection to the approval of the application. (Exhibit 35.)

Two adjacent neighbors submitted letters in support of the application. (Exhibits 30 and 32.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 304, to construct a rear deck addition to an existing one-family dwelling in the R-3 Zone. No parties appeared at the public hearing distance in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and

Subtitle D §§ 5201 and 304, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 5, 6, AND 9.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull, 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: March 22, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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

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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.

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