

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-0201, Prescription Drug Donation Pilot Program Act of 2017
- D.C. Council schedules a public hearing on Bill 22-0289, Office to Affordable Housing Task Force Establishment Act of 2017
- D.C. Council schedules a public oversight hearing on the “District of Columbia Health Systems Plan”
- Department of Health establishes regulations to ban the production, packaging, and labeling of edible Medical Marijuana products designed to appeal to children
- Department of Health announces funding availability for the FY 2018 Opioid Treatment Expansion Initiative
- Department of Human Services announces funding availability for the Fiscal Year 2018 DC Homeless Youth Rapid Re-Housing Program
- Executive Office of the Mayor releases a memorandum on the Use of Government Vehicles
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2018 DC Community Schools Incentive Initiative Grant

DISTRICT OF COLUMBIA REGISTER

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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

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A22-105 Contract No. CFOPD-16-C-035 Extension Approval and Payment Authorization Emergency Act of 2017 [B22-376]007386 - 007387

A22-106 Primary Date Alteration Congressional Review Emergency Amendment Act of 2017 [B22-379]007388 - 007389

A22-107 Fort Dupont Ice Arena Programming Emergency Amendment Act of 2017 [B22-388]007390 - 007391

A22-108 Voter Rolls Protection Emergency Act of 2017 [B22-390]007392 - 007393

A22-109 Medical Marijuana Cultivation Center Relocation Congressional Review Emergency Amendment Act of 2017 [B22-370].....007394 - 007395

A22-110 Unity Health Care, Inc. Certificate of Need Maximum Fee Establishment Emergency Amendment Act of 2017 [B22-383]007396 - 007397

A22-111 Modifications to Contract No. CW32705 Approval and Payment Authorization Emergency Act of 2017 [B22-357]007398 - 007399

A22-112 Modifications to Contract No. DCKA-2012-C-0089 Approval and Payment Authorization Emergency Act of 2017 [B22-359]007400 - 007401

A22-113 Change Orders to Contract No. DCAM-14-CS-0140 Approval and Payment Authorization Emergency Act of 2017 [B22-360]007402 - 007403

A22-114 Modifications to Contract No. GAGA-2016-C-0036A-2 with D.C. Central Kitchen Approval and Payment Authorization Emergency Act of 2017 [B22-373].....007404 - 007405

A22-115 Modifications to Contract No. DCKA-2011-C-0121 Approval and Payment Authorization Emergency Act of 2017 [B22-374]007406 - 007407

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A22-116 Modifications to Contract No. GAGA-2016-C-0036A-1 with SodexoMagic, LLC Approval and Payment Authorization Emergency Act of 2017 [B22-375].....007408 - 007409

A22-117 Modifications to Option Year 3 of Contract No. GAGA-2014-C-0026D with The Futures HealthCore, LLC dba Futures Education of the District of Columbia Approval and Payment Authorization Emergency Act of 2017 [B22-377].....007410 - 007411

A22-118 Fiscal Year 2018 Budget Support Applicability Clarification Emergency Amendment Act of 2017 [B22-380]007412 - 007413

A22-119 Local Rent Supplement Program Contract No. 2016-LRSP-03A Approval Emergency Act of 2017 [B22-385]007414 - 007415

A22-120 Local Rent Supplement Program Contract No. 2014-LRSP-08A Approval Emergency Act of 2017 [B22-386]007416 - 007417

A22-121 Local Rent Supplement Program Contract No. 2016-LRSP-02A Approval Emergency Act of 2017 [B22-387]007418 - 007419

A22-122 Capitol Riverfront Business Improvement District Emergency Amendment Act of 2017 [B22-393]007420 - 007421

A22-123 Commission on the Arts and Humanities Temporary Amendment Act of 2017 [B22-343]007422 - 007423

A22-124 Southwest Waterfront Exemption Temporary Amendment Act of 2017 [B22-363]007424 - 007425

RESOLUTIONS

Res 22-78 Sense of the Council in Support of the National Mall Underground Parking Feasibility Study Resolution of 2017007426 - 007427

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS

Notice of Public Hearings -

B22-130 Paid Leave Compensation Act of 2017007428 - 007429

B22-133 Universal Paid Leave Compensation for
Workers Amendment Act of 2017007428 - 007429

B22-302 Large Employer Paid-Leave Compensation
Act of 2017007428 - 007429

B22-325 Universal Paid Leave Amendment Act of 2017007428 - 007429

B22-334 Universal Paid Leave Pay Structure Amendment
Act of 2017007428 - 007429

B22-0171 Senior Dental Services Program Act of 2017007430 - 007431

B22-0201 Prescription Drug Donation Pilot Program Act of 2017007430 - 007431

B22-0250 Vital Records Modernization Act of 2017007430 - 007431

B22-0354 Hearing Aid Assistance Program Act of 2017007430 - 007431

B22-0366 Health Care Reporting Amendment Act of 2017007430 - 007431

B22-0172 Maternal Health Task Force Act of 2017007432 - 007433

B22-0195 Study of Mental Health and Substance Abuse
in Immigrant Communities Act of 2017007432 - 007433

B22-0196 Access to Treatment for Anaphylaxis Amendment
Act of 2017007434 - 007435

B22-0228 Safe Disposal of Pharmaceuticals Amendment
Act of 2017007434 - 007435

B22-0333 Advanced Practice Registered Nurse Signature
Authority Amendment Act of 2017007434 - 007435

B22-0350 Home Visiting Services Pilot Program Establishment
Act of 2017007434 - 007435

B22-0399 Infant Mortality Reduction Program Act of 2017007434 - 007435

B22-0233 Telehealth Medicaid Expansion Act of 2017007436

B22-0405 East End Federally Qualified Health Center
Certificate of Need Maximum Fee Establishment
Amendment Act of 2017007436

B22-0235 Managing Outdoor Work for Seniors Amendment
Act of 2017007437 - 007438

B22-0402 Elder Abuse Public Information Campaign Act
of 2017007437 - 007438

B22-0273 Common Interest Communities’ Remedial Funding
Act of 2017007439 - 007440

B22-0099 Affordable Cooperative Task Force Act of 2017007439 - 007440

B22-0289 Office to Affordable Housing Task Force
Establishment Act of 2017007439 - 007440

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Hearings - cont'd

B22-313 Healthy Students Amendment Act of 2017 and the State of School Food Services (Revised)007441

B22-0326 Advisory Neighborhood Commission Purchase Cards Amendment Act of 2017007442 - 007443

B22-0348 Advisory Neighborhood Commission Candidate Proof of Residence Amendment Act of 2017007442 - 007443

PR 22-394 Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Joseph N. Onek Reappointment Resolution of 2017..... 007444

PR 22-425 District of Columbia Judicial Nomination Commission Marie Johns Appointment Resolution of 2017..... 007445

Notice of Public Oversight Hearings -

District of Columbia Health Systems Plan 007446

Youth Issues and Solutions for Improving Health in the District of Columbia 007447

Notice of Public Oversight Roundtable -

Child and Family Services Agency’s Safe Haven and Safe & Stable Families Redesigns and New Policies on Early Interventions for At-Risk Newborns007448 - 007449

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Church - ANC 2E - New - CORRECTION 007450

Church - ANC 2E - New - RESCIND..... 007451

Compact Supermarket - ANC 5D - New 007452

Galley - ANC 6C - Transfer to a New Location 007453

Letena - ANC 1A - Substantial Changes 007454

Marinai - ANC 6D - New..... 007455

Rewind - ANC 2B - New 007456

SkillZone - ANC 6B - New..... 007457

V Street - ANC 6C - New 007458

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

For-Hire Vehicles, Department of -
 Notice of Public Hearing - Consideration of Proposed
 Amendments to Title 31 (Taxicabs and Public Vehicles
 for Hire) of the District of Columbia Municipal
 Regulations - Loitering Definition and Rules -
 August 9, 2017007459

Historic Preservation Review Board -
 Historic Landmark and Historic District Designations - Cases -
 17-16 Harrison Street Apartments,
 (Square 1657, Lots 11-20 and 2001-2011).....007460 - 007462

17-18 Wardman Flats,
 (All addresses on Square 519).....007460 - 007462

Housing and Community Development, Department of -
 Disposition of Properties
 1220 Maple View Place, SE; 1648 U Street, SE;
 1518 W Street, SE; and 1326 Valley Place, SE -
 September 7, 2017.....007463

1528 W Street, SE and Lot 5766/square 0800 on
 15th Street, SE - September 12, 2017 007464

Zoning Adjustment, Board of - September 20, 2017 - Public Hearings
 13991A Curt Hansen - ANC 6C007465 - 007468
 19554 Robert and Susan Burnett - ANC 3D007465 - 007468
 19559 1400 5th Street, LLC - ANC 6E.....007465 - 007468
 19562 Clayton and Stuart Hall - ANC 6A007465 - 007468
 19563 Christopher and Courtney Backemeyer - ANC 6A007465 - 007468
 19565 Ross and Sarah Kyle - ANC 6A.....007465 - 007468
 19579 22 Bryant St NW, LLC - ANC 5E007465 - 007468

FINAL RULEMAKING

Health Care Finance, Department of - Amend 29 DCMR
 (Public Welfare), Ch. 9 (Medicaid Program),
 Sec. 926 (Environmental Accessibility Adaptation Services),
 and Ch. 19 (Home and Community-Based Services Waiver
 for Individuals with Intellectual and Developmental Disabilities),
 to update Sections 1913 - 1916, 1918 - 1920, 1922, 1924 - 1934,
 1936, and 1939, to revise the reimbursement rates for the ID/DD
 Waiver services.....007469 - 007482

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 99 (Pharmacy Technicians), Sec. 9907 (Continuing Education Requirements), to require LGBTQ training for pharmacy technicians.....007483 - 007484

Health, Department of - Amend 22 DCMR (Health), Subtitle C (Medical Marijuana), Ch. 3 (Use of Medical Marijuana), Sec. 300 (Use by Qualifying Patient, Transportation by Caregiver, and Limitations on Medical Marijuana), and Ch. 56 (General Operating Requirements), Sec. 5620 (Manufacturing Standards), to ban the use of butane by qualifying patients and caregivers and to require cultivation centers to obtain written approval from the Department before using butane and other explosive gases007485 - 007486

Health, Department of - Amend 22 DCMR (Health), Subtitle C (Medical Marijuana), Ch. 56 (General Operating Requirements), Sec. 5607 (Labeling and Packaging of Medical Marijuana), and Sec. 5608 (Ingestible Items), and Ch. 99 (Definitions), Sec. 9900, to ban the production, packaging, and labeling of edible Medical Marijuana products designed to appeal to children007487 - 007490

Public Library, DC - Amend 19 DCMR (Amusements, Parks, and Recreation), Ch. 8 (Public Library), Sec. 810 (Behavior Rules Governing the Use of the District of Columbia Public Library), to update rules of conduct for library customers007491 - 007497

PROPOSED RULEMAKING

Health Care Finance, Department of - Amend 29 DCMR (Public Welfare), Ch. 48 (Medicaid Program: Reimbursement), Sec. 4814 (Specialty Inpatient Services: General Provisions), to update standards for the reimbursement of inpatient hospital services provided by specialty hospitals through the District Medicaid program.....007498 - 007501

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 46 (Medicine), Sec. 4606 (Continuing Education Requirements for Nonpracticing Physicians), Sec. 4607 (Approved Continuing Education Programs and Activities), and Sec. 4614 (Continuing Education Requirements for Practicing Physicians), to require LGBTQ training for physicians.....007502 - 007505

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 51 (Anesthesiologist Assistants), Sec. 5108 (Continuing Education Requirements), to require LGBTQ training for anesthesiologist assistants.....007506 - 007508

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 52 (Naturopathic Medicine), Sec. 5206 (Continuing Education Requirements), to require LGBTQ training for naturopathic physicians007509 - 007511

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 80 (Surgical Assistants), Sec. 8008 (Continuing Education Requirements) and Sec. 8009 (Approved Continuing Education Programs and Activities), to require LGBTQ training for surgical assistants.....007512 - 007514

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 81 (Polysomnography), Sec. 8106 (Continuing Education Requirements) and Sec. 8107 (Approved Continuing Education Programs), to require LGBTQ training for polysomnographers007515 - 007516

Health, Department of - Amend 17 DCMR (Business, Occupations, and Professionals), Ch. 106 (Trauma Technologists), Sec. 10608 (Continuing Education Requirements) and Sec. 10609 (Approved Continuing Education Programs and Activities), to require LGBTQ training for trauma technologists007517 - 007519

EMERGENCY RULEMAKING

Alcoholic Beverage Regulation Administration - Amend 23 DCMR (Alcoholic Beverages), Ch. 7 (General Operating Requirements), Sec. 718 (Reimbursable Detail Subsidy Program), to revise the reimbursable detail coverage percentages for the MPD Reimbursable Detail Subsidy Program (RDO Program); Second Emergency Rulemaking supersedes rulemaking published on April 14, 2017 at 64 DCR 3546; Expires September 21, 2017007520 - 007521

NOTICES, OPINIONS, AND ORDERS

MAYOR'S ORDERS

2017-169 Appointment – Citizen Review Panel for Child Abuse and Neglect (Davida Harper) 007522

2017-170 Appointments and Reappointments – District of Columbia Interagency Coordinating Council (Quiana Mitchem, Daniel Reilly, Amy Cullen, Cynthia McEwen, and Royace Hagler)007523 - 007524

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
MAYOR'S ORDERS CONT'D**

2017-171 Appointment –United Planning Organization Board
of Directors (Chris McLeod)..... 007525

2017-172 Appointments – Board of Podiatry (Barbara Clark
and Teresa Hilliard)..... 007526 - 007527

2017-173 Appointment – Advisory Committee to the
Office of Administrative Hearings (Mary Buckley)..... 007528

2017-174 Appointment and Reappointments – Police and
Firefighters Retirement Relief Board (Jeremy Grey,
Justin Zimmerman, Dr. Charles Epps, and Dr. Henry Wyatt)..... 007529 - 007530

2017-175 Appointment – Public Employee Relations Board
(Mary Anne Gibbons) 007531

2017-176 Reappointments – District of Columbia Housing
Authority Board of Commissioners (Jose Ortiz Gaud
and Nakeisha Neal Jones)..... 007532 - 007533

2017-177 Establishment – Lactation Commission 007534 - 007536

2017-178 Appointments – Lactation Commission (12 members) 007537 - 007538

2017-179 Appointments – Sustainable Energy Utility
Advisory Board (Bernice Corman, Sean Skulley,
and Kirsten Williams) 007539 - 007540

**NOTICES, OPINIONS, AND ORDERS CONT'D
MAYOR'S MEMORANDA**

2017-002 Use of Government Vehicles 007541 - 007544

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Administrative Hearings, Office of -
Commission on Selection and Tenure of Administrative Law Judges
Notice of Cancellation of Public Meeting - July 28, 2017 007545
Notice of Public Meeting - July 28, 2017 007546

Alcoholic Beverage Regulation Administration -
ABC Board's Calendar - August 9, 2017 007547
ABC Board's Investigative Agenda - August 9, 2017..... 007548 - 007549
ABC Board's Licensing Agenda - August 9, 2017..... 007550 - 007551

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Breakthrough Montessori Public Charter School -
Request for Proposals - Facilities Partner007552

Cesar Chavez Public Charter School -
Request for Proposals - Special Education Services007553

Consumer and Regulatory Affairs, Department of - Meetings -
Boards and Commissions - August 2017
Meeting Schedule.....007554

Construction Codes Coordinating Board -
2017 Regular Meeting Schedule and January 18, 2018007555

DC Board of Accountancy - August 4, 2017007556

DC Board of Professional Engineers -
August 17, 2017007557

Democracy Prep Congress Heights Public Charter School -
Request for Proposals - Chromebooks,
Chromebook Carts007558

Education, Office of the State Superintendent of -
Amended - Notice of Funding Availability -
FY18 21st Century Community Learning
Centers Grant (ESEA Title IV, Part B)007559 - 007560

Notice of Funding Availability - Fiscal Year 2018 -
DC Community Schools Incentive Initiative Grant
(CSII2018)007561 - 007562

Elections, Board of -
Certification of ANC/SMD Vacancies in 3D07, 4D04
and 7F07.....007563

Energy and Environment, Department of -
Notice of Filing of a Request - Voluntary Cleanup
Certificate of Completion - 2100-W, 2134, 2134,
2138, 2138 1/2, 2142 Pennsylvania Avenue, NW007564

Notice of Solicitation of Public Comment -
Erosion and Sediment Control Manual007565

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Health, Department of -

Board of Veterinary Medicine - Notice of August
2017 Recess.....007566

Community Health Administration - Mayor’s Council
on Physical Fitness, Health and Nutrition (MCPFHN) -
2017-2018 Notice of Public Meetings Schedule.....007567

HIV/AIDS, Hepatitis, STD and TB Administration
(HAHSTA) - Notice of Funding Availability -
FY 2018 Opioid Treatment Expansion Initiative
HAHSTA_OTSP_08.11.17 (RFA)007568 - 007569

Historic Preservation Review Board -

Notice of Filing of Application to Designate Historic District -
Application No. 17-17 - Bloomingdale Historic District007570 - 007571

Human Services, Department of -

Notice of Funding Availability - Fiscal Year 2018
DC Homeless Youth Rapid Re-Housing Program007572 - 007574

Public Employee Relations Board - Opinions - See page 007604

Real Property Tax Appeals Commission -

2017 Administrative Meeting Schedule007575

Somerset Prep Public Charter School -

Request for Proposals and Statement of Work - Security
Services, Speech & Language Services, Student Assessment,
SPED Services, Computers/IT Equipment, and
Instructional/Leadership Coaching and PD.....007576

Thurgood Marshall Academy Public Charter High School -

Request for Proposals - Bus Transportation for Student Trips007577

Washington Convention and Sports Authority (t/a Events DC) -

Notice of Emergency Board Meeting - July 27, 2017.....007578

Zoning Adjustment, Board of - Cases -

19088-A 3701 14th Street LLC - ANC 4C - Order.....007579 - 007582
19521 David Hunter Smith - ANC 2E - Order007583 - 007585
19526 Denise Vogt and Frank Leone - ANC 2A - Order007586 - 007588
19528 Edwin and Katherine Coyle - ANC 6B - Order007589 - 007591
19531 Specialty Lending Group - ANC 5C - Order007592 - 007594
19533 Richard Hall - ANC 2E - Order007595 - 007597
19535 Evangelia and Theodore Pelonis - ANC 2F - Order007598 - 007601

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Zoning Adjustment, Board of -

Public Notice of Closed Meetings for September, 2017007602

Zoning Commission -

Notice of Closed Meeting - September 14, 2017007603

Public Employee Relations Board - Opinions -

1625 PERB Case No. 16-A-11, Metropolitan Police
Department, v. Fraternal Order of Police/Metropolitan
Police Department Labor Committee (on behalf of
Michael Muldrow).....007604 - 007610

1626 PERB Case No. 17-U-19, American Federation of
Government Employees, Local 2987, v. District of
Columbia Department of Health007611 - 007616

1627 PERB Case No. 17-A-05, University of the District
of Columbia Faculty Association, v. University of
the District of Columbia.....007617 - 007623

1628 PERB Case No. 11-U-48, Fraternal Order of
Police/Metropolitan Police Department Labor Committee,
v. Metropolitan Police Department007624 - 007630

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-105

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2017

To approve, on an emergency basis, Modification No. 6 to Contract No. CFOPD-16-C-035 with The Robert Bobb Group, LLC, to continue to provide change management services for the implementation of the new Modernized Integrated Tax System to the Office of the Chief Financial Officer on behalf of the Office of Tax and Revenue, and to authorize payment for 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 "Contract No. CFOPD-16-C-035 Extension 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 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 No. 6 to Contract No. CFOPD-16-C-035 with The Robert Bobb Group, LLC, to continue to provide change management services for the implementation of the new Modernized Integrated Tax System to the Office of the Chief Financial Officer on behalf of the Office of Tax and Revenue and authorizes payment in the not-to-exceed amount of \$1,490,601 for services received and to be received during the first option period of 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.

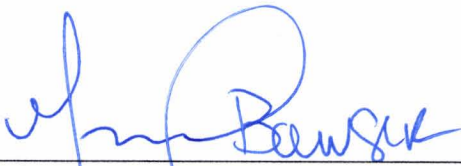
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
July 25, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-106

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2017

To amend, on an emergency basis, due to congressional review, the District of Columbia Election Code of 1955 to allow members of the District of Columbia Board of Elections to hold employment in the federal government and to change the date of primary elections to ensure compliance with federal law; to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to remove the redundant 8-day, pre-primary election filing date; and to amend the Prohibition on Government Employee Engagement in Political Activity Act of 2010 to clarify the definition of "employee".

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

Sec. 2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 4(a)(3) (D.C. Official Code § 1-1001.04(a)(3)) is amended by striking the phrase "and no active office, position, or employment in the federal government".

(b) Section 5(b)(1) (D.C. Official Code § 1-1001.05(b)(1)) is amended by striking the phrase "2nd Tuesday in June" and inserting the phrase "3rd Tuesday in June" in its place.

(c) Section 10(a) (D.C. Official Code § 1-1001.10(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "2nd Tuesday in June" and inserting the phrase "3rd Tuesday in June" in its place.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter;" and inserting the phrase "3rd Tuesday in June of each even-numbered year," in its place.

(B) Subparagraph (B) is amended by striking the phrase "2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter;" and inserting the phrase "3rd Tuesday in June of each even-numbered year," in its place.

ENROLLED ORIGINAL

(C) Subparagraph (C) is amended by striking the phrase "2nd Tuesday of June of 2016 and the 1st Tuesday of September of every 4th year thereafter," and inserting the phrase "3rd Tuesday in June of 2018 and every 4th year thereafter," in its place.

Sec. 3. Section 309(b) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.09(b)), is amended by striking the phrase "8 days before an election" and inserting the phrase "8 days before a special or general election" in its place.

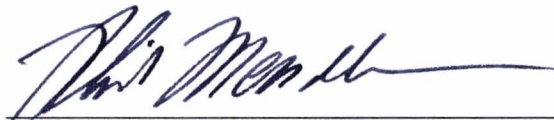
Sec. 4. Section 2(3)(A)(iii) of the Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-1171.01(3)(A)(iii)), is amended by striking the phrase " , after January 1, 2018".

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Primary Date Alteration Amendment Act of 2017, enacted on June 28, 2017 (D.C. Act 22-91; 64 DCR 6245), 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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

July 25, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-107

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2017

To amend, on an emergency basis, the Recreation Act of 1994 to require the Department of Parks and Recreation to issue a grant to an organization to provide programming to low-income children at the Fort Dupont Ice Arena.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fort Dupont Ice Arena Programming Emergency Amendment Act of 2017".

Sec. 2. Section 3 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-302), is amended by adding a new subsection (e) to read as follows:

"(e) Beginning in Fiscal Year 2017, and on an annual basis thereafter, the Department shall issue a \$235,000 grant to an organization to provide programming for low-income children at Fort Dupont Ice Arena. The grantee shall have experience in providing such programming and shall not charge a participation fee to low-income residents."

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
July 25, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2017

To prohibit, on an emergency basis, the District of Columbia Board of Elections from complying with any requests of the Presidential Advisory Commission on Election Integrity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Voter Rolls Protection Emergency Act of 2017".

Sec. 2. Notwithstanding any other District law or regulation, the District of Columbia Board of Elections shall not comply with any request of the Presidential Advisory Commission on Election Integrity, established May 11, 2017 (Exec. Order No. 13799; 82 Fed. Reg. 22389).

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
July 25, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To amend, on an emergency basis, due to congressional review, the Legalization of Marijuana for Medical Treatment Initiative of 1999, to provide certain medical marijuana cultivation center applicants with the ability to relocate to another election ward.

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

Sec. 2. Section 7(d)(3) 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)(3)), is amended by adding a new subparagraph (C) to read as follows:

“(C) Any applicant that submitted an application on July 19, 2015, for a registration to operate a cultivation center shall be allowed to modify the location of the cultivation center on its application without negatively affecting the current status of the application.”.

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

UNSIGNED

Mayor
District of Columbia
July 25, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-110

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To amend, on an emergency basis, the Health Services Planning Program Re-Establishment Act of 1996 to set forth the maximum fee for filing a certificate of need application by Unity Health Care, Inc. for a project located at 4430 Benning Road, N.E., Washington, D.C. 20019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Unity Health Care, Inc. Certificate of Need Maximum Fee Establishment Emergency Amendment Act of 2017”.

Sec. 2. Section 21 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended by adding a new subsection (c) to read as follows:

“(c) Notwithstanding the provisions of subsection (a) of this section, the maximum application fee that may be collected from Unity Health Care, Inc. for a project located at 4430 Benning Road, N.E., Washington, D.C. 20019 shall be \$5,000.”.

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

UNSIGNED
Mayor
District of Columbia
July 25, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-111

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Modification Nos. 6, 7, 8, 9, 13, 14, 15, and 16 to Contract No. CW32705 with Tetra Tech, Inc. to provide services pursuant to the requirements of the Anacostia River Toxics Remediation Act of 2014, 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. CW32705 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. Code § 2-352.02), the Council approves Modification Nos. 6, 7, 8, 9, 13, 14, 15, and 16 to Contract No. CW32705 with Tetra Tech, Inc., to provide services pursuant to the requirements of section 6092 of the Anacostia River Toxics Remediation Act of 2104, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 8-104.31), and authorizes payment in the not-to-exceed amount of \$10 million 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.

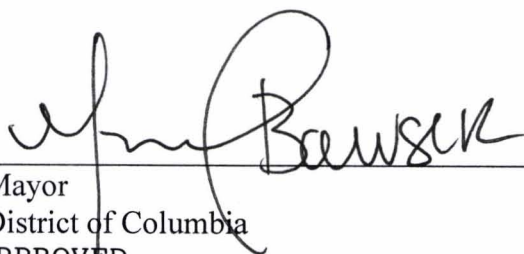
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Modification Nos. 20 and 23 to Contract No. DCKA-2012-C-0089 with Capital Paving of D.C., Inc. to provide pavement restoration of local streets, 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. DCKA-2012-C-0089 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. 20 and 23 to Contract No. DCKA-2012-C-0089 with Capital Paving of D.C., Inc. to provide pavement restoration of local streets, and authorizes payment in the estimated amount of \$11,145,855 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.

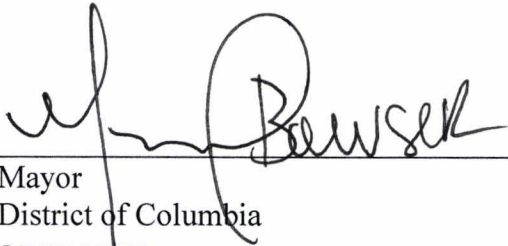
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Change Order Nos. 1 through 6 to Contract No. DCAM-14-CS-0140 with Tompkins Builders, Inc. for design-build services for Friendship Recreation Center, and to authorize payment in the aggregate amount of \$1,324,373 for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Orders to Contract No. DCAM-14-CS-0140 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 Change Order Nos. 1 through 6 to Contract No. DCAM-14-CS-0140 with Tompkins Builders, Inc. for design-build services for Friendship Recreation Center, and authorizes payment in the aggregate amount of \$1,324,373 for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office 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.

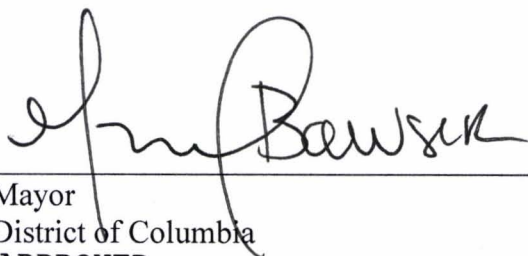
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Modification Nos. 6 and 7 to Contract No.

GAGA-2016-C-0036A-2 with D.C. Central Kitchen to manage the overall District of Columbia Public Schools Food Service Program for an estimated 12 schools during Option Year One, and to authorize payment for the goods and services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. GAGA-2016-C-0036A-2 with D.C. Central Kitchen 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. 6 and 7 to Contract No. GAGA-2016-C-0036A-2 with D.C. Central Kitchen to manage the overall District of Columbia Public Schools Food Service Program for approximately 12 District of Columbia public schools and authorizes payment in the estimated amount of \$5,620,714.29 for goods and services received and to be received under Modification Nos. 6 and 7 for the period from July 1, 2017, through June 30, 2018.

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.

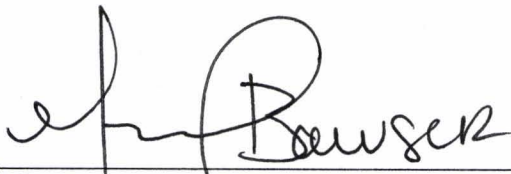
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Modification Nos. 49 and 50 to Contract No. DCKA-2011-C-0121 with Ratp Dev McDonald Transit to provide services for the operation and maintenance of the DC Streetcar System, 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. DCKA-2011-C-0121 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. 49 and 50 to Contract No. DCKA-2011-C-0121 with Ratp Dev McDonald Transit to provide services for the operation and maintenance of the DC Streetcar System, and authorizes payment in the not-to-exceed amount of \$40,474,750 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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Modification Nos. 6 and 7 to Contract No. GAGA-2016-C-0036A-1 with SodexoMagic, LLC to manage the overall District of Columbia Public Schools Food Service Program for an estimated 101 schools during Option Year One, and to authorize payment for the goods and services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. GAGA-2016-C-0036A-1 with SodexoMagic, 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. 6 and 7 to Contract No. GAGA-2016-C-0036A-1 with SodexoMagic, LLC to manage the overall District of Columbia Public Schools Food Service Program for approximately 101 District of Columbia public schools, and authorizes payment in the estimated amount of \$35,582,105.82 for goods and services received and to be received under Modification Nos. 6 and 7 for the period from July 1, 2017, through June 30, 2018.

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, Modification Nos. 15, 16, and 17 to Contract No. GAGA-2014-C-0026D with The Futures HealthCore, LLC dba Futures Education of the District of Columbia to provide occupational and physical therapy services and to authorize payment for the goods and services received and to be received under option year 3 of the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Option Year 3 of Contract No. GAGA-2014-C-0026D with The Futures HealthCore, LLC dba Futures Education of the District of Columbia 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. 15, 16, and 17 to Contract No. GAGA-2014-C-0026D with The Futures HealthCore, LLC dba Futures Education of the District of Columbia to provide occupational and physical therapy services, and authorizes payment in the estimated amount of \$2,391,543 for goods and services received and to be received under Modification Nos. 15, 16, and 17, from June 20, 2017, through June 19, 2018.

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To amend, on an emergency basis, the Fiscal Year 2018 Budget Support Emergency Act of 2017 to clarify the applicability dates for several subtitles of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2018 Budget Support Applicability Clarification Emergency Amendment Act of 2017".

Sec. 2. The Fiscal Year 2018 Budget Support Emergency Act of 2017, passed on emergency basis on June 27, 2017 (Enrolled version of Bill 22-341), is amended as follows:

(a) A new section 1073 is added to read as follows:

"Sec. 1073. Applicability.

"This subtitle shall apply as of the effective date of this act."

(b) A new section 1133 is added to read as follows:

"Sec. 1133. Applicability.

"This subtitle shall apply as of the effective date of this act."

(c) A new section 2253 is added to read as follows:

"Sec. 2253. Applicability.

"This subtitle shall apply as of the effective date of this act."

Sec. 3. Applicability.

This act shall apply as of the effective date of the Fiscal Year 2018 Budget Support Emergency Act of 2017, passed on emergency basis on June 27, 2017 (Enrolled version of Bill 22-341).

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-03A with Transitional Housing Corporation for units located at 4506 Georgia Avenue, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Rent Supplement Program Contract No. 2016-LRSP-03A Approval 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 section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term contract with Transitional Housing Corporation to provide operating subsidy in support of 12 affordable housing units, in an initial amount not to exceed \$272,304 annually.

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-08A with HELP Washington DC LP for units located at 6900 Georgia Avenue, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-08A Approval 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 section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term contract with HELP Washington DC LP to provide operating subsidy in support of 6 affordable housing units in an initial amount not to exceed \$1,046,700 annually.

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.

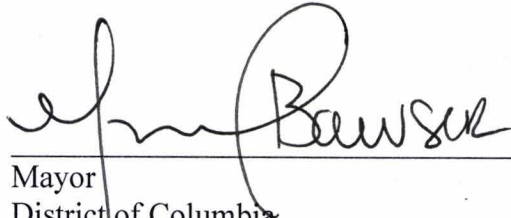
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To approve, on an emergency basis, an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-02A with Ft. Stevens Place LLC for units located at 1339 Fort Stevens Drive, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Rent Supplement Program Contract No. 2016-LRSP-02A Approval 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 section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term contract with Ft. Stevens Place LLC to provide operating subsidy in support of 7 affordable housing units, in an initial amount not to exceed \$113,664 annually.

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To amend, on an emergency basis, the Business Improvement Districts Act of 1996 to revise the rates of the assessments in the Capitol Riverfront Business Improvement District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Capitol Riverfront Business Improvement District Emergency Amendment Act of 2017”.

Sec. 2. Section 208(c)(1) of the Business Improvement Districts Act of 1996, effective October 18, 2007 (D.C. Law 17-27; D.C. Official Code § 2-1215.58(c)(1)), is amended as follows:

(a) Subparagraph (A) is amended as follows:

(1) Designate the existing text as sub-subparagraph (i).

(2) The newly designated sub-subparagraph (i) is amended as follows:

(A) Strike the number “\$0.16” and insert the number “\$0.17” in its place.

(B) Strike the phrase “and \$0.09 per \$100 of assessed value for commercial buildings less than 8,000 square feet” and insert the phrase “and \$0.17 per lot square foot or \$0.09 per \$100 of assessed value, whichever is less, for commercial buildings less than 8,000 square feet” in its place.

(C) A new sub-subparagraph (ii) is added to read as follows:

“(ii) For the purposes of this subparagraph, the term “per lot square foot” means each square foot of land attributed to the lot as reflected in the records of the Office of Tax and Revenue.”.

(b) Subparagraph (B) is amended by striking the number “\$120” and inserting the number “\$126” in its place.

(c) Subparagraph (C) is amended by striking the number “\$95” and inserting the number “\$100” in its place.

(d) Subparagraph (D) is amended by striking the number “\$0.16” and inserting the number “\$0.17” in its place.

(e) Subparagraph (F) is amended as follows:

(1) Strike the number “\$0.36” and insert the number “\$0.38” in its place.

(2) Strike the number “\$0.065” and insert the number “\$0.075” in its place.

(3) Strike the number “\$0.18” and insert the number “\$0.20” in its place.

ENROLLED ORIGINAL

Sec. 3. Applicability.

Section 2 shall apply to tax years beginning after September 30, 2017.

Sec. 4. Fiscal impact statement.

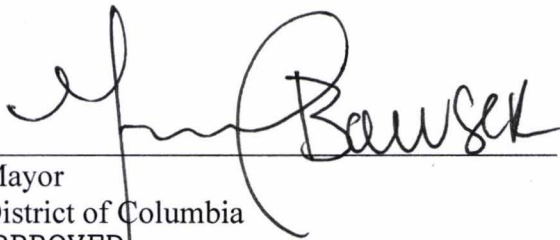
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-123

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To amend, on a temporary basis, the Commission on the Arts and Humanities Act to establish the duration of specified terms for members of the commission for the purpose of maintaining the staggered expiration of terms required by the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on the Arts and Humanities Temporary Amendment Act of 2017".

Sec. 2. Section 4(b) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203(b)), is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, all members of the Commission shall be appointed to 3-year terms that shall commence on July 1st in the year of appointment and expire on June 30th of the 3rd year. Terms shall be staggered so that 6 terms expire each year on June 30th. Members may be reappointed.

"(2) The term subsequent to the term being served pursuant to:

June 30, 2018; "(A) Council resolution 20-668 shall begin on July 1, 2017, and expire on

June 30, 2018; "(B) Council resolution 21-51 shall begin on July 1, 2017, and expire on

June 30, 2018; "(C) Council resolution 20-673 shall begin on July 1, 2017, and expire on

June 30, 2019; and "(D) Council resolution 20-669 shall begin on July 1, 2017, and expire on

June 30, 2019." "(E) Council resolution 20-671 shall begin on July 1, 2017, and expire on

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

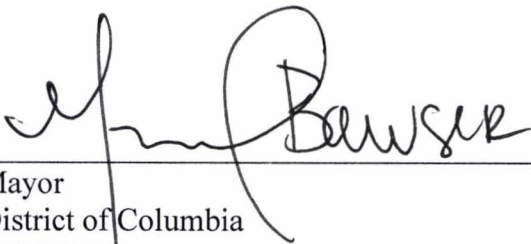
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2017

To amend, on a temporary basis, section 25-314 of the District of Columbia Official Code to create an exemption to the 400-foot restriction for taverns, multipurpose facilities, and off-premises retailers located in the Southwest Waterfront area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Southwest Waterfront Exemption Temporary Amendment Act of 2017”.

Sec. 2. Section 25-314(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “paragraphs (2) through (5)” and inserting the phrase “paragraphs (2) through (8)” in its place.

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

(1) Designate the exist text as subparagraph (A).

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

“(B) The exception in subparagraph (A) of this paragraph shall not apply if the currently functioning establishment holding a license of the same class is exempt from the 400-foot restriction under paragraph (8) of this subsection.”.

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

“(8) The 400-foot restriction shall not apply to an application for an on-premises retailer’s license, class CT, DT, CX, or DX, or an off-premises retailer’s license, class A or B, located in the Mixed Use-12 Zone, Square 473 according to the official atlases of the Zoning Commission of the District of Columbia.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

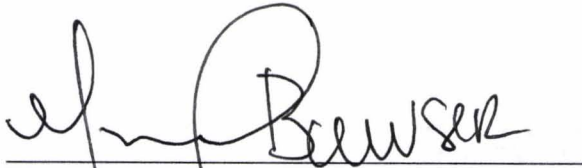
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2017

ENROLLED ORIGINAL

A RESOLUTION

22-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 2, 2017

To declare the Sense of the Council in support of a study to be conducted by the United States Army Corps of Engineers to evaluate the feasibility of building a parking structure under the National Mall that also would serve as a retention structure to reduce or prevent flooding in the District's Federal Triangle area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the National Mall Underground Parking Feasibility Study Resolution of 2017".

Sec. 2. The Council finds that:

(1) The District of Columbia experienced a severe storm in June 2006 that caused extensive flooding within the Federal Triangle area, resulting in millions of dollars in damage to prominent buildings and museums owned by the federal government.

(2) Thereafter, several federal and District agencies formed a Federal Triangle Stormwater Drainage Study Working Group ("Working Group") to identify measures to reduce the risk and impact of future flooding in the Federal Triangle area. One potential solution put forward by the Working Group was the construction of underground cisterns beneath the National Mall to capture and store rainfall.

(3) The National Mall Coalition, an all-volunteer non-profit organization, evaluated the Working Group's suggestion and proposed the construction of a multi-purpose underground car and tour bus parking garage and Mall visitor center. The parking garage and visitor center not only would provide access to the Smithsonian Museums, national monuments, and other cultural attractions, reduce congestion and pollution, and improve visitor access to the Mall, but also would function as a stormwater retention reservoir to prevent flooding during heavy storm events and store water for Mall irrigation.

(4) In order to evaluate underground parking beneath the National Mall as a viable option to prevent future flooding in the Federal Triangle area, the National Mall Coalition has proposed that a feasibility study be conducted.

(5) The feasibility study would be completed by the Planning Division of the U.S. Army Corps of Engineers ("USACE"), Baltimore District, under the authority of Section 206 of the Flood Control Act of 1960, 33 U.S.C. § 709a.

ENROLLED ORIGINAL

(6) The study area would be the Federal Triangle area, which is in the northwest quadrant of the District and is bounded by 15th Street, N.W., to the west, Madison Drive, N.W., to the South, 3rd Street, N.W., to the east, and Pennsylvania Avenue, N.W., to the north and northeast.

(7) The feasibility study would take approximately 12 months to complete and would involve conducting an economic analysis and reviewing the feasibility of constructing an underground structure.

(8) The total cost for the 12-month feasibility study is estimated to be \$100,000. The National Mall Coalition has committed to covering the entire \$100,000 cost of the study, which it will pay directly to USACE, Baltimore District.

(9) Consistent with the sense of the Council expressed in this resolution, the Council will submit a letter to the USACE, Baltimore District requesting that the USACE undertake the National Mall Parking Feasibility Study proposed by the National Mall Coalition.

Sec. 3. It is the sense of the Council that the United States Army Corps of Engineers should conduct a National Mall Underground Parking Feasibility Study in order to evaluate the feasibility of constructing a parking structure under the National Mall that also would serve as a retention structure to reduce or prevent flooding in the Federal Triangle area, an integral part of the District's identity and livelihood.

Sec. 4. The Council shall transmit copies of this resolution, upon its adoption, to the Army Corps of Engineers (Baltimore District) and the Mayor.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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 22-130, Paid Leave Compensation Act of 2017

Bill 22-133, Universal Paid Leave Compensation for Workers Amendment Act of 2017

Bill 22-302, Large Employer Paid-Leave Compensation Act of 2017

Bill 22-325, Universal Paid Leave Amendment Act of 2017

&

Bill 22-334, Universal Paid Leave Pay Structure Amendment Act of 2017

on

Tuesday, October 10, 2017

10:30 a.m., Council Chambers, 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 22-130**, the “Paid Leave Compensation Act of 2017,” **Bill 22-133**, the “Universal Paid Leave Compensation for Workers Amendment Act of 2017,” **Bill 22-302**, the “Large Employer Paid-Leave Compensation Act of 2017,” **Bill 22-325**, the “Universal Paid Leave Amendment Act of 2017,” and **Bill 22-334**, the “Universal Paid Leave Pay Structure Amendment Act of 2017.” The hearing will be held at 10:30 a.m. on Tuesday, October 10, 2017 in Hearing Room 500, the Council Chambers, of the John A. Wilson Building.

On December 20, 2016, the Council adopted D.C. Law 21-264, the “Universal Paid Leave Amendment Act of 2016,” which establishes a District-run paid leave program for individuals employed in the District. Specifically, D.C. Law 21-264 provides for eight weeks of parental leave, six weeks of family leave, and two weeks of medical leave. **Bills 22-130, 22-133, 22-325, and 22-334** provide different mechanisms for paying for the paid leave program and do not alter the number of weeks an individual would receive. **Bill 22-302** would repeal D.C. Law 21-264 and only provide parental and family paid leave for those employed by an entity that has 25 or more employees. Notably, none of the bills change the wage replacement set forth in D.C. Law 21-264.

The stated purpose of **Bill 22-130** is to require large employers – an entity with 50 or more employees or annual payroll of \$3.5 million or more – to provide family, medical, and parental leave, while maintaining a District-run program for small employers and exempting businesses with fewer than five employees from any obligation to provide family, medical, or parental leave. To fund the District-run program, **Bill 22-130** requires small businesses to pay a tax of 0.4% of its employees’ wages, while large employers would pay a 0.2% tax. The bill also establishes a Paid Leave

Compensation Board and expands the definition of family under the “Accrued Sick and Safe Leave Act of 2008.”

The stated purpose of **Bill 22-133** is to require employers, except for those with fewer than 50 employees, to obtain insurance to cover family, medical, and parental leave and to pay a fee of 0.1% or less in order to fund a tax credit for small businesses. Small businesses may participate in the insurance program or may receive a tax credit if the cost to the small business to provide family, medical, and parental leave exceeds 0.62% of its employees’ wages. Bill 22-133 also establishes a Paid Leave Compensation Board and expands the definition of family under the “Accrued Sick and Safe Leave Act of 2008.”

The stated purpose of **Bill 22-302** is to repeal D.C. Law 21-264, the “Universal Paid Leave Amendment Act of 2016,” and replace it with an employer mandate for employers with 25 or more employees. Bill 22-302 eliminates the two weeks of medical leave provided for in D.C. Law 21-264. Instead, the bill increases the number of sick days an individual can accrue pursuant to the “Accrued Sick and Safe Leave Act of 2008.” Additionally, Bill 22-302 creates a hardship exemption for employers who can demonstrate that they cannot feasibly provide family or parental leave, and it requires the Mayor to conduct a feasibility study with regard to the possibility of requiring paid leave of District employers with fewer than 25 employees.

The stated purpose of **Bill 22-325** is to require covered employees to pay a fee of 0.42% of his or her wages into the Universal Paid Leave Implementation Fund. Subsequently an employer would pay a tax of 0.2% of its employees’ wages.

The stated purpose of **Bill 22-334** is to require employers with more than 100 employees to provide family, medical, and parental leave to its employees but maintains a government-run paid leave program for businesses with a 100 or fewer employees. Additionally, it amends the tax rate paid by small employers and large employers to 0.54% and 0.15%, respectively, of their employees’ wages. Further, Bill 22-334 mirrors the enforcement mechanisms provided for in the “Accrued Sick and Safe Leave Act of 2008,” and it explicitly authorizes third-party administration of the District-run program.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow, Deputy Committee Director at (202) 724-4865, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, October 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 October 5, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to **three** minutes; if an individual requires more time, he or she must contact the Committee of the Whole or Ms. Setlow to arrange for more time to testify. 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 hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 24, 2017.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC HEARING ON

BILL 22-0171, THE “SENIOR DENTAL SERVICES PROGRAM ACT OF 2017”

**BILL 22-0201, THE “PRESCRIPTION DRUG DONATION PILOT PROGRAM ACT
OF 2017”**

BILL 22-0250, THE “VITAL RECORDS MODERNIZATION ACT OF 2017”

BILL 22-0354, THE “HEARING AID ASSISTANCE PROGRAM ACT OF 2017”

BILL 22-0366, THE “HEALTH CARE REPORTING AMENDMENT ACT OF 2017”

**WEDNESDAY, OCTOBER 25, 2017
11 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0171, the “Senior Dental Services Program Act of 2017”, Bill 22-0201, the “Prescription Drug Donation Pilot Program Act of 2017”, Bill 22-0250, the “Vital Records Modernization Act of 2017”, Bill 22-0354, the “Hearing Aid Assistance Program Act of 2017”, and Bill 22-0366, the “Health Care Reporting Amendment Act of 2017.” The hearing will be held on Wednesday, October 25, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

Bill 22-0171, the “Senior Dental Services Program Act of 2017” establishes a program and supporting fund, the Senior Dental Services Program and the Senior Dental Services Program Fund respectively, within the Department of Health to provide dental services for District seniors with an annual household adjusted gross income of \$60,000 or less. The bill also establishes the program as a grant program, and specifies requirements for grantees and providers, the management of the Fund, and the payment of grants.

Bill 22-0201, the “Prescription Drug Donation Pilot Program Act of 2017” establishes a pilot program within the Department of Health, in cooperation with the Board of Pharmacy, for the donation and redistribution of certain unused prescription medications to low-income District of Columbia residents. Under the pilot program, any person, prescription drug manufacturer or

distributor, pharmacy, health care provider or health care facility may donate their own drugs on the premises of a participating medical facility or pharmacy.

Bill 22-0250, the “Vital Records Modernization Act of 2017” updates the Vital Records Act of 1981 so the Department of Health can conform to the national standard for vital records offices. It establishes standard reporting requirements, definitions and procedures for registering vital events. It also addresses fraud prevention, public health surveillance, technology standards and reporting.

Bill 22-0354, the “Hearing Aid Assistance Program Act of 2017” establishes a Hearing Aid Assistance Program through the Department of Health and Department on Disability Services. It also provides a reimbursement to qualifying residents to offset the purchase of a hearing aid.

Bill 22-0366, the “Health Care Reporting Amendment Act of 2017” requires an employer of a health professional to submit a written report, within 10 days, of any action taken against a health professional due to incompetence, mental or physical impairment, and unprofessional, illegal or unethical conduct. It also requires health professionals to report disciplinary action taken against them in another state and any malpractice suits filed against them.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, October 23, 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 mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC HEARING ON

BILL 22-0172, THE “MATERNAL HEALTH TASK FORCE ACT OF 2017”

**BILL 22-0195, THE “STUDY OF MENTAL HEALTH AND SUBSTANCE ABUSE IN
IMMIGRANT COMMUNITIES ACT OF 2017”**

**WEDNESDAY, NOVEMBER 15, 2017
11 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0172, the “Maternal Health Task Force Act of 2017” and Bill 22-0195, the “Study of Mental Health and Substance Abuse in Immigrant Communities Act of 2017.” The hearing will be held on Wednesday, November 15, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

Bill 22-0172, the “Maternal Health Task Force Act of 2017” establishes a Maternal Mental Health Task Force ("Task Force"), funded by the DC Department of Behavior Health, to provide comprehensive policy recommendations to improve maternal mental healthcare in the District.

Bill 22-0195, the “Study of Mental Health and Substance Abuse in Immigrant Communities Act of 2017” requires the Department of Behavioral Health to conduct a study to evaluate the impact of the threat of action by the federal government to remove immigrant residents from the District on the mental health and substance abuse of communities of immigrant populations. The study shall review if there is a relationship of mental trauma and fear of removal. It shall also evaluate access to and the use of mental health services for immigrant populations where English is not the primary language.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, November 13, 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 mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC HEARING ON

**BILL 22-0196, "ACCESS TO TREATMENT FOR ANAPHYLAXIS AMENDMENT ACT
OF 2017"**

BILL 22-0228, "SAFE DISPOSAL OF PHARMACEUTICALS AMENDMENT ACT OF 2017"

**BILL 22-0333, "ADVANCED PRACTICE REGISTERED NURSE SIGNATURE
AUTHORITY AMENDMENT ACT OF 2017"**

**BILL 22-0350, "HOME VISITING SERVICES PILOT PROGRAM ESTABLISHMENT
ACT OF 2017"**

BILL 22-0399, "INFANT MORTALITY REDUCTION PROGRAM ACT OF 2017"

**MONDAY, SEPTEMBER 18, 2017
11 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on the Bill 22-0196, the "Access to Treatment for Anaphylaxis Amendment Act of 2017", Bill 22-0228, the "Safe Disposal of Pharmaceuticals Amendment Act of 2017", Bill 22-0333, the "Advanced Practice Registered Nurse Signature Authority Amendment Act of 2017", Bill 22-0350, the "Home Visiting Services Pilot Program Establishment Act of 2017", and Bill 22-0399, the "Infant Mortality Reduction Program Act of 2017." The hearing will be held on Monday, September 18, 2017, at 11a.m., in Room 500 of the John A. Wilson Building.

Bill 22-0196, the "Access to Treatment for Anaphylaxis Amendment Act of 2017" establishes what entities are authorized to administer an epinephrine auto-injector to individuals experiencing anaphylaxis and allows licensed physicians to prescribe the epinephrine auto-injectors to authorized entities. Agents of the authorized entities must be acting in good faith and must have completed a training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment. It also provides immunity from civil and criminal liability to health care professionals who prescribe and agents of an authorized entity who provide or administer an epinephrine auto-injector.

Bill 22-0228, the “Safe Disposal of Pharmaceuticals Amendment Act of 2017” requires that the Department of Health install drop boxes for the disposal of expired or unused controlled substances at law enforcement agencies, retail pharmacies and hospitals with an on-site pharmacy. It also identifies which controlled substances a person may voluntarily surrender without identifying themselves.

Bill 22-0333, the “Advanced Practice Registered Nurse Signature Authority Amendment Act of 2017” enables advanced practice registered nurses to sign, certify, stamp, or endorse all documents related to healthcare within their scope of practice.

Bill 22-0350, the “Home Visiting Services Pilot Program Establishment Act of 2017” requires that the Deputy Mayor for Health and Human Services conduct a feasibility study to assess the ability of a pay-for-success model to improve, expand, and sustain home visiting programs. It also establishes a special fund which shall be used to award grants and make payments due in accordance with pay-for-success contracts. Among other things, it requires annual reporting on home visiting services and it establishes the Help Me Grow program District-wide.

Bill 22-0399, the “Infant Mortality Reduction Program Act of 2017” establishes a baby box program to distribute baby boxes at the birth of a child at no-cost to parents to reduce infant mortality in the District, provides education and training on safe sleeping arrangements for infants, provides baby boxes to foster youth with infants, and requires DOH to report on the outcomes of the baby box program on infant mortality.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Thursday, September 14, 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 mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC HEARING ON

BILL 22-0233, THE “TELEHEALTH MEDICAID EXPANSION ACT OF 2017”

**B22-0405, THE “EAST END FEDERALLY QUALIFIED HEALTH CENTER
CERTIFICATE OF NEED MAXIMUM FEE ESTABLISHMENT AMENDMENT ACT OF
2017”**

**THURSDAY, NOVEMBER 9, 2017
11 A.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0233, the “Telehealth Medicaid Expansion Act of 2017” and Bill 22-0405, the “East End Federally Qualified Health Center Certificate of Need Maximum Fee Establishment Amendment Act of 2017.” The hearing will be held on Thursday, November 9, 2017, at 11 a.m., in Room 412 of the John A. Wilson Building.

Bill 22-0233, the “Telehealth Medicaid Expansion Act of 2017” establishes what reimbursement codes a telehealth provider must utilize to be eligible for reimbursement. It also establishes the criteria and protocols that must be in place for remote patient monitoring services eligibility and reimbursement. Among other things, it requires the Department of Health Care Finance to seek Federal authorization where required to implement the Act.

B22-0405, the “East End Federally Qualified Health Center Certificate of Need Maximum Fee Establishment Amendment Act of 2017” establishes the maximum fee for filing certificate of need application by a federally qualified health center for projects located in Wards 7 and 8.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Tuesday, November 7, 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 mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0235, “Managing Outdoor Work for Seniors Amendment Act of 2017”

and

Bill 22-0402, “Elder Abuse Public Information Campaign Act of 2017”

on

Thursday, October 5, 2017, at 10:00 AM
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, October 5, 2017, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0235, “Managing Outdoor Work for Seniors Amendment Act of 2017”, and Bill 22-0402, “Elder Abuse Public Information Campaign Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The purpose of Bill 22-0235 is to establish a program and supporting funds in the Office on Aging, the Managing Outdoor Work for Seniors program (MOWS), and MOWS fund, respectively. The program shall provide gardening services for seniors.

The purpose of Bill 22-0402 is to require the Office on Aging to contact a Districtwide public information campaign to raise awareness about elder issues, and educate District residents on the prevalence and dangers of elder abuse.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 4, 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 Neighborhood Revitalization, 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 October 19, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0273, “Common Interest Communities’ Remedial Funding Act of 2017”

Bill 22-0099, “Affordable Cooperative Task Force Act of 2017”

and

Bill 22-0289, “Office to Affordable Housing Task Force Establishment Act of 2017”

on

Wednesday, November 15, 2017, at 10:00 AM
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Wednesday, November 15, 2017, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0273, “Common Interest Communities’ Remedial Funding Act of 2017”, Bill 22-0099, “Affordable Cooperative Task Force Act of 2017”, and Bill 22-0289, “Office to Affordable Housing Task Force Establishment Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The purpose of Bill 22-0273 is to establish a program, the Common Interest Community Remedial Grant program, to provide nontaxable grants to income-eligible boards to remedy building and housing code violations in common areas. The Mayor shall administer the program and is authorized to issue rules to implement the bill. The bill includes provisions pertaining to eligibility requirements for participating contractors and common interest communities.

The purpose of Bill 22-0099 is to establish the Affordable Cooperative Task Force to provide policy recommendations on improving existing limited equity cooperatives (a type of shared home ownership in which individuals purchase a share in a cooperative at an affordable cost); ensure the appropriate training and provision of technical assistance and management support to cooperatives; and issue recommendations on how the District can assist in the formation of new affordable cooperatives.

The purpose of Bill 22-0289 is to establish a task force, the Office to Affordable Housing Task Force, to determine the impact of transitioning existing vacant commercial space to affordable units on the District's affordable housing crisis. The bill specifies the membership, duties, and reporting obligation of the Task Force. This bill sunsets upon the Task Force submitting its report.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 14, 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 Neighborhood Revitalization, 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 November 29, 2017.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC HEARING**

on

**B22-313, Healthy Students Amendment Act of 2017 and
The State of School Food Services**

on

**Thursday, November 16, 2017
11:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing on B22-313, the Healthy Students Amendment Act of 2017 and the state of school food services. The hearing will be held at 11:00 a.m. on Thursday, November 16, 2017 in Hearing Room 412 of the John A. Wilson Building. This hearing has been rescheduled from October 16 2017 to November 16 2017.

The stated purpose of B22-313 is to makes changes to nutrition and wellness policies in District Schools. The legislation proposes to change nutrition-content requirements; expand breakfast after the bell and alternate serving models for breakfast participation programs; encourage schools to purchase food in a manner consistent with the Good Food Purchasing Program's core values; require OSSE to submit a report to the Mayor and Council regarding best practices for developing a central kitchen; and require that DCPS and public charter school students participate in specified amounts of age-appropriate physical education per week. The hearing will also serve as an opportunity for the Committee to receive testimony on the broader topic of school food services.

The Committee invites the public to testify or submit written testimony. Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, November 14. Persons wishing to testify are encouraged to bring 10 copies of their written testimony.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004. The record will close at 5:00 p.m. on Thursday, November 30, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0326, “Advisory Neighborhood Commission Purchase Cards Amendment Act of 2017”

and

Bill 22-0348, “Advisory Neighborhood Commission Candidate Proof of Residence Amendment Act of 2017”

on

Thursday, November 30, 2017, at 4:00 PM
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, November 30, 2017, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0326, “Advisory Neighborhood Commission Purchase Cards Amendment Act of 2017”, and Bill 22-0348, “Advisory Neighborhood Commission Candidate Proof of Residence Amendment Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 4:00 p.m.

The purpose of Bill 22-0326 is to amend the Advisory Neighborhood Councils Act of 1975 to permit Advisory Neighborhood Commissions to spend funds with a purchase card.

The purpose of Bill 22-0348 is to require candidates for the office of advisory neighborhood commissioner to submit two proofs of residency to the Board of Elections. The bill specifies which items may be accepted as valid proofs.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 29, 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 Neighborhood Revitalization, 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 December 14, 2017.

**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

**PR 22-394, Commission on Selection and Tenure of Administrative Law Judges of the
Office of Administrative Hearings Joseph N. Onek Reappointment Resolution of 2017**

on

**Monday, September 18, 2017
11:30 a.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 22-394, the “Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Joseph N. Onek Reappointment Resolution of 2017.” The hearing will be held on Monday, September 18, 2017 at 11:30 a.m. in Hearing Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 22-394 is to reappoint Mr. Onek to the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (“Commission”) for a 3-year term. The purpose of the Commission is to ensure the recruitment and retention of a well-qualified, efficient, and effective corps of Administrative Law Judges for the Office of Administrative Hearings. The Commission has the final authority to appoint, reappoint, discipline, and remove Administrative Law Judges. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of this nominee for the Commission.

Those who wish to testify are asked to email the Committee of the Whole at cw@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 Thursday, September 14, 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 September 14, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. 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 hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:30 p.m. on Monday, September 18, 2017.

**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

**PR 22-425, District of Columbia Judicial Nomination Commission Marie Johns
Appointment Resolution of 2017**

on

**Monday, September 18, 2017
12:00 p.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 22-425, the “District of Columbia Judicial Nomination Commission Marie Johns Appointment Resolution of 2017.” The hearing will be held on Monday, September 18, 2017 at 12:00 p.m. in Hearing Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 22-425 is to appoint Ms. Johns as a nonlawyer member to the District of Columbia Judicial Nomination Commission (“Commission”) for a 6-year term. The mission of the Commission is to screen, select and recommend to the President of the United States candidates for appointment to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals. The Commission is also tasked with designating the chief judges of both of the Courts. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of this nominee for the Commission.

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 Thursday, September 14, 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 September 14, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. 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 hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, October 2, 2017.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC OVERSIGHT HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC OVERSIGHT HEARING ON

“DISTRICT OF COLUMBIA HEALTH SYSTEMS PLAN”

**WEDNESDAY, OCTOBER 4, 2017
11 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Oversight Hearing on the Department of Health’s “District of Columbia Health Systems Plan – June 2017.” The hearing will be held on Wednesday, October 4, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

The District of Columbia’s (DC) State Health Planning and Development Agency (SHPDA) is responsible for developing a comprehensive Health Systems Plan (HSP). The primary purpose of the HSP is to serve as a roadmap for the development of a comprehensive, accessible, equitable health care system capable of providing the highest quality services in a cost effective manner to those who live and work in DC. The HSP is informed by a comprehensive needs assessment that clarifies community need, barriers to care, unmet service need, provider capacity, and service gaps across all health service categories. The SHPDA and the SHCC will use the HSP to recommend specific strategic action and to facilitate cooperation between the Department of Health and other public and private sector entities. Specifically, the HSP will be used to: (1) prioritize and promote certain community need- or service-related issues for investment, (2) clarify issues related to community characteristics, community need, barriers to care, existing service gaps, unmet need, and other health- related factors, and (3) guide a more refined, data driven, and objective CON application review process. The purpose of this hearing is for the Department of Health to present its findings on this report.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, October 2, 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 mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC OVERSIGHT HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC OVERSIGHT HEARING ON

**“YOUTH ISSUES AND SOLUTIONS FOR IMPROVING HEALTH IN THE DISTRICT OF
COLUMBIA”**

**SATURDAY, NOVEMBER 4, 2017
11 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Oversight Hearing on “Youth Issues and Solutions for Improving Health in the District of Columbia.” The hearing will be held on Saturday, November 4, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

The purpose of this hearing is to allow District of Columbia youth to provide recommendations and insight on improving health in the city.

Youth, aged 21 and younger, who wish to testify at this hearing should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name and organizational affiliation (if any), preferably by 5:00 p.m. on Thursday, November 2, 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 mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

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

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

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**CHILD AND FAMILY SERVICES AGENCY'S SAFE HAVEN AND SAFE & STABLE
FAMILIES REDESIGNS AND NEW POLICIES ON EARLY INTERVENTIONS FOR AT-
RISK NEWBORNS**

**Wednesday, September 20, 2017, 12:00 p.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, September 20, 2017, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, will hold a public oversight roundtable on the Child and Family Services Agency's (CFSA) foster placement and community services redesign and new policies on early interventions for at-risk newborns. The roundtable will take place in the Council Chambers, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 12:00 p.m.

Earlier this year CFSA announced two major changes in its placement and prevention/community services strategies. The Safe and Stable Families Redesign is focused on evaluating and better utilizing the community-based services. The Safe Haven Redesign aims to increase placement stability and decrease length of foster care through several new mechanisms, including, working with a single provider; conducting case management in-house; eliminating the "traditional/therapeutic" designation of foster homes; and adherence to new standards based on national best practices. The Committee is interested in learning more about the implementation of both redesigns and how it will improve the lives of the children in its care.

CFSA is also adopting new policies to better expand its responses to newborns that test positive for controlled substances. Early supports can make a significant difference in the lives of infant children, and CFSA's role in providing those supports can be key in preventing more serious involvement later in life. The Committee seeks to further explore these policies and how they will improve the agency's services.

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 Monday, September 18, 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 are encouraged to bring **twenty single-sided copies** of their written testimony.

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 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 October 4, 2017.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: July 21, 2017
Protest Petition Deadline: September 5, 2017
Roll Call Hearing Date: September 18, 2017
Protest Hearing Date: November 15, 2017

License No.: ABRA-106963
Licensee: Church DC, LLC
Trade Name: Church
License Class: Retailer's Class "C" Restaurant
Address: 3222 M Street, N.W.
Contact: Matt Minora, Esq.: (202) 625-7700

WARD 2

ANC 2E

SMD 2E05

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 September **18, 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 **November **15, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant with 255 seats and a Total Occupancy Load of 278. Daytime restaurant will serve as a full coffee shop selling sandwiches and pastries. Evening Restaurant will serve American cuisine and have board games, wine, cocktails and craft beer.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: July 21, 2017
Protest Petition Deadline: September 5, 2017
Roll Call Hearing Date: September 18, 2017
Protest Hearing Date: November 15, 2017

License No.: ABRA-106963
Licensee: Church DC, LLC
Trade Name: Church
License Class: Retailer's Class "C" Restaurant
Address: 3222 M Street, N.W.
Contact: Matt Minora, Esq.: (202) 625-7700

WARD 2

ANC 2E

SMD 2E05

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 September **11, 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 **November **8, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant with 255 seats and a Total Occupancy Load of 278. Daytime restaurant will serve as a full coffee shop selling sandwiches and pastries. Evening Restaurant will serve American cuisine and have board games, wine, cocktails and craft beer.

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

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

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

Placard Posting Date: August 4, 2017
Protest Petition Deadline: September 18, 2017
Roll Call Hearing Date: October 2, 2017
Protest Hearing Date: November 29, 2017

License No.: ABRA-107063
Licensee: JV Corporation
Trade Name: Compact Supermarket
License Class: Retailer's Class "B"
Address: 1613 Montello Avenue, N.E.
Contact: Kevin Lee, Esq.: 703-941-3133

WARD 5

ANC 5D

SMD 5D02

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 October 2, 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 **November 29, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer Class B license. The licensee is requesting a Tasting Endorsement.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, AND TASTING

Sunday through Saturday 8 am – 10 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 4, 2017
Protest Petition Deadline: September 18, 2017
Roll Call Hearing Date: October 2, 2017
Protest Hearing Date: November 29, 2017

License No.: ABRA-100234
Licensee: Galley Foods, Inc.
Trade Name: Galley
License Class: Retailer's Class "B" 25%
Address: 1110 Congress Street, N.E.
Contact: Alan Clifford: (202) 930-3663

WARD 6

ANC 6C

SMD 6C06

Notice is hereby given that this licensee has requested to transfer the license to a new location 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 October 2, 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 November 29, 2017 at 1:30 p.m.

NATURE OF OPERATION

Licensee requests to transfer license from 1350 Okie Street, N.E. to a new location at 1110 Congress Street, N.E. The Establishment, a 25% Class B retailer, prepares healthy, high-quality meals delivered directly to your home or office in 30 minutes or less. The applicant proposes to allow customers to add wine or beer to their dinner order, which is done entirely online. (Alcoholic Beverages are delivered in the District of Columbia only, and to customers who are 21 years of age or older). This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 9 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 4, 2017
Protest Petition Deadline: September 18, 2017
Roll Call Hearing Date: October 2, 2017

License No.: ABRA-104754
Licensee: Letena Ethiopian Restaurant, LLC
Trade Name: Letena
License Class: Retailer’s Class “D” Restaurant
Address: 3100 14th Street, N.W.
Contact: Yamrot Ezineh: (202) 733-4830

WARD 1

ANC 1A

SMD 1A05

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 October 2, 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 Class Change from Retailer Class “D” Restaurant to Retailer Class “C” Restaurant. Applicant also requests a Change of Hours and an Entertainment Endorsement to provide live entertainment, with a Cover Charge.

CURRENT HOURS OF OPERATION

Sunday through Saturday 7 am – 9 pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 10 am – 9 pm

PROPOSED HOURS OF OPERATION

Sunday through Thursday 7 am – 12 am, Friday & Saturday 7 am – 3 am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 10 am – 12 am, Monday through Thursday 8 am – 12 am, Friday & Saturday 8 am – 2 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm – 10 pm, Friday & Saturday 6 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 4, 2017
Protest Petition Deadline: September 18, 2017
Roll Call Hearing Date: October 2, 2017
Protest Hearing Date: November 29, 2017

License No.: ABRA-107202
Licensee: Lahlou, LLC
Trade Name: Marinai
License Class: Retailer's Class "C" Restaurant
Address: 20 & 40 Pearl Street, S.W., Suites 415 and 416
Contact: Keith Lively, Esq.: 202-589-1839

WARD 6 ANC 6D SMD 6D04

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 October 2, 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 November 29, 2017 at 1:30 p.m.

NATURE OF OPERATION

A new casual restaurant serving Italian cuisine. Seating capacity of 75 inside. Total Occupancy Load of 103. Summer Garden with 28 seats. Will not include Dancing, Entertainment or Cover Charge.

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

Sunday 10 am – 2 am, Monday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION ON THE OUTDOOR SUMMER GARDEN

Sunday 12 pm – 10 pm, Monday through Thursday 3 pm – 10 pm, Friday and Saturday 3 pm – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 4, 2017
 Protest Petition Deadline: September 18, 2017
 Roll Call Hearing Date: October 2, 2017
 Protest Hearing Date: November 29, 2017

License No.: ABRA-107182
 Licensee: Rewind by Decades, LLC
 Trade Name: Rewind
 License Class: Retailer's Class "C" Nightclub
 Address: 1219 Connecticut Avenue, N.W.
 Contact: Arman Amirshahi: (301) 346-0001

WARD 2

ANC 2B

SMD 2B05

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 October 2, 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 November 29, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Class "C" Nightclub with 199 seats and a Total Occupancy Load of 199. Sidewalk Café with 16 seats.

HOURS OF OPERATION FOR PREMISES

Sunday through Saturday 12 am - 11:59 pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES

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

HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday through Thursday 6 am - 3 am, Friday and Saturday 6 am - 4 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 4, 2017
Protest Petition Deadline: September 18, 2017
Roll Call Hearing Date: October 2, 2017
Protest Hearing Date: November 29, 2017

License No.: ABRA-106766
Licensee: 507 K, LLC
Trade Name: SkillZone
License Class: Retailer's Class "D" Club
Address: 709 8th Street, S.E.
Contact: Eliza Fox: (202) 763-7629

WARD 6

ANC 6B

SMD 6B03

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 October 2, 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 November 29, 2017 at 4:30 p.m.

NATURE OF OPERATION

New private club with 70 seats and a Total Occupancy Load of 174. Club is for parents with young children. Establishment will hold "members-only" social events for parents and will serve wine and beer.

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

Sunday 9am - 7pm, Monday through Thursday 9am - 6pm, Friday and Saturday 9am - 7:30pm

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

Placard Posting Date: August 4, 2017
Protest Petition Deadline: September 18, 2017
Roll Call Hearing Date: October 2, 2017
Protest Hearing Date: November 29, 2017

License No.: ABRA-107118
Licensee: VSTDC, LLC
Trade Name: V Street
License Class: Retailer's Class "C" Restaurant
Address: 600 H Street, N.E.
Contact: Andrew J. Kline, Esq.: 202-686-7600

WARD 6

ANC 6C

SMD 6C05

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 October 2, 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 **November 29, 2017 at 4:30 p.m.**

NATURE OF OPERATION

A new full-service restaurant. Seating capacity of 77 inside. Total Occupancy Load of 100. Sidewalk Café with 12 seats. No entertainment, performances or dancing.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON PREMISE AND FOR SIDEWALK CAFE

Sunday 12 pm – 9 pm, Monday through Thursday 5 pm – 10 pm, Friday and Saturday 11 am – 12 am

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-HIRE VEHICLES**

NOTICE OF PUBLIC HEARING

**Notice of Consideration of Proposed Amendments to
Title 31 (Taxicabs and Public Vehicles for Hire)
of the District of Columbia Municipal Regulations:
Loitering Definition and Rules**

**Wednesday, August 9, 2017
10:00 AM**

The Department of For-Hire Vehicles (“DFHV”) has scheduled a Public Hearing at 10:00 am on Wednesday, August 9, 2017 at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032, regarding the need for proposed rulemaking to amend Title 31 of the District of Columbia Municipal Regulations concerning: Loitering Definition and Rules. The rules relevant to loitering currently appear in Title 31 DCMR §§ 819, 821, 828, 1402, 1403, 2000, and 9901.

Those interested in speaking at the hearing should register by calling 202-645-6002 not later than Tuesday, August 8 at 3:00 pm. Testimony will be limited to the specific subject matter of this public hearing. Each participant will be allotted up to five (5) minutes to present. Participants must submit ten (10) copies of their written testimony to the Secretary of the Department of For-Hire Vehicles, 2235 Shannon Place SE, Suite 3001, Washington, D.C. 20020, in advance of the hearing. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

This public hearing is for the purpose of gaining advance public and industry feedback on potential revisions to the definition and regulations relevant to the loitering of vehicles-for-hire which appear in Title 31 DCMR §§ 819, 821, 828, 1402, 1403, 2000, and 9901, and is not for seeking comments under the Administrative Procedures Act (D.C. Code § 2-501 *et seq.*).

The public hearing will take place at the following time and location:

WEDNESDAY, AUGUST 9, 2017 AT 10:00 AM

**2235 SHANNON PLACE, S.E.
WASHINGTON, DC 20020
HEARING ROOM, SUITE 2032**

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

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

Case No. 17-16: Harrison Street Apartments
4315, 4319, 4323, 4327, 4331, 4335, 4339, 4343, 4347 and 4351
Harrison Street NW
Square 1657, Lots 11-20 and 2001-2011
Affected Advisory Neighborhood Commission: 3E

Case No. 17-18: Wardman Flats
All addresses on Square 519 (301, 303, 305, 307, 309, 311, 313, 315, 317 and 319 R Street NW; 1708, 1710 and 1712 3rd Street NW; 1709, 1711, 1713, 1715, 1717, 1719 and 1721 4th Street NW; and 300, 302, 304, 306, 308, 310, 312 and 322 Florida Avenue NW);
Square 519, all lots and condominiums (lots 38-54, 64-73 and 801 and condos 2001-2010)
Affected Advisory Neighborhood Commission: 5E

The hearing will take place at **9:00 a.m. on Thursday, September 28, 2017** at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

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

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

If the Historic Preservation Review Board designates the properties, they will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation.

Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

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

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

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

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

owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

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

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING**

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Thursday, September 7, 2017 at 6 p.m. The hearing will occur in DHCD's 1st Floor Conference Room located at 1800 Martin Luther King Avenue SE, Washington, DC 20020, to consider the proposed disposition of the properties noted below.

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
5800, 0811	1220 Maple View Place, SE	BLDG	8	R-3	Yes	Historic Anacostia
5765, 0884	1648 U Street, SE	BLDG	8	R-3	Yes	Historic Anacostia
5779, 0814	1518 W Street, SE	BLDG	8	R-3	Yes	Historic Anacostia
5799, 0849	1326 Valley Place, SE	BLDG	8	R-3	Yes	Historic Anacostia

The above property was included in a Solicitation for Offer issued by DHCD to the general public on November 29, 2016. The above properties were awarded to the Development Corporation of Columbia Heights through a competitive selection process.

A summary of the Development Corporation of Columbia Heights' proposal will be posted on the DHCD website.

The public hearing is conducted to ensure that all citizens are informed about the selling of the properties identified above to the named buyer and have the opportunity to publicly present their views concerning the sale.

If you would like to present oral testimony, you are encouraged to register in advance either by emailing DHCD's Property Acquisition and Disposition Division at padd.sfo@dc.gov, or by calling (202) 478-1355. Please provide your name, address, telephone number, and organizational affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. Sign language interpretation and language translation services are available upon request by calling Pamela Hillsman at (202) 442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. The deadline for requiring interpretation services is seven days prior to the hearing. Bilingual staff will provide services as available to unregistered attendees.

Written statements may be submitted at the hearing, or until 4:45 p.m., Friday, September 8, 2017, 2017, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue SE, Washington, DC 20020.

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING**

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Tuesday, September 12, 2017 at 6 p.m. The hearing will occur in DHCD's 1st Floor Conference Room located at 1800 Martin Luther King Avenue SE, Washington, DC 20020, to consider the proposed disposition of the properties noted below.

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
5779, 0824	1528 W Street, SE	Vacant Lot	8	R-3	Yes	Historic Anacostia
5766, 0800	15 th Street, SE	Vacant Lot	8	R-3	Yes	Historic Anacostia

The above property was included in a Solicitation for Offer issued by DHCD to the general public on November 29, 2016. The above properties were awarded to Mi Casa, Inc., through a competitive selection process.

A summary of Mi Casa, Inc.'s proposal will be posted on the DHCD website.

The public hearing is conducted to ensure that all citizens are informed about the selling of the properties identified above to the named buyer and have the opportunity to publicly present their views concerning the sale.

If you would like to present oral testimony, you are encouraged to register in advance either by emailing DHCD's Property Acquisition and Disposition Division at padd.sfo@dc.gov, or by calling (202) 478-1355. Please provide your name, address, telephone number, and organizational affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. Sign language interpretation and language translation services are available upon request by calling Pamela Hillsman at (202) 442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. The deadline for requiring interpretation services is seven days prior to the hearing. Bilingual staff will provide services as available to unregistered attendees.

Written statements may be submitted at the hearing, or until 4:45 p.m., Wednesday, September 13, 2017, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue SE, Washington, DC 20020.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, SEPTEMBER 20, 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

13991A
ANC 6C **Application of Curt Hansen**, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to revise the BZA Order No. 13991, to permit the addition of an accessory fast food establishment to an existing retail grocery store, to expand the retail use to the basement, to change the operating hours, to increase the number of employees from two to seven, and to increase the number of seats from zero to eighteen in the RF-1 Zone at premises 522 ½ K Street N.E. (Square 830, Lot 56).

WARD SIX

19559
ANC 6E **Application of 1400 5th Street, LLC**, pursuant to Subtitle X, Chapter 10, for a variance from the lot area requirements of Subtitle E § 201.4, to convert an existing three-unit apartment house and church into a four-unit apartment house in the RF-1 zone at premises 1400 5th Street N.W. (Square 479, Lot 35).

WARD THREE

19554
ANC 3D **Application of Robert and Susan Burnett**, 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 construct a rear deck addition to an existing one-family dwelling in the R-1-B Zone at premises 5186 Fulton Street N.W. (Square 1419, Lot 839).

WARD SIX

19562
ANC 6A **Application of Clayton and Stuart Hall**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1362 East Capitol Street N.E. (Square 1035, Lot 81).

BZA PUBLIC HEARING NOTICE

SEPTEMBER 20, 2017

PAGE NO. 2

WARD SIX

19563
ANC 6A **Application of Christopher and Courtney Backemeyer**, 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 two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1203 D Street N.E. (Square 1009, Lot 104).

WARD SIX

19565
ANC 6A **Application of Ross and Sarah Kyle**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 205.4, and under Subtitle E § 5203.3 from the upper floor addition requirements of Subtitle E § 206, to construct a rear and third-story addition to an existing two-story one-family dwelling in the RF-1 Zone at premises 237 Warren Street N.E. (Square 1033, Lot 847).

WARD FIVE

19579
ANC 5E **Application of 22 Bryant St NW, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 320.2, to convert an existing one-family dwelling into a three-unit apartment house in the RF-1 Zone at premises 22 Bryant Street N.W. (Square 3124, Lot 110).

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 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,

BZA PUBLIC HEARING NOTICE
SEPTEMBER 20, 2017
PAGE NO. 3

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

ለሙከራ ስርዓታ 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።

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.

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

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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.

BZA PUBLIC HEARING NOTICE
SEPTEMBER 20, 2017
PAGE NO. 4

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
CARLTON 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**

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl. & 2016 Supp.)), hereby gives notice of the adoption of amendments to Section 926 of Chapter 9 (Medicaid Program), and Sections 1913-1916, 1918-1920, 1922, 1924-1934, 1936, and 1939 of Chapter 19 (Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities), of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Department on Disability Services (DDS), Developmental Disabilities Administration (DDA) operates the Medicaid Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver) under the supervision of DHCF. The ID/DD Waiver was approved by the Council of the District of Columbia (Council) and renewed by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for a five-year period beginning November 20, 2012. An amendment to the ID/DD Waiver was approved by the Council through the Medicaid Assistance Program Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-307.02(a)(8)(E) (2016 Repl.)), and subsequently CMS approved the amendment effective September 24, 2015.

Under 29 DCMR § 1901.2, which was published in the *D.C. Register* on August 12, 2016 at 63 DCR 010445, “the Medicaid provider reimbursement rate(s) to be paid for the [ID/DD] Waiver services identified in Subsection 1901.1 shall be posted on the District of Columbia Medicaid fee schedule at www.dc-medicaid.com. DHCF shall also publish a notice in the *D.C. Register* which reflects the change in the reimbursement rate(s) for [ID/DD] Waiver services.” Consistent with the regulatory requirements, DHCF published notice in the *D.C. Register* on December 2, 2016 at 63 DCR 014958, of posting of the Medicaid Fee Schedule for the ID/DD Waiver to reflect the changes to the reimbursement rates for services available to participants under the ID/DD Waiver on the Medicaid fee schedule to align with ID/DD Waiver Year 5 and include the 2017 D.C. Living Wage.

These final rules amend the reimbursement rates provisions in the services available under the ID/DD Waiver in order to avoid confusion. Specifically, as identified in 29 DCMR § 1901.1, the reimbursement rate provisions in the following rules are being amended:

- (1) Environmental Accessibility Adaptation Services, 29 DCMR § 926;
- (2) One-Time Transitional Services, 29 DCMR § 1913;
- (3) Vehicle Modification Services, 29 DCMR § 1914;
- (4) Host Home without Transportation Services, 29 DCMR § 1915;

- (5) In-Home Supports Services, 29 DCMR § 1916;
- (6) Creative Arts Therapies Services, 29 DCMR § 1918;
- (7) Behavioral Support Services, 29 DCMR § 1919;
- (8) Day Habilitation Services, 29 DCMR § 1920;
- (9) Employment Readiness Services, 29 DCMR § 1922;
- (10) Family Training Services, 29 DCMR § 1924;
- (11) Individualized Day Supports Services, 29 DCMR § 1925;
- (12) Occupational Therapy Services, 29 DCMR § 1926;
- (13) Personal Emergency Response System (PERS) Services, 29 DCMR § 1927;
- (14) Physical Therapy Services, 29 DCMR § 1928;
- (15) Residential Habilitation Services, 29 DCMR § 1929;
- (16) Respite Services, 29 DCMR § 1930;
- (17) Skilled Nursing Services, 29 DCMR § 1931;
- (18) Speech, Hearing and Language Services, 29 DCMR § 1932;
- (19) Supported Employment Services – Individual and Small Group Services, 29 DCMR § 1933;
- (20) Supported Living Services, 29 DCMR § 1934;
- (21) Wellness Services, 29 DCMR § 1936; and
- (22) Companion Services, 29 DCMR § 1939.

A Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on April 14, 2017, at 64 DCR 003549, was adopted on April 3, 2017, became effective on that date, and remained in effect until August 1, 2017. No comments were received and no substantive changes were made to the final rulemaking.

The Director of DHCF adopted these rules as final on July 24, 2017, and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 926.13 and 926.14, of Section 926, ENVIRONMENTAL ACCESSIBILITY ADAPTATION SERVICES, are amended to read as follows:

- 926.13 Reimbursement for EAA services shall be limited to a maximum dollar amount per participant over a five-year period and shall be limited to modifications not to exceed two (2) residences in a five-year period. Exceptions to the five-year limitations in this section on EAA services may be approved by DDS on a case by case basis, with adequate supporting documentation outlined in Subsection 926.14, based on demonstrated need, but shall be pre-authorized.
- 926.14 Evaluation or home inspection shall be reimbursed at a not to exceed dollar amount per inspection, but shall only be payable as a separate service if the home is found structurally unsound or otherwise inappropriate for the EAA modification requested. Reimbursement of all other EAA services shall require:

- (a) Written documentation of the building inspection;
- (b) Development of a construction plan;
- (c) Acquisition of permits;
- (d) Purchase of materials; and
- (e) Labor for construction, renovation, or installation services to be provided.

Chapter 19, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, is amended as follows:

Subsection 1913.12 of Section 1913, ONE-TIME TRANSITIONAL SERVICES, is amended to read as follows:

1913.12 Medicaid reimbursement for OTT services shall be limited to a maximum dollar amount per person for the duration of the ID/DD Waiver period as a one-time, non-recurring expense.

Subsections 1914.12 and 1914.13 of Section 1914, VEHICLE MODIFICATION SERVICES, are amended to read as follows:

1914.12 Medicaid reimbursable VM services shall be available for modification of no more than two (2) vehicles over the course of five (5) years and shall not exceed a maximum dollar amount, unless the person receives service authorization from DDS through the exception process in § 1914.13.

1914.13 Exceptions to the maximum dollar limit and/or the two (2) vehicle limit over the course of five (5) years may be approved by DDS on a case-by-case basis by the DDS Medicaid Waiver Supervisor or a designated Developmental Disabilities Administration (DDA) staff member for persons who demonstrate need. The request for exception must be in writing and must specify the amount requested above the maximum dollar limit; describe the demonstrated need for the exception; and include supporting documentation.

Subsections 1915.27 and 1915.29, of Section 1915, HOST HOME WITHOUT TRANSPORTATION SERVICES, are amended to read as follows:

1915.27 The daily inclusive reimbursement rate for host home without transportation services shall be broken down by the person's acuity level into the basic support rate, the moderate support rate, and the intensive support rate. The host home without transportation services reimbursement rate shall include:

- (a) All training for host home workers;

- (b) Programmatic supplies;
- (c) Oral/topical medication management;
- (d) General and administrative fees for ID/DD Waiver services;
- (e) Relief of the caregiver and emergency support;
- (f) All direct support costs based on the needs of the person; and
- (g) Additional supports provided by a DSP for up to twenty (20) hours per week.

...

1915.29 Persons with extraordinary needs may be eligible to receive a specialized reimbursement rate not to exceed a maximum dollar amount per day, subject to DDS approval.

Subsections 1916.18 and 1916.19 of Section 1916, IN-HOME SUPPORTS SERVICES, are amended to read as follows:

1916.18 In-home supports services shall not be used to provide supports that are normally provided by medical professionals.

1916.19 In-home supports services, including those provided in the event of a temporary emergency, shall be billed at the unit rate of fifteen (15) minutes and shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed. Reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person.

Subsections 1918.15 and 1918.16 of Section 1918, CREATIVE ARTS THERAPIES, are amended to read as follows:

1918.15 Any combination of Creative Arts Therapies services shall be limited to a maximum dollar amount per person, per calendar year, and delivered in accordance with the person’s ISP and Plan of Care.

1918.16 The reimbursement rate for Creative Arts Therapies services shall be billed:

- (a) Per person per forty-five (45) minutes for art, dance, drama or music therapy in a group not to exceed four (4); and
- (b) Per person per forty-five (45) minutes for art, dance, drama or music therapy as an individual service.

Subsections 1919.37 through 1919.40 of Section 1919, BEHAVIORAL SUPPORT SERVICES, are amended to read as follows:

- 1919.37 The Medicaid reimbursement rate for each diagnostic assessment shall be a flat fee rate and the assessment shall be at least three (3) hours in duration, and include the development of the DAR and accompanying worksheet.
- 1919.38 There shall be a Medicaid reimbursement rate for behavioral support services provided by professionals identified in Subsection 1919.29, which shall be billed at the unit rate of fifteen (15) minutes. A standard unit of fifteen (15) minutes requires a minimum of (8) minutes of continuous service to be billed.
- 1919.39 There shall be a Medicaid reimbursement rate for behavioral support services provided by paraprofessionals identified in Subsection 1919.30, which shall be billed at the unit rate of fifteen (15) minutes. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed.
- 1919.40 There shall be a Medicaid reimbursement rate for one-to-one behavioral support services provided by DSPs, which shall be billed at the unit rate of fifteen (15) minutes. A standard unit of fifteen (15) minutes requires a minimum of eight (8) minutes of continuous service to be billed.

Subsections 1920.24 through 1920.27 of Section 1920, DAY HABILITATION SERVICES, are amended to read as follows:

- 1920.24 There shall be a Medicaid reimbursement rate for regular day habilitation services. Services shall be provided for a maximum of eight (8) hours per day. The billable unit of service for regular day habilitation services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service.
- 1920.25 There shall be a Medicaid reimbursement rate for day habilitation one-to-one services. The billable unit of service for day habilitation one-to-one services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service.
- 1920.26 There shall be a Medicaid reimbursement rate for small group day habilitation services. The billable unit of service for small group day habilitation shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service.
- 1920.27 For persons who live independently or with family and select to receive a meal, the rate is increased by a dollar amount per day that the person receives a meal,

and an additional dollar amount per day that the person receives a meal, if that meal is delivered by a third-party vendor.

Subsection 1922.26 of Section 1922, EMPLOYMENT READINESS SERVICES, is amended to read as follows:

1922.26 The billable unit of service for Medicaid reimbursable employment readiness services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes in order to be able to bill a unit of service.

Subsection 1924.16 of Section 1924, FAMILY TRAINING SERVICES, is amended to read as follows:

1924.16 The billable unit of service for Medicaid reimbursable family training services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes in order to be able to bill a unit of service.

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

1925.23 Individualized day supports shall be billed at the unit rate established for the staffing ratio noted in the service authorization. There shall be a Medicaid reimbursement rate for 1:1 staffing ratio and 1:2 staffing ratio. For persons who live independently or with family and select to receive a meal, the rate is increased by a dollar amount per day that the person receives a meal. This service shall not exceed one thousand, five hundred and sixty (1,560) hours per year or six thousand two hundred and forty (6,240) units annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of services to bill for one (1) unit of service.

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

1926.15 There shall be a Medicaid reimbursement rate for occupational therapy services. The billable unit of service shall be fifteen (15) minutes.

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

1927.20 There shall be a Medicaid reimbursement rate for PERS services as follows:

- (a) A flat fee rate for the initial installation, training, and testing; and
- (b) A flat fee rate for the monthly rental, maintenance, and service fee.

Subsection 1928.17 of Section 1928, PHYSICAL THERAPY SERVICES, is amended to read as follows:

1928.17 There shall be a Medicaid reimbursement rate for physical therapy services. The billable unit of service shall be fifteen (15) minutes.

Subsections 1929.24 and 1929.25 of Section 1929, RESIDENTIAL HABILITATION SERVICES, are amended to read as follows:

1929.24 There shall be a Medicaid reimbursement rate for residential habilitation services for a GHPID with four (4) persons as follows:

- (a) The Basic Support Level 1 daily rate for a direct care staff support ratio of 1:4 for all awake and overnight hours;
- (b) The Moderate Support Level 2 daily rate for a direct care staff support ratio of 1:4 for awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (c) The Enhanced Moderate Support Level 3 daily rate for a direct care staff support ratio of 2:4 staff awake overnight and 2:4 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (d) The Intensive Support daily rate for a direct care staff support ratio of 2:4 staff awake overnight and 3:4 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
- (e) The Intensive Support daily rate for twenty-four (24) hour licensed practical nursing services.

1929.25 There shall be a Medicaid reimbursement rate for residential habilitation services for a GHPID with five (5) to six (6) persons as follows:

- (a) The Basic Support Level 1 daily rate for a direct care staff support ratio of 1:5 or 1:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home;
- (b) The Moderate Support Level 2 daily rate for a direct care staff support ratio of 2:5 or 2:6 staff awake overnight and 2:5 or 2:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;
- (c) The Enhanced Moderate Support Level 3 daily rate for a staff support ratio of 2:5 or 2:6 staff awake overnight and 3:5 or 3:6 during all awake hours when persons are in the home and adjusted for increased absenteeism;

- (d) The Intensive Support daily rate for increased direct care staff support for sleep hours to 2:5 or 2:6 for staff awake overnight support and 4:5 or 4:6 during all awake hours when persons are in the home and adjusted for increased absenteeism; and
- (e) The Intensive Support daily rate for twenty-four (24) hour licensed practical nursing services.

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

- 1930.14 Medicaid reimbursement for hourly respite services shall be limited to seven hundred twenty (720) hours per calendar year.
- ...
- 1930.18 Medicaid reimbursement for daily respite services shall be limited to thirty (30) days per calendar year.

Subsection 1931.24 of Section 1931, SKILLED NURSING SERVICES, is amended to read as follows:

- 1931.24 The Medicaid reimbursement rates for skilled nursing services and extended skilled nursing services shall be the same as the rates for skilled nursing services under the Medicaid State Plan as set forth in the Medicaid fee schedule. The Medicaid reimbursement rate for an initial assessment is a flat fee rate. The initial assessment for skilled nursing services shall be used for new admissions and any significant health condition changes that may warrant changes in a person’s supports and services. The Medicaid reimbursement rate for quarterly reassessments and supervisory visits shall be the RN rate for each fifteen (15) minute unit of service not to exceed a total of eight (8) units of service per reassessment or supervisory visit.

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

- 1932.17 There shall be a Medicaid reimbursement rate for a speech, hearing and language assessment. The billable unit of service shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.
- 1932.18 There shall be a Medicaid reimbursement rate for speech, hearing and language services. The billable unit of service for speech, hearing and language therapy services shall be fifteen (15) minutes. A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to bill a unit of service.

Subsection 1933.42 through 1933.45 of Section 1933, SUPPORTED EMPLOYMENT SERVICES - INDIVIDUAL AND SMALL GROUP SERVICES, are amended to read as follows:

- 1933.42 Medicaid reimbursable intake and assessment activities shall be billed at the unit rate. This service shall not exceed three-hundred and twenty (320) units or eighty (80) hours annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. There shall be a Medicaid reimbursement rate for individual supported employment intake and assessment activities (a) if performed by a professional listed in Subsection 1933.26; and (b) if performed by a paraprofessional listed in Section 1933.28 under the supervision of a professional.
- 1933.43 Medicaid reimbursable job preparation, developmental and placement activities shall be billed at the unit rate. This service shall not exceed nine hundred and sixty (960) units or two-hundred and forty (240) hours annually for both individual and group services, combined. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill for one (1) unit of service. There shall be a Medicaid reimbursement rate for individual supported employment job preparation, developmental and placement activities (a) if performed by a professional listed in Section 1933.26; and (b) if performed by a paraprofessional listed in Subsection 1933.28 under the supervision of a professional. For small group supported employment job preparation, developmental and placement activities, there shall be a Medicaid reimbursement rate for each person in a group of two (2) to four (4) people enrolled in the Waiver.
- 1933.44 Medicaid reimbursable on the job training and support activities shall not exceed three hundred and sixty hours (360) or one thousand, four hundred and forty (1,440) units per ISP year, unless additional hours are prior authorized by DDS. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. There shall be a Medicaid reimbursement rate for individual supported employment job training and support activities (a) if performed by a professional listed in Subsection 1933.26; and (b) if performed by a paraprofessional listed in Subsection 1933.28 under the supervision of a professional. For small group supported employment on the job training and support activities, there shall be a Medicaid reimbursement rate for each person in a group of two (2) to four (4) people enrolled in the Waiver.
- 1933.45 Medicaid reimbursable long-term follow-along activities shall not exceed one thousand four hundred eight (1,408) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. There shall be a Medicaid reimbursement rate for both professionals and paraprofessionals for individual supported employment long-term follow-along activities. For small group

supported employment long-term follow-along activities, there shall be a Medicaid reimbursement rate for each person in a group of two (2) to four (4) people enrolled in the Waiver.

Subsections 1934.37 and 1934.38 of Section 1934, SUPPORTED LIVING SERVICES, are amended to read as follows:

1934.37 There shall be a Medicaid reimbursement rate for supported living services without transportation as follows:

- (a) Basic Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours when individuals are awake and receiving services;
- (b) Basic Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours when the residents are receiving services;
- (c) Moderate Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage;
- (d) Moderate Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight;
- (e) Intensive Support Level 1, which provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (f) Intensive Support Level 2, which provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (g) Basic Support Level 1, which provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 during all hours when individuals are awake and receiving services;

- (h) Basic Support Level 2, which provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the residents are receiving services;
- (i) Moderate Support Level 1, which provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight;
- (j) Moderate Support Level 2, which provides support in a SLR with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are in the home and adjusted for increased absenteeism;
- (k) Intensive Support Level 1, which provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are in the home and adjusted for increased absenteeism;
- (l) Supported living periodic services, as described under Subsection 1934.6, which shall be authorized up to sixteen (16) hours per day without transportation. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. ;
- (m) A specialized service rate for supported living with skilled nursing services, described under Subsection 1934.5, when there are at least three (3) people living in the SLR and residing in a home that requires skilled nursing services and demonstrates extraordinary medical needs; and
- (n) A specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy SLR, described under Subsection 1934.4, for asleep overnight staff and for one-to-one awake overnight staff.

1934.38 There shall be a Medicaid reimbursement rate for supported living services with transportation as follows:

- (a) Basic Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 during all hours;

- (b) Basic Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 1:3 during all awake hours;
- (c) Moderate Support Level 1, which provides asleep overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during the remaining awake hours, and 1:3 staff asleep overnight coverage;
- (d) Moderate Support Level 2, which provides awake overnight support for a home with three (3) residents and a direct care staff support ratio of 2:3 for eight (8) hours a day, 1:3 during remaining awake hours, and 1:3 staff awake coverage overnight;
- (e) Intensive Support Level 1, which provides support for a home with three (3) residents and a direct care staff support ratio of 1:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (f) Intensive Support Level 2, which provides support for a home with three (3) residents and a direct care staff support ratio of 2:3 for staff awake overnight and 2:3 during all awake hours when the residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (g) Basic Support Level 1, which provides asleep overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 staff asleep overnight coverage and 1:2 staff awake coverage when residents are receiving services;
- (h) Basic Support Level 2, which provides awake overnight support for a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 1:2 during all awake hours when the resident is receiving services;
- (i) Moderate Support Level 1, which provides awake overnight daily rate for a home with two (2) residents and a direct care staff support ratio of 2:2 for four (4) hours a day, 1:2 during remaining awake hours and 1:2 staff awake coverage overnight;
- (j) Moderate Support Level 2, which provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for eight (8) hours a day, 1:2 during remaining awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs;

- (k) Intensive Support Level 1, which provides support in a home with two (2) residents and a direct care staff support ratio of 1:2 for staff awake overnight and 2:2 for all awake hours when residents are receiving services and adjusted for increased absenteeism from day and employment programs;
- (l) Supported living periodic services, described under Subsection 1934.6, which shall be authorized up to sixteen (16) hours per day with transportation. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service;
- (m) A specialized service rate for supported living with skilled nursing services, described under Subsection 1934.5, when there are at least three (3) people living in the SLR and residing in a home that requires skilled nursing services and demonstrates extraordinary medical needs; and
- (n) A specialized service rate for twenty-four hour one-to-one supported living service for a person living in a single occupancy SLR, described under Subsection 1934.4 for asleep overnight staff and for one-to-one awake overnight staff.

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

1936.23 There shall be a Medicaid reimbursement rate for wellness services for:

- (a) Massage Therapy;
- (b) Sexuality Education;
- (c) Fitness Training;
- (d) Small Group Fitness Training;
- (e) Nutrition Counseling; and
- (f) Bereavement Counseling.

Subsection 1939.16 of Section 1939, COMPANION SERVICES, is amended to read as follows:

1939.16 Medicaid reimbursable companion services shall be billed at the unit rate. Companion services shall not exceed eight (8) hours per twenty-four (24) hour day. A standard unit of fifteen (15) minutes requires a minimum of eight (8)

minutes of continuous service to be billed. Medicaid reimbursement shall be limited to those time periods in which the provider is rendering services directly to the person. There shall be a Medicaid reimbursement rate for:

- (a) Companion services provided at a one-to-one ratio; and
- (b) Companion services provided in a small group of no more than one-to-three per person.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 99 (Pharmacy Technicians) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to require pharmacy technicians to complete (2) hours of continuing education as part of the continuing education requirements on cultural competency or training focusing on clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”), beginning with the renewal period ending February 28, 2019.

This rulemaking was published in the *D.C. Register* on March 17, 2017 at 64 DCR 2800. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on June 9, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 99, PHARMACY TECHNICIANS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 9907, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 9907.4 is amended to read as follows:

9907.4 An applicant for renewal of a pharmacy technician registration shall:

- (a) Have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter during the two (2) year period preceding the date the registration expires, which shall include at least:
 - (1) Two (2) contact hours of continuing education credit in pharmacy law;
 - (2) Two (2) contact hours in medication safety; and
 - (3) Beginning with the renewal period ending February 28, 2019, two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who

identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5);

- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

Subsection 9907.6 is amended to read as follows:

9907.6 To qualify for reinstatement or reactivation of a pharmacy technician registration, an applicant shall have completed a minimum of twenty (20) contact hours of continuing education credit in pharmacy-related subject matter in the year immediately preceding the date of the application, which shall include at least:

- (a) Two (2) contact hours of continuing education credit in pharmacy law;
- (b) Two (2) contact hours in medication safety; and
- (c) Beginning with the licensure period ending February 28, 2019, two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5);

DEPARTMENT OF HEALTH

NOTICE OF FINAL 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.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 3 (Use of Medical Marijuana) and Chapter 56 (General Operating Requirements) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations.

This action is being taken to ban the use of butane by qualifying patients and caregivers, the use of which poses a risk to the health, safety, and welfare of District residents. This rulemaking also requires cultivation centers to obtain written approval from the Director before engaging in the use of butane and other explosive gases when extracting or separating resin or tetrahydrocannabinol from marijuana.

This rulemaking was published in the *D.C. Register* on March 24, 2017 at 64 DCR 2985. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking.

Following the required period of Council review, the rules were deemed approved by the D.C. Council on May 25, 2017. These rules were adopted as final on June 9, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 3, USE OF MEDICAL MARIJUANA, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 300, USE BY QUALIFYING PATIENT, TRANSPORTATION BY CAREGIVER, AND LIMITATIONS ON MEDICAL MARIJUANA, is amended as follows:

A new Subsection 300.15 is added to read as follows:

300.15 No qualifying patient or caregiver shall use butane or other explosive gases to extract or separate resin from marijuana, or tetrahydrocannabinol from marijuana, or in any other manner.

Chapter 56, GENERAL OPERATING REQUIREMENTS, is amended as follows:

Section 5620, MANUFACTURING STANDARDS, is amended as follows:

New Subsections 5620.4 and 5620.5 are added to read as follows:

5620.4 A cultivation center shall obtain written approval from the Director before engaging in the use of butane or other explosive gases to extract or separate resin or tetrahydrocannabinol from marijuana or to produce or process any form of marijuana concentrates or marijuana-infused product.

5620.5 In reviewing a request for the use of butane or other explosive gases, the Director may consult with subject matter experts in the field, the Department of Fire and Emergency Medical Services, and the Department of Energy and Environment as to the safety and sufficiency of the cultivation center's proposal.

DEPARTMENT OF HEALTH

NOTICE OF FINAL 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.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapters 56 (General Operating Requirements) and 99 (Definitions) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (DCMR).

This action is being taken to ban the use of packaging and labeling designed to appeal to children, to ban the use of the words "candy" and "candies" on the labeling or packing of medical marijuana products, and to prohibit the production of medical marijuana products that appear to be candy or misleading labeling resembling popular brand products that may appeal to children. The purpose of these prohibitions is to reduce or prevent accidental ingestion of medical marijuana by children.

This rulemaking was published in the *D.C. Register* on November 11, 2016 at 63 DCR 13932. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking.

Following the required period of Council review, the rules were deemed approved by the D.C. Council on April 27, 2017. These rules were adopted as final on May 31, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 56, GENERAL OPERATING REQUIREMENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5607, LABELING AND PACKAGING OF MEDICAL MARIJUANA, is amended as follows:

Subsection 5607.1(a) is amended to read as follows:

5607.1 No medical marijuana shall be dispensed or distributed to a qualifying patient or caregiver unless the container in which it is distributed bears a legible label, firmly affixed, stating:

- (a) The name of the cultivation center where the medical marijuana was produced and the manufacture date;

...

Subsection 5607.1(i) is amended to read as follows:

5607.1

...

- (i) A statement that the product is for medical use, not for resale or transfer to another person, containing the following language: “Contains Marijuana. Keep out of the reach of children.”

Subsection 5607.10 is redesignated as Subsection 5607.17.

New Subsections 5607.10 - 5607.16 are added to read as follows:

5607.10 A cultivation center or dispensary shall not use the word(s) “candy” or “candies” on the product, packaging, or labeling of any medical marijuana product.

5607.11 A cultivation center or dispensary shall not place any content, image, or labeling that specifically targets individuals under the age of twenty-one (21), including but not limited to, cartoon characters or similar images, on the product, packaging, or a container holding medical marijuana.

5607.12 A cultivation center that produces edible marijuana products or marijuana-infused products shall ensure that all edible marijuana products or marijuana-infused products offered for sale:

- (a) Are labeled clearly and unambiguously as medical marijuana;
- (b) Are not presented in packaging or with labeling that is appealing to children; and
- (c) Have packaging designed or constructed to be significantly difficult for children under five (5) years of age to open, but not normally difficult for adults to use properly.

5607.13 A cultivation center or dispensary shall not use or allow the use of any content, image, or labeling on a medical marijuana product that is offered for sale if the container does not precisely and clearly indicate the nature of the contents or that in any way may deceive a customer as to the nature, composition, quantity, age, or quality of the product.

5607.14 Packaging of edible medical marijuana products or medical marijuana-infused products shall not bear any:

- (a) Resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available candy, snack, baked good or beverage;
- (b) Statement, artwork or design that could reasonably mislead any person to

believe that the package contains anything other an edible medical marijuana product or medical marijuana-infused products; or

- (c) Seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any person to believe that the product has been endorsed, manufactured, or used by any state, county or municipality or any agency thereof.

5607.15 The Director may prohibit a cultivation center or dispensary from selling any medical marijuana product upon a finding by the Director that the product is deceptively labeled or branded in a manner which is misleading about its content or that contains injurious or adulterated ingredients.

5607.16 In addition to the other labeling requirements of this section, all edible marijuana products, and marijuana-infused products shall be labeled in accordance with 16 C.F.R. Part 1700 (2016), Poison prevention packaging; 21 C.F.R. Part 101 (2016), Food Labeling, as specified in Section 1102 of the District Food Code Regulations (Title 25-A DCMR).

Section 5608, INGESTIBLE ITEMS, is amended as follows:

New Subsections 5608.2 - 5608.5 are added to read as follows:

5608.2 Marijuana-infused products that require cooking or baking by the consumer are prohibited.

5608.3 Marijuana-infused products that are especially appealing to children are prohibited.

5608.4 Marijuana-infused edible products such as, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited.

5608.5 A cultivation center shall not process or transfer a marijuana item:

- (a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
 - (1) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
 - (2) Products in the shape of an animal, vehicle, person or character;
- (b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items;
- (c) That contains dimethyl sulfoxide (DMSO).

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, Subsection 9900.1, is amended as follows:

The following terms with the ascribed meaning are added as follows:

Commercially manufactured food- means food prepared and/or processed in a licensed food facility.

Concentrate- means products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than ten percent, or a substance obtained by separating cannabinoids from marijuana by:

- (A) A mechanical extraction process;
- (B) A chemical extraction process using a nonhydrocarbon-based solvent, such as vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol; or
- (C) A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure.

Edible medical marijuana products- means a food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated, but does not include a tincture or a cannabinoid product intended to be placed under the tongue or in the mouth using a dropper or spray delivery method, such as but not limited, to a sublingual spray.

Medical marijuana-infused products- means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a THC concentration no greater than ten percent. The term “marijuana-infused products” does not include either useable medical marijuana or marijuana concentrates. The term “marijuana-infused products” does include tinctures and topicals.

Tincture- means a solution of alcohol, cannabinoid concentrate, or extract, which may or may not include other ingredients intended for human consumption or ingestion.

Topical- means a cannabinoid product intended to be applied to skin or hair.

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF FINAL RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Repl.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of the adoption of amendments to Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The amended rules will uphold the District of Columbia Public Library (DCPL) policy to provide and maintain a safe and secure environment in which every customer can obtain equitable access to information, expanded opportunities and an increased quality of life. The guidelines will act as rules of conduct for library customers, in order to deter and /or minimize the effect of unacceptable behavior, by defining such behavior so that individuals may conduct themselves in a manner consistent with the purpose and functions of DCPL.

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On January 27, 2017, the Executive Director of the District of Columbia Public Library (“DCPL”) approved to adopt the proposed new amendments to replace the current District of Columbia Public Library Regulations regarding Behavior Rules Governing the Use of the District of Columbia Public Library. The Notice of Proposed Rulemaking was published in the *D.C. Register* on March 3, 2017 at 64 DCR 2400. After review of the two comments received, a sentence was added to the end of Subsection 810.6(c)(1) to clarify that all forms of harassment, including sexual harassment, are prohibited. No substantive changes were made.

These rules shall take effect on July 31, 2017.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Section 810, BEHAVIOR RULES GOVERNING THE USE OF THE DISTRICT OF COLUMBIA PUBLIC LIBRARY, is amended to read as follows:

810 BEHAVIOR RULES GOVERNING THE USE OF THE DISTRICT OF COLUMBIA PUBLIC LIBRARY

810.1 INTRODUCTION

The District of Columbia Public Library's (DCPL) behavior rules have three primary purposes: (1) to protect the rights and safety of all library customers, (2) to protect the rights and safety of staff members and (3) to protect the library's materials, facilities and property.

The DCPL supports the right of all customers to free and equal access to information and use of the library without discrimination, intimidation, threat of harm or invasion of privacy. DCPL is dedicated to providing friendly, courteous and respectful service and an enjoyable, clean and comfortable environment for all customers.

DCPL reserves the right to inspect a customer's belongings including purses, backpacks, bags, parcels, shopping bags, briefcases and other items to prevent unauthorized removal of library materials and equipment or for the health and safety of library staff and customers.

810.2 DEFINITIONS AND SCOPE

These behavior rules apply to all buildings and all grounds controlled and operated by DCPL (buildings and grounds are also known as "the premises") and to all customers entering in or on the premises. Listed below are the library's behavior rules. Customers who violate these rules may be removed from the premises and excluded from all library premises for the period of time listed below, by authority of the D.C. Public Library.

810.3 ENFORCEMENT

Library staff, Library Police, and/or Metropolitan Police Department (MPD) officers may intervene to stop prohibited activities and behaviors. A violation of law may result in arrest and prosecution. Failure to comply with these rules may result in issuance of a Notice of Barring from Library property for a period of one day to five years. If a Notice of Barring is issued, it applies to all DCPL locations and includes the suspension of DCPL privileges, including but not limited to the use of DCPL computers and other equipment. If barred, customers may have their photographs or video captured by D.C. Public Library staff to enforce the bar.

810.4 ADMINISTRATIVE REVIEW OF NOTICES OF BARRING

- (a) An individual who receives a Notice of Barring may request an administrative review if the bar is greater than seven (7) days. This request

must be made within ten (10) business days of the date on the barring notice and submitted in writing to:

Director of Public Safety
 Operations Center
 1709 Third Street, NE
 Washington, D.C. 20002

- (b) The Executive Director or designee will issue a final decision on the administrative review of the bar within thirty (30) calendar days. The barred individual may appeal the final decision to the District of Columbia Superior Court’s Civil Division within thirty (30) days of the date of the notice of final decision.

810.5 REASONABLE ACCOMODATION

Library customers who wish to request a reasonable modification of these Guidelines because of a disability or health problem may contact Library staff or may call the ADA Coordinator at 202-727-1101.

810.6 BEHAVIOR RULES

For the safety and comfort of the public and staff, and to create an environment that is favorable to library operations, the following rules and consequences apply. These activities are prohibited on library premises:

- (a) Category One Rules and Consequences: Any customer, aged nine (9) and older, who violates category one rules while on library premises will be restricted from the premises until the problem is corrected. Subsequent offenses by that customer will result in that person’s immediate removal and restriction from all DCPL premises as follows:

Age	Initial	2nd Violation (within 30 days)	3rd Violation (within 30 days)	4th time (within 30 days)
9+	Leave library until problem corrected	1 week	1 month	3 months
0-8	Warning and referral to caregiver.			

- (1) Being on DCPL premises with bare feet or a bare chest; shirts and footwear are required at all times.
- (2) Being under the obvious influence of any controlled substance or intoxicating beverage.

- (3) Bringing in bags in excess of 9” L x 14” W x 22” H. Customers are permitted to bring in two bags per person, but each bag must be smaller than 9” L x 14” W x 22” H. Items must fit easily into a measuring box of the above dimensions. Infested personal items are also prohibited.
 - (4) Any customer with an odor that can be detected by a reasonable person from six (6) feet away and/or disturbs other library users.
 - (5) Consuming food or drink that creates a nuisance or disrupts library use because of odor, garbage or spills. Non-alcoholic beverages in covered containers and food are only allowed in designated areas.
 - (6) Lying down, sleeping, or the appearance of sleeping on the premises. Sitting customers must use library-provided seating (chair, couch, etc.). Customers may not sit on the floor, sidewalk, etc. unless approved by a library staff member and may not block aisles, exits, pathways, or entrances.
 - (7) Using personal electronics without headphones or at a volume that disturbs others.
- (b) Category Two Rules and Consequences: Any customer who violates category two rules while on library premises will be given a warning that shall remain on the customer’s record for six (6) months. Subsequent offenses within a six (6) month time frame by that customer will result in that person’s immediate removal and barring from all D.C. Public Library premises as follows:

Age	Initial	2nd Violation (Within 6 months)	3rd Violation (Within 6 months)	4th Violation (Within 6 months)
18+	warning	3 months	6 months	1 year
13-17	warning	1 month	3 months	6 months
9-12	warning	1 week	2 weeks	1 month
0-8	Warning, referral to caregiver and/or Library Police or MPD.			

- (1) Soliciting, petitioning, or distributing written materials or canvassing for political, charitable or religious purposes on the premises.
- (2) Using someone else’s library card to obtain library services, including public computer use, is prohibited. Each customer must

use their own library card and these cards are non-transferrable; loaning your library card to another person is prohibited. Library cards used in violation of this rule will be blocked after a warning.

- (3) Placing items or personal belongings on or against buildings, furniture, equipment or fixtures in a manner that interferes with library staff or customer use of the library, or leaving personal belongings unattended.
- (4) Bringing bicycles, or other similar items inside library buildings, including, but not limited to, vestibules or covered doorways. Operating bicycles or other similar items in a reckless or inattentive manner on library premises.
- (5) Operating roller skates, skateboards, hoverboards, or other similar items in, or on, library premises.
- (6) Bringing animals inside library buildings (with the exception of service animals), except as allowed at a library-approved event, or leaving an animal tethered and unattended on library premises.
- (7) Improperly using library restrooms, including, but not limited to, bathing, shaving, washing hair, and exceeding more than one person in a restroom stall (unless accompanying children or adults in need of assistance).
- (8) Leaving one or more children eight (8) years old or under, who reasonably appear to be unsupervised or unattended, anywhere in or on library premises. [Please see Unattended Children Policy]
- (9) Customers thirteen (13) years of age and older are prohibited from using the children's area, unless accompanying a child twelve (12) years old or younger or selecting an item from the collection.
- (10) Customers twenty (20) years of age and older and children twelve (12) years of age and younger are prohibited from using the teen area unless accompanying a teen aged thirteen (13) to nineteen (19) or selecting an item from the collection..
- (11) Customers thirteen (13) years of age and older are prohibited from using any restroom designated for children. Children's restrooms are for the sole use of children twelve (12) years old or younger, and their caregivers.

- (12) Customers under the age of eighteen (18) who are on library property during regular school hours must provide verification of excused absence from school upon request from library staff.
- (13) Leaving mess, garbage or spills or creating mess, garbage or spills that disrupts or interferes with library use.

(c) Category Three Rules and Consequences: Any customer who violates category three rules while on library premises may first be informed of library rules. Subsequent offenses by that customer within one year will result in that person’s immediate removal and restriction from all DCPL premises as follows:

Age	Initial	2nd Violation (within one year)	3rd Violation (within one year)	4th Violation (within one year)
18+	1 month	3 months	1 year	2 years
13-17	1 week	1 month	6 months	1 year
9-12	rest of day	1 week	1 month	3 months
0-8	Warning, referral to caregiver and/or Library Police or MPD.			

- (1) Engaging in conduct that disrupts or interferes with the normal operation of the library, or disturbs library staff or customers, including but not limited to, the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior or talking. This includes all forms of harassment, including sexual harassment. Some infractions may be moved to Category Four if deemed necessary.
- (2) Engaging in bullying as defined by the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; 59 DCR 7820 (June 29, 2012)).
- (3) Misuse of any library property in a destructive, abusive or potentially damaging manner; or in a manner likely to cause personal injury to themselves or others.
- (4) Failure to comply with the reasonable direction of a library staff member or law enforcement officer.
- (5) Smoking or other use of tobacco products, including electronic cigarettes, in the library or on library property.

- (6) Violating the library’s *Computer Use Guidelines*.
 - (7) Entering or attempting to enter DCPL premises while barred (*i.e.*, trespassing). Customers or persons returning to DCPL premises during a period of barring may be arrested and prosecuted for unlawful entry pursuant to D.C. Official Code § 22-3302 (2012 Repl.).
 - (8) Possessing, selling, distributing, or consuming any alcoholic beverage, except as allowed at a library approved event.
- (d) Category Four Rules and Consequences: Any customer who violates category four rules while on library premises will be immediately removed and restricted from all DCPL premises as follows:

Age	Each Incident
18+	1-5 years, based on severity, and the incident will be reported to the appropriate law enforcement agency
13-17	3 months to 1 year, based on severity, and the incident will be reported to the appropriate law enforcement agency
9-12	1-6 months, based on severity, and the incident will be reported to the appropriate law enforcement agency
0-8	Warning, referral to caregiver and/or Library Police or MPD.

- (1) Committing, or attempting to commit, any activity that would constitute a violation of any Federal or District of Columbia criminal statute, ordinance, code, or law.
- (2) Directing a specific threat of physical harm against an individual, group of individuals, or property.
- (3) Engaging in sexual conduct/activity, including, but not limited to, the physical manipulation or touching of sex organs through clothing in an act of apparent sexual stimulation or gratification.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to adopt an amendment to Chapter 48 (Medicaid Program: Reimbursement) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules establish updated methods and standards for the reimbursement of inpatient hospital services provided by specialty hospitals through the District Medicaid program. Specifically, these rules make three (3) changes to the reimbursement methodology for Medicaid reimbursement to specialty hospitals classified as rehabilitation hospitals. First, Subsections 4814.12 through 4814.14 have been amended to adjust the initial year in which reimbursement rates for rehabilitation hospitals are rebased from Fiscal Year (FY) 2019 to FY 2018. The next year in which reimbursement rates for rehabilitation hospitals will be rebased will be FY 2023, aligning with the rebasing schedule for other types of specialty hospitals. Second, Subsections 4814.3 and 4814.6 have been amended to clarify that inpatient psychiatric services provided to individuals under age twenty-one (21) and individuals age sixty-five (65) and over may be eligible for reimbursement subject to federal and District regulatory requirements. Finally, Subsection 4814.11 has been amended to clarify what is included in the Medicare inflation factor.

These rules correlate to a proposed amendment to the District of Columbia State Plan for Medical Assistance (State Plan). The corresponding State Plan Amendment (SPA) requires approval by the Council of the District of Columbia (Council) and the Centers for Medicare and Medicaid Services (CMS). The Council approved the corresponding SPA through the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775 (August 26, 2017)). These rules are contingent upon approval of the corresponding SPA by CMS. If the corresponding SPA is approved, DHCF will publish a notice setting forth the effective date. The estimated impact to annual aggregate expenditures for the SPA is \$1,787,071 in Fiscal Year 2018 and \$1,890,415 in Fiscal Year 2019.

The Director also gives notice of the intent to take final rulemaking action to adopt this proposed rule in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 4814, SPECIALTY INPATIENT SERVICES: GENERAL PROVISIONS, is amended as follows:

4814 SPECIALTY INPATIENT SERVICES: GENERAL PROVISIONS

- 4814.1 The District of Columbia's Medicaid program shall reimburse claims associated with discharges from specialty hospitals, occurring on and after October 1, 2014, in accordance with the methodology described in Sections 4814 through 4819 of these rules. A claim eligible for payment shall reflect an approved specialty inpatient hospital stay of at least one (1) day or more by a beneficiary who is eligible for Medicaid.
- 4814.2 A specialty hospital shall be reimbursed either on a per diem (PD) or a per stay (PS) basis using the All Payer Refined-Diagnostic Related Group (APR-DRG) perspective payment system. DHCF adopted the APR-DRG classification system, as contained in the 2014 APR-DRG Classification System Definitions Manual, version 31.0, for purposes of calculating rates set forth in this section. Subsequent versions representing significant changes to the APR-DRG Classification System Definitions Manual may be adopted by DHCF at a later date.
- 4814.3 For purposes of Medicaid reimbursement, a specialty hospital meets the definition of a "special hospital" that is set forth in 22-B DCMR § 2099. Specialty hospitals classified as psychiatric hospitals shall be eligible for reimbursement of: (1) inpatient psychiatric services for individuals under age twenty-one (21) in accordance with the requirements set forth in 42 CFR § 440.160; and (2) inpatient hospital services for individuals age sixty-five (65) or over in accordance with federal and District regulatory requirements. Specialty hospitals classified as rehabilitation hospitals or long term care hospitals (LTCHs) shall be eligible for reimbursement for services that meet the definition at 42 CFR § 440.10.
- 4814.4 For discharges occurring on or after October 1, 2014, the following types of specialty hospitals in the District shall be reimbursed on a PD basis as described at Section 4815:
- (a) Psychiatric hospitals;
 - (b) Pediatric hospitals not eligible for APR-DRG payment under Sections 4800-4813; and
 - (c) Rehabilitation hospitals.
- 4814.5 For discharges occurring on or after October 1, 2014, LTCHs in the District shall be reimbursed on a PS basis as described at Section 4816.
- 4814.6 Out-of-District hospitals that deliver services meeting the requirements set forth in Subsection 4814.3 shall be reimbursed in accordance with the requirements set forth in Sections 4813, 4814, and 4815.
- 4814.7 A hospital entering the District of Columbia market after October 1, 2014 shall demonstrate substantial compliance with all applicable laws and policies,

including licensure, prior to contacting DHCF to initiate the rate setting process, including classification as either a per diem or per stay hospital.

- 4814.8 Each hospital classified within the specialty category shall have a hospital-specific base PD rate calculated in accordance with Section 4815 or base PS rate calculated in accordance with Section 4816. For purposes of this section, the base year period shall be Fiscal Year (FY) 2013, or October 1, 2012 through September 30, 2013.
- 4814.9 Cost classifications and allocation methods shall be applied in accordance with the CMS Guidelines for Form CMS 2552-10 and the Medicare Provider Reimbursement Manual 15, or subsequent superseding issuances from CMS.
- 4814.10 The hospital-specific cost-to-charge ratio (CCR) for specialty hospitals located in the District shall be calculated annually in accordance with 42 CFR § 413.53 and 42 CFR §§ 412.1 through 412.125, as reported on cost reporting Form HFCA 2552-10, Worksheet C Part I, or its successor. For purposes of specialty hospital reimbursement, organ acquisition costs shall not be included in the CCR calculation.
- 4814.11 Effective FY 2016, beginning on October 1, 2015, and annually thereafter, except during a rebasing year, DHCF shall apply an inflation adjustment to the then current base per diem or per stay rate associated with each specialty hospital. The inflation adjustment factor shall be calculated by multiplying the current base rate by the Medicare inflation factor as set forth in 42 USC § 1395ww (including multifactor productivity, statutory and any other relevant adjustments to the market basket rate of increase) to equal the adjusted base rate. DHCF shall base the inflation adjustment factor on the appropriate, hospital type specific inflation factor proposed under the Medicare program, set forth in the Hospital Inpatient Prospective Payment Systems (PPS) for general hospitals and the LTCH PPS for the same federal FY in which the rates will be effective.
- 4814.12 Except as provided in Subsections 4814.13 and 4814.14, effective in FY 2019, which begins on October 1, 2018, and every four (4) years thereafter (*i.e.*, quadrennially), the base rate for each specialty hospital shall be rebased as follows:
- (a) For rebasing occurring quadrennially on October 1, the updated base rate shall be based on each hospital's submitted cost reports for the hospital's fiscal year that ends prior to October 1, of the prior calendar year, including case mix, claims, and discharge data; and
 - (b) Any hospital that enters the District of Columbia market during a non-rebasing year shall be paid a rate equal to the base rate associated with a comparable specialty hospital until the next rebasing period, provided at least twelve (12) months of data are available prior to rebasing.

- 4814.13 For specialty hospitals classified as rehabilitation hospitals, effective FY 2018, which begins on October 1, 2017, the base rate for each rehabilitation hospital shall be rebased using the methodology outlined in Subsection 4814.12.
- 4814.14 Following the FY 2018 rebasing for rehabilitation hospitals described in Subsection 4814.13, the base rate for each rehabilitation hospital shall be rebased effective FY 2023, beginning on October 1, 2022, and every four (4) years thereafter (*i.e.*, quadrennially).
- 4814.15 Out-of-District specialty hospitals, not located in Maryland, shall be reimbursed for inpatient discharges in the same manner as general hospitals, pursuant to Sections 4800 through 4813.
- 4814.16 In the event that an out-of-District hospital offers inpatient specialty services that are distinct from services offered by other hospitals, DHCF may consider alternative reimbursement for those specialty inpatient services, provided the needs of Medicaid beneficiaries cannot be met by an in-District hospital.
- 4814.17 Maryland hospitals shall be reimbursed for specialty inpatient hospital services in accordance with Subsection 4800.12.
- 4814.18 All specialty hospital inpatient stays and non-emergency transfers shall be prior authorized pursuant to Subsection 4800.5.
- 4814.19 A specialty hospital located in an EDZ shall receive an increased reimbursement rate pursuant to Subsection 4810.1.
- 4814.20 Reimbursement of same-day discharges shall occur in accordance with Subsections 4812.1 through 4812.2.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Senior Deputy/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, NW, Suite 900, Washington DC 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.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the intent to adopt the following amendment to Chapter 46 (Medicine) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for physicians. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

Chapter 46, MEDICINE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4606, CONTINUING EDUCATION REQUIREMENTS FOR NONPRACTICING PHYSICIANS, is amended as follows:

Subsection 4606.4 is amended to read as follows:

4606.4 An applicant for renewal, reactivation, or reinstatement of a license who has not been actively practicing medicine for a period of one (1) to five (5) years shall submit proof pursuant to § 4606.7 that the applicant has completed acceptable continuing medical education for each year after December 31, 1988, that the applicant has not been actively practicing medicine as follows:

- (a) Twenty-five (25) hours of credit in continuing medical education meeting the requirements of Category 1;
- (b) Twenty-five (25) hours of credit in continuing medical education meeting the requirements of either Category 1 or Category 2; and
- (c) Beginning with the renewal period ending December 31, 2018, two (2) AMA/PRA Category I or Category I-equivalent hours in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression

(LGBTQ) that meets the requirement of § 4607.4, and which shall count towards the hours required under paragraphs (a) and (b). Category I-equivalent hours shall be acceptable so long as they have been prescribed by the American Academy of Family Physicians or another entity approved by the Board.

Section 4607, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:

A new Subsection 4607.4 is added to read as follows:

4607.4 Continuing medical education hours that are completed, pursuant to § 4606.4(c) of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

Section 4614, CONTINUING EDUCATION REQUIREMENTS FOR PRACTICING PHYSICIANS, is amended as follows:

Subsection 4614.2 is amended to read as follows:

4614.2 Physicians actively practicing medicine in the District of Columbia shall submit proof of having completed fifty (50) American Medical Association Physician Recognition Award (AMA/PRA) Category I hours of Board of Medicine approved continuing education credit during the two-year period preceding the date the license expires which, beginning with the renewal period ending December 31, 2018, shall include two (2) AMA/PRA Category I or Category I-equivalent hours in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) which meet the requirements of § 4614.9. Category I-equivalent hours shall be acceptable so long as they have been prescribed by the American Academy of Family Physicians or another entity approved by the Board.

A new Subsection 4614.9 is added to read as follows:

4614.9 Continuing medical education hours that are completed, pursuant to § 4614.2, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and

- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

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., 6th 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, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the intent to adopt the following amendment to Chapter 51 (Anesthesiologist Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for anesthesiologist assistants. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

Chapter 51, ANESTHESIOLOGIST ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**Section 5108, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:****Subsection 5108.2 is amended to read as follows:**

- 5108.2 A licensee applying for renewal shall meet continuing education requirements by demonstrating that he or she has:
- (a) Been recertified by the National Commission for Certification of Anesthesiologist Assistants (NCCAA), or its successor organization; and
 - (b) Beginning with the renewal period ending December 31, 2018, completed two (2) continuing education hours in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) which meet the requirements of §§ 5108.5 and 5108.6.

A new Subsection 5108.5 is added to read as follows:

- 5108.5 Continuing education hours that are completed, pursuant to § 5108.2(b), in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a

physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

A new Subsection 5108.6 is added to read as follows:

5108.6 A licensee applying for renewal shall, at the Board's request, provide proof of having completed the continuing education hours required by § 5108.2(b) which shall contain the following information:

- (a) The name of the program, its location, and a description of the subject matter covered;
- (b) The dates on which the applicant attended the program;
- (c) The hours of credit claimed; and
- (d) Verification of completion of the credits by signature or stamp of the sponsor.

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., 6th 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, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the intent to adopt the following amendment to Chapter 52 (Naturopathic Medicine) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for naturopathic physicians. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

Chapter 52, NATUROPATHIC MEDICINE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 5206, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 5206.4 is amended to read as follows:

5206.4 An applicant for renewal of a license shall:

- (a) Have completed thirty (30) hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which, beginning with the renewal period ending December 31, 2018, shall include two (2) hours of continuing education credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 5206.11;
- (b) Attest to completion of the required continuing education credit on the renewal application form; and
- (c) Be subject to a random audit.

Subsection 5206.5 is amended to read as follows:

5206.5 To qualify for a license a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001) for five (5) years who submits an application to reactivate a license shall submit proof pursuant to § 5206.8 of having completed fifteen (15) hours of approved continuing education credit in the year immediately preceding the date of the application. Beginning with the renewal period ending December 31, 2018, two (2) of the fifteen (15) hours of approved continuing education, shall relate to cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) and shall meet the requirement of § 5206.11.

Subsection 5206.6 is amended to read as follows:

5206.6 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001) for more than five (5) years who submits an application to reactivate a license shall submit proof pursuant to § 5206.8 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Thirty (30) hours of approved continuing education credit, which, beginning with the renewal period ending December 31, 2018, shall include two (2) hours of continuing education credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 5206.11; and
- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a naturopathic physician.

Subsection 5206.7 is amended to read as follows:

5206.7 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 5206.8 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Thirty (30) hours of approved continuing education credit, which, beginning with the renewal period ending December 31, 2018, shall include two (2) hours of continuing education credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 5206.11; and

- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a naturopathic physician.

A new Subsection 5206.11 is added to read as follows:

5206.11 Continuing education hours that are completed in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

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., 6th 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, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the intent to adopt the following amendment to Chapter 80 (Surgical Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for surgical assistants. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

Chapter 80, SURGICAL ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 8008, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 8008.2 is amended to read as follows:

8008.2 An applicant for renewal of a license to practice as a surgical assistant shall submit proof pursuant to § 8008.6 of having completed during the two-year (2) period preceding the date the license expires approved continuing education units (CEUs) constituting:

- (a) Fifty (50) hours of CEU credit as specified in § 8009.2; and
- (b) Beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 8009.3, and which shall count towards the hours required under paragraph (a).

Subsection 8008.4 is amended to read as follows:

8008.4 A surgical assistant who is required to obtain continuing education units pursuant to § 8008.2 may, in lieu of meeting the requirement of that section through the completion of CEUs approved by the Board pursuant to § 8009, furnish proof satisfactory to the Board that the surgical assistant holds a current valid certification from the American Board of Surgical Assistants or the National Surgical Assistant's Association and has completed fifty (50) hours of CEUs over a two-year (2) period as part of that certification. Nothing in this subsection shall waive the requirement of § 8008.2(b).

Subsection 8008.5 is amended to read as follows:

8008.5 An applicant for reactivation of an inactive license or reinstatement of a license to practice as a surgical assistant shall submit proof pursuant to § 8008.6 of having completed during the two-year (2) period immediately preceding the date of application approved CEUs, including, beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 8009.3.

Section 8009, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:

Subsection 8009.3 is renumbered as 8009.4.

A new Subsection 8009.3 is added to read as follows:

8009.3 CEU credit hours that are completed, pursuant to § 8008.2(b) of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;

- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

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., 6th 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, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the intent to adopt the following amendment to Chapter 81 (Polysomnography) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for polysomnographers. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

Chapter 81, POLYSOMNOGRAPHY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**Section 8106, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:****Subsection 8106.3 is amended to read as follows:**

8106.3 A licensed polysomnographic technologist shall earn a minimum of twenty (20) continuing education credits during the two (2) year period immediately preceding the date of any subsequent license renewal. Beginning with the renewal period ending December 31, 2018, two (2) of the twenty (20) continuing education credits shall be in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 8107.6.

Section 8107, APPROVED CONTINUING EDUCATION PROGRAMS, is amended as follows:**A new Subsection 8107.6 is added to read as follows:**

8107.6 CEU credit hours that are completed, pursuant to § 8106.3 of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a

physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

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., 6th 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, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the intent to adopt the following amendment to Chapter 106 (Trauma Technologists) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for trauma technologists. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

Chapter 106, TRAUMA TECHNOLOGISTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 10608, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 10608.2 is amended to read as follows:

10608.2 An applicant for renewal of a license to practice as a trauma technologist shall submit proof pursuant to § 10608.5 of having completed during the two-year (2) period preceding the date the license expires approved continuing education units (CEUs) constituting:

- (a) Fifty (50) hours of CEU credit as specified in § 10609.2; and
- (b) Beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 10609.3, and which shall count towards the hours required under paragraph (a).

Subsection 10608.4 is amended to read as follows:

10608.4 An applicant for reactivation of an inactive license or reinstatement of a license to practice as a trauma technologist shall submit proof pursuant to § 10608.5 of having completed during the two-year (2) period immediately preceding the date of application approved CEUs, including, beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 10609.3.

Section 10609, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:

Subsection 10609.3 is renumbered § 10609.4.

A new Subsection 10609.3 is added to read as follows:

10609.3 CEU credit hours that are completed, pursuant to § 10608.2(b) of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and

- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

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., 6th 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, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

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

NOTICE OF SECOND EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl.)), and in accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1967 (82 Stat. 1206; D.C. Official Code § 25-505 (2012 Repl.)) (D.C. APA), hereby gives notice of the adoption of emergency rules to amend Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends, on an emergency basis, 23 DCMR §§ 718.2 and 718.3 by reducing the percentage of distribution of subsidies paid by the Alcoholic Beverage Regulation Administration (ABRA) to the Metropolitan Police Department (MPD) from seventy percent (70%) to sixty percent (60%) when covering the costs incurred by Alcoholic Beverage Control (ABC) licensees from MPD officers working reimbursable details under the Program. The emergency rules also amend 23 DCMR § 718.2 to include pub crawls among the types of events that one can utilize the Reimbursable Detail Subsidy Program (“RDO Program” or “Program”).

By way of background, the RDO Program assists licensed establishments to defray the costs of retaining off-duty MPD officers to patrol the surrounding area of an establishment or an outdoor Special Event or Pub Crawl Event for the purpose of maintaining public safety, including the remediation of traffic congestion and the safety of public patrons, during their approach and departure from the establishment or Special Event or Pub Crawl Event. Over the past several years, the Board has revised the reimbursable detail coverage percentages on an as needed basis. For example, in 2016, the Board increased the number of days covered by the RDO Program from two (2) days to seven (7) days a week and increased the reimbursement percentage from fifty percent (50%) to seventy percent (70%).

On January 25, 2017, the Board adopted emergency and proposed rules to amend 23 DCMR §§ 718.2 and 718.3. Specifically, the Board amended 23 DCMR § 718.2 to include pub crawl events among the events that can participate in the RDO Program. This amendment was needed in order to ensure that the regulations comport with the Council for the District of Columbia’s decision to expand the RDO Program to include pub crawls in the Fiscal Year 2017 Budget.

Additionally, the emergency and proposed rulemaking amended 23 DCMR § 718.3 by reducing the reimbursable percentage from seventy percent (70%) to sixty percent (60%). This change was necessary for immediate fiscal policy reasons. Although the Council expanded the RDO Program, the overall funding levels remained the same. This placed a strain on ABRA’s ability to reimburse MPD for its RDO associated costs. Recognizing the public safety benefits of the RDO Program and the need to ensure that the Program continues, the Board elected to reduce the Program’s reimbursement percentage from seventy percent (70%) to sixty percent (60%).

The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 14, 2017, at 64 DCR 3546, for a thirty (30)-day comment period.

See <http://dcregs.dc.gov/Gateway/RuleHome.aspx?RuleNumber=23-718>. The Board did not receive any comments from the public during the comment period which expired on May 14, 2017, and intends to submit the rulemaking to the Council for the mandatory ninety (90)-day Council Review Period. See D.C. Official Code § 25-211(b)(2) (2012 Repl.). During that period, however, the emergency rules would have expired as they are slated to expire on June 5, 2017.

Pursuant to with Section 6(c) of the DC APA (D.C. Official Code § 2-505(c)), the Board finds that exigent circumstances still exist warranting the continuation of the emergency rules. As such, and in accordance with Section 6(c) of the DC APA (D.C. Official Code § 2-505(c)), the Board finds that emergency action is necessary for the immediate preservation of health, safety, and welfare of District of Columbia residents. Specifically, emergency action is necessary for maintaining reduced spending levels of the Program for the remainder of Fiscal Year 2017 so that ABRA can continue to reimburse MPD for a percentage of the cost incurred by licensees for MPD officers working reimbursable details and to ensure the regulations comport with the Council's objective of expanding the Program to include pub crawls.

These emergency rules were adopted by the Board on May 24, 2017, by a vote of six (6) to zero (0), to take effect at that time. The emergency rules will remain in effect for up to one hundred twenty (120) days from adoption, expiring September 21, 2017, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. These rules shall also supersede the emergency rules adopted on January 25, 2017.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 718, REIMBURSABLE DETAIL SUBSIDY PROGRAM, is amended by replacing Subsections 718.2 and 718.3 to read as follows, and renumbering the following subsections:

- 718.2 ABRA will reimburse MPD sixty percent (60%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 11:30 p.m. to 5:00 a.m. ABRA will also reimburse MPD sixty percent (60%) of the total costs of invoices submitted by MPD to cover the costs incurred for Pub Crawl Events and for outdoor Special Events where the Licensee has been approved for a One Day Substantial Change License or a Temporary License. The hours eligible for an outdoor Special Event operating under a One Day Substantial Change License or a Temporary License or a Pub Crawl Event operating under a Pub Crawl License shall be twenty-four (24) hours a day.
- 718.3 MPD shall submit to ABRA on a monthly basis invoices documenting the sixty percent (60%) amount owed by each licensee. Invoices will be paid by ABRA to MPD within thirty (30) days of receipt in the order that they are received until the subsidy program's funds are depleted.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-169
July 20, 2017

SUBJECT: Appointment – Citizen Review Panel for Child Abuse and Neglect


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with sections 351 and 352 of the Child in Need of Protection Amendment Act of 1977, effective April 12, 2005, D.C. Law 15-341, D.C. Official Code §§ 4-1303.51 and 4-1303.52 (2012 Repl.), it is hereby **ORDERED** that:

1. **DAVIDA HARPER** is appointed as a public member of the Citizen Review Panel for Child Abuse and Neglect, replacing Dr. Matthew Levy, for a term ending September 24, 2018.
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 2017-170
July 20, 2017

SUBJECT: Appointments and Reappointments — District of Columbia Interagency
Coordinating Council

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 the Individuals with Disabilities Education Act, approved November 29, 1975, 20 U.S.C. §1400 *et seq.*, Pub. L. 94-142, as amended, applicable federal regulations, and Mayor's Order 2012-49, dated April 5, 2012, as amended by Mayor's Order 2013-053, dated March 4, 2013, it is hereby **ORDERED** that:

1. The following persons are appointed as members of the District of Columbia Interagency Coordinating Council (the "**Council**"):
 - a. **QUIANA MITCHEM** as a private provider of early intervention services member, replacing Charles Coward, to serve the remainder of an unexpired term ending May 3, 2018.
 - b. **DANIEL REILLY** as a parent member, replacing Almo Carter, for a term ending May 3, 2020.
2. The following persons are reappointed as members of the Council for terms ending May 3, 2020 :
 - a. **AMY CULLEN** as a private provider of early intervention services.
 - b. **CYNTHIA MCEWEN** as a parent member.
 - c. **ROYACE HAGLER** as a representative from a Head Start agency member.

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 2017-171
July 25, 2017

SUBJECT: Appointment - United Planning Organization Board of Directors


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.); in accordance with the Economic Opportunity Act of 1964, approved August 20, 1964, Pub. L. 88-452, 78 Stat. 516; and the bylaws of the United Planning Organization, as amended on July 17, 2014, it is hereby **ORDERED** that:

1. **CHRIS MCLEOD** is appointed as a Mayoral representative member of the United Planning Organization Board of Directors, replacing Barbara Lankster, to serve the remainder of an unexpired term ending December 23, 2017, and for a new term ending December 30, 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 2017-172
July 25, 2017

SUBJECT: Appointments — Board of Podiatry

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 210 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99; D.C. Official Code § 3-1202.10 (2016 Repl.), which established the Board of Podiatry, 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. **BARBARA CLARK**, pursuant to the District of Columbia Board of Podiatry Barbara Clark Confirmation Resolution of 2017, effective May 15, 2017, PR 22-0171, is reappointed as a consumer member of the District of Columbia Board of Podiatry, for a term ending April 16, 2019.
2. **TERESA HILLIARD**, pursuant to the District of Columbia Board of Podiatry Teresa Hilliard Confirmation Resolution of 2017, effective May 29, 2017, PR 22-0193, is appointed as a podiatrist licensed in the District member of the District of Columbia Board of Podiatry, replacing Alison Garten, to serve the remainder of an unexpired term ending April 16, 2018.
3. **TERESA HILLIARD** is appointed as the Chairperson of the Board of Podiatry, replacing Dr. Stuart B. Sibel, to serve at the pleasure of the Mayor.

4. **EFFECTIVE DATE:** Section 1 and 2 of this order shall be effective *nunc pro tunc* to the date of confirmation. Section 3 shall be effective *nunc pro tunc* to July 6, 2017.



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 2017-173
July 25, 2017

SUBJECT: Appointment — Advisory Committee to the Office of Administrative Hearings

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 20 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76, D.C. Official Code § 2-1831.17 (2016 Repl.), it is hereby **ORDERED** that:

1. **MARY BUCKLEY** is appointed as public member who is not a member of the District of Columbia Bar of the Advisory Committee to the Office of Administrative Hearings, replacing Pierpont Mobley, and serving at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 19, 2017.



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 2017-174
July 25, 2017

SUBJECT: Appointment and Reappointments — Police and Firefighters Retirement Relief 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 in accordance with section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, 88 Stat. 1041, Pub. L. 93-407, D.C. Official Code § 5-722 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Police and Firefighters Retirement and Relief Board ("**Board**"), serving at the pleasure of the Mayor:
 - a. **JEREMY GREY**, as an alternate member, representing the District of Columbia Department of Human Resources, replacing Justin Zimmerman;
 - b. **JUSTIN ZIMMERMAN** as a member, representing the District of Columbia Department of Human Resources, replacing Pamela Brown.
2. **JEREMY GREY** is appointed as alternate chairperson of the board, replacing Margaret Radabaugh, serving at the pleasure of the Mayor.
3. The following persons are reappointed as members of the Board:
 - a. **DR. CHARLES EPPS**, as a physician member, for a term end October 29, 2018.
 - b. **DR. HENRY WYATT**, as a public member for a term to end June 1, 2019.

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 2017-175
July 25, 2017

SUBJECT: Appointment — Public Employee Relations 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.), pursuant to section 501 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139; D.C. Official Code § 1-605.01 (2016 Repl.), which established the Public Employee Relations Board, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), it is hereby **ORDERED** that:

1. **MARY ANNE GIBBONS**, pursuant to the Public Employee Relations Board Mary Anne Gibbons Confirmation Resolution of 2017, effective July 11, 2017, PR 22-0361, is appointed as the management member of the Public Employee Relations Board, replacing Yvonne Dixon, to serve the remainder of an unexpired term ending December 12, 2017, and for a new term to end December 12, 2020.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 11, 2017.



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 2017-176
July 28, 2017

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

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 12 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000, D.C. Law 13-105; D.C. Official Code § 6-211 (2012 Repl. and 2017 Suppl.), which established the District of Columbia Housing Authority Board of Commissioners, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1- 523.01 (2016 Repl.), it is hereby **ORDERED** that:

1. **JOSE ORTIZ GAUD**, pursuant to the District of Columbia Housing Authority Board of Commissioners Jose Ortiz Gaud Confirmation Resolution of 2017, effective June 27, 2017 R22-0160, is reappointed as a public commissioner member of the District of Columbia Housing Authority Board of Commissioners of the District of Columbia Housing Authority, for a term to end July 12, 2020.
2. **NAKEISHA NEAL JONES**, pursuant to the District of Columbia Housing Authority Board of Commissioners Nakeisha Neal Jones Confirmation Resolution of 2017, effective June 27, 2017 R22-0161, is reappointed as a public commissioner member of the District of Columbia Housing Authority Board of Commissioners of the District of Columbia Housing Authority, for a term to end July 12, 2020.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 27, 2017.



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 2017-177
July 28, 2017

SUBJECT: Establishment – Lactation 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(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.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established in the Executive Branch of the Government of the District of Columbia the Lactation Commission (“**Commission**”).

II. PURPOSE AND FUNCTIONS

1. The Commission shall make recommendations to the Mayor of the District of Columbia and the Director of the Department of Health regarding legislative, regulatory, programmatic, and policy ways to improve the District’s strategies to reduce infant mortality and increase infant and child health outcomes through promotion, awareness, and support of breastfeeding and lactating mothers.
2. The Commission shall produce a report annually of legislative, regulatory, programmatic, and policy recommendations after examining issues germane to the purposes of the Commission. The recommendations shall include:
 - a. Recommendations for a library of comprehensive and current breastfeeding and lactation educational material;
 - b. Recommendations for a process to collect and store donated breastmilk;
 - c. Recommendations on outreach and education regarding the availability of donated breastmilk, and the breastfeeding and lactation services available in the District of Columbia; and
 - d. Recommendations on the establishment and staffing of a breastfeeding support hotline.

III. MEMBERSHIP

1. The Commission shall be comprised of the following sixteen (16) members, who shall be appointed by the Mayor:
 - a. The following eleven (11) public members, who shall be voting members of the Commission:
 - i. Two (2) neonatologists or pediatricians;
 - ii. Two (2) social service or community outreach experts;
 - iii. Two (2) public health experts;
 - iv. Two (2) individuals with a background in breastfeeding and lactation studies;
 - v. One (1) gynecologist/obstetrician; and
 - vi. Two (2) consumer members; and
 - b. Five (5) District of Columbia government representative members, one (1) each from the following agencies, who shall be non-voting members of the Commission:
 - i. Department of Health;
 - ii. Department of Health Care Finance;
 - iii. Department of Human Services;
 - iv. Office of the State Superintendent of Education; and
 - v. Department of Human Resources.
2. The Mayor shall designate the chairperson of the Commission from among the public members of the Commission.

IV. TERMS

1. Public members of the Commission shall serve three (3)-year terms, with the exception that of the members first appointed, three (3) members shall be appointed to a one (1)-year term, four (4) members shall be appointed to two (2)-year terms, and four (4) members shall be appointed to three (3)-year terms; provided further, that in determining the end date of each of the initial terms of

the public members of the Commission, the length of such terms shall be calculated as if the terms began on April 30, 2017.

- 2. Members of the Commission may be reappointed.
- 3. A vacancy on the Commission shall be filled in the same manner that the original appointment was made.
- 4. District of Columbia government representatives shall serve at the pleasure of the Mayor.
- 5. The anniversary date for all terms shall be April 30.

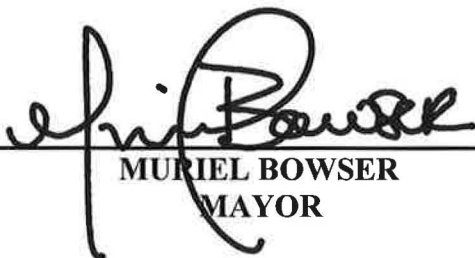
V. ADMINISTRATION

The Department of Health shall provide technical and administrative support for the Commission.

VI. COMPENSATION

All members of the Commission shall serve without compensation.

VII. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to December 15, 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 2017-178
July 28, 2017

SUBJECT: Appointments – Lactation 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.), and in accordance with Mayor's Order 2017-177, dated July 28, 2017, it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Lactation Commission ("**Commission**") for terms to end April 30, 2018:
 - a. **SAHIRA LONG**, as a pediatrician or neonatologist.
 - b. **JENNIFER TENDER**, as a pediatrician or neonatologist.
 - c. **GWENDOLYN WEST**, as a person with a background in breastfeeding and lactation studies.

2. The following persons are appointed as public members to the Commission for terms to end April 30, 2019:
 - a. **AMIRA ROESS**, as a Public Health Expert.
 - b. **GINA CARUSO**, as a social service or community outreach expert.


3. The following persons are appointed as members to the Commission for terms to end April 30, 2020:
 - a. **KANIKA HARRIS**, as a public health expert.
 - b. **NOELENE K. JEFFERS**, as a person with a background in breastfeeding and lactation studies.
 - c. **ANGELA MCCLAIN**, as a social service or community outreach expert.
 - d. **LAUREN PROPST-RIDDICK**, as a consumer.

- 4. The following persons are appointed as non-voting District of Columbia government representative members of the Commission and shall serve at the pleasure of the Mayor:
 - a. **PAULETTE THOMPSON**, of the Department of Health.
 - b. **QUAMEICE HARRIS**, of the Department of Human Services.
 - c. **COLLEEN SONOSKY**, of the Department of Health Care Finance.

- 5. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to December 15, 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 2017-179
July 28, 2017

SUBJECT: Appointments — Sustainable Energy Utility Advisory 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 in accordance with section 203 of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008, D.C. Law 17-250; D.C. Official Code § 8-1774.03 (2013 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Sustainable Energy Utility Advisory Board:
 - a. **BERNICE CORMAN**, as the Mayor's designee and Chairman, replacing Randall Speck, to serve a term to end at the pleasure of the Mayor.
 - b. **SEAN SKULLEY**, as the gas company representative member, replacing Bernice McIntyre, to serve the remainder of an unexpired term ending on May 12, 2018.
 - c. **KIRSTEN WILLIAMS**, as the building management industry representative member, replacing Anna Pavlova, to serve the remainder of an unexpired term ending on July 13, 2018.

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 Memorandum 2017-002
August 1, 2017

TO: All Deputy Mayors and Department, Agency, and Office Heads

ORIGINATOR: Office of the Mayor 

SUBJECT: **USE OF GOVERNMENT VEHICLES**

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with section 3602 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000, D.C. Law 13-172, D.C. Official Code § 50-204 (2012 Repl.), and 6B DCMR §§ 1800, 1803, 1808, the following rules regarding the use of government vehicles by District employees reporting to the Mayor are hereby issued.

I. PURPOSE

The purpose of this Memorandum is to ensure that government vehicles are used properly and that the use of these vehicles is conducted in accordance with applicable laws and regulations and in keeping with the Code of Conduct.

II. SCOPE

This Memorandum is applicable to all employees of District government agencies subordinate to the Mayor, including agencies exempt from Mayor's Order 2009-210, dated December 7, 2009 (the Metropolitan Police Department, the Department of Corrections, the Fire and Emergency Medical Services Department, and the Office of the State Superintendent of Education). This Memorandum controls to the extent there are any conflicts between it and policies implemented by those agencies (such as MPD General Order GO-OPS-301.04 (September 16, 2010); Department of Corrections Program Manual directive 2830-11 (December 19, 2016); and FEMS Bulletin No. 92 (December 2015)).

For the purposes of this Memorandum, the term "government vehicle" means a motor vehicle owned, leased, or otherwise controlled by the District government, including federal government vehicles under the District government's control.

III. USE OF GOVERNMENT VEHICLES FOR GOVERNMENT BUSINESS: RESTRICTIONS ON OTHER USES

A District government employee may be authorized to use government vehicles to carry out District government business. Except as otherwise provided in this paragraph, such vehicles may be used only in the performance of the employee's official duties and in furtherance of District government business. The employee may not use the vehicle for personal activities, except when the employee is engaged in off-site work¹ and use of the government vehicle is needed for required rest periods, bathroom breaks, brief breaks for mandatory religious activities that occur during the off-site work period, the purchase of food for immediate personal consumption, and medical and other emergency situations that may arise. When a government vehicle is used for such purposes, the employee has a responsibility to minimize the distance of travel from the off-site work location.

When an employee is authorized to use a government vehicle to carry out District government business, the employee shall not use the vehicle to transport a non-District government employee, unless such transportation is consistent with the employee's job responsibilities and is permitted by agency policy or is authorized by the agency director.

IV. USE OF GOVERNMENT VEHICLES FOR TRAVEL FROM AN EMPLOYEE'S RESIDENCE TO WORKPLACE: RESTRICTIONS ON OTHER USES

- A. Certain District government employees are authorized to use government vehicles for travel between the employee's residence and the employee's workplace, either as "take-home" or "call-back" vehicles.
- B. Each agency that authorizes the use of take-home or call-back vehicles shall maintain policies governing its employees' use of such vehicles that are consistent with this Memorandum.
- C. Other than in an emergency or exigent situation, a District employee authorized to use a take-home or call-back vehicle shall not use the government vehicle for the transport of non-District employees or children.
- D. A District employee authorized to use a take-home or call-back vehicle shall not use the vehicle for personal activities, other than infrequent and *de minimis* stops consistent with the activities described in section III of this Memorandum. In an exigent circumstance where a District employee who uses a government vehicle to travel between his or her residence and workplace is required to attend to a family emergency, the District employee may use the government vehicle to respond to the family emergency. This *de minimis* exception shall not be used for scheduled medical appointments or other personal, non-work-related appointments.

¹ Off-site work includes travel to meetings, site visits, and field work.

- E. If a District employee is authorized to use a take-home or call-back vehicle but regularly needs to make personal, non-work-related stops on his or her travel between his or her residence and workplace, the District employee should use a personal vehicle and not a government vehicle.

V. GOVERNMENT VEHICLES

- A. Each District government agency subordinate to the Mayor may promulgate and enforce rules not inconsistent with this Memorandum or Mayor's Order 2009-210, dated December 7 2009, concerning the agency's government vehicles and which employees are authorized to use such vehicles.
- B. Each agency policy described in subsection A of this section shall include provisions that:
 - 1. Prohibit the use of a government vehicle for personal purposes, except in the circumstances described in sections III and IV of this Memorandum; and
 - 2. Prohibit employees from transporting any non-District government employee while using a government vehicle, unless it is consistent with the employee's job responsibilities and is either permitted by agency policy or is authorized by the agency director (or the director's designee), except in the *de minimis* emergency situations described in Section IV of this Memorandum.

VI. CONDUCT WHILE DRIVING A GOVERNMENT VEHICLE

- A. Government employees driving a government vehicle ("drivers") shall comport themselves with integrity at all such times.
- B. Drivers shall maintain a valid driver's license.
- C. Drivers shall abide by traffic and parking laws and regulations unless exigent law enforcement, public health, or public safety circumstances require violations of law. Violations of traffic and parking laws or regulations may result in fines or imprisonment and if such penalties are incurred during the performance of, but not as an authorized part of, the employee's official duties, they are imposed on the employee personally and are his or her personal responsibility.
- D. If a traffic or parking citation is erroneously or unjustifiably issued to a government vehicle or a driver, the driver may seek to have the ticket dismissed; however, the driver shall not ask to have a citation dismissed based on his or her position as a government employee unless the performance of the employee's duties is a legitimate basis for the requested dismissal.

- E. Drivers and occupants of government vehicles shall wear seat belts whenever the vehicle is in operation.
- F. Use of tobacco products by drivers and occupants is prohibited in government vehicles.
- G. Drivers shall not be impaired by alcohol, illegal drugs, or prescription medication when operating a government vehicle.
- H. Drivers shall exercise reasonable care at all times towards the government vehicle and property and persons within and outside the vehicle.
- I. Absent exigent circumstances, a government employee shall not permit any other person to operate a government vehicle other than an individual authorized to operate the vehicle.

VII. VIOLATIONS

- A. An employee who violates this Memorandum may be subject to administrative discipline, including, when circumstances warrant, termination.
- B. Use of a government vehicle that is inconsistent with section III or IV of this Memorandum may be deemed a misuse of public resources and could be a violation of 6B DCMR § 1808.1, under which employees have a duty to protect and conserve government property and not use government property for anything other than officially approved uses.

IV. PRIOR ISSUANCES

This Memorandum supersedes prior Mayor's Orders and Mayor's Memorandums, to the extent of any inconsistency therein, and the supplemental memorandum issued by the City Administrator on August 5, 2010.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE OF CANCELLATION OF PUBLIC MEETING**

The District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (OAH) hereby gives notice that the meeting originally scheduled for July 28, 2017, at 3:30 p.m. at 441 Fourth Street NW, Suite 450N, Washington, DC 20001, has been **CANCELLED**. The meeting has not been rescheduled at this time. Any information regarding rescheduling this hearing will be published when such arrangements become finalized by the Commission on Selection and Tenure of Administrative Law Judges. This **NOTICE OF CANCELLATION** will be posted on the OAH website at www.oah.dc.gov and Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE OF PUBLIC MEETING**

In accordance with the requirements of the Open Meetings Act (D.C. Official Code §2-571 *et seq.*), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (OAH) hereby gives notice that it will meet July 28, 2017, at 3:30 p.m. at 441 Fourth Street NW, Suite 450N, Washington, DC 20001. The below agenda will be posted on the OAH website at www.oah.dc.gov and Office of Open Government/BEGA website at www.open-dc.gov.

For further information, please contact Louis Neal at Louis.Neal@dc.gov or 202-724-3672.

AGENDA

- I. Call to Order (Board Chair)**
- II. Ascertainment of Quorum**
- III. Adoption of Agenda**
- IV. Re-Vote of Administrative Law Judges Due to Technical Issue on 6/29/2017 Meeting**
 - a. Nicholas Cobbs**
 - b. Sharon Goodie**
 - c. Scott Harvey**
- V. Consideration of the Reappointments of Administrative Law Judges**
 - d. Jesse Goode**
 - e. Arabella Teal**
- VI. Discussion of the Reappointments of Administrative Law Judges**
 - a. Audrey Jenkins**
 - b. Wanda Tucker**
- VII. Scheduling of Next Meeting**
- VIII. Adjournment (Board Chair)**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, AUGUST 9, 2017
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Jake Perry, Donald Isaac, Sr.

Show Cause Hearing **10:00 AM**
Case # 17-CMP-00116; Lemma Holdings, LLC, t/a Bliss, 2122 24th Place NE
License #95711, Retailer CT, ANC 5C
Failed to Follow Security Plan, Substantial Change in Operation Without Board Approval

Show Cause Hearing **11:00 AM**
Case # 17-CMP-00024; Notta Bike or Bar, LLC, t/a Meridian Pint, 3400 11th Street NW, License #80606, Retailer CT, ANC 1A
No ABC Manager on Duty

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

Public Hearing **1:30 PM**
Civil Penalty Rulemaking

Protest Hearing **3:30 PM**
Case # 16-PRO-00117; 1716 I, LLC, t/a Eye Bar/Garden of Eden, 1716 I Street NW, License #83133, Retailer CN, ANC 2B
Application to Renew the License

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, AUGUST 9, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, August 9, 2017 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case# 17-CMP-00399, Ziaafat Grill and Restaurant, 1102 8th Street S.E., Retailer CR, License # ABRA-103824

2. Case# 17- CMP-00430, XS Lounge, 2335 Bladensburg Road N.E., Retailer CT, License # ABRA-104228

3. Case# 17-CC-00082, Dean & Deluca, 3276 M Street N.W., Retailer B, License # ABRA-018083

4. Case# 17-CMP-00434, Super Liquors, 1633 North Capitol Street N.E., License # ABRA-079241

5. Case# 17- AUD-00040, Fuel Pizza & Wings, 600 F Street N.W., Retailer CR, License # ABRA-088727

6. Case# 17-AUD-00041, Fuel Pizza & Wings, 1606 K Street N.W., License # ABRA-088452

7. Case# 17- AUD-00037, Georgetown Inn-Daily Grill, 1310 Wisconsin Avenue N.W., Retailer CR, License # ABRA-088198

8. Case# 17- AUD-00038, Espita Mezcaleria, 1250 9th Street N.W., Retailer CR, License # ABRA-099558

9. Case# 17-CMO-00426, Golden Paradise Restaurant, 3903-3905 14th Street N.W., Retailer CR, License # ABRA-098205

10. Case# 17-CC-00078, Sportsman's Wine and Liquors, 3249 Mount Pleasant Street N.W., Retailer A, License # ABRA-070310

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, AUGUST 9, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Safekeeping of License – Original Request. ANC 1A. SMD 1A03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Acre 121*, 1400 Irving Street NW, Retailer CT, License No. 086384.

2. Review Request for Safekeeping of License – Original Request. ANC 3C. SMD 3C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Ripple*, 3415-3417 Connecticut Avenue NW, Retailer CT, License No. 024972.

3. Review Request for Safekeeping of License – Original Request. ANC 1C. SMD 1C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *L'Enfant Café and Bar*, 2000 18th Street NW, Retailer CR, License No. 105688.

4. Review Request for Safekeeping of License – Original Request. ANC 6B. SMD 6B03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Capitol Hill Tador and Grill*, 419 8th Street SE, Retailer CR, License No. 060689.

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

6. Review Application for Entertainment Endorsement to provide live entertainment. *Proposed Hours of Entertainment:* Sunday-Thursday 6pm to 2am, Friday-Saturday 6pm to 3am. ANC 2F. SMD 2F01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Chicken + Whiskey*, 1738 14th Street NW, Retailer CR, License No. 103863.
-

***In accordance with D.C. Official Code §2-547(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.**

BREAKTHROUGH MONTESSORI PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The charter school is seeking a qualified partner to help us secure a long-term facility. Proposals are due no later than September 15, 2017. The complete RFP can be obtained by emailing keith.whitescarver@breakthroughmontessori.org. Please indicate 'Facilities Partner RFP' in the subject line.

CESAR CHAVEZ PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education Services**

Cesar Chavez Public Charter Schools for Public Policy (Chavez Schools) is in need of tutoring, bilingual psychological and other Special Education services for the schools daily operations. For full RFP contact Ayana.malone@chavezschools.org

Submission

Please submit an electronic version of the proposal by Friday August 11th 2017 at 5:00pm EST to Ayana.Malone@chavezschools.org.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

August 2017

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Cynthia Briggs	Board of Accountancy	4	8:30am-12:00pm
Patrice Richardson	Board of Appraisers	RECESS	8:30am-4:00pm
Patrice Richardson	Board Architects and Interior Designers	RECESS	8:30am-1:00pm
Cynthia Briggs	Board of Barber and Cosmetology	RECESS	10:00am-2:00pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00pm-8:30pm
Sheldon Brown	Board of Funeral Directors	RECESS	9:30am-2:00pm
Avis Pearson	Board of Professional Engineering	17	9:30am-1:30pm
Leon Lewis	Real Estate Commission	RECESS	8:00am-4:00pm
Pamela Hall	Board of Industrial Trades	RECESS	1:00pm-4:00pm
	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
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF REGULAR MEETINGS

The Construction Codes Coordinating Board has scheduled Regular Meetings on the following dates and times in 2017:

**August 17, 2017
10:30 AM-12:30 PM**

**September 14, 2017 (REPLACES SEPTEMBER 21, 2017 MEETING
DATE)
10:30 AM-12:30 PM**

**October 19, 2017
10:30 AM-12:30 PM**

**November 16, 2017
10:30 AM-12:30 PM**

**December 21, 2017
10:30 AM-12:30 PM**

**January 18, 2018
10:30 AM-12:30 PM**

All of the meetings will be held at the following location:

**Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW
Fourth Floor Conference Room (E4302)
Washington, D.C. 20024**

The meeting location is on the Metro Green Line, at the Waterfront/SEU stop.
Limited paid parking is available on site.

Board meeting agendas and minutes are available on the website of the Department of Consumer and Regulatory Affairs at <http://dcra.dc.gov/page/construction-codes-coordinating-board-cccb-meetings> and/or on the website of the Board of Ethics and Government Accountability at <http://www.open-dc.gov/public-bodies/meetings>.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, August 4, 2017
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - 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.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – September 1, 2017 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**August 17, 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 – October 26, 2017 ** The Board will recess in September
Location: 1100 4th Street SW, Conference Room E300

DEMOCRACY PREP CONGRESS HEIGHTS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Chromebooks, Chromebook Carts**

Democracy Prep Congress Heights is seeking proposals from companies for the purchase of 192 Lenovo N23 Yoga or N23 non-touch Chromebooks and six 32-Chromebook carts. For a full copy of the RFP, please send an e-mail to:

Claire.libert@democracyprep.org

All bids not addressing all areas as outlined in the RFP and/or received past the deadline will not be considered. Bids must be received by 12:00p.m., Friday, August 11, 2017 via e-mail or to the following location:

Democracy Prep Congress Heights Public Charter School
Attention: Claire Libert
3100 Martin Luther King Jr Ave SE
Washington, DC 20032

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION***AMENDED* NOTICE OF FUNDING AVAILABILITY****FY18 21st Century Community Learning Centers Grant (ESEA Title IV, Part B)****Request for Application Amended Release Date: Friday, August, 18, 2017**

The Division of Elementary, Secondary, and Specialized Education, within the Office of the State Superintendent of Education (OSSE), will be soliciting grant proposals from eligible District of Columbia agencies. These agencies are inclusive of local educational agency, community-based organization, another public or private entity, or a consortium of two (2) or more of such agencies, organizations, or entities that do not currently receive 21st Century Community Learning Centers (21st CCLC) grant funds in the District of Columbia. States must give priority to applications that are jointly submitted by a local educational agency and a community-based organization or other public or private entity.

The total funding available for 21st CCLC awards is Seven Million, Nine Hundred Ninety-Seven Thousand, Four Hundred Sixty-Five Dollars and Fifty-One Cents (\$7,997,465.51). The 21st CCLC grant award period will be from the date of the award to Sunday, September 30, 2018. Successful applicants will be funded for two (2) additional years subject to funding availability.

The purpose of the 21st CCLC program is to establish or expand community learning centers that provide students with academic enrichment opportunities along with activities designed to complement the students' regular academic program. Along with student opportunities, 21st CCLC offers the students' families literacy and related educational development. 21st CCLC programs, which can be located in elementary schools, secondary schools, or other similarly accessible facilities, provide a range of high-quality services to support student learning and development. At the same time, centers help working parents by providing a safe environment for students during non-school hours or periods when school is not in session.

Authorized under Title IV, Part B, of the Elementary and Secondary Education Act (ESEA), as amended, the law's specific purposes are to:

- provide opportunities for academic enrichment, including providing tutorial services to help students (particularly students in high-poverty areas and those who attend low-performing schools) meet State and local student performance standards in core academic subjects such as reading and mathematics;
- offer students a broad array of additional services, programs, and activities, such as youth development activities; drug and violence prevention programs; counseling programs; art, music, and recreation programs; technology education programs; and character education programs that are designed to reinforce and complement the regular academic program of participating students; and
- offer families of students served by community learning centers opportunities for literacy and related educational development.

Program costs must be paid, not merely incurred, by the awardee to the payee prior to requesting reimbursement. All awards will be reviewed annually for consideration of continued funding. To receive more information or for a copy of the Request for Applications (RFA), please contact:

Sheryl Hamilton
Office of the State Superintendent of Education
810 First Street, NE, 8th Floor
Washington, D.C. 20002
Telephone: (202) 741-6404
Email: 21stcclc.info@dc.gov

Organizations interested in applying for 21st CCLC may use the following link to access OSSE's on-line Enterprise Grants Management System (EGMS): <http://grants.osse.dc.gov/>. Applicants will need to create an EGMS username and password to access the 21st CCLC application. The RFA and application submission guidance will also be available on OSSE's 21st CCLC webpage at <http://osse.dc.gov/service/title-iv-part-b-21st-century-community-learning-centers>.

A review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences with 21st CCLC. Upon completion of their review, reviewers shall make recommendations for awards based on the scoring rubric. OSSE's Division of Elementary, Secondary, and Specialized Education will make all final award decisions.

OSSE will provide two web-based pre-application technical assistance sessions on **Thursday, September 7 and Thursday, September 14, 2017**. The pre-application technical assistance sessions will include an overview of the 21st CCLC grant program, competition, and EGMS for application submissions; and will provide technical assistance for any grant competition inquiries. Potential applicants may register for the September 7 session [here](#) or for the September 14 session [here](#).

One in-person pre-application technical assistance session will be held at OSSE (810 1st Street, NE, Washington, DC) on **Monday, September 11, 2017** in the Third Floor Grand Hall. Potential applicants may register for the in-person technical assistance session at <http://bit.ly/2trr56J>. Please note that seating will be limited so please limit the number of staff registering and attending the in-person session to three (3) or less.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR 2018 (FY18)

DC Community Schools Incentive Initiative Grant (CSII2018)

Request for Application (RFA) Release Date: August 18, 2017

The Office of the State Superintendent of Education (OSSE) – Division of Elementary, Secondary, and Specialized Education (ESSE) is soliciting grant applications for the District of Columbia Community Schools Incentive Initiative. The purpose of the grant is to establish seven (7) community schools in the District of Columbia, as defined by the Community Schools Incentive Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Code § 38-754.01 *et seq.*) (“the Act”). The overall goal of the grant is to provide resources that will enable eligible consortia to create and enhance community-based partnerships, develop a framework for continued funding as well as ongoing evaluation of program success.

As defined by the Act, a “community school” is a public and private partnership to coordinate educational, developmental, family, health, and after-school-care programs during school and non-school hours for students, families, and local communities at a public school or public charter school with the objectives of improving academic achievement, reducing absenteeism, building stronger relationships between students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents. (D.C. Code § 38-754.02(2)).

Eligibility: OSSE will make these grants available through a competitive process to eligible consortia. As defined by the Community Schools Incentive Act of 2012, an “eligible consortium” is a partnership established between a local education agency (LEA) in DC and one or more community partners for the purposes of establishing, operating, and sustaining a community school. (D.C. Code § 38-754.02(3)). An eligible consortium must demonstrate the ability to provide additional eligible services that did not exist before the establishment of the eligible consortium. (D.C. Code § 38-754.03).

Length of Award: This is a multi-year grant program to begin in FY18. Successful applicants shall be eligible for three years of grant funding subject to available appropriations.

Available Funding for Award: The total funding available for FY18 is \$1,240,027.32. An eligible consortium may apply for an award amount up to \$177,146.76 and shall be eligible for continued funding for two additional years, subject to available appropriations.

Anticipated Number of Awards: OSSE has funding available for a maximum of seven (7) awards.

An external review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE will make all final award decisions.

For additional information regarding this grant competition, please contact:

Melissa Harper-Butler
Program Analyst
Division of Elementary, Secondary, and Specialized Education
Office of the State Superintendent of Education
(202) 478-2409
Melissa.Harper-Butler@dc.gov

The RFA and all supporting documents will be available on <http://grants.osse.dc.gov> or by contacting Melissa Harper-Butler at Melissa.Harper-Butler@dc.gov.

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

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

VACANT: 3D07, 4D04 and 7F07

Petition Circulation Period: **Monday, August 7, 2017 thru Monday, August 28, 2017**

Petition Challenge Period: **Thursday August 31, 2017 thru Thursday, September 7, 2017**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A REQUEST FOR A

VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION

2100-W, 2134, 2136, 2138, 2138 1/2, 2142 Pennsylvania Avenue, NW

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property addressed as Square 75/2100 Pennsylvania Avenue, NW, located at the following contiguous addresses: 2100-W, 2134, 2136, 2138, 2138 ½, 2140 and 2142 Pennsylvania Avenue, NW, and 2129-2133 I Street, NW. The VCP participant for the referenced address, Case No. VCP2014-028, is SCD SQUARE 75 LLC, 1776 Wilson Boulevard, Suite 250, Arlington, Virginia 22209.

The application identified the presence of petroleum related compounds in the soil. The applicant proposed to raze all of the current buildings and redevelop the site with a single eleven (11) story office building with ground floor retail space. A Cleanup Action Plan (CAP) for this site was approved by the Program on May 17, 2015. Based on the cleanup oversight and review of the site completion report, the Voluntary Cleanup Program has determined the issuance of a Certificate of Completion is warranted.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC 2A) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2600 or by e-mailing james.sweeney@dc.gov.

Written comments on the proposed approval of the application must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF SOLICITATION OF PUBLIC COMMENT

Erosion and Sediment Control Manual

The Department of Energy and Environment (the Department) is submitting for public review and comment the revised Erosion and Sediment Control (ESC) Manual. The ESC Manual updates and modernizes the 2003 Erosion and Sediment Control Specifications. The public is invited to present its comments in written format on proposed revisions to the ESC Manual.

The revisions provide guidance for erosion and sediment Control permitting, Water Quality Division review and any requirements from the 2013 Stormwater Rule in Title 21 of the DCMR, Chapter 5; revises the list of standards and specifications to current practices used in construction; updates the Stream Protection chapter to reflect practices used by the Planning and Restoration Branch; updates vegetation lists to be consistent with other publications from the Natural Resources Administration: Wildlife Action Plan; updates planning and permitting requirements from the Water Quality Division and the Stormwater Guidebook; and updates tree protection standard and detail added to be consistent with and support the goals of the Urban Forestry Division within the District Department of Transportation.

Beginning 8/4/2017, the full text of the ESC Manual will be available online at the Department's website. A person may obtain a copy of the ESC Manual by any of the following means:

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

Email a request to Julienne Bautista at julienne.bautista@dc.gov. with "Request copy of ESC Manual" in the subject line.

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

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Julienne Bautista, RE: ESC Manual" on the outside of the envelope.

The deadline for comments is 9/4/217 at 5:00 P.M. Persons may submit written comments by email, with a subject line of "ESC Manual" to the attention of Julienne Bautista at julienne.bautista@dc.gov. Comments clearly marked "ESC Manual" may also be hand delivered or mailed to the Department's offices at the address listed above.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Veterinary Medicine (“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, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2016 Repl.) (“Act”).

The Board will be in recess in August 2017 and its regularly scheduled meeting on the third Thursday of the month will be canceled. The regular meeting of the Board will resume on Thursday, September 21, 2017. The meeting will be open to the public from 9:30 am until 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, D.C. Official Code § 2-575(b), the meeting will be closed from 10:30 am to 12:30 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 Events link at <http://doh.dc.gov/events> for additional information.

**DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION**

Announces

**Mayor's Council on Physical Fitness, Health and Nutrition (MCPFHN)
2017-2018 Notice of Public Meetings Schedule**

The District of Columbia (DC) Mayor's Council on Physical Fitness, Health and Nutrition (MCPFHN) will hold public meetings on the following **Wednesdays** from **3:30 pm to 5:00 pm**:

- *August 9, 2017; November 8, 2017; March 14, 2018, at DC Department of Parks and Recreation, 1250 U Street, NW, 2nd floor, Washington, DC, 20009*
- *September 13, 2017 and June 10, 2018, at DC Department of Health, 899 North Capitol St., NE, Room 306, Washington, DC, 20002*

The MCPFHN has been established to promote physical fitness, health and nutrition of District of Columbia residents from infancy through senior citizens via recreational and workplace wellness programs. Members of the public are welcome to attend. More information about the meetings can be found at <https://www.open-dc.gov/public-bodies/meetings>.

Please contact Amelia Peterson-Kosecki at 202.442.9140 or amelia.peterson-kosecki@dc.gov for additional information.

At the Department of Parks and Recreation, limited street parking is available. The nearest Metro stop is U Street Station. Check WMATA <http://www.wmata.com/> for other transportation options.

At the Department of Health, parking is available under the building at a cost. There is limited street parking. The nearest Metro stop is Union Station. Check WMATA <http://www.wmata.com/> for other transportation options.

**DEPARTMENT OF HEALTH (DOH)
HIV/AIDS, HEPATITIS, STD AND TB ADMINISTRATION (HAHSTA)**

**Notice of Funding Availability (NOFA)
HAHSTA_OTSP_08.11.17 (RFA)**

FY 2018 Opioid Treatment Expansion Initiative

The District of Columbia, Department of Health (DOH) is soliciting applications from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement provides public notice of the Department of Health's intent to make funds available for the purpose described below. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DOH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	FY2018 Opioid Treatment Expansion Initiative
Funding Opportunity Number:	FO-HAHSTA-PG-00012-006
RFA ID#:	RFA # HAHSTA_OTSP_08.11.17
Opportunity Category:	Competitive
DOH Administrative Unit:	HIV/AIDS, Hepatitis, STD, Tuberculosis Administration
DOH Program Bureau	Prevention and Intervention Services Division
Program Contact:	Stacey Cooper, Deputy Division Chief Stacey.cooper@dc.gov 202/671-4900
Program Description:	The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS, Hepatitis, STD and Tuberculosis Administration (HAHSTA) is soliciting applications from qualified applicants to build capacity among Federally Qualified Health Centers (FQHCs) to prescribe buprenorphine-based treatment to opioid users.
Eligible Applicants	Federally-Qualified Health Centers (FQHC) that have demonstrated to be the only entity able to provide the service. All applicants must be located within and provide services in the District of Columbia.

Anticipated # of Awards:	Up to 5
Anticipated Amount Available:	\$850,000.00

Funding Authorization

Legislative Authorization	FY17 Budget Support Act of 2018
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required	No
RFA Release Date:	Friday, 08/11/2017
Pre-Application Meeting (Date)	Tuesday, 08/15/2017
Pre-Application Meeting (Time)	10:00 a.m. – 12:00 p.m.
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE – 4 th Floor
Letter of Intent Due date:	Tuesday, 08/15/2017
Application Deadline Date:	Monday, September 11, 2017
Application Deadline Time:	6:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse https://opgs.dc.gov/page/opgs-district-grants-clearinghouse DOH EGMS https://dcdoh.force.com/GO_ApplicantLogin2

Notes:

1. DOH reserves the right to issue addenda and/or amendments subsequent to the issuance of this NOFA, or to rescind the NOFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DOH grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM).
5. Effective September 1, 2016, grant application submissions will be done via the DOH Enterprise Grants Management System (EGMS). Applicants must register to obtain an EGMS account at least two weeks prior to the submission deadline date.
6. DOH is located in a secured building. Government issued identification must be presented for entrance.

**HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF FILING OF APPLICATION TO DESIGNATE HISTORIC DISTRICT**

The D.C. Historic Preservation Review Board has received an application to designate the property below above as a historic district in the District of Columbia Inventory of Historic Sites. A digital copy is available to the public on the Historic Preservation Office website at <http://planning.dc.gov/page/pending-landmarks-and-districts>.

**Historic Landmark Application No. 17-17
Bloomingdale Historic District**

Including all lots and condominiums within the following squares: Square 3099-3125 and 3127; plus federal Reservations 276A and 277A.

**Applicant: D.C. Preservation League
Affected Advisory Neighborhood Commission: 5E**

The principal purposes of designation are: the recognition of the historic or architectural importance of properties, and their protection through the future review, by the Historic Preservation Office and/or the Historic Preservation Review Board, of proposed subdivisions and of permit applications for construction, alteration and demolition.

Once the neighborhood has had sufficient opportunity to discuss the nomination, the Historic Preservation Review Board will schedule a hearing to consider the application in accordance with the Historic Landmark and Historic District Protection Act of 1978, and with the criteria set forth in Title 10C, D.C. Municipal Regulations, Chapter 2, to determine whether the property merits designation. The Board will also then consider the nomination of the properties to the National Register of Historic Places.

At least 45 days prior to a hearing the Historic Preservation Office will mail notice to the affected property owners and the Advisory Neighborhood Commission.

The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property. If the Historic Preservation Review Board designates the district, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

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

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

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

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

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

**THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR (FY) 2018

**THE DISTRICT OF COLUMBIA HOMELESS YOUTH RAPID RE-HOUSING
PROGRAM**

Background

The District of Columbia (District) Department of Human Services (DHS), Family Services Administration (FSA) is soliciting detailed proposals to establish a rapid re-housing program (RRHP) for youth ages 18-24 in the District pursuant to the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35, D.C. Official Code § 4-755.01(d)), as amended (HSRA).

In accordance with HSRA, DHS is authorized to provide funding to establish youth rapid re-housing in the District. DHS seeks to expand the availability of youth-friendly housing options and homeless services where youth facing housing crises are provided with resources to enable them to grow and move toward stability and self-sufficiency. Applicants must demonstrate a culturally competent evidence based, youth centric case management plan to support housing placement and facilitate an exit to permanent housing. DHS anticipates executing up to four awards for the services discussed herein.

Target Population

The District Youth Rapid Re-Housing Program target population is:

- Unaccompanied youth between the ages of 18 and 24 who are economically or emotionally detached from their families and lack an adequate or fixed residence, including youth who are unstably housed, living in doubled up circumstances, in transitional housing, in shelter, or on the street. and;
- Youth who have been assessed with the TAY-VI-SPDAT who indicate “Shorter Term Housing” level of service in the score range of 4 – 7.

Eligibility

Organizations who meet the following eligibility requirements at the time of application may apply:

- Be a community-based organization with a Federal 501(c)(3) tax-exempt status; or evidence of a fiscal agent relationship with a 501 (c)(3) organization;
- The organization's principal place of business is located in the District;
- The organization is currently registered in good standing with the District Department of Consumer & Regulatory Affairs, the District Office of Tax and Revenue, and the United States Department of Treasury's Internal Revenue Service (IRS); and/or
- Current grantees must be up-to-date on all reporting obligations for the FY18 grant cycle.

Program Scope:

Grantees will be required, at minimum, for the following requirements:

- Create RRH housing arrangements to serve at minimum twenty (20) youth in the target population, to include allowing roommate configurations;
- Ensure at minimum eighty-percent (80%) of the individuals participating in the RRH program will remain housed permanently;
- Offer homelessness prevention, Housing Assistance, supportive, referral and homeless services;
- Provide housing identification, rent and move in assistance, case management, landlord engagement strategies, and individual housing stability plans;
- Coordinate and collaborate with other District youth housing providers in the exchange of information and participate in cross-training opportunities provided by DHS and/or its partners;
- Participate in the Coordinated Assessment Housing Placement (CAHP) system;
- Utilize a culturally-competent youth development approach to facilitate developing rapport with clients of various races, ethnicities, sexual orientations, and gender identities, as well as language accessibility;
- Report client data via the Homeless Management Information System (HMIS);
- Provide data related to program performance on a monthly basis to DHS in a manner conducive to detailed independent verification of research results and findings;
- Conduct intake and administer the RRHP in a culturally sensitive manner taking into the account the needs and vulnerabilities of homeless and unstably housed youth;
- Obtain approval from the Grant Administrator for any informational materials prior to printing to ensure that appropriate citations are included and the focus of the materials meet the public information and education needs for which they are designed to address;
- Operate all programming according to Housing First principles, providing immediate access to housing and supportive services without prerequisites; and
- Specific details on the program scope are listed in the RFA.

Release Date of RFA: Friday, August 04, 2017

- Availability of RFA:** The RFA will be posted on the [District's Grant Clearinghouse](#) Website
- Total Estimated Available Funding:** Up to seven hundred thousand dollars and zero cents (\$700,000.00)
- Total Estimated Number of Awards:** Up to four (4) awards
- Total Estimated Amount per Award:** Eligible organizations can be awarded up to one hundred seventy five thousand dollars and zero cents (\$175,000.00)
- Period of Performance:** October 1, 2017 – September 30, 2018
- Length of Award:** Twelve (12) months with up to five (5) additional option years
- Pre-Bidder's Conference:** Friday, August 18, 2017
12:00PM - 2:00PM
The Department of Human Services Headquarters
64 New York Ave, NE
(room number TBD after RSVP deadline)
Washington, DC 20002
- Deadline for Submission:** 4:00 PM on Monday, September 1, 2017
The District of Columbia Department of Human Services
64 New York Avenue, NE, 5th Floor
Washington, DC 20002
tamara.mooney@dc.gov
- Contact Person:** Tamara Mooney, FSA Program Analyst
Phone: (202) 299-2158

REAL PROPERTY TAX APPEALS COMMISSION**NOTICE OF ADMINISTRATIVE MEETINGS**

The District of Columbia Real Property Tax Appeals Commission will hold its 2017 Administrative Meetings on the following dates:

- Wednesday, August 16, 2017
- Monday, October 2, 2017;
- Friday, November 3, 2017; and
- Wednesday, December 6, 2017

All meetings will start at 4:00 p.m. and will be held in the Commission offices located at 441 4th Street, NW, Suite 360N, Washington, DC 20001. Below is the draft agenda for all meetings. A final agenda will be posted to RPTAC's website at <http://rptac.dc.gov> prior to each meeting.

For additional information, please contact: Carlynn Fuller, Executive Director, at (202) 727-3596.

DRAFT AGENDA

- I. CALL TO ORDER**
- II. ASCERTAINMENT OF A QUORUM**
- III. REPORT BY THE CHAIRPERSON**
- IV. REPORT BY THE EXECUTIVE DIRECTOR**
- V. APPEALING YOUR REAL PROPERTY TAX ASSESSMENT**
- VI. COMMENTS FROM THE PUBLIC – LIMITED TO 2 MINUTES**
- VII. ADJOURNMENT**

Individual who wish to submit comments as part of the official record should send copies of the written statements no later than 5:00 p.m. on the following dates:

- For the August 16th meeting, the deadline is Monday, August 14, 2017
- For the October 2nd meeting the deadline is Thursday, September 28, 2017
- For the November 3rd meeting, the deadline is Wednesday, October 25, 2017
- For the December 6th meeting, the deadline is Monday, December 4, 2017

Written statements should be submitted to:

Carlynn Fuller, Executive Director
Real Property Tax Appeals Commission
441 4th Street NW, Suite 360N
Washington, D.C. 20001
202-727-6860
Email: Carlynn.fuller@dc.gov

SOMERSET PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS AND STATEMENT OF WORK****SECURITY SERVICES, SPEECH & LANGUAGE SERVICES,
STUDENT ASSESSMENT, SPED SERVICES, COMPUTERS/IT EQUIPMENT, AND
INSTRUCTIONAL/LEADERSHIP COACHING AND PD**

Somerset Prep Public Charter School is soliciting bid proposals from qualified vendors for the 2017-2018 school year.

GUIDELINES

The school must receive a PDF version of your proposal no later than 5pm EDT on **August 15, 2017**. Proposals should be emailed to sspdc_bids@somersetprepdc.org.

No phone call submissions or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include any pertinent disclosures that may be present.

SCOPE OF WORK

Contractor proposals should address the following items:

- Security Services
- Speech & Language Services
- Student Assessments
- SPED Services (OT/PT/Psychological & Educational Testing)
- Computers/IT Equipment
- Instructional/Leadership Coaching and PD

CONSIDERATION

Any additional work outside the scope of work as defined above will be quoted separately as required.

PAYMENT

Please indicate proposed payment schedule. Submission of invoices is required for payment.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Bus Transportation for Student Trips**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school located in Southeast Washington, DC—seeks transportation contractors for student activities (field trips and the like).

The **full RFP** is available on the **Employment Opportunities** (or “Careers”) page under the About tab of www.thurgoodmarshallacademy.org.

Amendments to or extension of the RFP, if any, will be posted exclusively on the web page described above.

Contact: For further information regarding the RFP contact **David Schlossman, 202-276-4722, dschlossman@tmapchs.org**.

Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission: Submit bids responsive to the full RFP (file size less than 5 MB) no later than **Wednesday, August 16, 2017**, via e-mail to dschlossman@tmapchs.org.

**WASHINGTON CONVENTION AND SPORTS AUTHORITY
(T/A EVENTS DC)**

NOTICE OF EMERGENCY MEETING

The Board of Directors of the Washington Convention and Sports Authority (t/a Events DC), in accordance with the District of Columbia Self-Government and Governmental Reorganization Act of 1973, D.C. Official Code §1-207.42 (2006 Repl., 2011 Supp.), and the District of Columbia Administrative Procedure Act of 1968, as amended by the Open Meetings Amendment Act of 2010, D.C. Official Code §2-576(5) (2011 Repl., 2011 Supp.), hereby gives notice that it has scheduled an Emergency Meeting for Thursday, July 27, 2017, for the purpose of receiving a report from its Development and Strategic Initiatives Committee.

The meeting will take place in the Dr. Charlene Drew Jarvis Board Room of the Walter E. Washington Convention Center, 801 Mount Vernon Place, N.W., Washington, D.C. 20001, beginning at 11 a.m.

For additional information, please contact:

Sean Sands
Chief of Staff
Washington Convention and Sports Authority
t/a Events DC

(202) 249-3012
sean.sands@eventsdc.com

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19088-A of 3701 14th Street LLC, pursuant to 11 DCMR Subtitle Y § 703, for a minor modification to the plans approved in BZA Order No. 19088 to add a conforming penthouse to the proposed four-story mixed use building in the MU-4 Zone at premises 3701 14th Street N.W. (Square 2826, Lot 96).

The original application (No. 19088) was pursuant to 11 DCMR § 3103.2¹, for variances from the lot occupancy requirements under § 772.1, the rear yard requirements under § 774.1, and the off-street parking requirements under § 2101, to allow the construction of a new four-story mixed use building in the C-2-A District at premises 3701 14th Street N.W. (Square 2826, Lot 96).

HEARING DATES (Case No. 19088):	October 27, 2015, January 26 and February 23, 2016
DECISION DATE (Case No. 19088):	February 23, 2016
ORDER ISSUANCE DATE (Case No. 19088):	February 29, 2016
MODIFICATION DECISION DATE:	July 19, 2017

SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION

BACKGROUND

On February 23, 2016, in Application No. 19088, the Board of Zoning Adjustment (“Board” or “BZA”), based on a self-certification, approved the request by Jose Ayala² (the “Applicant”) for variances from the lot occupancy requirements under § 772.1, the rear yard requirements under § 774.1, and the off-street parking requirements under § 2101, to allow the construction of a new four-story mixed use building in the C-2-A District at premises 3701 14th Street N.W. (Square 2826, Lot 96).

The Board issued Order No. 19088 on February 29, 2016. (Exhibit 3.) The approval in Case No. 19088 was subject to the approved plans at Exhibit 40 in the record of Case No. 19088 and one condition:

1. At the time of initial sale of each unit, the Applicant shall issue a one-time, one-year bikeshare or car share membership and a pre-loaded SmarTrip card worth \$60.

¹ The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations”) but which were repealed on September 6, 2016 and replaced with new text (“the 2016 Zoning Regulations”).

² Mr. Ayala was the former owner of the subject property who received variance relief in Case No. 19088. Shortly after the Board granted Application No. 19088, the property was purchased by 3701 14th Street, LLC. Thus, the new owner of the property is substituted as the Applicant in this matter. (Exhibit 4.)

MOTION FOR MINOR MODIFICATION

On June 12, 2017, the Applicant submitted a request for a minor modification to modify the plans approved by the Board in Order No. 19088 (the “Order”). (Exhibits 1-6.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant requested a minor modification to the plans approved in BZA Order No. 19088 to add a penthouse that conforms to the requirements of the 2016 Zoning Regulations. The original application was filed under the 1958 Zoning Regulations, under which the proposed penthouse would not have been permitted by right.

In Application No. 19088, the Board approved area variance relief to increase lot occupancy from 60 to 62% under § 772.1, decrease the rear yard from 15 to 0 feet under § 774.1, and reduce off-street parking from three spaces to none under § 2101, to allow the construction of a new four-story mixed use building in the C-2-A (now MU-4) District. The building will have six apartments, 1,474 square feet of ground floor retail space and roof structures providing stair access to a common roof deck for residents of the building. Both the Office of Planning (“OP”) and DDOT recommended approval of Application No. 19088. Also, the affected Advisory Neighborhood Commission (“ANC”) for the subject property, ANC 4C, and ANC 1A, had recommended approval of the application. On February 23, 2016, the Board approved the variance relief requested and on February 29, 2016, the Board issued Order No. 19088 with one condition, as noted above. (Exhibit 3.) At the time the original application was filed, a penthouse was not permitted at this property by right under the 1958 Zoning Regulations.

In Case No. 19088-A, the Applicant requested modifications to the original plans in order to add a penthouse to the proposed plans that would conform to the 2016 Zoning Regulations. The Applicant proposes to alter the approved plans to provide a penthouse dedicated to increasing the size of the two fourth floor apartment units and a mechanical penthouse above, which is permitted as a matter of right pursuant to Subtitle C § 1502.1 of the 2016 Zoning Regulations. Subtitle C § 1502.1 of the 2016 Zoning Regulations permit penthouses as a matter of right, subject to the provisions of that chapter. The Applicant asked for the matter to be decided as a minor modification.

The Office of Planning (“OP”) submitted a report dated July 7, 2017, recommending approval of the request for a minor modification to the previously approved plans. (Exhibit 9.) As noted by the OP report, the proposed penthouse would conform with those provisions, does not affect the relief previously granted by the Board, and no new relief is required. (Exhibit 9.) The Applicant indicated that the penthouse would meet the setback requirements and is within the allowable height for a penthouse in the MU-4 Zone. (Exhibit 4.)

In its report, OP also noted that the Applicant’s proposal would be subject to Inclusionary Zoning (“IZ”) requirements, to the extent the penthouse added habitable space. Pursuant to Subtitle C § 1006.10, an applicant can achieve the affordable housing requirement by providing a

contribution to the housing trust fund consistent with the provisions of Subtitle C §§ 1505.13 through 1505.16 when:

- (a) The new penthouse habitable space is being provided as an addition to an existing building which is not otherwise undergoing renovations or additions that would result in a new or expanded Inclusionary Zoning requirement within the building;
- (b) The penthouse habitable space is being provided on an existing or new building not otherwise subject to Inclusionary Zoning requirements; or
- (c) The building is not otherwise required to provide inclusionary units for low income households and the amount of penthouse habitable space would result in a gross floor area set-aside less than the gross floor area of the smallest dwelling unit within the building.

OP requested that Applicant submit an IZ estimate. Based on an estimate of penthouse habitable space of 1,055 square feet, the Applicant estimated that its IZ contribution will total \$25,868.50. (Exhibit 10.) The Applicant also submitted its detailed calculations for the IZ contribution amount, per OP's request. (Exhibits 12 and 13.)

ANC 4C submitted a report that indicated that it recommended approval of the modification. The ANC's report stated that at a duly noticed public meeting on June 14, 2017, at which a quorum was present, the ANC voted 6-0-2 (abstentions) to approve the Applicant's request. (Exhibit 11.) DDOT did not submit a report in this matter.

The Merits of the Request for Minor Modification

The Applicant's request complies with 11 DCMR Subtitle Y § 703.3, which defines a minor modification as "modifications that do not change the material facts upon which the Board based its original approval of the application."

In the application herein, the Applicant is requesting a minor modification to the plans approved in Order No. 19088 so as to add a penthouse to the proposed plans that would conform to the 2016 Zoning Regulations. The Applicant proposes to alter the approved plans to provide a penthouse dedicated to increasing the size of the two fourth floor apartment units and a mechanical penthouse above to the proposed four-story mixed use building in the MU-4 Zone. This request does not otherwise impact the approved variance relief from the lot occupancy requirements under § 772.1, the rear yard requirements under § 774.1, and the off-street parking requirements under § 2101, that the Board approved in Case No. 19088.

Pursuant to Subtitle Y §§ 703.6-703.9, the request for a minor modification shall be served on all other parties to the original application and those parties are allowed to submit comments within 10 days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for minor modification to ANC 4C,

the other party to Application No. 19088. (Exhibit 6.) ANC 4C submitted a report to the record of this application recommending approval of the request. (Exhibit 11.)

The Applicant also served its request on the Office of Planning. OP submitted a report dated July 7, 2017 recommending approval of the requested modification as a minor modification. (Exhibit 9.)

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a minor modification. Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a minor modification to the plans approved in Case No. 19088, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, 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 for a minor modification of the Board's approval in Application No. 19088 is hereby **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 5.**

In all other respects, Order No. 19088 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON FEBRUARY 23, 2016: 3-0-2

(Marcie I. Cohen, Marnique Y. Heath, and Frederick L. Hill, to APPROVE; Jeffrey L. Hinkle, not present, not voting; one Board seat vacant.)

VOTE ON MINOR MODIFICATION ON JULY 19, 2017: 4-0-1

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Robert E. Miller, 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: July 24, 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.

**BZA APPLICATION NO. 19088-A
PAGE NO. 4**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19521 of David Hunter Smith, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the accessory apartment requirements of Subtitle U § 253.4, to construct an accessory apartment above an existing garage in the R-20 Zone at premises 3520 S Street, N.W. (Square 1303, Lot 29).

HEARING DATE: July 19, 2017

DECISION DATE: July 19, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC did not submit a report related to the application. The Applicant's representative testified that approximately four months prior to the hearing, she provided the ANC with an electronic version of the plans, and she met in person with the ANC Single Member District Commissioner for 2E01 and provided him with printed copies of the plans. She noted that the Commissioner was aware of the Board's hearing date, but was unable to schedule the project for review by the full ANC. The Applicant's representative stated further that she spoke with the ANC Commissioner again about three weeks prior to the hearing, and he stated that he would provide a letter – likely in support; however, that letter was not submitted. (See Exhibit 11.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 45.) OP testified that while the OP report does not address Subtitle U § 253.8, the application does meet this provision, as well as the other applicable provisions of the Zoning Regulations.

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 48.)

The Applicant's representative stated that she also spoke with the immediate neighbors about their concerns. One letter was filed by neighbors in support of the application. (Exhibit 28.) One letter was filed by a neighbor expressing neither strong support nor strong opposition for the application. (Exhibit 27.) Six letters were filed by neighbors in opposition to the application. (Exhibits 42, 46, 47, 50, 51, and 52.)

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 the accessory apartment requirements of Subtitle U § 253.4. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to this application, and the ANC did not file an official report. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 253.4, 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 6 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Robert E. Miller, Carlton E. Hart, and Lesylleé M. White 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: July 24, 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.

BZA APPLICATION NO. 19521
PAGE NO. 2

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19526 of Denise Vogt and Frank Leone, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 1004.1 and the rear yard requirements of Subtitle D § 1006.1 to construct a three-story, rear addition to a one-family dwelling in the R-17 Zone at premises 2417 I Street, N.W. (Square 28, Lot 98).

HEARING DATE: July 19, 2017
DECISION DATE: July 19, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 12.) 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") 2A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, 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 June 21, 2017, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 39.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application.¹ (Exhibit 38.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 40.)

Three letters of support from neighbors were submitted to the record. (Exhibits 31, 34, 41.)

¹ In its report, OP originally recommended the addition of relief for nonconforming structure under Subtitle C § 202.2, but subsequently, at the hearing, OP testified that it determined that relief was not required.

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 special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 1004.1 and the rear yard requirements of Subtitle D § 1006.1. The only parties to the case were the ANC and the Applicant. 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 D §§ 5201, 1004.1, and 1006.1, 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 37 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Robert E. Miller 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: July 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

BZA APPLICATION NO. 19526

PAGE NO. 2

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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19528 of Edwin and Katherine Coyle, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C §§ 703.2(a)-(b) from the parking requirements of Subtitle C § 701.5, and from the use restrictions under Subtitle U § 301.1(g), to expand an existing accessory structure for residential use in the RF-1 Zone at premises 716 16th Street S.E. (Square 1092, Lot 31).

HEARING DATE: July 19, 2017

DECISION DATE: July 19, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 18 (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 July 11, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 42.)

The Office of Planning ("OP") submitted a timely report, dated July 7, 2017, in support of the application. (Exhibit 39.) The District Department of Transportation ("DDOT") submitted a timely report, dated July 7, 2017, expressing no objection to the approval of the application. (Exhibit 41.)

The Capitol Hill Restoration Society submitted a letter in support of the application. (Exhibit 35.) Four letters in support of the application from neighbors, including both adjacent owners, were submitted to the record. (Exhibits 12-15.)

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 special exceptions under Subtitle C §§ 703.2(a)-(b) from the parking requirements of Subtitle C § 701.5, and from the use restrictions under Subtitle U § 301.1(g), to expand an existing accessory structure for residential use 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 C §§ 703.2(a)-(b) and 701.5, and Subtitle U § 301.1(g), 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 Robert E. Miller 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: July 25, 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

BZA APPLICATION NO. 19528

PAGE NO. 2

§ 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. 19531 of Specialty Lending Group, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the minimum side yard requirements of Subtitle D § 307.5, and a special exception under Subtitle C § 202.2 for an addition to a nonconforming structure to permit an existing nonconforming one-family dwelling in the R-1-B Zone at premises 2908 South Dakota Avenue N.E. (Square 4341, Lot 10).

HEARING DATE: July 19, 2017

DECISION DATE: July 19, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 6 (original) and 33 (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") 5C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, 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 June 21, 2017, at which a quorum was present, the ANC voted 5-0-2 to support the application. (Exhibit 38.)

The Office of Planning ("OP") submitted a timely report, dated June 29, 2017, in support of the application. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a timely report, dated July 7, 2017, expressing no objection to the approval of the application. (Exhibit 35.)

Two letters of support of the application from nearby residents were submitted to the record. (Exhibits 29 and 36.)

¹ The Applicant amended the application by adding to the original request a special exception from the nonconforming structure requirements of Subtitle C § 202.2, based on a recommendation from the Office of Planning. (Exhibit 33.) The amended relief is reflected in the caption above.

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 minimum side yard requirements of Subtitle D § 307.5, and a special exception under Subtitle C § 202.2 for an addition to a nonconforming structure to permit an existing nonconforming one-family dwelling in the R-1-B 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 D §§ 5201 and 307.5, 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 3, TAB D.**

VOTE: 4-0-1 (Frederick L. Hill, Robert E. Miller, Carlton E. Hart, and Lesylleé M. White, 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: July 27, 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

BZA APPLICATION NO. 19531

PAGE NO. 2

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. 19533 of Richard Hall, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the nonconforming structure requirements of Subtitle C § 202.2 and the rear yard requirements of Subtitle D § 1206.2, to construct a rear deck on an existing one-family dwelling in the R-20 Zone at premises 1959 39th Street N.W. (Square 1310, Lot 77).

HEARING DATE: July 26, 2017

DECISION DATE: July 26, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated May 15, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 9.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC submitted a timely report recommending no objection to the application. The ANC’s report and accompanying resolution indicated that at a regularly scheduled, properly noticed public meeting on May 30, 2017, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 27.)

The Office of Planning (“OP”) submitted a timely report, dated April 13, 2017, recommending approval of the application. In its report, OP recommended adding special exception relief from the nonconforming structure requirements of Subtitle C § 202.2. (Exhibit 47.) As noted, the Applicant amended the application to include this relief.

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 48.)

Eleven letters of support of the application from neighborhood residents were submitted to the record. (Exhibits 31-36, 38-41, and 45.)

¹ The Applicant verbally amended the application to add nonconforming structure relief, as recommended by OP. The application was accompanied by a referral from the Zoning Administrator (Exhibit 9.) The application was also accompanied by an incomplete and unsigned self-certification form. (Exhibit 5.) The Board accepted the amendment at the hearing and the caption has been amended accordingly.

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 nonconforming structure requirements of Subtitle C § 202.2 and the rear yard requirements of Subtitle D § 1206.2, to construct a rear deck on an existing one-family dwelling in the R-20 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, Subtitle D §§ 5201 and 1206.2, 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.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood, 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: July 27, 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

BZA APPLICATION NO. 19533

PAGE NO. 2

§ 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. 19535 of Evangelia and Theodore Pelonis, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201.1 from the maximum lot occupancy requirements of Subtitle F § 304.1, and pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing one-family dwelling in the RA-2 Zone at premises 1519 12th Street N.W. (Square 310, Lot 35).

HEARING DATE: July 19, 2017

DECISION DATE: July 19, 2017

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original) and 37 (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") 2F and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. The ANC submitted a timely report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 8, 2017, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 12.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. In its report, OP stated that relief from Subtitle C § 202.2 for an addition to a nonconforming structure was needed and that if it was requested, OP would support that relief. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 34.)

¹ At the hearing on July 19, 2017, the Applicant amended the request to add relief for nonconforming structure pursuant to Subtitle C § 202.2 at the recommendation of the Office of Planning ("OP"). (Exhibit 37.) OP clarified that DCRA had advised that this relief must be sought as a variance. The Board also granted a waiver of the 15-day posting requirement.

Two letters of support for the application from adjacent neighbors were submitted to the record. (Exhibits 29 and 31.)

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for an area variance from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing one-family dwelling in the RA-2 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR Subtitle C § 202.2, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

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 F § 5201.1 from the maximum lot occupancy requirements of Subtitle F § 304.1. 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, and Subtitle F §§ 5201.1 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 7.**

VOTE: **4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Robert E. Miller, 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: July 25, 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

BZA APPLICATION NO. 19535

PAGE NO. 3

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 ADJUSTMENT441 4TH STREET, N.W.

SUITE 200-SOUTH

WASHINGTON, D.C. 20001

PUBLIC NOTICE OF CLOSED MEETINGS FOR SEPTEMBER, 2017

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on June 28, 2017, the Board of Zoning Adjustment voted 4-0-1, to hold *closed meetings telephonically on Mondays, September 11th, September 18th, September 25th, and Tuesday, September 5th*, beginning at 3:00 p.m. for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's meeting and hearing agendas for September 13th, September 20th, September 27th and September 6th.

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

**Frederick L. Hill, Chairperson, Carlton E. Hart, Vice-Chairperson,
Lesylleé M. White, Board Member, one seat vacant, and a Member of the Zoning
Commission.**

**Clifford W. Moy, Secretary of the Board of Zoning Adjustment
Sara A. Bardin, Director, Office of Zoning.**

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
)	
Metropolitan Police Department,)	
)	
Petitioner,)	PERB Case No. 16-A-11
)	
v.)	Opinion No. 1625
)	
Fraternal Order of Police/)	
Metropolitan Police Department)	
Labor Committee)	
(on behalf of Michael Muldrow))	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Introduction

Before the Board is an Arbitration Review Request (“Request”) filed by the Metropolitan Police Department (“MPD”), pursuant to D.C. Official Code § 1-605.02(6) (2001 ed.) of the Comprehensive Merit Personnel Act (“CMPA”). MPD requests the Board to review an arbitration award (“Award”) that sustained the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (“FOP”) on behalf of Officer Michael Muldrow (“Grievant”). The Arbitrator determined MPD did not have cause to discipline the Grievant and ordered MPD to rescind the disciplinary action against the Grievant, and reimburse him for back pay for the 20-day suspension that he served, plus pre-judgment and post-judgment interest. MPD asserts in its Request that the award of 4% prejudgment interest and 10% post-judgment interest exceeds the Arbitrator’s jurisdiction and is contrary to law and public policy.¹ FOP filed an Opposition to Arbitration Review Request, asserting that MPD has failed to state any grounds upon which the Board may modify or set aside the Award and that the Request should be dismissed.²

¹ Request at 2.

² Opp’n to Arbitration Review Request at 1.

Decision and Order
PERB Case No. 16-A-11
Page 2

In accordance with the D.C. Official Code § 1-605.02(6), the Board is permitted to modify or set aside an arbitration award in only three narrow circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.³ Having reviewed the Arbitrator's conclusions, the pleadings of the parties, and applicable law, the Board concludes that the Arbitrator did not exceed his jurisdiction and that the Award on its face is not contrary to law and public policy. Therefore, the Board lacks the authority to grant the requested Review.

II. Arbitrator's Award

The Grievant was appointed to MPD in 2008.⁴ On July 7, 2010, the Executive Steward of FOP forwarded a letter of complaint made against the Grievant to the Office of the Inspector General.⁵ The letter of complaint alleged that the Grievant engaged in misconduct while investigating an incident on May 3, 2010.⁶ On July 27, 2010, the Inspector General referred the complaint to the Chief of Police, who then forwarded the matter to the Internal Affairs Bureau.⁷ On October 22, 2010, the matter was forwarded to the United States Attorney's Office, which declined criminal prosecution the same day.⁸ On March 2, 2011, the Grievant was served with a Notice of Proposed Adverse Action, recommending a 20-day suspension.⁹ The parties then proceeded to arbitration on February 8, 2016.¹⁰

III. Discussion

Prejudgment Interest

MPD's contentions against the Arbitrator's prejudgment interest award can be grouped into three arguments: (1) there is no provision in the parties' collective bargaining agreement to support the award of prejudgment interest;¹¹ (2) D.C. Official Code § 15-109¹² prohibits

³ *Fraternal Order of Police/D.C. Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 62 D.C. Reg. 12587, Slip Op. 1531, PERB Case No. 15-A-10 (2015) (citing D.C. Code § 1-605.02(6) (2001 ed.)).

⁴ Award at 3.

⁵ Award at 5.

⁶ Award at 5.

⁷ Award at 6.

⁸ Award at 6.

⁹ Award at 6. The Award does not state the results of the administrative investigation that led to the Grievant's 20-day suspension.

¹⁰ Award at 6.

¹¹ Request at 5.

¹² D.C. Official Code § 15-109 states: "In an action to recover damages for breach of contract the judgment shall allow interest on the amount for which it is rendered from the date of the judgment only. This section does not

Decision and Order
PERB Case No. 16-A-11
Page 3

prejudgment interest in this case;¹³ and (3) the facts of the case do not support prejudgment interest.¹⁴

Prejudgment Interest Is Not Restricted by the Collective Bargaining Agreement

MPD's argument that prejudgment interest is not permitted by the collective bargaining agreement involves only a disagreement with the Arbitrator's Award. The test the Board uses to determine whether an Arbitrator has exceeded his jurisdiction and was without authority to render an award is "whether the Award draws its essence from the collective bargaining agreement."¹⁵ The arbitrator's authority to review the actions of MPD in the instant case constitutes an exercise of his equitable powers arising out of the parties' collective bargaining agreement.¹⁶ The Board has held that an arbitrator does not exceed his authority by exercising his equitable powers, unless these powers are expressly restricted by the parties' collective bargaining agreement.¹⁷ Here, MPD does not cite to any provisions of the collective bargaining agreement that restrict the arbitrator's authority to determine an appropriate remedy in this case. Therefore, MPD's disagreement with the Arbitrator's award of prejudgment interest does not present a statutory ground for review.

Prejudgment Interest Is Not Prohibited by D.C. Law

Similarly, MPD's contention that D.C. Official Code § 15-109 prohibits prejudgment interest in this case is misguided. MPD asserts that D.C. Official Code § 15-109¹⁸ governs the payment of prejudgment interest for damages in contract or tort, and that the D.C. District Court has interpreted D.C. Official Code § 15-109 to only authorize prejudgment interest awards in contract cases.¹⁹ MPD cites to *Romero v. ITW Food Equipment Group LLC*,²⁰ where the U.S. District Court for the District of Columbia held that prejudgment interest is not available in a

preclude the jury, or the court, if the trial be by court, from including interest as an element in the damages awarded, if necessary to fully compensate the plaintiff. In an action to recover damages for a wrong the judgment for the plaintiff shall bear interest."

¹³ Request at 5.

¹⁴ *Id.* at 6.

¹⁵ *Metro. Police Dep't and Fraternal Order of Police/Metro. Police Dep't Labor Comm., (on behalf of Jacobs)*, 60 D.C. Reg. 3060, Slip Op. 1366 at 5-6, PERB Case No. 12-A-04 (2013).

¹⁶ See Request, Ex. 6 at 27 (Article 19, Part E, Section 5 of the parties' collective bargaining agreement states: "The arbitrator shall hear and decide only one grievance or appeal in each case.")

¹⁷ *E.g., Univ. of D.C. v. AFSCME, Council 20, Local 2087*, 59 D.C. Reg. 15167, Slip Op. 1333 at 6, PERB Case No. 12-A-01 (2012); *MPD v. FOP/MPDLC*, 59 D.C. Reg. 12709, Slip Op. 1327 at 4-5, PERB Case No. 06-A-05 (August 27, 2012); *D.C. Metro. Police Dep't and FOP/MPD Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. 633, PERB Case No. 00-A-04 (2000).

¹⁸ D.C. Official Code § 15-109 states: "In an action to recover damages for breach of contract the judgment shall allow interest on the amount for which it is rendered from the date of the judgment only. **This section does not preclude the jury, or the court, if the trial be by court, from including interest as an element in the damages awarded, if necessary to fully compensate the plaintiff. In an action to recover damages for a wrong the judgment for the plaintiff shall bear interest.**"

¹⁹ Request at 5.

²⁰ 118 F. Supp. 3d 349, 352 (D.D.C. 2015).

Decision and Order
PERB Case No. 16-A-11
Page 4

products liability action.²¹ However, MPD's reliance on D.C. Official Code § 15-109 and the U.S. District Court for the District of Columbia's interpretation of this statute is misplaced. The current matter does not concern breach of contract or tort. Further, even if this section of the D.C. Official Code were applicable, the section explicitly states that it is not intended to preclude an award of interest.²² Therefore, MPD has not shown that the award on its face contrary to law and public policy.

Additionally, MPD has provided no basis for showing that the Arbitrator was without, or exceeded the scope of jurisdiction granted. As stated previously, the Board has held that an arbitrator does not exceed his authority by exercising his equitable powers, unless these powers are expressly restricted by the parties' collective bargaining agreement.²³ MPD again does not cite to any provisions of the collective bargaining agreement that restrict the arbitrator's authority to determine an appropriate remedy in this case.

Factual Disagreements Are Not Grounds for Overturning the Arbitrator's Award

Finally, MPD asserts that the facts of the case do not support prejudgment interest. Specifically, MPD asserts that prejudgment interest is inappropriate because FOP caused the five-year delay in proceeding to arbitration.²⁴

It is well settled that "[b]y agreeing to submit a matter to arbitration, the parties agree to be bound by the Arbitrator's interpretation of the parties agreement and related rules and regulations as well as his evidentiary findings and conclusions upon which his decision is based."²⁵ A mere disagreement with the arbitrator's award does not constitute a statutory basis for setting aside the award.²⁶ Here, MPD's statement amounts to nothing more than a disagreement with the Arbitrator's decision. The Board rejects MPD's argument on this issue.

²¹ *Id.*

²² *See* n. 18.

²³ *E.g., Univ. of D.C. v. AFSCME, Council 20, Local 2087*, 59 D.C. Reg. 15167, Slip Op. 1333 at 6, PERB Case No. 12-A-01 (2012); *MPD v. FOP/MPDLC*, 59 D.C. Reg. 12709, Slip Op. 1327 at 4-5, PERB Case No. 06-A-05 (August 27, 2012); *D.C. Metro. Police Dep't and FOP/MPD Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. 633, PERB Case No. 00-A-04 (2000).

²⁴ Request at 6.

²⁵ *D.C. Metro. Police Dep't v. Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 47 D.C. Reg. 7217, Slip Op. 633 at 3, PERB Case No. 00-A-04 (2000); *D. C. Metro. Police Dep't and Fraternal of Police, Metro. Police Dep't Labor Comm. (on behalf of Fisher)*, 51 D.C. Reg. 4173, Slip Op. 738, PERB Case No. 02-A-07 (2004); *University of the District of Columbia Faculty Association/NEA and University of the District of Columbia*, 39 D.C. Reg. 9628 at 9629, Slip Op. 320 at 2, PERB Case No. 92-A-04 (1992).

²⁶ *D.C. Fire & Emergency Med. Servs. and Int'l Ass'n of Firefighters, Local 36*, 59 D.C. Reg. 3818, Slip Op. 895 at 5, PERB Case No. 06-A-20 (2007).

Decision and Order
PERB Case No. 16-A-11
Page 5

Post-Judgment Interest

Post-Judgment Interest Is Not Restricted by the Parties' Collective Bargaining Agreement

MPD contends that the 10% post-judgment interest award exceeds the Arbitrator's jurisdiction and is contrary to law and public policy.²⁷ First, MPD asserts that Article 46 of the parties' collective bargaining agreement "provides for the *possibility* of interest on back pay when the employee does not receive a back pay check within sixty days from the date of the final determination that they are entitled to reimbursement."²⁸ Since sixty (60) days have not yet passed, MPD argues that the Arbitrator exceeded his authority by "add[ing] to, subtract[ing] from or modify[ing]" the collective bargaining agreement.²⁹ Notwithstanding the Arbitrator's broad remedial authority previously discussed in this Decision and Order, nothing in Article 46 of the parties' collective bargaining agreement restrict the arbitrator's authority to award interest on back pay.³⁰ Therefore, MPD's disagreement with the Arbitrator's award of post-judgment interest does not present a statutory ground for review.

Post-Judgment Interest Is Not Limited by D.C. Law

Second, MPD argues that D.C. Official Code § 28-3302(b) limits interest awards to 4% per annum, and therefore, the Arbitrator's Award violates the law.³¹ Under D.C. Official Code § 28-3302(b), interest on judgments against the District of Columbia cannot exceed 4% per annum "when authorized by law."³² In support of its contention that § 28-3302(b) applies to the Arbitrator's award of interest, MPD cites the Board's Decision and Order in *University of the District of Columbia Faculty Association v. University of the District of Columbia*.³³ In that case, the Board held that the Board's remedial authority to "make whole" those "who[m] the Board finds [have] suffered adverse economic effects in violation of [the CMPA]" is subject to D.C. Official Code § 15-108, which limits prejudgment interest on liquidated debt to 4% per

²⁷ Request at 6.

²⁸ Request (emphasis by MPD); Exhibit 6 at 41 (Article 46: Back Pay: "The Employer shall issue members their pay checks within sixty (60) days from the date of the final determination that they are entitled to reimbursement. In the event the FOP arbitrates a claim of failure to comply with this Article, an arbitrator may, if appropriate, order interest.")

²⁹ Request at 6-7 (citing Exhibit 6 at 28: "The arbitrator shall not have the power to add to, subtract from or modify the provisions of this Agreement in arriving at a decision of the issue presented and shall confine his decision solely to the precise issue submitted for arbitration.")

³⁰ See, *Univ. of D.C. v. AFSCME, Council 20, Local 2087*, 59 D.C. Reg. 15167, Slip Op. 1333 at 6, PERB Case No. 12-A-01 (2012) (Stating that an arbitrator does not exceed his authority by exercising his equitable powers, unless these powers are expressly restricted by the parties' collective bargaining agreement.)

³¹ Request at 7; D.C. Official Code § 28-3302.

³² D.C. Official Code § 28-3302(b) states: "Interest, when authorized by law, on judgments or decrees against the District of Columbia, or its officers, or its employees acting within the scope of their employment, is at the rate of not exceeding 4% per annum."

³³ 39 D.C. Reg. 8594, Slip Op. 285, PERB Case No 86-U-16 (1992).

Decision and Order
PERB Case No. 16-A-11
Page 6

annum.³⁴ However, here, MPD fails to distinguish the Board's remedial authority to require the payments of costs, which is "authorized by law", i.e., D.C. Official Code § 1-618.13, from an arbitrator's remedial powers, which "[are] a matter of contract," i.e., the parties' collective bargaining agreement.³⁵

The contentions raised by MPD here do not differ significantly from those made in the Arbitration Review Request filed by the University of the District of Columbia ("UDC") in *UDC and UDC Faculty Association*, PERB Case No. 92-A-02.³⁶ In that case, the Board concluded that an arbitrator's authority to award interest is derived from contract, not law, and as such is not subject to the 4% per annum interest rate limitation prescribed under D.C. Official Code § 28-3302(b).³⁷ Here, the Board finds no basis for distinguishing MPD's arguments against post-judgment interest from those presented before the Board in *UDC and UDC Faculty Association* and concludes, once again, that MPD's contentions do not present a statutory basis for review.

IV. Conclusion

Based on the foregoing, the Board finds that the Arbitrator did not exceed his authority and that the Arbitrator's Award is not contrary to any specific law and public policy. Accordingly, MPD's Arbitration Review Request is denied and the matter is dismissed in its entirety with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.
2. Pursuant to Board Rule 559. 1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By the unanimous vote of Board Chairperson Charles Murphy and Members Ann Hoffman and Douglas Warshof.

May 18, 2017

Washington, D.C.

³⁴ *Id.* at 15-17 (citing D.C. Official Code § 1-617.13(a)).

³⁵ *UDC and UDC, Faculty Ass'n*, 41 D.C. Reg. 2738, Slip Op. 317 at 3, PERB Case No. 92-A-02 (1992).

³⁶ *Id.*

³⁷ *Id.*

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-A-11, Op. No. 1625 was sent by File and ServeXpress to the following parties on this the 9th day of June, 2017.

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/s/ Sheryl Harrington
Administrative Assistant

Government of the District of Columbia
Public Employee Relations Board

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In the Matter of:)	
)	
American Federation of Government Employees,)	PERB Case No. 17-U-19
Local 2987,)	
)	
	Complainant,)	Opinion No. 1626
)	
v.)	
)	
District of Columbia Department of Health,)	
)	
	Respondent.)	
<hr/>)	

DECISION AND ORDER

Complainant American Federation of Government Employees, Local 2987 (“AFGE Local 2987” or “union”) filed an unfair labor practice complaint alleging that Respondent D.C. Department of Health (“DOH”) violated D.C. Official Code § 1-617.04(a)(1) and (3) by utilizing a Department realignment as a pretext to effectuate prohibited retaliatory and discriminatory personnel actions against four bargaining unit members because of their involvement and participation in the union. DOH denies the allegations and asserts that the complaint was untimely. For the reasons explained below, AFGE Local 2987’s complaint is dismissed.

I. Statement of the Case

In 2016, as part of a departmental realignment, DOH notified union Vice President Robert Mayfield¹ and union steward Clarence Stanback that they were being reassigned to positions outside of the bargaining unit.² DOH also announced that it would conduct a reduction-in-force (“RIF”) as part of the realignment. The RIF included Valerie Brown, a former union Secretary, and Tracy Overby, a former union steward.³

On January 30, 2017, AFGE Local 2987 filed an unfair labor practice complaint alleging that DOH utilized the realignment as a pretext to effectuate prohibited retaliatory and

¹ Mr. Mayfield also previously served as AFGE Local 2987’s President.

² Complaint at 1-3.

³ Complaint at 2-3.

Decision and Order
PERB Case No. 17-U-19
Page 2

discriminatory personnel actions against the four employees because of their involvement and participation in the union, in violation of D.C. Official Code § 1-617.04(a)(1) and (3).⁴

In its Answer, DOH denied the allegations.⁵ DOH also raised affirmative defenses asserting that AFGE Local 2987's complaint was untimely under PERB's Rules and should therefore be dismissed. Alternatively, DOH argued that even if the complaint was timely, AFGE Local 2987 failed to state a *prima facie* case for a retaliation claim.⁶

On May 16, 2017, AFGE Local 2987 filed a Response to DOH's Answer and affirmative defenses. AFGE Local 2987 contended that when the parties engaged in impact and effects bargaining over the realignment, DOH "notified the Union of changes to its initial realignment proposals as well as changed to the anticipated impact on individual employees."⁷ With regard to Mr. Mayfield, AFGE Local 2987 asserted that neither the union nor Mr. Mayfield knew "that Mr. Mayfield would not be in the bargaining unit until Mr. Mayfield received an "amended" letter on October 3, 2016," which the union posited was 119 days before the complaint was filed.⁸ Lastly, AFGE Local 2987 contended that it "was not put on notice of the fact that the ... realignment had a disproportionate impact on bargaining unit employees who engaged in protected Union activity until after receipt of final notification from [DOH] with regard to all bargaining unit employees," which the union asserted was "on or about October 3, 2016."⁹

II. Analysis

PERB Rule 520.4 states that: "Unfair labor practice complaints shall be filed not later than 120 days after the date on which the alleged violations occurred." PERB does not have jurisdiction to consider unfair labor practice complaints filed outside of the 120 days prescribed by the Rule.¹⁰ The 120-day period for filing a complaint begins when the complainant first knew or should have known about the acts giving rise to the alleged violation.¹¹

In its complaint, AFGE Local 2987 asserted that the effective date of Mr. Mayfield's reassignment was October 11, 2016, and indicated in an attached exhibit that Mr. Mayfield was given notice of the reassignment on October 3, 2016.¹² AFGE Local 2987 reasserted that claim and date in its Response to DOH's Answer and affirmative defenses.¹³ AFGE Local 2987 further contended in its Response that Mr. Mayfield was not aware that the Public Affairs

⁴ Complaint at 1-2, 6.

⁵ Answer at 1-4.

⁶ Answer at 4-6.

⁷ Response at 2.

⁸ Response at 2-3.

⁹ Response at 3.

¹⁰ *Hoggard v. D.C. Pub. Emp. Relations Bd.*, 655 A.2d 320, 323 (D.C. 1995) ("[T]ime limits for filing appeals with administrative adjudicative agencies...are mandatory and jurisdictional").

¹¹ *Pitt v. D.C. Dep't of Corr.*, 59 D.C. Reg. 5554, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06 (2009).

¹² Complaint at 4, Ex. 1.

¹³ Response at 2-3.

Decision and Order
PERB Case No. 17-U-19
Page 3

Specialist position he was being reassigned to was not in the bargaining unit until he received the October 3, 2016 letter.¹⁴ However, with its Answer, DOH attached copies of two earlier notices of the reassignment that it had sent to Mr. Mayfield and/or AFGE Local 2987.¹⁵ The first is a copy of a July 1, 2016 reassignment letter addressed to Mr. Mayfield.¹⁶ In that letter, it expressly states that the new position “is not covered under collective bargaining.”¹⁷ The Board notes that the Acknowledgment of Receipt in the copy of the July 1, 2016 letter that DOH provided is not signed because the letter was mailed to Mr. Mayfield’s home address of record.¹⁸ The second earlier notice of the reassignment that DOH provided is a July 26, 2016 email sent by DOH Lead Management Liaison Specialist, Donna M. Harrison-Scott, to AFGE Local 2987’s President, Carroll Ward, which included the July 1, 2016 reassignment letter as an attachment.¹⁹ The email states that the reassignment letter was being sent at Ms. Ward’s request, indicating that AFGE Local 2987 was aware of the reassignment at that time.²⁰ Even if the Board considers the later date of July 26, 2016 (the date the email was sent) as the date Mr. Mayfield and/or AFGE Local 2987 first became aware that Mr. Mayfield was being reassigned to a position outside of the bargaining unit (the act giving rise to the allegation), 188 days still elapsed between then and the filing of the complaint on January 30, 2017.²¹ The fact that Mr. Mayfield received an “amended”²² letter on October 3, 2016 is irrelevant since both the July 1, 2016 and October 3, 2016 letters provided notice of the salient information: that Mr. Mayfield was being reassigned to the position of Public Affairs Specialist, and that that position was “not covered under collective bargaining.”²³

With regard to Mr. Stanback, AFGE Local 2987 asserts in its complaint that the effective date of his reassignment was October 6, 2016, and indicates in an attached exhibit that he was given notice of the reassignment on September 29, 2016.²⁴ However, with its Answer, DOH attached a copy of an earlier July 7, 2016 reassignment letter addressed to Mr. Stanback.²⁵ Mr. Stanback signed and dated that letter’s Acknowledgement of Receipt on that same day, July 7,

¹⁴ Response at 2-3.

¹⁵ Answer at 5, Ex. 4.

¹⁶ Answer, Ex. 4.

¹⁷ Answer, Ex. 4.

¹⁸ Answer, Ex. 4.

¹⁹ Answer, Ex. 4.

²⁰ Answer, Ex. 4.

²¹ See *Hoggard*, 655 A.2d at 323; and *Pitt*, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06.

²² The Board notes that both the July 1, 2016 letter and the October 3, 2016 letter have “Amended” stamps. A notable difference between the two letters is that the October 3, 2016 letter stated that Mr. Mayfield’s immediate supervisor would be Jazmyn Gossett, whereas the July 1, 2016 letter said he would report to Jacqueline Watson. Another difference is that the July 1, 2016 letter stated that Mr. Mayfield’s annual salary in the new position would be \$87,374, whereas the October 3, 2016 letter listed an annual salary of \$90,254. The last notable difference is that the October 3, 2016 letter has more legal notices than the July 1, 2016 letter. None of these differences, however, changes the dispositive facts that both letters stated that Mr. Mayfield was being reassigned to the position of Public Affairs Specialist, and both letters stated that that position was outside of the bargaining unit. See Complaint, Ex. 1; and Answer, Ex. 4.

²³ Complaint, Ex. 1; Answer, Ex. 4.

²⁴ Complaint at 4-5, Ex. 4.

²⁵ Answer at 5, Ex. 3.

Decision and Order
PERB Case No. 17-U-19
Page 4

2016.²⁶ Accordingly, the Board finds that July 7, 2016, was the date Mr. Stanback first became aware that he was being reassigned to a position outside of the bargaining unit (the act giving rise to the allegation), which was 207 days before the complaint was filed on January 30, 2017.²⁷ Even if, *arguendo*, the Board considered September 29, 2016 (the date of the letter that AFGE Local 2987 provided with its complaint) as the date Mr. Stanback first became aware of the reassignment, that still would have been 123 days before the complaint was filed.²⁸ Furthermore, the Board notes that, similar to the Mayfield reassignment letters, there are no substantive differences between the July 7, 2016 reassignment letter and the September 29, 2016 letter. Both letters state that Mr. Stanback was being reassigned to the position of Public Health Analyst, and both letters state that that position “is not covered under collective bargaining.”²⁹

Concerning Ms. Brown and Ms. Overby, AFGE Local 2987 asserts in its complaint that the effective date of their separations was September 30, 2016, and that they were each given notice of the RIF in letters dated August 26, 2016.³⁰ Ms. Brown and Ms. Overby each signed and dated the notices’ respective Acknowledgements of Receipt on August 30, 2016.³¹ Therefore, the Board finds that August 30, 2016 was the date that both Ms. Brown and Ms. Overby first became aware of the RIF (the act giving rise to the allegations), which was 153 days before the complaint was filed on January 30, 2017.³² Even if, *arguendo*, the Board considered September 30, 2016 (the effective date of the RIF) as the date Ms. Brown and Ms. Overby each first became aware of the acts giving rise to the allegations in the complaint, that still would have been 122 days before the complaint was filed.³³

Lastly, the Board rejects the contention AFGE Local 2987 raised in its Response to DOH’s Answer and affirmative defenses that it “was not put on notice of the fact that the ... realignment had a disproportionate impact on bargaining unit employees who engaged in protected Union activity until ... on or about October 3, 2016.”³⁴ As the Board has found, *supra*, Mr. Mayfield and AFGE Local 2987 first became aware of his reassignment as early as July 26, 2016, and possibly as early as July 1, 2016; Mr. Stanback first became aware of his reassignment as early as July 7, 2016; and Ms. Brown and Ms. Overby each first became aware that they were being RIF’d as early as August 30, 2016. Since, as AFGE Local 2987 asserts, each of those individuals was a union officer, the Board finds that, at the very least, AFGE Local 2987 “should have known” about the alleged impact³⁵ the realignment would have on its officers and the rest of the bargaining unit long before October 3, 2016.³⁶

²⁶ Answer, Ex. 3.

²⁷ See *Hoggard*, 655 A.2d at 323; and *Pitt*, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06.

²⁸ Complaint, Ex. 4.

²⁹ Complaint, Ex. 4; Answer, Ex. 3.

³⁰ Complaint at 5, Ex. 6-7.

³¹ Complaint, Ex. 6-7; Answer, Ex. 1-2.

³² See *Hoggard*, 655 A.2d at 323; and *Pitt*, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06.

³³ Complaint, Ex. 6-7; Answer, Ex. 1-2.

³⁴ Response at 3.

³⁵ The Board notes that the allegation AFGE Local 2987 raised in its complaint was that DOH utilized the realignment as a pretext to retaliate and discriminate against Mr. Mayfield, Mr. Stanback, Ms. Brown, and Ms. Overby because of their union activity, not that the realignment had a “disproportionate impact” on the bargaining unit’s members as a whole. See Complaint at 1-2, 6. Since the Board cannot consider allegations that were not

Decision and Order
PERB Case No. 17-U-19
Page 5

Accordingly, because the complaint's subjects and/or AFGE Local 2987 each first knew or should have known about the acts giving rise to the alleged violations more than 120 days before the complaint was filed, the Board finds that, pursuant to PERB Rule 520.4, the complaint is untimely.³⁷ AFGE Local 2987's complaint is therefore dismissed with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. AFGE Local 2987's complaint is dismissed with prejudice: and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Ann Hoffman, and Douglas Warshof. Member Barbara Somson was not present.

May 18, 2017
Washington, D.C.

raised in the complaint, then even if the complaint had been timely filed, the Board still would not be able to consider AFGE Local 2987's new "disproportionate impact" allegation that it raised for the first time in its Response to DOH's Answer and affirmative defenses. *See Fraternal Order of Police/Metro. Police Dep't Labor Committee v. Metro. Police Dep't*, 62 D.C. Reg. 3544, Slip Op. No. 1506 at p. 8-12, PERB Case No. 11-U-50 (2015).

³⁶ *See Hoggard*, 655 A.2d at 323; *and Pitt*, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06.

³⁷ *See Hoggard*, 655 A.2d at 323; *and Pitt*, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-U-19, Op. No. 1626 was sent by File and ServeXpress to the following parties on this the 9th day of June, 2017.

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**Government of the District of Columbia
Public Employee Relations Board**

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In the Matter of:)
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University of the District of Columbia)
Faculty Association,)
)
	Petitioner,)
)
)
	v.)
)
University of the District of Columbia,)
)
	Respondent.)
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PERB Case No. 17-A-05
Opinion No. 1627

DECISION AND ORDER

I. Introduction

On February 10, 2017, the University of the District of Columbia Faculty Association (“UDCFA”) filed an Arbitration Review Request (“Request”), seeking review of an arbitration award that denied the grievances of two University of the District of Columbia (“UDC”) employees who were terminated pursuant to a reduction in force (“RIF”). UDCFA asserts that the Arbitrator exceeded his authority, and bases its Request upon the Board’s authority under D.C. Official Code § 1-605.02(6) to modify, set aside, or remand an award, in whole or in part, where (1) the arbitrator was without, or exceeded, his or her jurisdiction, (2) the award on its face is contrary to law and public policy, and/or (3) the award was procured by fraud, collusion, or other similar and unlawful means. The Board has reviewed the Arbitrator’s conclusions, the parties’ pleadings, and applicable law, and concludes that the Arbitrator did not exceed his jurisdiction. Therefore, UDCFA’s Request is denied.

II. Background

On August 12, 2014, UDC notified Physics Department Professors Daryao S. Khatri and Hailemichael Seyoum (collectively, “Grievants”) that they would be RIF’d effective May 15, 2015.¹ Grievants challenged the RIF, arguing that under the terms of the parties’ Sixth Master

¹ See Request, Ex. 2 (hereinafter cited as “Award”) at p. 12.

Decision and Order
PERB Case No. 17-A-05
Page 2

Agreement, they should have been able to exercise “bumping” rights.² Article XXI, § D(2) in the Sixth Master Agreement states in part that:

A faculty member affected by a RIF may exercise seniority rights at the University by bumping the least senior faculty member occupying a position in a discipline, provided that the faculty member who seeks to bump (1) taught in the discipline within two years prior to the RIF and (2) has a qualifying degree in the discipline.³

Grievants offered a broad interpretation of the provision’s two criteria, and argued that Professor Khatri should have been able to exercise bumping rights in the Mathematics Department, and that Professor Seyoum should have been able to exercise bumping rights in either the Mathematics or Mechanical Engineering Departments.⁴ UDC interpreted the criteria more narrowly, and denied the grievances.

On February 3, 2017, the Arbitrator issued his Opinion and Award. The Arbitrator applied a narrow interpretation of the criteria and concluded that neither grievant was entitled to exercise bumping rights because: (a) Professor Khatri had not taught in the mathematics discipline within two years prior to the RIF,⁵ and his three degrees in physics were not “qualifying” degrees in the discipline of mathematics for the purposes of being able to exercise bumping rights in the Mathematics Department;⁶ and (b) Professor Seyoum had not taught in the mathematics or mechanical engineering disciplines within two years prior to the RIF,⁷ and his undergraduate degree in mathematics and his graduate degrees in physics were not “qualifying” degrees in the disciplines of mathematics or mechanical engineering for the purposes of being able to exercise bumping rights in either the Mathematics or Engineering Departments.⁸

On February 10, 2017, UDCFA filed the instant Arbitration Review Request, contending that the Arbitrator was without, or exceeded, his jurisdiction.⁹ UDCFA asserts that the parties’ Fourth Master Agreement required that in order for a RIF’d employee to exercise bumping rights in another department, he/she needed to have an “advance degree” in that other discipline, and he/she needed to have taught in that discipline “at the University.”¹⁰ When the Fourth Master Agreement was still in effect, an arbitrator issued an award that applied a broad interpretation of that Agreement’s bumping criteria.¹¹ UDCFA claims that it was that broad interpretation that led UDC to negotiate changes to the bumping provision in the Fifth Master Agreement to require

² Award at 13-16.

³ Award at 67.

⁴ Award at 13-16.

⁵ Award at 75-78.

⁶ Award at 71-72.

⁷ Award at 78-79.

⁸ Award at 72-75.

⁹ Request at 2-6.

¹⁰ Request at 4.

¹¹ Request at 3-4.

Decision and Order
PERB Case No. 17-A-05
Page 3

that an employee wishing to exercise bumping rights in another department must simply have taught “in [that] discipline within two years prior to the RIF” and have “a qualifying degree in the discipline.”¹² UDCFA asserts that this new language was carried over when the parties adopted the instant Sixth Master Agreement.¹³ UDCFA contends that even though the change in language—in UDCFA’s view—made it easier for employees to bump, the Arbitrator’s interpretation of the criteria in the instant Award effectively reinserted the Fourth Master Agreement’s more narrow criteria that the parties had expressly negotiated to eliminate when they adopted the Fifth and Sixth Master Agreements.¹⁴

Specifically, UDCFA points to the Arbitrator’s finding that “in general, teaching ‘in the discipline’ requires teaching ‘in the Department’ and at the University and that a ‘qualifying degree’ must be an ‘advance degree’ and in the discipline into which the faculty member wishes to bump.”¹⁵ UDCFA contends that the Arbitrator’s interpretation led him to erroneously conclude that the mathematics courses Professor Khatri had taught at a private institution did not count because they had not been taught under the umbrella of the Mathematics Department “at the University,” and that Professor Seyoum’s undergraduate degree in mathematics did not count as a “qualifying” degree because it was not an “advance” degree in the discipline.¹⁶

UDCFA argues that by effectively reinserting the “intentionally deleted language” from the Fourth Master Agreement back into the Sixth Master Agreement, the Arbitrator violated Article IX § E(4) of the Agreement (which prohibits arbitrators from adding to, subtracting from, or modifying the Agreement) and thus “exceeded his jurisdiction.”¹⁷ Therefore, UDCFA asks the Board to set aside the Award and remand the matter to the Arbitrator for further consideration.¹⁸

III. Analysis

D.C. Official Code § 1-605.02(6) authorizes the Board to modify or set aside a grievance arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.¹⁹ UDCFA seeks a review of the Award on grounds that the Arbitrator was without, or exceeded

¹² Request at 4.

¹³ Request at 4.

¹⁴ Request at 4-5.

¹⁵ Request at 4 (quoting Award at 70).

¹⁶ Request at 5-6.

¹⁷ Request at 5.

¹⁸ Request at 6. The Board notes that UDCFA also asked the Board to allow the parties to submit additional briefs for the Board to consider in this matter. However, the Board does not foresee that further extrapolation of the arguments that have already been made would lead to a different result. Therefore, in the interest of efficiency, and in accordance with the Board’s discretion under PERB Rule 538.2, UDCFA’s request for additional briefing is denied.

¹⁹ See also PERB Rule 538.3.

Decision and Order
PERB Case No. 17-A-05
Page 4

his authority.

A. The Arbitrator Did Not Exceed His Authority

To determine if an arbitrator has exceeded his jurisdiction and/or was without authority to render an award, the Board evaluates “whether the award draws its essence from the collective bargaining agreement.”²⁰ The Board’s standard for determining whether an award “draws its essence” from a collective bargaining agreement is:

[1] Did the arbitrator act ‘outside his authority’ by resolving a dispute not committed to arbitration?; [2] Did the arbitrator commit fraud, have a conflict of interest or otherwise act dishonestly in issuing the award?; “[a]nd [3] [I]n resolving any legal or factual disputes in the case, was the arbitrator arguably construing or applying the contract”? So long as the arbitrator does not offend any of these requirements, the request for judicial intervention should be resisted even though the arbitrator made “serious,” “improvident” or “silly” errors in resolving the merits of the dispute.²¹

Here, there is no evidence that the Arbitrator resolved any disputes other than those the parties placed before him. As the Arbitrator noted, the parties did not jointly agree on a single description of the issues to be arbitrated. However, neither party challenged the Arbitrator’s synthesis of their respectively stated issues as: “Did the University violate Article XXI of the Parties’ Sixth Master Agreement with respect to Grievants Khatri and/or Seyoum; and, if so, what shall be the remedy?”²² Throughout the 80-page Award, the applicability of Article XXI, § D(2) to Grievants’ cases are the only issues the Arbitrator addressed, analyzed, and resolved.

Additionally, UDCFA has not demonstrated in any way that the Arbitrator’s Award was the result of fraud, that he had a conflict of interest, or that he otherwise acted dishonestly in issuing the Award.²³

With regard to the Arbitrator’s finding that “in general, teaching ‘in the discipline’ requires teaching ‘in the Department’ and at the University and that a ‘qualifying degree’ must

²⁰ *D.C. Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Johnson)*, 59 D.C. Reg. 3959, Slip Op. No. 925, PERB Case No. 08-A-01 (quoting *D.C. Pub. Sch. v. Am. Fed’n of State, Cnty., and Mun. Emp., Dist. Council 20*, 34 D.C. Reg. 3610, Slip Op. No. 156, PERB Case No. 86-A-05 (1987)); see also *Dobbs, Inc. v. Local No. 1614, Int’l Bhd. of Teamsters*, 813 F.2d 85 (6th Cir. 1987).

²¹ *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Bishop) v. D.C. Metro. Police Dep’t*, 63 D.C. Reg. 14073, Slip Op. No. 1593 at p. 12, PERB Case No. 15-A-03 (2016) (quoting *Michigan Family Res., Inc. v. Serv. Emp. Int’l Union, Local 517M*, 475 F.3d 746, 753 (6th Cir. 2007)).

²² Award at 3.

²³ *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Bishop) v. D.C. Metro. Police Dep’t*, *supra*, Slip Op. No. 1593 at p. 12-13, PERB Case No. 15-A-03 (citing *Michigan Family Res., Inc.*, 475 F.3d at 753)).

Decision and Order
PERB Case No. 17-A-05
Page 5

be an ‘advance degree’ and in the discipline into which the faculty member wishes to bump,” the Board finds that the Arbitrator’s analysis was, at the very least, an arguable construal and application of how Article XXI, § D(2) in the Sixth Master Agreement applies to Grievants’ cases, and not a modification of any of the Agreement’s particular terms.²⁴ Indeed, the parties presented the Arbitrator with competing interpretations and witness testimony of how they thought the criteria in Article XXI, § D(2) should be applied to Grievants’ cases, and after duly acknowledging and weighing their positions and the testimony of the parties’ witnesses, the Arbitrator determined that Grievants did not meet the necessary requirements to exercise bumping rights in other University departments.²⁵ In so doing, the Arbitrator did not claim or exercise any authority for which there was no basis in the parties’ Sixth Master Agreement or in the specific issues the parties placed before the Arbitrator to resolve. Furthermore, in accordance with the Board’s above-stated standard for determining whether an award “draws its essence” from a collective bargaining agreement, even if the Arbitrator’s interpretation of the instant Sixth Master Agreement’s bumping criteria was a “serious,” “improvident” or “silly” error in light of the changes that the parties made to the provision between the Fourth and Fifth Master Agreements—and the Board is not saying that it was—his determination was still nevertheless an interpretation, and is therefore not within the Board’s authority to challenge.²⁶ When parties submit matters to arbitration, they appoint the Arbitrator to be the reader and interpreter of their Agreement and agree to be bound by his interpretations.²⁷ Accordingly, since the parties specifically bargained to be bound by the Arbitrator’s interpretations of their Agreement, the Board cannot substitute UDCFA’s competing interpretation—or even its own interpretation—of Article XXI, § D(2) for that of the duly appointed Arbitrator.²⁸

Therefore, because the Arbitrator’s findings were arguably based on a construal, application, and interpretation of a specifically cited provision in the parties’ Sixth Master Agreement, and because the parties expressly appointed the Arbitrator to interpret that provision when rendering the Award, the Board finds that the Arbitrator’s conclusion that Grievants did not meet the criteria to exercise bumping rights in other departments drew its essence from the parties’ Agreement, and was therefore not in excess of the Arbitrator’s authority.²⁹

²⁴ See *D.C. Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Bell)*, 63 D.C. Reg. 12581, Slip Op. No. 1591 at p. 5, PERB Case No. 15-A-16 (2016) (noting that an arbitrator’s interpretation or explanation of what a provision in a contract means does not necessarily constitute a modification of that provision).

²⁵ Award at 71-79.

²⁶ *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Bishop) v. D.C. Metro. Police Dep’t*, *supra*, Slip Op. No. 1593 at p. 13, PERB Case No. 15-A-03 (citing *Michigan Family Res., Inc.*, 475 F.3d at 753)).

²⁷ *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Harris) v. D.C. Metro. Police Dep’t*, 59 D.C. Reg. 11329, Slip Op. No. 1295 at p. 5, PERB Case No. 09-A-11 (2012) (internal citations omitted).

²⁸ *D.C. Metro. Police Dep’t v. Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Robinson)*, 59 D.C. Reg. 9778, Slip Op. No. 1261 at p. 2, PERB Case No. 10-A-19 (2012) (internal citations omitted).

²⁹ See *Fraternal Order of Police/Metro. Police Dep’t Labor Comm. (on behalf of Bishop) v. D.C. Metro. Police Dep’t*, *supra*, Slip Op. No. 1593 at p. 12-13, PERB Case No. 15-A-03 (citing *Michigan Family Res., Inc.*, 475 F.3d at 753)).

Decision and Order
PERB Case No. 17-A-05
Page 6

B. Conclusion

Based on the foregoing, the Board finds that UDCFA has not shown that the Arbitrator exceeded his authority. Accordingly, UDCFA's Arbitration Review Request is denied and the matter is dismissed with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. UDCFA's Request is denied and the matter is dismissed with prejudice.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Ann Hoffman and Douglas Warshof. Member Barbara Somson was not present.

May 18, 2017

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-A-05, Opinion No. 1627, was transmitted through File & ServeXpress to the following parties on this the 9th day of 2017, 2017.

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Government of the District of Columbia
Public Employee Relations Board

In the Matter of:
Fraternal Order of Police/
Metropolitan Police Department Labor
Committee,
Complainant,
v.
Metropolitan Police Department,
Respondent.
PERB Case No. 11-U-48
Opinion No. 1628

DECISION AND ORDER

I. Introduction

This Unfair Labor Practice Complaint ("Complaint") was filed on September 8, 2011, by the Fraternal Order of Police/Metropolitan Police Department Labor Committee ("Union") against the Metropolitan Police Department ("MPD") and three individual respondents.

In an Answer filed on September 23, 2011, MPD denied that it committed any unfair labor practices and asked the Board to dismiss the Complaint for lack of jurisdiction and untimeliness. The Board referred the matter to a Hearing Examiner, who issued a Report and Recommendation ("Report") on November 7, 2016. Based on the Board's review, the issues in this case were as follows:

1 On March 25, 2013, the Complainant filed a Line Dismissing Individually-Named Respondents, Cathy Lanier, Chief of Police, Metropolitan Police Department, Vincent Gray, Mayor of the District of Columbia, and Paul Quander, Deputy Mayor of Public Safety and Justice for the District of Columbia, as parties to this case.

2 Complaint ¶¶ 7-8.

3 The Hearing Examiner did not include a statement of the issues in the Report.

Decision and Order
PERB Case No. 11-U-48
Page 2

1. Whether the Board has jurisdiction over the allegations in the Complaint;
2. Whether the Complaint was timely filed;
3. Whether MPD unilaterally changed the parties' past practice without bargaining in violation of the CMPA; and
4. Whether MPD retaliated against FOP by denying administrative leave in violation of the CMPA.

For the reasons set forth below, the Board dismisses the Complaint.

II. Hearing Examiner's Report and Recommendation

A. Facts

The Administrative Leave Request for the 2009 Conference

By letter of June 22, 2009, Union Chairman, Kristopher Baumann, contacted the Chairman of the Council of the District of Columbia, Vincent Gray, alleging that MPD Chief Cathy Lanier improperly utilized on-duty police officers at the Major Cities Chiefs and Sheriffs Conference held in the District in 2009.⁴

On July 2, 2009, Chairman Baumann contacted Chief Lanier, requesting 40 hours of administrative leave for 17 Union members to attend the biennial Union Conference ("2009 Conference") in August 2009.⁵ At the unfair labor practice hearing, Union Vice Chairman Cunningham testified that during this time in 2009 he met privately with Assistant Chief Alfred Durham, who told him that Chief Lanier was going to deny the administrative leave request to attend the 2009 Conference because of the letter that Chairman Baumann sent to City Council.⁶ On July 14, 2009, Chief Lanier informed Chairman Baumann that she would only grant administrative leave to three members requested by the Union.⁷

On July 8, 2010, the Union filed a civil lawsuit against Chief Lanier and the District of Columbia, asserting that the 17 Union members should have been granted administrative leave to attend the 2009 Conference.⁸ On June 9, 2011, the Superior Court denied, in part, MPD's motion to dismiss ("Superior Court Order").⁹

The Administrative Leave Request for the 2011 Conference

⁴ Report at 5.

⁵ Report at 5.

⁶ Report at 5.

⁷ Complaint at 5.

⁸ Report at 5.

⁹ Report at 6.

Decision and Order
PERB Case No. 11-U-48
Page 3

On July 1, 2011, Chairman Baumann made a request for 18 Union members to receive 40 hours of administrative leave to attend the biennial Union Conference (“2011 Conference”) in August 2011.¹⁰ On July 14, 2011, Chief Lanier granted administrative leave for three Union officials to attend the 2011 Conference, indicating that in accordance with the labor agreement, any other members were entitled to use their own accrued annual leave, compensatory time, and leave without pay.¹¹ During his deposition testimony in the civil lawsuit, Assistant Chief Alfred Durham explained that MPD was deploying a Summer Crime Initiative that summer and could not afford to send 20 employees to the conference.¹² This testimony was not corroborated by the two Union witnesses who testified at the unfair labor practice hearing.¹³ Chairman Bauman testified that he believed that MPD’s partial denial of the administrative leave request was precipitated by the Superior Court Order on June 9, 2011.¹⁴

The Administrative Leave Request for the 2011 Symposium

In a second request on July 1, 2011, Chairman Bauman requested administrative leave for four Union members to be detailed to the International Homicide Investigator Association’s Symposium (“2011 Symposium”) from July 31, 2011 to August 5, 2011.¹⁵ On July 14, 2011, Chief Lanier responded to the request, indicating that MPD would only send homicide detectives who would give presentations and directly benefit from attendance at the symposium.¹⁶ Chief Lanier stated that any other members could apply for and use their own accrued annual leave, compensatory time, or leave without pay, pursuant to existing MPD policy.¹⁷

B. Recommendations

Based on a review of the evidence, the Hearing Examiner concluded that MPD violated D.C. Official Code §§ 1-617.04(a)(1) and (b) by engaging in unfair labor practices against employees in the exercise of their rights guaranteed by the CMPA.¹⁸ The Hearing Examiner found that PERB had jurisdiction over this matter because no contract interpretation was required to resolve alleged violations of the collective bargaining agreement.¹⁹ The Hearing Examiner also found that the allegations in the Complaint were timely.²⁰ He reasoned that the Complaint, filed on September 8, 2011, was filed 56 days after Chief Lanier denied administrative leave for the 2011 Conference, and therefore within the Board’s 120-day limit set forth in Rule 520.4.²¹ The Hearing Examiner also found that the parties had an established past practice of MPD providing approval for 20-25 employees to attend the biennial conference, and

¹⁰ Report at 6.

¹¹ Report at 7.

¹² Report at 7.

¹³ Report at 7.

¹⁴ Report at 7-8.

¹⁵ Report at 8.

¹⁶ Report at 8.

¹⁷ Report at 8.

¹⁸ Report at 27.

¹⁹ Report at 2-4.

²⁰ Report at 17-18.

²¹ Report at 18.

Decision and Order
PERB Case No. 11-U-48
Page 4

that MPD's unilateral decision to deny administrative leave in 2011 without bargaining, violated the CMPA.²² Finally, the Hearing Examiner determined that MPD denied the Union's request for administrative leave in 2011 in retaliation for the Superior Court Order denying, in part, MPD's motion to dismiss.²³ The Hearing Examiner concluded that this retaliatory action violated D.C. Official Code § 1-617.04(a)(1).²⁴ Accordingly, the Hearing Examiner recommended that the Complaint be sustained.²⁵

III. Exceptions

On November 21, 2016, MPD filed Respondent's Exceptions to the Hearing Examiner's Report ("Exceptions").²⁶ MPD asserted that the case must be dismissed in its entirety as: (1) the Report ignores controlling PERB precedent that past practice cannot override express provisions of the parties' labor agreement; (2) the Report considered matters outside of the allegations contained within the Complaint, which is not permitted by PERB rules and precedent; (3) the Hearing Examiner did not properly address MPD's argument that PERB does not have jurisdiction over this contractual dispute; (4) the Report's analysis of the *Wright Line* test incorrectly assumes facts not in the record and relies upon facts that are time barred; and (5) the Report did not address MPD's argument that the Complainant is collaterally estopped from re-litigating this case.²⁷

On December 19, 2016, the Union filed Opposition to Respondent's Exceptions to the Hearing Examiner's Report and Recommendation ("Opposition").²⁸

IV. Discussion

The Board will affirm a Hearing Examiner's Report and Recommendations if the recommendations therein are reasonable, supported by the record, and consistent with Board precedent.²⁹ Pursuant to Board Rule 520.11, "[t]he party asserting a violation of the CMPA, shall have the burden of proving the allegations of the complaint by a preponderance of the evidence." The Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner."³⁰

The Board has reviewed the findings, conclusions, and recommendations of the Hearing Examiner and for the reasons discussed below, the Board rejects the Hearing Examiner's finding

²² Report at 18-23.

²³ Report at 23-27.

²⁴ Report at 23-27.

²⁵ Report at 27.

²⁶ Exceptions at 1.

²⁷ Exceptions at 1.

²⁸ Opp'n at 1.

²⁹ See *Am. Fed'n of Gov't Emp., Local 1403 v. D.C. Office of the Attorney Gen.*, 59 D.C. Reg. 3511, Slip Op. 873, PERB Case Nos. 05-U-32 and 05-UC-01 (2012); See also *Council of Sch. Officers, Local 4, Am. Fed'n of Sch. Adm'r*, 59 D.C. Reg. 6138, Slip Op. 1016 at 6, PERB Case No. 09-U-08 (2010).

³⁰ *Council of Sch. Officers, Local 4, Am. Fed'n of Sch. Adm'r*, Slip Op. 1016 at 6; *Tracy Hatton v. FOP/Dep't of Corr. Labor Comm.*, 47 D.C. Reg. 769, Slip Op. 451 at 4, PERB Case No. 95-U-02 (1995).

Decision and Order
PERB Case No. 11-U-48
Page 5

that the alleged retaliation violations took place within 120 days of the Complaint being filed as required by PERB Rule 520.4. The Hearing Examiner's findings are not supported by the record.

The Board has held that under Board Rule 520.4, unfair labor practice complaints shall be filed not later than 120 days after the date the petitioner knew or should have known of the acts giving rise to the violation.³¹ Board rules governing the initiation of actions before the Board are jurisdictional and mandatory and provide the Board with no discretion or exception for extending the deadline for initiating an action.³² The Board may consider acts outside of the 120-day limit only to determine a violation from related acts that occurred within the jurisdictional time limit.³³

The Hearing Examiner determined that the Complaint filed on September 8, 2011, was within the Board's 120-day limit set forth in Rule 520.4.³⁴ The Hearing Examiner reasoned that, "The operational date for challenged retaliatory action in this analysis is July 14, 2011, the date [Chief] Lanier issued the letter of denial..."³⁵ Further, the Hearing Examiner found that MPD's denial of administrative leave on July 14, 2011, was a violation of the CMPA.³⁶ In its Exceptions, and repeatedly throughout the proceedings, MPD contended that the allegations asserted in the Complaint, pertaining to the request by the Union to attend the 2009 Conference and subsequent civil suit, were untimely and should be dismissed.³⁷ The Union asserted that the violations at issue in this case occurred on July 14, 2011, when Chief Lanier denied the Union's request for administrative leave.³⁸ The Union contended that while the 2009 allegations in the Complaint provide background and context to MPD's actions, those acts are not the statutory violations at issue in this case.³⁹ Citing to *Green v. D.C. Department of Corrections*, the Union argued that the Board may consider MPD's conduct outside of the 120-day limit to determine whether MPD committed statutory violations in July 2011, and, therefore, the Complaint was timely.⁴⁰

The Board finds that the Hearing Examiner's narration of the alleged violations in this case is inconsistent with the allegations in the pleadings. In the Complaint, the Union alleged that it engaged in protected activity on June 22, 2009, when Chairman Baumann sent a letter to the Council alleging that MPD improperly used on-duty officers to staff private events.⁴¹ The Complaint stated that as a result of this protected activity, Chief Lanier denied the Union's request for administrative leave to attend the 2009 Conference:

³¹ *Pitt v. D.C. Dep't of Corr.*, 59 D.C. Reg. 5554, Slip Op. 998 at 5, PERB Case No. 09-U-06 (2009).

³² See, *Glendale Hoggard v. Pub. Emp. Relations Bd.*, 655 A.2d 320, 323 (D.C. 1995).

³³ *Green v. D.C. Dep't of Corr.*, 41 D.C. Reg. 5098, Slip Op. No. 323 n. 3, PERB Case No. 91-U-13 (1994).

³⁴ *Id.* at 18.

³⁵ Report at 27.

³⁶ Report at 27.

³⁷ Exceptions at 6; Respondent's Post-Hearing Br. at 9.

³⁸ Opp'n at 17.

³⁹ Opp'n at 17.

⁴⁰ Opp'n at 18.

⁴¹ Complaint at 3.

Decision and Order
PERB Case No. 11-U-48
Page 6

Chief Lanier's denial of administrative leave, just three weeks after the June 22, 2009 protected disclosure, was retaliation for the FOP members' protected disclosure to the Council. An official within MPD later admitted that the Chief's denial of the leave request was based on the June 22, 2009 communication with the Council.⁴²

Although the Hearing Examiner determined that the alleged violation occurred on July 14, 2011, when MPD denied administrative leave for the 2011 Conference, nowhere in the Complaint does the Union allege that MPD's 2011 denial of administrative leave was an act of retaliation.⁴³ The Complaint alleges only that MPD retaliated by denying administrative leave on June 22, 2009. This alleged violation clearly occurred more than 120 days prior to the September 8, 2011 filing of this Complaint. Therefore, the Board rejects the Hearing Examiner's finding that the Complaint was timely. This finding is inconsistent with the allegations raised in the Complaint.

V. Conclusion

The Board rejects the Hearing Examiner's finding that Complaint was timely filed. Therefore, the Board dismisses this unfair labor practice complaint in its entirety.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complainant's unfair labor practice complaint is dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Members Ann Hoffman and Douglas Warshof.

Washington, D.C.

⁴² Complaint at 5.

⁴³ *Fraternal Order of Police/Metro. Police Dep't v. D.C. Metro. Police Dep't*, 62 D.C. Reg. 3544, Slip Op. 1506 at 8-9, PERB Case No. 11-U-50 (2014) (stating that the "hearing examiner nor the Board may determine the existence of an unfair labor practice where no unfair labor practice has been alleged. Additionally, a hearing examiner cannot find a violation based on a set of facts that were not alleged in the complaint even if the violation has the same legal basis as an allegation that was raised in the complaint....").

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 11-U-48, Op. No. 1628 was sent by Filed and ServeXpress to the following parties on this the 9th day of June, 2017.

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District of Columbia REGISTER – August 4, 2017 – Vol. 64 - No. 31 007386 – 007630