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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-130, Fiscal Year 2018 Budget Support Act of 2017
- Department of Energy and Environment schedules a public hearing on the Fiscal Year 2017 DCA Airplane Noise Assessment Study
- Board of Ethics and Government Accountability publishes the 2017 list of registered lobbyists
- Department of For-Hire Vehicles revises regulations to allow non-District residents to operate licensed taxicabs and other substantial changes
- Department of Health Care Finance proposes amendments to the District of Columbia State Plan for Medical Assistance governing the My Health GPS Program
- Department of Insurance, Securities and Banking schedules a public hearing on the 2018 proposed health insurance rates
- Public Service Commission proposes reliability and safety standards and requirements for natural gas utility and service providers operating in the District

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA
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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To amend the Healthy Schools Act of 2010 to require public schools and public charter schools to locate all drinking water sources, install and maintain filters for reducing lead at all drinking water sources, post conspicuous signs on water sources that are not drinking water sources that communicate that the water should not be used for cooking or consumed, test all drinking water sources for lead annually, if a test result shows that a drinking water source's lead concentration exceeds 5 parts per billion, shut off the drinking water source within 24 hours after receiving the test result, determine remediation steps, publicize the test results and remediation steps, and post information about the test results and remediation efforts online, and publish a list of drinking water sources with information about filters, testing, and maintenance; to amend the District of Columbia School Reform Act of 1995 to require public charter schools to include information about compliance with this act in its annual health and safety report; to amend the Department of General Services Establishment Act of 2011 to require the Department of General Services to locate all drinking water sources in recreation facilities, install and maintain filters for reducing lead at all drinking water sources, post conspicuous signs on water sources that are not drinking water sources that communicate that the water should not be used for cooking or consumed, test all drinking water sources in recreation facilities for lead annually, if a test result shows that a drinking water source's lead concentration exceeds 5 parts per billion, shut off the drinking water source within 24 hours after receiving the test result, determine remediation steps, notify the Director of the Department of Parks and Recreation of the test results and remediation steps, and post information about the test results and remediation efforts online, and publish a list of drinking water sources with information about filters, testing, and maintenance; to amend the Child Development Facilities Regulation Act of 1998 to require each child development facility to locate all drinking water sources, install and maintain filters for reducing lead at all drinking water sources in child development facilities, post conspicuous signs on water sources that are not drinking water sources that communicate that the water should not be used for cooking or consumed, test all drinking water sources in child development facilities for lead annually, if a test result shows that a drinking water source's lead concentration exceeds 5 parts per billion, shut off the drinking water source within 24 hours after receiving the test result, determine remediation steps, and notify parents and guardians of children at the child development

facility of the test results and remediation steps, and to require Department of Energy and Environment and the Office of the State Superintendent of Education to report annually on child development facility compliance with this act; to amend Chapter 1 of Title 5-A of the District of Columbia Municipal Regulations to require child development facilities to demonstrate compliance with the requirements in this act in order to obtain or renew an operating license; to amend the Office of Administrative Hearings Establishment Act of 2001 to expand the jurisdiction of the Office of Administrative Hearings to cover certain adjudicated cases relating to this act; to amend the Language Access Act of 2004 to include certain written communications to parents and guardians required under this act within the definition of vital documents; to require the Mayor to host 4 community meetings within one year after the effective date of this act; and to amend the Fiscal Year 2018 Budget Support Act of 2017 to repeal provisions relating to child development facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Childhood Lead Exposure Prevention Amendment Act of 2017".

Sec. 2. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-821.01) is amended as follows:

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

(2) New paragraphs (1) and (8A) are added to read as follows:

"(1)(A) "Drinking water source" means a source of water from which a person can reasonably be expected to consume or cook with the water originating from the source.

"(B) "Drinking water source" shall not include a source of water for which a public school or public charter school posts a conspicuous sign pursuant to section 501a(a)(1)(C) or (b)(2)(C); provided, that a public school or public charter school shall designate at least one kitchen sink in each school kitchen as a drinking water source.

"(8A) "Remediation steps" means, at a minimum, actions to:

"(A) Decrease the elevated lead concentration in a drinking water source to 5 parts per billion or less; or

"(B) Preclude people from consuming or cooking with water from a drinking water source.".

(b) Section 501(a)(1)(E) (D.C. Official Code § 38-825.01(a)(1)(E)) is repealed.

(c) A new section 501a is added to read as follows:

"Sec. 501a. Prevention of lead in drinking water in schools.

"(a)(1) The Department of General Services ("DGS") shall:

"(A) Locate all drinking water sources at each public school and install a barcode on each of the drinking water sources;

"(B) Install a filter that reduces lead in drinking water on each drinking water source in each public school and maintain the filters, at a minimum, in a manner consistent

with the manufacturer's recommendations. Filters or all of the filter's component parts shall be certified for lead reduction to the National Sanitation Foundation ("NSF")/American National Standards Institute ("ANSI") Standard 53 for Health Effects or NSF/ANSI Standard 61 for Health Effects;

"(C) Post a conspicuous sign near each water source at public schools that is not a drinking water source, which includes an image that clearly communicates that water from the water source should not be used for cooking, where applicable, or consumed;

"(D) Provide an annual schedule for testing drinking water sources at each public school to the Chief Operating Officer of the District of Columbia Public Schools ("COO") for distribution to parents or guardians of children at each public school at the start of each school year;

"(E) Test all drinking water sources at each public school for lead annually;

"(F) If a test conducted pursuant to subparagraph (E) of this paragraph shows a lead concentration over 5 parts per billion:

"(i) Shut off the drinking water source as soon as possible but no later than 24 hours after receiving the test result and keep the drinking water source shut off until a subsequent test shows that the lead concentration level is not over 5 parts per billion;

"(ii) Determine, in writing, which remediation steps should be implemented to address the elevated lead concentration level;

"(iii) Send the test result and remediation steps to the COO within 5 business days of receiving the test result;

"(iv) Update the list described in subparagraph (G) of this paragraph within 5 business days of receiving the test result to reflect the test result and remediation steps; and

"(v) Notify the COO and update the list described in subparagraph (G) of this paragraph within 5 business days of completion of the remediation steps required by sub-subparagraph (ii) of this subparagraph; and

"(G) Publish on the DGS website a list of drinking water sources in each public school that describes, for each drinking water source:

"(i) The date and results of the most recent lead test performed;

"(ii) The date the current filter was installed;

"(iii) The date when the filter will next be replaced;

"(iv) The barcode identification number; and

"(v) Any remediation steps that will be or have been taken.

"(2) When the COO receives a test result, pursuant to paragraph (1)(e)(iii) of this subsection, or a notice of completion of remediation steps, pursuant to paragraph (1)(e)(v) of this subsection, the COO shall, within 2 business days of receiving such information, publish the information on the District of Columbia Public Schools website and send the information to parents or guardians of children attending the public school through email or other written communication.

"(b)(1) Within 120 days of the effective date of the Childhood Lead Exposure Prevention Amendment Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), DGS shall provide a list of approved contractors, which may include employees or departments within DGS, to the Public Charter School Board ("PCSB"), from which public charter schools shall select a contractor to assist in meeting the requirements of paragraph (2) of this subsection.

"(2) Each public charter school shall:

"(A) Locate all drinking water sources at the public charter school and install a barcode on each of the drinking water sources;

"(B) Install a filter that reduces lead in drinking water on each drinking water source in the public charter school and maintain the filters, at a minimum, in a manner consistent with the manufacturer's recommendations. Filters or all of the filter's component parts shall be certified for lead reduction to the NSF/ANSI Standard 53 for Health Effects or NSF/ANSI Standard 61 for Health Effects;

"(C) Post a conspicuous sign near each water source at the public charter school that is not a drinking water source, which includes an image that clearly communicates that water from the water source should not be used for cooking, where applicable, or consumed;

"(D) Test all drinking water sources at the public charter school for lead annually;

"(E) If a test conducted pursuant to subparagraph (D) of this paragraph shows a lead concentration over 5 parts per billion:

"(i) Shut off the drinking water source as soon as possible but no later than 24 hours after receiving the test result and keep the drinking water source shut off until a subsequent test shows that the lead concentration level is not over 5 parts per billion;

"(ii) Determine, in writing, which remediation steps should be implemented to address the elevated lead concentration level;

"(iii) Send the test result and remediation steps to parents or guardians of children attending the public charter school through email or written communication within 5 business days of receiving the test result;

"(iv) Update the list described in subparagraph (F) of this paragraph within 5 business days of receiving the test result to reflect the test result and remediation steps; and

"(v) Notify parents or guardians of children attending the public charter school and update the list described in subparagraph (F) of this paragraph within 5 business days of completion of the remediation steps required by sub-subparagraph (ii) of this subparagraph; and

"(F) Publish on the public charter school's website, or on the website of the public charter school's local education agency, a list of drinking water sources in the public charter school that describes, for each drinking water source:

"(i) The date and results of the most recent lead test performed;

"(ii) The date the current filter was installed;

"(iii) The date when the filter will next be replaced;

"(iv) The barcode identification number; and

"(v) Any remediation steps that will be or have been taken.

"(3)(A) Any contractor selected pursuant to paragraph (1) of this subsection shall, at times and in a manner to be determined by the PCSB, provide the public charter school that selected the contractor with written proof that the contractor's services complied with the requirements of this subsection.

"(B) A public charter school shall provide proof of compliance with paragraph (2) of this subsection to the PCSB.

"(4)(A) After a public charter school provides proof of compliance to the PCSB, pursuant to paragraph (3)(B) of this subsection, the PCSB shall provide proof of compliance and associated costs of complying with paragraph (2) of this subsection to DGS, in a manner to be prescribed by DGS, for purposes of DGS reimbursing a public charter school.

"(B) DGS shall reimburse a public charter school for reasonable costs of complying with paragraph (2) of this subsection pursuant to rules issued pursuant to subsection (d) of this section.

"(5)(A) If a contractor provides false or misleading proof of compliance under paragraph (3)(A) of this subsection, the Mayor shall, for a 5–year period:

"(i) Remove the contractor from all DGS-approved contractor lists;

"(ii) Prohibit the contractor from participating in the activities described in this subsection; and

"(iii) Prohibit the contractor from conducting business with the District government.

"(B) The penalty provided in this paragraph shall be in addition to any other penalty provided by law.

"(6)(A) The Mayor, at a reasonable time, with reasonable notice, and upon presentation of appropriate credentials to, and with the consent of, the owner, operator, or person in charge, or the PCSB, pursuant to section 2211 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.11) ("School Reform Act"), may enter a public charter school to determine the public charter school's compliance with this subsection and inspect and copy any record, report, or other document or information related to compliance with this subsection.

"(B) If a public charter school fails to consent under subparagraph (A) of this paragraph:

"(i) The Mayor shall require the repayment of funds that were paid to the public charter school pursuant to paragraph (4) of this subsection; and

"(ii) The PCSB may revoke the public charter school's charter pursuant to section 2213(a)(1) of the School Reform Act.

"(7) A person aggrieved by an action of the Mayor taken pursuant to paragraph (5) or paragraph (6)(B)(i) of this subsection may appeal the action of the Mayor to the Office of Administrative Hearings pursuant to section 6(b-14) of the Office of Administrative Hearings

Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-14)).

"(8) The Mayor may impose civil infraction penalties, fines, and fees as sanctions for any violation of this subsection, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801 *et seq.)* ("Civil Infractions Act"). Enforcement and adjudication of an infraction shall be pursuant to the Civil Infractions Act.

"(c) Nothing in this section is intended to, or does, create a private right of action against any person or entity based upon compliance or noncompliance with its provisions. No person or entity may assert any claim or right as a beneficiary or protected class under this section in any civil, criminal, or administrative action against the District of Columbia.

"(d) Within 120 days of the effective date of the Childhood Lead Exposure Prevention Amendment Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including rules by which the Department of General Services shall reimburse public charter schools for the reasonable costs incurred in complying with subsection (b)(2) of this section.".

Sec. 3. Section 2204(c)(4)(B) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.04(c)(4)(B)), is amended as follows:

(a) Strike the phrase "Fire Prevention Code." and insert the phrase "Fire Prevention Code and section 501a(b) of the Healthy Schools Act of 2010, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29)." in its place.

(b) Strike the phrase "upon request." and insert the phrase "upon request. A public charter school shall, within 10 business days of submitting the report, publish the report on the public charter school's website or on the website of the public charter school's local education agency, and transmit the report to DGS for publication on DGS's website." in its place.

Sec. 4. The Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.01 *et seq.*), is amended by adding a new section 1028c to read as follows:

"Sec. 1028c. Prevention of lead in drinking water at recreation facilities.

"(a) For the purposes of this section, the term:

"(1)(A) "Drinking water source" means a source of water from which a person can reasonably be expected to consume or cook with the water originating from the source.

"(B) "Drinking water source" shall not include a source of water for which the Department of General Services posts a conspicuous sign pursuant to subsection (b)(3) of this section.

"(2) "Recreation facility" means a Department of Parks and Recreation ("DPR") public facility regularly used by children.

"(3) "Remediation steps" means, at a minimum, actions to:

"(A) Decrease the elevated lead concentration in a drinking water source to 5 parts per billion or less; or

"(B) Preclude people from consuming or cooking with water from a drinking water source.

"(b) The Department of General Services ("Department") shall:

"(1) Locate all drinking water sources at each recreation facility and install a barcode on each of the drinking water sources;

"(2) Install a filter that reduces lead in drinking water on each drinking water source in each recreation facility and maintain the filters, at a minimum, in a manner consistent with the manufacturer's recommendations. Filters or all of the filter's component parts shall be certified for lead reduction to the National Sanitation Foundation ("NSF")/American National Standards Institute ("ANSI") Standard 53 for Health Effects or NSF/ANSI Standard 61 for Health Effects;

"(3) Post a conspicuous sign near each water source at recreation facilities that is not a drinking water source, which includes an image that clearly communicates that water from the water source should not be used for cooking, where applicable, or consumed;

"(4) Test all drinking water sources at each recreation facility for lead annually;

"(5) If a test conducted pursuant to paragraph (4) of this subsection shows a lead concentration over 5 parts per billion:

"(A) Shut off the drinking water source as soon as possible but no later than 24 hours after receiving the test result and keep the drinking water source shut off until a subsequent test shows that the lead concentration level is not over 5 parts per billion;

"(B) Determine, in writing, which remediation steps should be implemented to address the elevated lead concentration level;

"(C) Send the test results and remediation steps to the Director of DPR within 5 business days of receiving the test result;

"(D) Update the list described in paragraph (6) of this subsection within 5 business days of receiving the test result to reflect the test result and remediation steps; and

"(E) Notify the Director of DPR and update the list described in paragraph (6) of this subsection within 5 business days of completion of the remediation steps required by subparagraph (B) of this paragraph; and

"(6) Publish on the Department's website a list of drinking water sources in each recreation facility that describes, for each drinking water source:

"(A) The date and results of the most recent lead test performed;

"(B) The date the current filter was installed;

"(C) The date when the filter will next be replaced;

"(D) The barcode identification number; and

"(E) Any remediation steps that will be or have been taken.

"(c) Within 120 days of the effective date of the Childhood Lead Exposure Prevention Amendment Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.

"(d) Nothing in this section is intended to, or does, create a private right of action against any person or entity based upon compliance or noncompliance with its provisions. No person or entity may assert any claim or right as a beneficiary or protected class under this section in any civil, criminal, or administrative action against the District of Columbia.".

Sec. 5. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-2031) is amended by adding new paragraphs (3A) and (7A) to read as follows:

"(3A)(A) "Drinking water source" means a source of water from which a person can reasonably be expected to consume or cook with the water originating from the source.

"(B) "Drinking water source" shall not include a source of water for which a child development facility posts a conspicuous sign pursuant to section 21a(b)(3).

"(7A) "Remediation steps" means, at a minimum, actions to:

"(A) Decrease the elevated lead concentration in a drinking water source to 5 parts per billion or less; or

"(B) Preclude people from consuming or cooking with water from a drinking water source.".

(b) A new section 21a is added to read as follows:

"Sec. 21a. Prevention of lead in drinking water in child development facilities.

"(a) Within 120 days of the effective date of the Childhood Lead Exposure Prevention Amendment Act of 2017 passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), the Department of Energy and Environment ("DOEE") shall provide a list of approved contractors to all child development facilities, from which child development facilities shall select a contractor to assist in meeting the requirements of subsection (b) of this section.

"(b) By September 31, 2019, each licensed child development facility shall:

"(1) Locate all drinking water sources at the child development facility;

"(2) Install a filter that reduces lead in drinking water on each drinking water source in the child development facility and maintain the filters, at a minimum, in a manner consistent with the manufacturer's recommendations. Filters or all of the filter's component parts shall be certified for lead reduction to the National Sanitation Foundation ("NSF")/American National Standards Institute ("ANSI") Standard 53 for Health Effects or NSF/ANSI Standard 61 for Health Effects;

"(3) Post a conspicuous sign near each water source at the child development facility that is not a drinking water source, which includes an image that clearly communicates that the water source should not be used for cooking, when applicable, or consumed;

"(4) Test all drinking water sources at the child development facility for lead annually;

"(5) If a test conducted pursuant to paragraph (4) of this subsection shows a lead concentration over 5 parts per billion:

"(A) Shut off the drinking water source as soon as possible but no later than 24 hours after receiving the test result and keep the drinking water source shut off until a subsequent test shows that the lead concentration level is not over 5 parts per billion;

"(B) Determine, in writing, which remediation steps should be implemented to address the elevated lead concentration level;

"(C) Send the test result and remediation steps to parents or guardians of children at the child development facility through email or written communication within 5 business days of receiving the test result; and

"(D) Notify parents and guardians of children at the child development facility within 5 business days of the completion of the remediation steps required by subparagraph (B) of this paragraph.

"(c)(1) Any contractor selected pursuant to subsection (a) of this section shall, at times and in a manner to be determined by the Mayor, provide the child development facility that selected the contractor with written proof that the contractor's service complied with the requirements of this section.

"(2) A child development facility shall, at times and in a manner to be determined by the Mayor, provide proof of compliance with this section to DOEE.

"(d) After a child development facility provides proof of compliance to DOEE pursuant to subsection (c)(2) of this section and DOEE determines that the child development facility has complied with all the requirements of this section, DOEE shall:

"(1) Compensate the contractor selected pursuant to subsection (a) of this section, pursuant to rules issued pursuant to subsection (i) of this section; and

"(2) Notify the Office of the State Superintendent of Education ("OSSE") that the child development facility has complied with the requirements of this section.

"(e)(1) If a contractor provides a false or misleading proof of compliance under subsection (c)(1) of this section, the Mayor shall, for a 5-year period:

"(A) Remove the contractor from all DOEE-approved contractor lists;

"(B) Prohibit the contractor from participating in the activities described in this section; and

"(C) Prohibit the contractor from conducting business with the District government.

"(2) The penalty provided in this subsection shall be in addition to any other penalty provided by law.

"(3) A person aggrieved by an action of the Mayor taken pursuant to this subsection may appeal the action of the Mayor to the Office of Administrative Hearings pursuant to section 6(b-14) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-14)).

"(f)(1) The Mayor may, at any reasonable time and with reasonable notice, and upon the presentation of appropriate credentials to, and with the consent of, the owner, operator, or person in charge:

"(A) Enter a child development facility to determine compliance with this section; and

"(B) Inspect and copy any record, report, or other document or information related to compliance with this section.

"(2) If the Mayor is denied access to enter a child development facility or to inspect and copy records pursuant to paragraph (1) of this subsection, the Mayor may apply to the Superior Court of the District of Columbia for a search warrant.

"(g) OSSE, in consultation with DOEE, shall provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report on child development facility compliance with this section.

"(h) Nothing in this subsection is intended to, or does, create a private right of action against any person or entity based upon compliance or noncompliance with its provisions. No person or entity may assert any claim or right as a beneficiary or protected class under this subsection in any civil, criminal, or administrative action against the District of Columbia.

"(i) Within 120 days after the effective date of the Childhood Lead Exposure Prevention Amendment Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), the Mayor, in consultation with OSSE, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including rules by which DOEE shall compensate contractors for services provided under subsection (b) of this section.".

Sec. 6. Chapter 1 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 100 *et seq.*) is amended as follows:

(a) Section 103.5 (5-A DCMR § 103.5) is amended by adding a new paragraph (c-1) to read as follows:

"(c-1) Proof of compliance with section 21a of the Facilities Act;".

(b) Section 104.5 (5-A DCMR § 104.5) is amended by adding a new paragraph (a-1) to read as follows:

"(a-1) Proof of compliance with section 21a of the Facilities Act;".

(c) Section 122.8 is amended to read as follows:

"122.8 A Licensee shall ensure that a Facility is:

(a) Free of any lead-based paint hazards; and

(b) In compliance with section 21a of the Facilities Act with respect to all drinking water sources.".

(d) Section 129.2 is amended by adding a new paragraph (c-1) to read as follows:

"(c-1) Proof of compliance with section 21a of the Facilities Act;".

Sec. 7. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-14) to read as follows:

"(b-14) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), (b-10), (b-11), (b-12), and (b-13) of this section, this act shall apply to all adjudicated cases relating to section 501a(b)(5) and section (6)(B)(i) of the Childhood Lead Exposure Prevention Amendment Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), and section 21a(e) of the Child Development Facilities Regulation Act of 1998, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29).".

Sec. 8. Section 2(7) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931(7)), is amended by striking the phrase "examinations, and other similar materials." and inserting the phrase "examinations, and other similar materials. The term "vital documents" shall include written information and notifications sent to parents or guardians pursuant to section 501a(a)(2), (b)(2)(E)(iii), or (b)(2)(E)(v) of the Healthy Schools Act of 2010, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29)." in its place.

Sec. 9. Within one year after the effective date of the Childhood Lead Exposure Prevention Amendment Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-29), the Mayor shall host 4 community meetings open to the public on the implementation of this act and notify the public about each meeting on the Department of General Services website at least one month before the meeting is held.

Sec. 10. Subtitle N of Title VI of the Fiscal Year 2018 Budget Support Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), is repealed.

Sec. 11. Applicability.

(a) Sections 2, 3, 4, 7, 8, and 9 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council for certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of sections 2, 3, 4, 7, 8, and 9.

ENROLLED ORIGINAL

Sec. 12. Fiscal impact statement.

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

Sec. 13. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To officially designate a portion of the public alley system in Square 1075, bounded by D Street, S.E., 15th Street, S.E., E Street, S.E., and 16th Street, S.E., in Ward 6, as Duvall Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Duvall Court Designation Act of 2017".

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) ("Act"), and notwithstanding the requirements of section 421(f) of the Act (D.C. Official Code § 9-204.21(f)), the Council officially designates the portion of the public alley system in Square 1075, which is bounded by D Street, S.E., 15th Street, S.E., E Street, S.E., and 16th Street, S.E., that runs east-west through the Square and the 2 appurtenant portions that are to the north and south in the center of the Square as shown on the Surveyor's plat in the committee report, as "Duvall Court".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To officially designate a portion of the public alley system within Square 1089, bounded by C Street, S.E., 16th Street, S.E., D Street, S.E., and 17th Street, S.E., in Ward 6, as Ebenezer Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ebenezer Court Designation Act of 2017".

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) ("Act"), and notwithstanding the requirements of section 421(b) and 421(f) of the Act (D.C. Official Code § 9-204.21(b) and (f)), the Council officially designates the portion of the public alley system within Square 1089, which is bounded by C Street, S.E., 16th Street, S.E., D Street, S.E., and 17th Street, S.E., that runs east-west between 16th Street, S.E., and 17th Street, S.E., as shown on the Surveyor's plat in the committee report, as "Ebenezer Court".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To amend the Inclusionary Zoning Implementation Amendment Act of 2006 to reflect the changes to the inclusionary zoning regulations adopted by the Zoning Commission for the District of Columbia on October 17, 2016; and to amend the District of Columbia Administrative Procedure Act, the Housing Production Trust Fund Act of 1988, and section 47-902 of the District of Columbia Official Code to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inclusionary Zoning Consistency Amendment Act of 2017".

Sec. 2. The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C Official Code § 6-1041.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 6-1041.01) is amended as follows:

(1) The existing paragraph (1) is redesignated as paragraph (1A).

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

"(1) "Eligible household" means a household of one or more individuals with a total annual income adjusted for household size equal to or less than 50% of the MFI, 60% of the MFI, 80% of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations.".

(3) Paragraph (2) is amended by striking the phrase "11 DCMR § 2602.1" and inserting the phrase "Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations" in its place.

(4) Paragraph (3) is amended by striking the phrase "low- and moderate-income households as required by the Inclusionary Zoning Program" and inserting the phrase "eligible households as required by the Inclusionary Zoning Program or established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations" in its place.

(5) Paragraph (4) is amended by striking the phrase "Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*), this act, and the regulations" and inserting the phrase "Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, this act, and the regulations and administrative issuances" in its place.

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

"(5) "Median Family Income" or "MFI" means the median family income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.".

(7) Paragraph (6) is repealed.

(b) Section 102(b) (D.C. Official Code § 6-1041.02(b)) is amended by striking the phrase "Chapter 26 of Title 11" and inserting the phrase "Chapter 10 of Title 11-C" in its place.

(c) Section 103 (D.C. Official Code § 6-1041.03) is amended as follows:

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

(A) Paragraph (3) is amended by striking the phrase "low-income households shall be set so that a household earning 50% of the Metropolitan Statistical Area median" and inserting the phrase "eligible households shall be set so that an eligible household earning 50% of the MFI, 60% of the MFI, 80% of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations" in its place.

(B) Paragraph (4) is repealed.

(2) Subsection (b) is amended by striking the phrase ", but shall not become effective until" and inserting the phrase "and shall become effective upon" in its place.

(d) Section 107 (D.C. Official Code § 6-1041.07) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "low- or moderate-income households" and inserting the phrase "eligible households" in its place.

(2) Paragraph (6) is amended by striking the phrase "Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*)" and inserting the phrase "Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations" in its place.

(3) Paragraph (9) is amended by striking the phrase "low- or moderate-income households" and inserting the phrase "eligible households" in its place.

(e) Section 109(a) (D.C. Official Code § 6-1041.09(a)) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase "low- or moderate-income households" and inserting the phrase "eligible households" in its place.

(2) Paragraph (6) is amended by striking the phrase "low- or moderate-income households" and inserting the phrase "eligible households" in its place.

Sec. 3. Section 102(8)(E) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(8)(E)), is amended by striking the phrase "Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*)" and inserting the phrase "Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations" in its place.

ENROLLED ORIGINAL

Sec. 4. Section 3(c)(17) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(c)(17)), is amended by striking the phrase "low- and moderate-income households" and inserting the phrase "eligible households" in its place.

Sec. 5. Section 47-902(23) of the District of Columbia Official Code is amended by striking the phrase "low- and moderate-income household" and inserting the phrase "eligible household" in its place.

Sec. 6. Applicability.

This act shall apply as of June 5, 2017, which is the effective date of the amendments to the inclusionary zoning regulations, set forth at Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, that were promulgated by the Zoning Commission for the District of Columbia on October 17, 2016 in its Notice of Final Rulemaking and Zoning Commission Order No. 04-33G (63 DCR 15404).

Sec. 7. Fiscal impact statement.

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

Sec. 8. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To symbolically designate the unit block of Danbury Street, S.W., between Martin Luther King Jr. Avenue, S.W., and South Capitol Street, S.E., in Ward 8, as Brishell Jones Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Brishell Jones Way Designation Act of 2017".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the unit block of Danbury Street, S.W., between Martin Luther King Jr. Avenue, S.W., and South Capitol Street, S.E., in Ward 8, as "Brishell Jones Way".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To enact and amend provisions of law necessary to support the Fiscal Year 2018 budget.

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

ENROLLED ORIGINAL

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. EXECUTIVE SERVICE PAY SCHEDULE CONFORMITY

Sec. 1001. Short title.

This subtitle may be cited as the "Executive Service Pay Schedule Conformity Amendment Act of 2017".

Sec. 1002. Section 1052(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52(b)), is amended as follows:

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

(1) The lead-in language is amended by striking the phrase "a compensation level of" and inserting the phrase "the following compensation levels and terms of employment:" in its place.

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

"(A)(i) Antwan Wilson shall be compensated $280,000 annually, effective February 1, 2017, while serving in the capacity of the Chancellor of the District of Columbia Public Schools.

"(ii) Notwithstanding any other provision of law, the Chancellor may be paid a performance bonus of up to 10% of his annual base salary for goal achievements in the 2017-2018 school year.

"(iii) In addition to such other benefits as the Chancellor may be entitled to receive under existing law or regulation, and notwithstanding section 1058, the Mayor may make a separation payment to the Chancellor of up to 26 weeks of the Chancellor's base salary if the Chancellor's contract is terminated, unless the termination is for cause.

"(iv) The restrictions and reporting requirements specified in section 3602(b) of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law l3-172; D.C. Official Code § 50-204(b)), shall not apply to the Chancellor.".

(3) Subparagraph (D) is repealed.

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

"(2B) For the purposes of paragraph (2)(A) of this subsection, the term "cause" means:

"(A) Being indicted for or convicted of any criminal offense;

"(B) Committing on-duty conduct that is reasonably known to be a violation of law or regulation;

"(C) Using public office for private gain; or

"(D) Committing an act that would warrant removal pursuant to Chapter 16 of Title 6B of the District of Columbia Municipal Regulations (6B DCMR § 1600 *et seq.*).".

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

(1) Subparagraph (A) is repealed.

(2) Subparagraph (B) is repealed.

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

"(4) The existing levels of compensation for officeholders provided in this subsection shall not be the basis of determining the salary of future officeholders in the same position, who shall be subject to compensation within the limits of the DX schedule, except as provided in this act.".

Sec. 1003. The Chancellor of the District of Columbia Public Schools Salary and Benefits Authorization Temporary Amendment Act of 2017, effective April 7, 2017 (D.C. Law 21-246; 64 DCR 1620), is repealed.

Sec. 1004. Applicability.

With respect to the employees identified in section 1052(b)(2)(B) and (C) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52(b)(2)(B) and (C)), section 1002(c)(1) shall apply as of July 20, 2016.

SUBTITLE B. COMPENSATION FOR UNJUST IMPRISONMENT

Sec. 1011. Short title.

This subtitle may be cited as the "Unjust Conviction and Imprisonment Compensation Amendment Act of 2017".

Sec. 1012. The District of Columbia Unjust Imprisonment Act of 1980, effective March 5, 1981 (D.C. Law 3-143; D.C. Official Code § 2-421 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-421) is amended to read as follows:

"Sec. 2. Administrative petitions and civil claims.

"Any person unjustly convicted of and subsequently imprisoned for a felony offense contained in the District of Columbia Official Code may:

"(1) Present a claim for damages against the District of Columbia; or

"(2) Petition the District of Columbia for compensation as provided under this act.".

(b) Section 3 (D.C. Official Code § 2-422) is amended to read as follows:

"Sec. 3. Proof required.

"(a) Any person bringing suit under section 2(1) must allege and prove the following:

"(1) The person was incarcerated following a conviction for a felony offense contained in the District of Columbia Official Code;

"(2) The conviction for the offense has been reversed or set aside by the Superior Court of the District of Columbia ("Superior Court") on the stated ground of innocence and unjust conviction;

"(3) The person has obtained a certificate of innocence from the Superior Court; and

"(4) That, based upon clear and convincing evidence, the person did not commit any of the acts charged or the person's acts or omissions in connection with such charge constituted no offense against the United States or the District of Columbia the maximum

penalty for which would equal or exceed the imprisonment served and the person did not, by his or her misconduct, cause or bring about his or her own prosecution.

"(b) Any person filing a petition under section 2(2) must allege and prove the following:

"(1) The person was incarcerated following a conviction for a felony offense contained in the District of Columbia Official Code;

"(2) The conviction for the offense has been reversed or set aside by the Superior Court on the stated ground of innocence and unjust conviction; and

"(3) The person has obtained a certificate of innocence from the Superior Court.

"(c) Notwithstanding subsections (a) and (b) of this section, a person is not entitled to damages or compensation under this act for any part of a sentence served, whether incarcerated, on parole, on probation, on supervised release, or as a registered sex offender, if that person was also serving a concurrent sentence for another crime to which subsections (a) and (b) of this section do not apply.".

(c) Section 4 (D.C. Official Code § 2-423) is amended by striking the phrase "by section 3, the" and inserting the phrase "by section 3(a), the" in its place.

(d) New sections 4a, 4b, 4c, and 4d are added to read as follows:

"Sec. 4a. Petition for compensation.

"(a) A person seeking compensation for unjust conviction and imprisonment under section 2(2) shall file a petition for compensation with the Office of Victim Services and Justice Grants ("OVSJG") that includes the following information:

"(1) An application for compensation on a form prescribed by the Director;

"(2) A copy of the certificate of innocence issued by the Superior Court for the conviction at issue;

"(3) A statement from the United States Bureau of Prisons or the Department of Corrections verifying the length of incarceration;

"(4) A statement from the Court Supervision and Offender Services Agency verifying the length of time spent on parole, probation, supervised release, or as a registered sex offender, if applicable; and

"(5) Any additional documents deemed necessary by the Director and listed as a requirement for a petition on the application for compensation.

"(b)(1)(A) The Director shall approve a petition for compensation filed within 45 days after the date the petition was submitted if all the necessary documents required by subsection (a) of this section have been submitted.

"(B) For the purposes of this paragraph, a petition for compensation shall not be deemed to have been submitted until all required documents under subsection (a) of this section have been filed with OVSJG.

"(2)(A) The Director shall provide written notice of his or her determination to the person who filed the petition.

"(B) The written notice shall include the amount owed to the petitioner pursuant to section 4b.

"(c)(1) If a petitioner is aggrieved by the Director's determination under subsection (b) of this section, the petitioner may bring an action in the Superior Court for mandamus relief within

45 days after the petitioner receives written notice of the determination under subsection (b)(2) of this section.

"(2) The Superior Court shall review de novo any request for mandamus relief.

"Sec. 4b. Compensation and other benefits.

"(a) After a petition for compensation is approved under section 4a, the petitioner shall be entitled to the following:

"(1) Within 60 days after a petition for compensation is approved, the Director shall compensate the petitioner as follows:

"(A) For the physical injury of wrongful conviction and incarceration of the petitioner:

"(i) $200,000 for each year of incarceration, to include a pro-rated amount for partial years served; and

"(ii) $40,000 for each year served on parole, probation, supervised release, or as a registered sex offender, to include a pro-rated amount for partial years served; and

"(B) Reimbursement for child support payments that became due during the time the person was incarcerated, but were not paid, including any interest on child support arrearages associated with those child support payments, as well as reasonable attorney's fees for legal proceedings required to remedy outstanding obligations associated with those child support payments.

"(2) In addition to compensation provided under paragraph (1) of this subsection, within 21 days after a petition for compensation is approved, the Director shall provide the petitioner with $10,000 to assist in immediately securing services such as:

"(A) Housing;

"(B) Transportation;

"(C) Subsistence;

"(D) Re-integrative services; and

"(E) Mental and physical health care.

"(3) In addition to the compensation provided under paragraphs (1) and (2) of this subsection, the petitioner shall be entitled to the following:

"(A) Physical and mental health care for the duration of the petitioner's life through automatic participation in the D.C. HealthCare Alliance or any successor comprehensive community-centered health care and medical services system established pursuant to section 7 of the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1405);

"(B) Reimbursement for any tuition and fees paid to the University of the District of Columbia or the University of the District of Columbia Community College for the petitioner's education, including any necessary assistance to meet the criteria required for admittance, or a vocational or employment skills development program; and

"(C)(i) If mandamus relief is granted under section 4a(c), reasonable attorney's fees to be paid by the District of Columbia, as ordered by the Superior Court.

"(ii) The Superior Court shall award attorney's fees for each of the petitioner's attorneys pursuant to the matrix approved in *Laffey v. Northwest Airlines,* 572 F.

Supp. 354 (D.D.C. 1983), as published and adjusted by the United States Attorney's Office for the District of Columbia.

"(iii) In computing the hourly rates for attorney's fees under sub-subparagraph (ii) of this subparagraph, the Superior Court shall use the rates in effect at the time the mandamus relief is granted.

"(b) Notwithstanding any other law, compensation awarded pursuant to this act shall not be subject to any taxes or treatment as gross income under District law.

"Sec. 4c. Required notification for compensation.

"Within 5 business days after the release of a person from incarceration because a conviction for a felony offense contained in the District of Columbia Official Code has been reversed or set aside on the ground of innocence and unjust conviction, the Superior Court shall provide information to the person, in writing, that includes guidance on how to obtain compensation under this act, and a list of nonprofit advocacy groups that assist individuals who have been wrongfully convicted and imprisoned.

"Sec. 4d. Statute of limitations.

"Any person filing a claim or petition under section 2 shall file the claim or petition no later than 2 years after the date the person received a certificate of innocence as required by section 3(a)(3) and (b)(3).".

SUBTITLE C. OFFICE OF ADMINISTRATIVE HEARINGS PAYROLL ADJUSTMENT AND CLARIFICATION

Sec. 1021. Short title.

This subtitle may be cited as the "Office of Administrative Hearings Payroll Adjustment and Clarification Amendment Act of 2017".

Sec. 1022. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 8(b)(10) (D.C. Official Code § 2-1831.05(b)(10)) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

(b) Section 10(a) (D.C. Official Code § 2-1831.07(a)) is amended by striking the phrase "Corporation Counsel," and inserting the phrase "Attorney General," in its place.

(c) Section 11(g) (D.C. Official Code § 2-1831.08(g)) is amended by striking the phrase "Corporation Counsel." and inserting the phrase "Attorney General." in its place.

(d) Section 12(a)(10) (D.C. Official Code § 2-1831.09(a)(10)) is amended by striking the phrase "Executive Director" and inserting the phrase "Chief Operating Officer" in its place.

(e) Section 15 (D.C. Official Code § 2-1831.12) is amended to read as follows:

"Sec. 15. Chief Operating Officer and other personnel.

"(a) There shall be a Chief Operating Officer of the Office. The Chief Operating Officer shall be responsible for the administration of the Office subject to the supervision of the Chief Administrative Law Judge.

"(b) The Chief Operating Officer shall be appointed by the Chief Administrative Law Judge to the Management Supervisory Service, and shall serve at the pleasure of the Chief Administrative Law Judge pursuant to section 954 of the District of Columbia Government

Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-609.54). In making the appointment, the Chief Administrative Law Judge shall consider experience in administrative hearing procedures and operations. The Chief Operating Officer need not be an attorney and may not concurrently hold an appointment as an Administrative Law Judge appointed under the authority of section 11(b).

"(c) If at the time of application the Chief Operating Officer claimed a hiring preference as a bona fide resident of the District of the Columbia, the Chief Operating Officer shall agree to maintain bona fide District residency for 7 consecutive years from the effective date of hire, pursuant to section 957 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-609.57).

"(d) The Office shall have a Clerk and may have deputy clerks who shall perform such duties as may be assigned to them. The Clerk and deputy clerks may be authorized to administer oaths, issue subpoenas, and perform other appropriate duties.

"(e) With the approval of the Chief Administrative Law Judge, the Chief Operating Officer may appoint and fix the salary of any attorney and non-attorney personnel appointed pursuant to the authority of this act, other than Administrative Law Judges. Law clerks and attorneys employed by the office in a capacity other than as an Administrative Law Judge shall be appointed to the Legal Service or Senior Executive Attorney Service.

"(f) The Chief Operating Officer shall not have supervisory authority over any person appointed as an Administrative Law Judge.".

(f) Section 16(a) (D.C. Official Code § 2-1831.13(a)) is amended by striking the phrase "Executive Director," and inserting the phrase "Chief Operating Officer," in its place.

(g) Section 17(d) (D.C. Official Code § 2-1831.14(d)) is amended by striking the phrase "Office by the Corporation Counsel," and inserting the phrase "Office by the Attorney General," in its place.

(h) Section 20(b)(3) (D.C. Official Code § 2-1831.17(b)(3)) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General" in its place.

Sec. 1023. Section 908(15) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.08(15)), is amended to read as follows:

"(15) The Chief Administrative Law Judge and the Administrative Law Judges of the Office of Administrative Hearings;".

SUBTITLE D. OFFICE OF EMPLOYEE APPEALS MEMBER COMPENSATION

Sec. 1031. Short title.

This subtitle may be cited as the "Office of Employee Appeals Member Compensation Amendment Act of 2017".

Sec. 1032. Section 1108(c-1)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §

1-611.08(c-1)(2)), is amended by striking the phrase "not to exceed $3,000 for each member per year" and inserting the phrase "not to exceed $6,000 for each member per year" in its place.

SUBTITLE E. UNEMPLOYMENT COMPENSATION FOR DOMESTIC VIOLENCE SURVIVORS

Sec. 1041. Short title.

This subtitle may be cited as the "Unemployment Compensation for Domestic Violence Survivors Amendment Act of 2017".

Sec. 1042. Section 33 of Title II of the District of Columbia Unemployment Compensation Act, effective June 19, 2004 (D.C. Law 15-171; D.C. Official Code § 51-133), is amended as follows:

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

(b) The newly designated subsection (a) is amended by striking the phrase ", except that this section shall not apply to employers who have elected to make payments in lieu of contributions under section 3(f) and (h)".

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

"(b) Employers who have elected to make payments in lieu of contributions under section 3(f) or (h) shall not be liable for benefits paid pursuant to this title.".

SUBTITLE F. PUBLIC EMPLOYEE RELATIONS BOARD COMPENSATION

Sec. 1051. Short title.

This subtitle may be cited as the "Public Employee Relations Board Compensation Amendment Act of 2017".

Sec. 1052. Section 1108(c-1)(5) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(5)), is amended by striking the phrase "not to exceed $3,000 for each board member per year" and inserting the phrase "not to exceed $6,000 for each board member per year" in its place.

SUBTITLE G. WAGE THEFT CLARIFICATION

Sec. 1061. Short title.

This subtitle may be cited as the "Wage Theft Clarification Amendment Act of 2017".

Sec. 1062. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Section 8(a)(1)(A) (D.C. Official Code § 32-1308(a)(1)(A)) is amended by striking the word "restitution" and inserting the word "relief" in its place.

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

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

(A) Paragraph (4) is amended by striking the word "restitution" and inserting the word "relief" in its place.

(B) Paragraph (6) is amended by striking the word "restitution" and inserting the word "relief" in its place.

(C) Paragraph (7) is amended by striking the phrase "and an order requiring the respondent to provide restitution" and inserting the phrase "and, where the Mayor finds in favor of the complainant, the initial determination shall require the respondent to provide relief" in its place.

(D) A new paragraph (10) is added to read as follows:

"(10)(A) Upon issuance of an initial determination or administrative order, not issued as a result of conciliation, the Mayor shall notify the parties, by certified mail, of their right to file for a formal hearing before an administrative law judge pursuant to subsection (e) of this section.

"(B) If a party does not timely file for a formal hearing before an administrative law judge pursuant to subsection (e) of this section, the initial determination shall be deemed a final administrative order and shall be enforceable pursuant to subsection (g) of this section.".

(2) Subsection (e)(1) is amended by striking the phrase "Within 30 days of the issuance of the initial determination or administrative order, not issued as a result of conciliation, either party may file for a formal hearing before an administrative law judge" and inserting the phrase "Within 30 days of the issuance of the initial determination or an administrative order, not issued as a result of conciliation, or within 30 days of receiving notice of a right to file for a formal hearing before an administrative law judge under this subsection, whichever is later, a party may file for a formal hearing before an administrative law judge" in its place.

(3) Subsection (n) is amended by striking the phrase "or fine assessed".

SUBTITLE H. LEGISLATIVE BRANCH BONUS PAY

Sec. 1071. Short title.

This subtitle may be cited as the "Legislative Branch Performance Bonus Pay Amendment Act of 2017".

Sec. 1072. The Bonus Pay and Special Awards Pay Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 1-551.01 *et seq.*), is amended as follows:

(a) Section 1002 (D.C. Official Code § 1-551.02) is amended by adding a new subsection (c) to read as follows:

"(c) Notwithstanding subsection (a) of this section, each personnel authority of the Council, the Office of the District of Columbia Auditor, and the Office of Advisory Neighborhood Commissions may use funds to support bonus pay or special awards pay.".

(b) Section 1003 (D.C. Official Code § 1-551.03) is amended by adding a new subsection (d) to read as follows:

"(d) This section shall not apply to the Council, the Office of the District of Columbia Auditor, and the Office of Advisory Neighborhood Commissions.".

SUBTITLE I. FISCAL IMPACT STATEMENT CLARIFICATION

Sec. 1081. Short title.

This subtitle may be cited as the "Fiscal Impact Statement for Council Actions Clarification Amendment Act of 2017".

Sec. 1082. Section 4a(c) of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a(c)), is amended to read as follows:

"(c) Applicability. — Subsection (a) of this section shall not apply to:

"(1) Emergency declaration resolutions;

"(2) Ceremonial resolutions;

"(3) Confirmation or appointment resolutions;

"(4) Sense of the Council resolutions; and

"(5) Resolutions that express simple determinations, decisions, or directions of the Council of a special or temporary character as provided for 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)).".

SUBTITLE J. AUDITOR LEGAL FUND ELIMINATION

Sec. 1091. Short title.

This subtitle may be cited as the "Auditor Legal Fund Elimination Amendment Act of 2017".

Sec. 1092. Section 4a of the District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective March 11, 2010 (D.C. Law 18-119; D.C. Official Code § 1-301.174), is repealed.

SUBTITLE K. COMPLIANCE UNIT REPEAL

Sec. 1101. Short title.

This subtitle may be cited as the "Compliance Unit Repeal Amendment Act of 2017".

Sec. 1102. The Compliance Unit Establishment Act of 2008, effective June 13, 2008 (D.C. Law 17-176; D.C. Official Code § 1-301.181 *et seq.*), is repealed.

Sec. 1103. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) Section 2346 (D.C. Official Code § 2-218.46) is amended as follows:

(1) Subsection (h) is amended by striking the phrase "project manager, District of Columbia Auditor, and" and inserting the phrase "project manager, and" in its place.

(2) Subsection (i)(1) is amended by striking the phrase "project manager, and District of Columbia Auditor" and inserting the phrase "and project manager" in its place.

(3) Subsection (j)(1) is amended by striking the phrase "project manager, and District of Columbia Auditor" and inserting the phrase "and project manager" in its place.

(4) Subsection (k) is amended by striking the phrase "the Department and District of Columbia Auditor" and inserting the phrase "the Department" in its place.

(b) Section 2353 (D.C. Official Code § 2-218.53) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "the Department and to the District of Columbia Auditor" and inserting the phrase "the Department" in its place.

(2) Subsection (a-1) is amended by striking the phrase "the Department and the Office of the District of Columbia Auditor" and inserting the phrase "the Department" in its place.

(3) Subsection (b) is amended by striking the phrase "the Department and the District of Columbia Auditor" and inserting the phrase "the Department" in its place.

(4) Subsection (d) is repealed.

(5) Subsection (e) is amended by striking the phrase "the agency, the Office of the District of Columbia Auditor," and inserting the phrase "the agency" in its place.

SUBTITLE L. LEGISLATIVE RETIREMENT MATCH

Sec. 1111. Short title.

This subtitle may be cited as the "Legislative Branch Employee Retirement Benefits Match Amendment Act of 2017".

Sec. 1112. Section 2609(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Official Code § 1-626.09(b)), is amended as follows:

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

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

"(2) On behalf of each employee of the Council, the Office of the District of Columbia Auditor, and the Office of Advisory Neighborhood Commissions participating in the deferred compensation plan established by section 2605(2), the District shall contribute each pay period an amount equal to that employee's contribution pursuant to paragraph (1) of this subsection for that pay period; provided, that the District's contribution pursuant to this paragraph on behalf of an employee in any pay period shall not exceed 3% of the employee's base salary during that pay period.".

SUBTITLE M. SURPLUS PROPERTY SALES FUND CLARIFICATION

Sec. 1121. Short title.

This subtitle may be cited as the "Surplus Property Sales Fund Clarification Amendment Act of 2017".

Sec. 1122. Section 805(d) of the Procurement Practices Reform Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 2-358.05(d)), is amended by striking the phrase "cost of online auction contracts for surplus personal property" and inserting the phrase "administrative costs of maintaining and disposing of surplus property" in its place.

ENROLLED ORIGINAL

SUBTITLE N. CONTRACT APPEALS BOARD RULEMAKING

Sec. 1131. Short title.

This subtitle may be cited as the "Contract Appeals Board Rulemaking Amendment Act of 2017".

Sec. 1132. Section 1106(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06(a)), is amended by adding a new paragraph (3) to read as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Contract Appeals Board, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of Title X.".

SUBTITLE O. STREET AND ALLEY DESIGNATION CLARIFICATION

Sec. 1141. Short title.

This subtitle may be cited as the "Street and Alley Designation Clarification Amendment Act of 2017".

Sec. 1142. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 9-201.01) is amended by adding a new paragraph (4A) to read as follows:

"(4A) "Initiator" means the individual or entity that makes a request to the Mayor or a Councilmember to sponsor legislation proposing the designation of an official or symbolic name of an alley or street, or portion thereof, or an official name of a public space other than an alley or street, or portion thereof, and shall not include the Mayor, the Council, or any Councilmember.".

(b) Section 421 (D.C. Official Code § 9-204.21) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "of the public hearing to each resident and owner of property" and inserting the phrase "of the Council hearing to each owner of property and household occupying property" in its place.

(B) Paragraph (2) is amended by striking the phrase "of the public hearing at each intersection of the portion of the alley or street proposed to be designated with any other alley or street" and inserting the phrase "of the Council hearing at each intersection with any other alley or street of the portion of the alley or street proposed to be designated" in its place.

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

(A) Strike the phrase "At least 15 days" and insert the phrase "At least 5 days" in its place.

(B) Strike the phrase "shall submit a petition to the Council in support of the proposal that has been signed by a majority of the residents and owners of property" and insert the phrase "shall submit to the Council letters or a petition in support of the proposal that

have been signed by a majority of the owners of property and households occupying property" in its place.

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

(A) The lead-in language is amended by striking the phrase "a vote of a committee of the Council" and inserting the phrase "a vote by a committee of the Council" in its place.

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

"(2) The square or squares in which the portion of the alley or street to be designated is located and any adjacent squares; and".

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

"(3) The recorded lots in the square or squares depicted.".

(4) Subsection (h) is amended by striking the phrase "proposal by the Mayor." and inserting the phrase "proposal by the Mayor; provided, that fees shall not be assessed pursuant to this subsection on an initiator that is a governmental entity, including an Advisory Neighborhood Commission." in its place.

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

"(i) If there is no initiator within the meaning of section 101(4A), the Mayor shall discharge the responsibilities of the initiator set forth in this section; provided, that the requirements of subsection (f) of this section shall not apply and no fee shall be assessed pursuant to subsection (h) of this section.".

(c) Section 422 (D.C. Official Code § 9-204.22) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "to be designated;" and inserting the phrase "to be designated; and" in its place.

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

"(2) The square or squares in which the public space is located and any adjacent squares.".

(C) Paragraph (3) is repealed.

(2) Subsection (d) is amended by striking the phrase "proposal by the Mayor." and inserting the phrase "proposal by the Mayor; provided, that fees shall not be assessed pursuant to this subsection on an initiator that is a governmental entity, including an Advisory Neighborhood Commission." in its place.

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

"(e) If there is no initiator within the meaning of section 101(4A), the Mayor shall discharge the responsibilities of the initiator set forth in this section; provided, that no fee shall be assessed pursuant to subsection (d) of this section.".

(d) Section 423 (D.C. Official Code § 9-204.23) is amended by adding a new subsection (c) to read as follows:

"(c) If there is no initiator within the meaning of section 101(4A), the Mayor shall discharge the responsibilities of the initiator set forth in this section.".

(e) Section 424(a)(1) (D.C. Official Code § 9-204.24(a)(1)) is amended by adding a new subparagraph (B-i) to read as follows:

"(B-i) District Department of Transportation and Office of the

Chief Technology Officer records;".

SUBTITLE P. PUBLIC USE OF PUBLIC BUILDINGS

Sec. 1151. Short title.

This subtitle may be cited as the "Public Use of Public Buildings Amendment Act of 2017".

Sec. 1152. Section 603a of the Fiscal Year 1997 Budget Support Act of 1996, effective December 2, 2011 (D.C. Law 19-48; D.C. Official Code § 10-1141.03a), is amended as follows:

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

(1) The lead-in language is amended by striking the phrase "permit fee," and inserting the phrase "liability insurance requirement or permit, custodial, and security fee," in its place.

(2) Paragraph (1) is amended by striking the phrase "civic association" and inserting the phrase "civic association, Advisory Neighborhood Commission," in its place.

(3) Paragraph (3) is amended by striking the phrase "government;" and inserting the phrase "government, except for the costs of custodial and security services;" in its place.

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

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

(2) The newly designated subparagraph (A) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(B) A member of the D.C. Federation of Civic Associations or the Federation of Citizens Associations of the District of Columbia.".

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

"(c) Beginning November 30, 2019, the Mayor shall report annually to the Council regarding the waiver of fees pursuant to the Public Use of Public Buildings Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), and shall include the following information in the report:

"(1) The total amount of fees waived;

"(2) The amount of fees waived broken out by liability insurance, permit fees, custodial fees, and security fees; and

"(3) The types and number of organizations for which the fees were waived.".

Sec. 1153. Section 225.12 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

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

(1) The lead-in language is amended by striking the phrase "permit fees" and inserting the phrase "any liability insurance requirement or permit, custodial, and security fee," in its place.

(2) Subparagraph (1) is amended by striking the phrase "civic association" and inserting the phrase "civic association, Advisory Neighborhood Commission," in its place.

(3) Subparagraph (3) is amended by striking the phrase "government;" and inserting the phrase "government, except for the costs of custodial and security services;" in its place.

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

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

(2) The newly designated sub-subparagraph (i) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(ii) A member of the D.C. Federation of Civic Associations or the Federation of Citizens Associations of the District of Columbia.".

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. HISTORIC-ONLY PERMIT FEE REDUCTION

Sec. 2001. Short title.

This subtitle may be cited as the "Historic-Only Permit Fee Reduction Amendment Act of 2017".

Sec. 2002. The chart set forth at section 101.1(a) of Title 12-M of the District of Columbia Municipal Regulations (12-M DCMR § 101.1(a)) is amended by inserting a new row after the row labeled "Grandstand" to read as follows:

"Historic-only permits	Permits issued pursuant to 12-A DCMR § 105.2.5	$33

."

SUBTITLE B. PUBLIC SERVANTS AND FIRST-RESPONDERS HOUSING INCENTIVE

Sec. 2011. Short title.

This subtitle may be cited as the "Public Servants and First-Responders Housing Incentive Amendment Act of 2017".

Sec. 2012. The Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 42-2501) is amended by adding a new paragraph (4A) to read as follows:

"(4A) "First-responder" means a District of Columbia police officer, correctional officer, firefighter, paramedic, or emergency medical technician, or an individual who has accepted an offer of employment as a District of Columbia police officer, correctional officer, firefighter, paramedic, or emergency medical technician.".

(b) Section 3 (D.C. Official Code § 42-2502) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "payment;" and inserting the phrase "payment pursuant to section 5;" in its place.

(2) Paragraph (2) is amended by striking the phrase "$10,000; and" and inserting the phrase "$20,000 pursuant to section 6;" in its place.

(3) Paragraph (3) is amended by striking the phrase "applicants." and inserting the phrase "applicants pursuant to this act; and" in its place.

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

"(4) A grant of up to $10,000, for first-responders pursuant to section 6a.".

(c) Section 4 (D.C. Official Code § 42-2503) is amended as follows:

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

"(1) A District of Columbia government employee, an employee of a District of Columbia public charter school, a first-responder, or a person who has accepted an offer to be a District of Columbia public school teacher or public charter school teacher; and".

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

"(d) Nothing in this act shall be construed to prohibit participation in the Home Purchase Assistance Program established by the Home Purchase Assistance Fund Act of 1978, effective September 12, 1978 (D.C. Law 2-103; D.C. Official Code § 42-2601 *et seq.*).".

(d) Section 5 (D.C. Official Code § 42-2504) is amended as follows:

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

"(b) Except as provided in subsection (b-1) of this section, for each Participant in the Program who sets aside $2,500 under an Agreement, the District shall obligate $1,000 in the financial management system. The District shall match succeeding Participant saving increments of $2,500 with a $1,000 obligation until the District obligation totals $5,000. Matching contributions by the District shall not exceed $5,000 for any individual Participant. The District shall disburse its cash contribution at the time of settlement.".

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

"(b-1) For each first-responder Participant in the Program who sets aside $2,500 under an Agreement, the District shall obligate $1,500 in the financial management system. The District shall match succeeding first-responder Participant saving increments of $2,500 with a $1,500 obligation until the District obligation totals $15,000. Matching contributions by the District shall not exceed $15,000 for any individual first-responder Participant. The District shall disburse its cash contribution at the time of settlement.".

(e) Section 6(a) (D.C. Official Code § 42-2505(a)) is amended as follows:

(1) Strike the phrase "section 5(b)" and insert the phrase "section 5(b) or (b-1) and section 6a" in its place.

(2) Strike the phrase "up to $10,000" and insert the phrase "up to $20,000" in its place.

(f) A new section 6a is added to read as follows:

"Sec. 6a. First-responder grant.

"(a) In addition to the assistance provided in section 5(b-1) and section 6, the Department shall make available a grant of up to $10,000 to provide financial assistance for the purchase of a housing unit to each first-responder who is a Participant.

"(b) In order to receive financial assistance for the purchase of a housing unit under this section, a first-responder Participant must agree to a 5-year service obligation, which shall begin at the date of settlement on the purchase of the housing unit, or, if the first-responder Participant

is not yet a District employee on the date of settlement, on the first-responder's first day of employment with the District.

"(c) The grant shall convert into a loan to be repaid by the Participant if:

"(1) Within 5 years after the date of settlement on the purchase of the housing unit, the housing unit is sold, transferred, or ceases to be the principal residence of the first-responder Participant; or

"(2) The first-responder Participant does not complete the 5-year service obligation required by subsection (b) of this section.".

SUBTITLE C. HOUSING PRODUCTION TRUST FUND

Sec. 2021. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Amendment Act of 2017".

Sec. 2022. Section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), is amended as follows:

(a) Subsection (b)(10) is amended to read as follows:

"(10) Funds for the administration of the Fund, not to exceed 15% per fiscal year of the funds deposited into the Fund pursuant to subsection (c) of this section; and".

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

"(e) Money in the Fund shall not be used in connection with any property identified in section 2(a) of the Historic Preservation of Derelict District Properties Act of 2016, effective March 11, 2017 (D.C. Law 21-223; 64 DCR 182).".

Sec. 2023. Applicability.

Section 2022(b) shall apply as of May 30, 2017.

SUBTITLE D. HOUSING PRESERVATION FUND ESTABLISHMENT

Sec. 2031. Short title.

This subtitle may be cited as the "Housing Preservation Fund Establishment Act of 2017".

Sec. 2032. Housing Preservation Fund.

(a) There is established as a special fund the Housing Preservation Fund ("Fund"), which shall be administered by the Department of Housing and Community Development in accordance with subsections (c) and (d) of this section.

(b) In Fiscal Year 2018, $10 million from local appropriations shall be deposited into the Fund.

(c) Money in the Fund shall be used to provide debt or equity to finance housing preservation activities, including acquisition bridge loans, predevelopment expenses, environmental remediation, critical repairs, and other activities necessary to preserve the affordability of housing units; provided, that for any property benefited by an expenditure of

funds pursuant to this subsection, a covenant shall be recorded with respect to affordability, the terms and conditions of which shall be determined by the Mayor.

(d) Money in the Fund shall not be used to provide debt or equity to finance housing preservation activities involving any property identified in section 2(a) of the Historic Preservation of Derelict District Properties Act of 2016, effective March 11, 2017 (D.C. Law 21-223; 64 DCR 182).

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

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

SUBTITLE E. ST. ELIZABETHS EAST CAMPUS REDEVELOPMENT FUND

Sec. 2041. Short title.

This subtitle may be cited as the "St. Elizabeths East Campus Redevelopment Fund Establishment Act of 2017".

Sec. 2042. St. Elizabeths East Campus Redevelopment Fund.

(a) There is established as a special fund the St. Elizabeths East Campus Redevelopment Fund ("Fund"), which shall be administered by the Office of the Deputy Mayor for Planning and Economic Development in accordance with subsection (c) of this section.

(b)(1) Beginning with the tax year commencing October 1, 2018, through the tax year ending September 30, 2021, the Chief Financial Officer shall deposit into the Fund taxes, including penalties and interest, if any, collected pursuant to D.C. Official Code §§ 47-1005.01 and 47-2002 attributable to taxable payments or transactions generated from the St. Elizabeths East Campus Entertainment and Sports Arena Site in an amount not to exceed $855,000 per fiscal year. Any taxes imposed with respect to possessory interest in the St. Elizabeths East Campus Entertainment and Sports Arena Site pursuant to D.C. Official Code § 47-1005.01 in excess of $855,000 per fiscal year shall be abated.

(2) Beginning with the tax year commencing on October 1, 2021, the Chief Financial Officer shall deposit into the Fund all taxes, including penalties and interest, if any, collected pursuant to D.C. Official Code §§ 47-1005.01 and 47-2002 attributable to taxable payments or transactions generated from the St. Elizabeths East Campus Entertainment and Sports Arena Site for the period ending on the last day of the tax year that the Ground Lease is in effect, in accordance with the requirements of the Ground Lease.

(c)(1) The Fund shall be used solely to support the maintenance, operation, and construction activities on the St. Elizabeths East Campus Redevelopment Site.

(2) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Office of the Deputy Mayor for Planning and Economic Development may use funds from the Fund to award grants to recipients to further the purposes set forth in this subsection.

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

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

(e) For the purposes of this section, the term:

(1) "Ground Lease" means the lease entered into by and between the District of Columbia and the tenant for the St. Elizabeths East Campus Entertainment and Sports Arena Site.

(2) "St. Elizabeths East Campus Entertainment and Sports Arena Site" means that portion of the St. Elizabeths East Campus, located at 1100 Alabama Avenue, S.E., Washington, D.C., known for tax and assessment purposes as Lot 838, in Square 5868, Suffix S.

(3) "St. Elizabeth East Campus Redevelopment Site" means the real property known as Square 5868, Suffix S.

SUBTITLE F. LAND DISPOSITION TRANSPARENCY

Sec. 2051. Short title.

This subtitle may be cited as the "Land Disposition Transparency Amendment Act of 2017".

Sec. 2052. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (b)(9) is amended by striking the phrase "with this resolution, unless" and inserting the phrase "with this resolution in accordance with subsection (b-1)(2) of this section, unless" in its place.

(b) A new subsection (b-5) is added to read as follows:

"(b-5)(1) Notwithstanding subsections (a-1)(4) and (b-2) of this section, for each of the following projects, the Mayor shall hold at least one public hearing on the finding that the real property is no longer required for public purposes before submitting the proposed surplus resolution and proposed disposition resolution to the Council:

"(A) Franklin School (Ward 2);
"(B) Grimke School (Ward 1);
"(C) Parcel 42 (Ward 6);
"(D) Water Front Station II (Ward 6);
"(E) Crummell School (Ward 5);
"(F) Truxton Circle (Ward 5);
"(G) MLK Gateway (Ward 8);
"(H) 1125 Spring Road, N.W. (Ward 4);
"(I) 200 K Street, N.W. (Parking Deck) (Ward 6); and
"(J) Northwest One (New Communities) (Ward 6).

"(2) The hearing required by paragraph (1) of this subsection shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the real property. The Mayor shall provide at least 30 days written notice of the public hearing to the affected Advisory Neighborhood Commission and publish notice of the hearing in the District of Columbia Register at least 15 days before the hearing.".

SUBTITLE G. MARION S. BARRY SUMMER YOUTH EMPLOYMENT PROGRAM

Sec. 2061. Short title.

This subtitle may be cited as the "Marion S. Barry Summer Youth Employment Program Amendment Act of 2017".

Sec. 2062. Section 2(a)(1) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)), is amended as follows:

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

(1) Sub-subparagraph (i) is amended to read as follows:

"(i) A summer youth jobs program to provide for the employment or training each summer of not fewer than 10,000 or more than 21,000 youth. Youth shall be 14 through 24 years of age on the date of enrollment in the program; provided, that the program shall provide employment or training each summer to no more than 900 youth ages 22 through 24 years of age on the date of enrollment.".

(2) Sub-subparagraph (iv) is amended by striking the phrase "at no less than" and inserting the phrase "at an hourly rate equal to" in its place.

(b) Subparagraph (A-i) is amended to read as follows:

"(A-i) Registration for the summer youth jobs program shall occur annually.".

SUBTITLE H. BUSINESS LICENSE TECHNOLOGY FEE REAUTHORIZATION

Sec. 2071. Short title.

This subtitle may be cited as the "Business License Technology Fee Reauthorization Amendment Act of 2017".

Sec. 2072. Section 500.4 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 500.4) is amended to read as follows:

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

Sec. 2073. Applicability.

This subtitle shall apply as of October 1, 2010.

SUBTITLE I. WALTER REED OMNIBUS

Sec. 2081. Short title.

This subtitle may be cited as the "Walter Reed Omnibus Amendment Act of 2017".

Sec. 2082. Section 5(4) of the Walter Reed Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; D.C. Official Code § 2-1227.04(4)), is amended by striking the phrase "public utilities" and inserting the phrase "utility providers" in its place.

SUBTITLE J. PUBLICLY ACCESSIBLE RENT CONTROL HOUSING CLEARINGHOUSE

Sec. 2091. Short title.

This subtitle may be cited as the "Publicly Accessible Rent Control Housing Clearinghouse Amendment Act of 2017".

Sec. 2092. Section 203a of the Rental Housing Act of 1985, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 42-3502.03c), is amended as follows:

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

"(a) The Office of the Tenant Advocate ("OTA"), with the assistance of and in close consultation with the Department of Consumer and Regulatory Affairs, the Office of Tax and Revenue, the Rental Accommodations Division ("RAD") of the Department of Housing and Community Development, the Housing Provider Ombudsman of the Department of Housing and Community Development, and the Office of the Chief Technology Officer, shall develop a demonstration project ("demonstration project") to establish the initial framework of a user-friendly, Internet-accessible, and searchable database for the submission, management, and review of all documents and relevant data housing providers are required to submit to the RAD pursuant to title II of this act.".

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

"(a-1) The Chief Tenant Advocate may contract to implement the database established by this section. Any contract under this section shall be in accordance with the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).".

(c) Subsection (c)(20), is amended by striking the phrase "RAD" and inserting the phrase "OTA" in its place.

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

"(e) The demonstration project shall be completed within 2 years after the effective date of the Publicly Accessible Rent Control Housing Clearinghouse Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244).".

(e) Subsection (f) is repealed.

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

"(g) OTA shall report to the Council regarding the progress of the demonstration project on a quarterly basis. Following completion of the demonstration project, OTA shall prepare a final report that includes OTA's recommendations for the development of a permanent rent control housing database.".

ENROLLED ORIGINAL

SUBTITLE K. ADMINISTRATION OF HOUSING AUTHORITY REHABILITATION AND MAINTENANCE FUND

Sec. 2101. Short title.

This subtitle may be cited as the "District of Columbia Housing Authority Rehabilitation and Maintenance Fund Administration Amendment Act of 2017".

Sec. 2102. Section 3(c-1) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202(c-1)), is amended as follows:

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

"(1) There is established as a special fund the DCHA Rehabilitation and Maintenance Fund ("R&M Fund"), which shall be administered by the Office of the Chief Financial Officer ("OCFO"). Once the Authority has provided documentation of planned encumbrances and expenditures consistent with the authorized uses of the R&M Fund, the OCFO shall advance funds to the Authority for use in accordance with paragraphs (3) and (4) of this subsection.".

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

"(3) Money in the R&M Fund shall be used for maintenance, repair, and rehabilitation projects that will increase the availability of public housing units for existing District of Columbia residents listed on the Authority's waitlist or prevent existing residents from being displaced.".

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

(1) The lead-in language is amended by striking the phrase "By January 1 and by July 1 of each year," and inserting the phrase "By March 1 of each year," in its place.

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

"(A) The number of vacant public housing units within the District, and, for each unit, the address and unit number, the needed repairs for the unit, and a budget for renovating the unit;".

(3) A new subparagraph (A-i) is added to read as follows:

"(A-i) The number and location of units that were made available to new tenants during the prior year as a result of R&M Fund investments, including the number that were made available to existing District residents; and".

(4) Subparagraph (B)(iii) is amended by striking the phrase "The number of residents" and inserting the phrase "The number of residents, if any," in its place.

SUBTITLE L. COALITION FOR NONPROFIT HOUSING AND ECONOMIC DEVELOPMENT GRANT

Sec. 2111. Short title.

This subtitle may be cited as the "Coalition for Nonprofit Housing and Economic Development Grants Act of 2017".

Sec. 2112. For Fiscal Year 2018, the Office of the Deputy Mayor for Planning and Economic Development shall award the Coalition for Nonprofit Housing and Economic Development a grant in the amount of $200,000 to:

(1) Research current spending levels of District educational and medical institutions that have agreed to participate in the DC Anchor Partnership;

(2) Collect, research, and provide data analysis of priority purchasing categories based on expenditure data and supply firm data of District educational and medical institutions that have agreed to participate in the DC Anchor Partnership; and

(3) Provide any additional support to launch the DC Anchor Partnership.

SUBTITLE M. DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT COMPETITIVE GRANTS

Sec. 2121. Short title.

This subtitle may be cited as the "Department of Small and Local Business Development Competitive Grants Act of 2017".

Sec. 2122. (a) In Fiscal Year 2018, the Department of Small and Local Business Development ("Department") shall award a grant, on a competitive basis, in an amount not to exceed $100,000, for a study to evaluate the circumstances under which insufficient market capacity of certified business enterprises results in a waiver of subcontracting requirements under section 2351 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.51)("section 2351"). The study shall include:

(1) Data collection and analysis regarding the projects, and the goods or services that comprise the projects, for which a waiver was granted pursuant to section 2351;

(2) An explanation of how the Department understands and applies the term "market capacity"; and

(3) Recommendations on ways to improve the market capacity of certified business enterprises for the type of projects, and the goods or services that comprise those projects, for which waivers have been routinely granted.

(b) Within 270 days after the effective date of this subtitle, the Department shall submit the study to the Council.

(c) For the purposes of this subtitle, the term "certified business enterprise" shall have the same meaning as provided in section 2302(1D) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)).

SUBTITLE N. WARD 7 AND WARD 8 ENTREPRENEUR GRANT FUND ESTABLISHMENT

Sec. 2131. Short title.

This subtitle may be cited as the "Ward 7 and Ward 8 Entrepreneur Grant Fund Establishment Act of 2017".

Sec. 2132. Ward 7 and Ward 8 Entrepreneur Grant Fund.

(a) There is established as a special fund the Ward 7 and Ward 8 Entrepreneur Grant Fund ("Fund"), which shall be administered by the Department of Small and Local Business Development ("Department") in accordance with subsections (c) and (d) of this section.

(b) In Fiscal Year 2018, $300,000 from local appropriations shall be deposited into the Fund.

(c)(1) Money in the Fund shall be used to provide grants to support the establishment or expansion of small businesses in Ward 7 and Ward 8.

(2) No single grant shall exceed $10,000.

(d)(1) To qualify for a grant, the proposed or existing small business shall have:

(A) A location in Ward 7 or Ward 8;

(B) Fewer than 5 full-time employees;

(C) Ward 7 or Ward 8 residents representing more than 50% of the ownership of the proposed or existing small business; and

(D) A clear and deliverable business plan demonstrating the proposed use of the grant.

(2) A grant shall support startup or expansion efforts, including product or service development, market research, customer development, licensing, prototyping, providing engineering design, leasing equipment, providing professional services, such as accounting, tax, and legal services or capital-asset management, or such other activity that the Department determines is consistent with the purposes of this section.

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

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

SUBTITLE O. GEORGIA AVENUE RETAIL PRIORITY AREA

Sec. 2141. Short title.

This subtitle may be cited as the "Georgia Avenue Retail Priority Area Amendment Act of 2017".

Sec. 2142. Section 2(4) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended to read as follows:

"(4) Ward 4 Georgia Avenue Retail Priority Area, consisting of the parcels, squares, and lots within or abutting the area bounded by a line beginning at the intersection of Euclid Street, N.W., and Georgia Avenue, N.W.; continuing north along Georgia Avenue, N.W., to Kenyon Street, N.W.; then continuing west along Kenyon Street, N.W., to Sherman Avenue, N.W.; then continuing north along Sherman Avenue, N.W., to New Hampshire Avenue, N.W.; then continuing northeast along New Hampshire Avenue, N.W., to Spring Road, N.W.; then continuing northwest along Spring Road, N.W., to 14th Street, N.W.; then continuing north along 14th Street, N.W., to Longfellow Street, N.W.; then continuing east along Longfellow

Street, N.W., to Georgia Avenue, N.W.; then continuing north along Georgia Avenue, N.W., to Eastern Avenue, N.W.; then continuing southeast along Eastern Avenue, N.W., to Kansas Avenue, N.E.; then continuing southwest along Kansas Avenue, N.E., to Blair Road, N.W.; then continuing south along Blair Road, N.W., to North Capitol Street, N.E.; then continuing south along North Capitol Street, N.E., to Kennedy Street, N.W.; then continuing west along Kennedy Street, N.W., to Kansas Avenue, N.W.; then continuing southwest along Kansas Avenue, N.W., to Varnum Street, N.W.; then continuing east along Varnum Street, N.W., to 7th Street, N.W.; then continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; then continuing further south along Warder Street, N.W., to Kenyon Avenue, N.W.; then continuing west along Kenyon Avenue, N.W., to Georgia Avenue, N.W.; and then south on Georgia Avenue, N.W., to the beginning point;".

SUBTITLE P. H STREET, N.E., RETAIL PRIORITY AREA CLARIFICATION

Sec. 2151. Short title.

This subtitle may be cited as the "H Street, N.E., Retail Priority Area Clarification Amendment Act of 2017".

Sec. 2152. Section 4(g) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73(g)), is amended to read as follows:

"(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence east on Benning Road, N.E., to Oklahoma Avenue, N.E.; continuing southwest along Oklahoma Avenue, N.E., to the center line of E Street, N.E.; continuing west on E Street, N.E., to the center line of 21st Street, N.E.; continuing north on 21st Street, N.E., to the center line of Gales Street, N.E.; thence northwest on Gales Street, N.E., to 15th Street, N.E.; thence west on G Street, N.E., to 14th Street, N.E.; thence north on 14th Street, N.E., to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.".

Sec. 2153. Section 4(c)(2) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.173(c)(2)), is amended to read as follows:

"(2) Frontage on a commercial corridor within the H Street, N.E., Retail Priority Area;".

SUBTITLE Q. SURPLUS AND DISPOSITION NOTIFICATION

Sec. 2161. Short title.

This subtitle may be cited as the "Surplus and Disposition Notification Amendment Act of 2017".

ENROLLED ORIGINAL

Sec. 2162. An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), is amended by adding a new section 1b to read as follows:

"Sec. 1b. Email notifications regarding the surplus and disposition of real property.

"(a) Within 180 days after the effective date of the Surplus and Disposition Notification Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), the Department of General Services ("DGS"), in coordination with the Deputy Mayor for Planning and Economic Development ("DMPED"), shall allow individuals to sign up, on the DGS website, to receive email notifications, pursuant to subsection (b) of this section, relating to the surplus and disposition of real property, within Advisory Neighborhood Commissions ("ANC") selected by the individual.

"(b) DGS shall send an email notification to individuals who sign up under subsection (a) of this section within 2 days after the following events:

"(1) The Mayor publishes notice of a surplus hearing pursuant to section 1(a-1)(4), which shall describe:

"(A) The date, time, and location of the hearing; and

"(B) How a person who cannot attend the hearing can comment on the finding that the real property is no longer required for public purposes;

"(2) The introduction of a proposed resolution pursuant to section 1(a-1), which shall include a link to the website on the Council's Legislative Information Management System about the proposed resolution;

"(3) The Council publishes notice of a hearing on a proposed resolution submitted by the Mayor pursuant to section 1(a-1), which shall describe:

"(A) The date, time, and location of the hearing; and

"(B) How a person who cannot attend the hearing can comment on the finding that the real property is no longer required for public purposes;

"(4) The Council's approval, disapproval, or passive disapproval of a proposed resolution pursuant to section 1(a-1)(3);

"(5) The Mayor publishes notice of a public hearing pursuant to section 1(b-2) on a proposed disposition of District-owned property, which shall describe:

"(A) The date, time, and location of the hearing; and

"(B) How a person who cannot attend the hearing can comment on the finding that the real property is no longer required for public purposes;

"(6) The introduction of a proposed resolution pursuant to section 1(b), which shall include a link to the website on the Council's Legislative Information Management System about the proposed resolution;

"(7) The Council publishes notice of a hearing on a proposed resolution submitted by the Mayor pursuant to section 1(b), which shall describe:

"(A) The date, time, and location of the hearing; and

"(B) How a person who cannot attend the hearing can comment on the finding that the real property is no longer required for public purposes;

"(8) The Council's approval or disapproval, in whole or in part, or passive disapproval of a proposed resolution pursuant to section 1(c);

"(9) The introduction of a resolution seeking additional time for the disposition of a property pursuant to section 1(d), which shall include a link to the website on the Council's Legislative Information Management System about the resolution; and

"(10) The Council's approval, disapproval, or passive disapproval of a resolution seeking additional time for the disposition of a property pursuant to section 1(d).

"(c) All e-mail notifications issued pursuant to this section shall include:

"(1) The address of the District-owned property that is the subject of the event listed in subsection (b) of this section; and

"(2) The contact information for the DMPED Project Manager managing the District-owned property that is the subject of the event listed in subsection (b) of this section.".

SUBTITLE R. ARCHIVES LOCATION

Sec. 2171. Short title.

This subtitle may be cited as the "Archives Location Prohibition Act of 2017".

Sec. 2172. No operating, capital, contingency, or other District funds shall be used to construct or alter any structure located in Square 3574 for the purpose of serving as the District of Columbia Archives or District of Columbia Records Center, or for any use by the Secretary of the District of Columbia.

SUBTITLE S. DISPOSAL OF ABANDONED AND DETERIORATED PROPERTY

Sec. 2181. Short title.

This subtitle may be cited as the "Disposal of Abandoned and Deteriorated Property Amendment Act of 2017".

Sec. 2182. Section 433(a)(1) of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.03(a)(1)), is amended by striking the phrase "notice; or" and inserting the phrase "notice; and" in its place.

SUBTITLE T. HISTORIC PRESERVATION OF DERELICT DISTRICT PROPERTIES

Sec. 2191. Short title.

This subtitle may be cited as the "Historic Preservation of Derelict District Properties Amendment Act of 2017".

Sec. 2192. Section 2 of the Historic Preservation of Derelict District Properties Act of 2016, effective March 11, 2017 (D.C. Law 21-223; 64 DCR 182), is amended by adding new subsections (c-1) and (c-2) to read as follows:

"(c-1) Funds in the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), and the Housing Preservation Fund, established by section 2032

of the Housing Preservation Fund Establishment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), shall not be used in connection with any property identified in subsection (a) of this section.

"(c-2) No operating, capital, contingency, or other District funds shall be used for any purpose, including debt or equity financing, for any property identified in subsection (a) of this section; provided, that this prohibition shall not apply to the maintenance of the properties and stabilization of the improvements thereon; provided further, that this prohibition shall not apply to the execution of this act.".

Sec. 2193. Applicability.

This subtitle shall apply as of May 30, 2017.

SUBTITLE U. LOCAL RENT SUPPLEMENT PROJECT-BASED AND SPONSOR-BASED FUNDING

Sec. 2201. Short title.

This subtitle may be cited as the "Local Rent Supplement Project-Based and Sponsor-Based Funding Amendment Act of 2017".

Sec. 2202. Section 26b(e) of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-227(e)), is amended to read as follows:

"(e)(1) Beginning in Fiscal Year 2019, and for each fiscal year thereafter, the Authority subsidy shall include an additional $1 million for project-based and sponsor-based voucher assistance. This funding shall be in addition to any amount allocated for project-based and sponsor-based voucher assistance as of October 1, 2017.

"(2) In Fiscal Year 2018, the Authority shall issue a Notice of Funding Availability for the awarding of the additional funds for project-based and sponsor-based voucher assistance referenced in paragraph (1) of this subsection.".

SUBTITLE V. RENTAL UNIT FEE INCREASE

Sec. 2211. Short title.

This subtitle may be cited as the "Rental Unit Fee Increase Amendment Act of 2017".

Sec. 2212. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 205(a-1) (D.C. Official Code § 42-3502.05(a-1)) is amended to read as follows:

"(a-1) If a housing provider comes into possession of a housing accommodation as a result of a transfer pursuant to section 402(c)(2) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)(2)), then the housing provider shall be eligible for the exemption provided by subsection (a)(3) of this section only if the housing provider was eligible for the exemption at the time of the transfer.".

(b) Section 401(a) (D.C. Official Code § 42-3504.01(a)) is amended to read as follows:

"(a)(1) Each housing provider required to register under this act, including those otherwise exempt from rental control and registration pursuant to section 205(a)(3), shall pay an annual rental unit fee of $25 for each rental unit in a housing accommodation registered by the housing provider. The rental unit fee shall be:

"(A) Paid to the District government at the time the housing provider applies for a basic business license or a renewal of the basic business license, or in the case of a housing accommodation for which no basic business license is required, at the time and in the manner that the licensing agency may determine; and

"(B) Deposited as set forth in paragraph (2) of this subsection.

"(2) The first $21.50 of each rental unit fee shall be deposited in the fund established pursuant to section 1(b) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)). The remainder shall be deposited in the Rental Unit Fee Fund established by section 401a.".

(c) A new section 401a is added to read as follows:

"Sec. 401a. Rental Unit Fee Fund.

"(a) There is established as a special fund the Rental Unit Fee Fund ("Fund"), which shall be administered by the Office of the Tenant Advocate in accordance with subsection (c) of this section.

"(b) The source of revenue for the Fund shall be the fee charged to a housing provider pursuant to section 401(a), excluding $21.50 of that fee, which shall be deposited in the fund established pursuant to section 1(b) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)).

"(c) Money in the Fund shall be used solely to support the activities of the Office of the Tenant Advocate.

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

SUBTITLE W. DCRA INFRACTION FINE ADJUSTMENTS

Sec. 2221. Short title.

This subtitle may be cited as the "DCRA Infraction Fine Increase Amendment Act of 2017".

Sec. 2222. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended as follows:

(a) Sections 2 through 10c (D.C. Official Code §§ 6-1401 through 6-1412) are designated as Part A.

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

"Part B.

"Sec. 11. DCRA housing and building infractions fine; periodic adjustments.

"(a) Beginning on January 1, 2018, a fine amount listed in section 3201.1 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201.1), when assessed for an infraction listed in sections 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3301 through 16 DCMR § 3313), shall be adjusted according to the most recent Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics.

"(b) Beginning on or after January 1, 2018, and on or after January 1 of every year thereafter, there shall be published in the District of Columbia Register a schedule of the fine amounts for each infraction listed in sections 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3301 through 16 DCMR § 3313), as adjusted according to the most recent Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics.".

Sec. 2223. Section 3201 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201) is amended by adding new subsections 3201.8 and 3201.9 to read as follows:

"3201.8 (a) Beginning on January 1, 2018, a fine amount listed in section 3201.1 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201.1), when assessed for an infraction listed in sections 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3301 through 16 DCMR § 3313), shall be adjusted according to the most recent Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics.

"(b) Beginning on or after January 1, 2018, and on or after January 1 of every year thereafter, there shall be published in the District of Columbia Register a schedule of the fine amounts for each infraction listed in sections 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3301 through 16 DCMR § 3313), as adjusted according to the most recent Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics.

"3201.9 The fine amounts for the following infractions shall be double the amounts provided in subsection 3201.01, after adjusting for inflation pursuant to subsection 3201.08:

"(a) 16 DCMR § 3305.1(a). Any flagrant, fraudulent, or willful violation by a housing provider of any of the Housing Regulations, Subtitle A of Title 14 DCMR, that constitutes an imminent danger to the health or safety of any tenant or occupant of a housing unit or housing accommodation, or that imminently endangers the health, safety, or welfare of the surrounding community including, but not limited to, the interruption of electrical, heat, gas, water, or other essential services when the interruption results from other than natural causes, or any successor Class 1 infraction for any flagrant, fraudulent, or willful violation by a housing provider of any of the Housing Regulations, Subtitle A of Title 14 DCMR, that constitutes an imminent danger to the health or safety of any tenant or occupant of a housing unit or housing accommodation, or that imminently endangers the health, safety, or welfare of the surrounding community;

"(b) 16 DCMR § 3305.1(b). Section 1 of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved March 1, 1899 (30 Stat. 923; D.C. Official Code § 6-801) (failure to secure

or repair an unsafe structure), or any successor Class 1 infraction for failure to secure or repair an unsafe structure;

"(c) 16 DCMR § 3305.1(c). Section 3 of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved March 1, 1899 (30 Stat. 923; D.C. Official Code § 6-803) (attempting to repair after expiration of allowed period, or interfering with authorized agents), or any successor Class 1 infraction for attempting to repair after expiration of allowed period, or interfering with authorized agents;

"(d) 16 DCMR § 3305.1(d). Section 4 of An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved March 1, 1899 (30 Stat. 923; D.C. Official Code § 6-804) (allowing a nuisance to exist on any lot or parcel of land in the District of Columbia which affects the public health, comfort, safety, and welfare of citizens), or any successor Class 1 infraction for allowing a nuisance to exist on any lot or parcel of land in the District of Columbia which affects the public health, comfort, safety, and welfare of citizens;

"(e) 16 DCMR § 3305.1(q). 14 DCMR § 1201.1 (failure to maintain an office or agent in the District of Columbia), or any successor Class 1 infraction for failure to maintain an office or agent in the District of Columbia;

"(f) 16 DCMR § 3306.1.1(a). 12-A DCMR §§ 105.1, 105.1.1, and 105.1.3 (failure to obtain required permit; working without a required permit), or any successor Class 1 infraction for working without a required permit;

"(g) 16 DCMR § 3306.1.1(b). 12-A DCMR § 105.1 (work or conditions exceeding scope of permit), or any successor Class 1 infraction for exceeding scope of permit;

"(h) 16 DCMR § 3306.1.1(g). 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7, and 114.9 (failure to comply with terms of a "Stop Work Order"), or any successor Class 1 infraction for failure to comply with terms of a "Stop Work Order";

"(i) 16 DCMR § 3306.1.1(h). 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order), or any successor Class 1 infraction for unauthorized removal of a posted stop work order;

"(j) 16 DCMR § 3306.1.1(i). 12-A DCMR § 115.5 (failure to comply with terms of posted "Unsafe Notice"), or any successor Class 1 infraction for failure to comply with terms of posted "Unsafe Notice";

"(k) 16 DCMR § 3306.1.1(p). 12-A DCMR § 115.1 (allowing/creating unsafe structures, conditions or equipment), or any successor Class 1 infraction for allowing or creating an unsafe structure, condition, or equipment; and

"(l) 16 DCMR § 3306.1.1(q). 12-A DCMR § 115.3 (failure to comply with notice of unsafe structure or equipment), or any successor Class 1 infraction for failure to comply with notice of unsafe structure or equipment.".

SUBTITLE X. PURCHASE CARD PROGRAM BUDGETING

Sec. 2231. Short title.

This subtitle may be cited as the "Purchase Card Program Budgeting Act of 2017".

Sec. 2232. Beginning in Fiscal Year 2018, the Chief Financial Officer shall assign an individual agency-level code for transactions made pursuant to the Purchase Card Program, as defined in section 104(51) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(51)), in the District's financial system. The agency-level code shall be used to track the operating budget for the District's Purchase Card Program and any funds that are appropriated for that purpose.

SUBTITLE Y. PORTRAITS TRANSFER OF CUSTODY

Sec. 2241. Short title.

This subtitle may be cited as the "Historic Portrait Archival Amendment Act of 2017".

Sec. 2242. Section 4 of the District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1703), is amended by adding a new subsection (e) to read as follows:

"(e) Notwithstanding any other provision of this act, the Council shall maintain custody of the following District property located at 1300 Naylor Court, N.W., as of June 1, 2016:

"(1) Each painted portrait of:

"(A) A District of Columbia Recorder of Deeds;

"(B) A Commissioner of the District of Columbia;

"(C) A Mayor of the District of Columbia;

"(D) A United States Senator or United States Representative; or

"(E) Benjamin Banneker.

"(2) Each sculpture of:

"(A) A Commissioner of the District of Columbia; or

"(B) A United States Senator or United States Representative.".

SUBTITLE Z. DCRB FAIR CREDIT IN EMPLOYMENT

Sec. 2251. Short title.

This subtitle may be cited as the "DCRB Fair Credit in Employment Amendment Act of 2017".

Sec. 2252. Section 211(d) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(d)), is amended by adding a new paragraph (3A) to read as follows:

"(3A) To the District of Columbia Retirement Board;".

SUBTITLE AA. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SAFETY REGULATION

Sec. 2261. Short title.

This subtitle may be cited as the "Washington Metropolitan Area Transit Authority Safety Regulation Amendment Act of 2017".

Sec. 2262. The Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997, effective September 23, 1997 (D.C. Law 12-20; D.C. Official Code § 9-1109.01 *et seq.*), is amended by adding a new section 8a to read as follows:

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

"(a) Notwithstanding any other provision of law and pursuant to the authority and subject to the requirements set forth in 49 U.S.C. § 5329, to enable the Metropolitan Washington Council of Governments ("COG") to assist the District in the formation of an independent interstate legal entity to replace the Tristate Oversight Committee as the joint state oversight agency contemplated by this act, the Mayor is authorized to transfer funds by contract, grant, subgrant, or other available means to COG.

"(b) The authority under this section shall include the authority to transfer:

"(1) Federal funds received by the District for expenses related to the formation of the replacement independent interstate legal entity; and

"(2) Any matching funds required to be appropriated by the District in order to receive and spend such federal funds.

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

SUBTITLE BB. INTERIOR DESIGN REGULATION

Sec. 2271. Short title.

This subtitle may be cited as the "Interior Design Regulation Amendment Act of 2017".

Sec. 2272. Section 105.3.10 of Title 12-A of the District of Columbia Municipal Regulations (12-A DCMR § 105.3.10) is amended to read as follows:

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

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SUBTITLE CC. PROTECTING PREGNANT WORKERS

Sec. 2281. Short title.

This subtitle may be cited as the "Protecting Pregnant Workers Fairness Amendment Act of 2017".

Sec. 2282. The Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.01 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 32-1231.01(1)) is amended to read as follows:

"(1) "OHR" means the Office of Human Rights.".

(b) Section 6 (D.C. Official Code § 32-1231.05) is amended as follows:

(1) The section heading is amended by striking the phrase "Department of Employment Services;" and inserting the phrase "Office of Human Rights;" in its place.

(2) Strike the phrase "The DOES" and insert the acronym "OHR" in its place.

(c) Section 7 (D.C. Official Code § 32-1231.06) is amended by striking the phrase "maintain an administrative action or a civil action." and inserting the phrase "maintain an administrative action with OHR or a civil action in a court of competent jurisdiction within one year after the violation or discovery of the violation." in its place.

(d) Section 8 (D.C. Official Code § 32-1231.07) is amended as follows:

(1) The section heading is amended by striking the acronym "DOES" and inserting the acronym "OHR" in its place.

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

"(a) An employee who claims that an employer has violated the employee's rights under this act and seeks redress may file a complaint with OHR.".

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

(A) The lead-in language is amended by striking the phrase "The DOES," and inserting the phrase "OHR," in its place.

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

"(3) If it is determined probable cause exists:

"(A) An attempt to resolve the complaint by conciliation as set forth under section 306 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.06);

"(B) If conciliation fails, certifying the case for a hearing before the Commission on Human Rights as set forth under section 310 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.10), or for matters involving the District government, forwarding the case to an independent hearing examiner at set forth under 4 DCMR § 116; and

"(C) A requirement that the hearing under this paragraph be conducted in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); and".

(4) Subsection (c) is amended by striking the phrase "If DOES determines, after its hearing, that the employer has violated any provision of this act, DOES shall order the employer to provide affirmative remedies including:" and inserting the phrase "If the Commission on Human Rights or an independent hearing examiner determines, after the hearing,

that the employer has violated any provision of this act, the Commission shall order or the independent hearing examiner shall recommend the employer to provide affirmative remedies, including:" in its place.

(5) Subsection (d)(1) is amended by striking the acronym "DOES" and inserting the acronym "OHR" in its place.

(6) Subsection (e) is amended to read as follows:

"(e) If an employer is determined to not be in compliance with this act, OHR may make a referral to licensing agencies as provided under section 317 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.17).".

(e) Section 9 (D.C. Official Code § 32-1231.08) is amended to read as follows:

"Sec. 9. Judicial review.

"(a) A party contesting a determination of the Commission on Human Rights shall have the right to judicial review as provided by section 314 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.14).

"(b) A party contesting a determination of an independent hearing examiner shall have the right to judicial review as provided by 4 DCMR § 121.".

(f) Section 13(a) (D.C. Official Code § 32-1231.12(a)) is amended by striking the acronym "DOES" and inserting the phrase "an agency designated by the Mayor" in its place.

TITLE III. PUBLIC SAFETY AND JUSTICE

SUBTITLE A. DEPARTMENT OF FORENSIC SCIENCES ESTABLISHMENT

Sec. 3001. Short title.

This subtitle may be cited as the "Department of Forensic Sciences Establishment Amendment Act of 2017".

Sec. 3002. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*), is amended as follows:

(a) A new section 7a is added to read as follows:

"Sec. 7a. Department Laboratory Fund.

"(a) There is established as a special fund the Department of Forensic Sciences Laboratory Fund ("Fund"), which shall be administered by the Director in accordance with subsection (c) of this section.

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

"(1) Annual revenue transferred from the United States Department of Homeland Security for the BioWatch program; and

"(2) Fees collected for forensic science services provided by the Department.

"(c) Money in the Fund shall only be used to fund the expenses of the Department's laboratories, including the funding of forensic science services, materials, non-grant funded research, equipment, laboratory staff, and trainings.

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

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

(b) Section 16(a) (D.C. Official Code § 5-1501.15(a)) is amended to read as follows:

"(a)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act, including:

"(A) A fee schedule for environmental testing services provided by the Department, which may account for the provision of bulk services; and

"(B) A fee schedule for reasonable costs related to expert witness testimony provided by Department employees to entities not listed in section 7(b), including the cost of any preparation, travel, and related administrative functions; provided, that no fee shall be charged for costs related to expert witness testimony provided by Department employees:

"(i) Regarding services the Department provided pursuant to section 7(a) or (b); or

"(ii) When the employee would be testifying as an expert in a criminal case in a District of Columbia court.

"(2) The fee schedule established pursuant to paragraph (1)(A) of this subsection may be applied on a sliding scale based on a recipient's ability to pay for the services.".

SUBTITLE B. CHIEF MEDICAL EXAMINER

Sec. 3011. Short title.

This subtitle may be cited as the "Chief Medical Examiner Amendment Act of 2017".

Sec. 3012. The Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1401 *et seq.*), is amended by adding a new section 2907a to read as follows:

"Sec. 2907a. Mass fatality management and response.

"(a) The OCME shall serve as the lead agency for the District's mass fatality management and mass fatality incident response.

"(b) The CME shall create a District mass fatality management response plan.

"(c)(1) The CME may enter into, request, or provide assistance under a mutual aid agreement with states or local jurisdictions within the National Capital region or with the federal government for the purpose of mass fatality management or mass fatality incident response; provided, that any financial obligation created by a mutual aid agreement is consistent with the limitations under D.C. Official Code § 47-355.02, as determined by the General Counsel of OCME after consultation with the Office of the Attorney General and the Office of the Chief Financial Officer.

"(2) The CME may enter into a mutual aid agreement that creates a financial obligation for the District if there is clear legal and budgetary authority to do so, as determined by the General Counsel of OCME after a legal sufficiency review by the Office of the Attorney General and a budgetary authority review by the Office of the Chief Financial Officer.

"(3) Any requests by the CME for federal assistance shall be coordinated with the Mayor's authorized representative, designated pursuant to 44 C.F.R. § 206.41(d).

"(d) For the purposes of this section, the term:

"(1) "Mass fatality incident" means a situation resulting in more human remains to be investigated, recovered, and examined than can be managed using District resources, or any other exceptional circumstance that results in the inability to process human remains under routine conditions.

"(2) "Mass fatality management" means the training of and cooperation among governmental and nongovernmental agencies, organizations, associations, and other entities to ensure the accomplishment of the following after a mass fatality incident:

"(A) The proper recovery, handling, identification, transportation, tracking, storage, and certification of cause and manner of death of victims; and

"(B) Facilitating access to mental and behavioral health services to family members, responders, and survivors.

"(3) "National Capital region" shall have the same meaning as provided in section 1(b)(1) of An Act Providing for a comprehensive development of the park and playground system of the National Capital, approved June 6, 1924 (43 Stat. 463; D.C. Official Code § 2-1001(b)(1)).".

SUBTITLE C. AFFORDABLE EMERGENCY TRANSPORTATION AND PRE-HOSPITAL MEDICAL SERVICES

Sec. 3021. Short title.

This subtitle may be cited as the "Affordable Emergency Transportation and Pre-Hospital Medical Services Amendment Act of 2017".

Sec. 3022. Section 3(a) of the Access to Emergency Medical Services Act of 1998, effective September 11, 1998 (D.C. Law 12-145; D.C. Official Code § 31-2802(a)), is amended as follows:

(a) Designate the existing text as paragraph (1).

(b) New paragraphs (2) and (3) are added to read as follows:

"(2) Reimbursement for pre-hospital medical care and transport delivered pursuant to paragraph (1) of this subsection by the Fire and Emergency Medical Services Department ("Department") or a third party contracted by the District to provide such services pursuant to section 1(b) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401(b)), shall be at the fee rate authorized by the Council pursuant to section 502(a) of the Revenue Act of 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416(a)).

"(3) This subsection shall not apply to any group health plan or multiple employer welfare arrangement to the extent the plan or arrangement is not subject to state insurance regulation under section 514 of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 897; 29 U.S.C. § 1144).".

Sec. 3023. Section 502 of the Revenue Act of 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416), is amended by adding a new subsection (c) to read as follows:

"(c)(1) There is established as a special fund the Fire and Emergency Medical Services Department EMS Reform Fund ("Fund"), which shall be administered by the Fire and Emergency Medical Services Department in accordance with paragraph (3) of this subsection.

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

"(A) Fees collected under section 3(a)(2) of the Access to Emergency Medical Services Act of 1998, effective September 11, 1998 (D.C. Law 12-145; D.C. Official Code § 31-2802(a)(2)); and

"(B) Monies in excess of the Fiscal Year 2016 revenue collected in accordance with this section.

"(3) The Fund shall be used for the purpose of reform and improvement of the delivery of emergency medical services in the District of Columbia.

"(4)(A) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

Sec. 3024. Applicability.

This subtitle shall apply to all health benefit plans issued or renewed in the District 90 or more days after the effective date of this act.

SUBTITLE D. NEIGHBORHOOD ENGAGEMENT ACHIEVES RESULTS

Sec. 3031. Short title.

This subtitle may be cited as the "Neighborhood Engagement Achieves Results Amendment Act of 2017".

Sec. 3032. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2411) is amended to read as follows:

"Sec. 101. Office of Neighborhood Safety and Engagement establishment.

"(a) There is established an Office of Neighborhood Safety and Engagement ("ONSE"). The ONSE shall include the following programs:

"(1) The Community Stabilization Program, which shall be transferred to the ONSE from the Office of the Deputy Mayor for Public Safety and Justice, along with all functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for the purposes of the program; and

"(2) The Safer, Stronger DC Community Partnerships Program, which shall be transferred to the ONSE from the Office of the Deputy Mayor for Health and Human Services, along with all functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for the purposes of the program.

"(b) The ONSE shall be responsible for:

"(1) Coordinating the District's overall violence prevention strategy and programs, with a focus on utilizing public health approaches to respond to and prevent violence;

"(2) Identifying, recruiting, and engaging individuals determined to be at high risk of participating in, or being a victim of, violent crime;

"(3) Collaborating with other District agencies and nonprofit organizations to provide immediate wrap-around services to victims and families affected by violent crime;

"(4) Identifying priority neighborhoods and Metropolitan Police Department Police Service Areas ("PSAs") with high trends of violent crime and connecting residents in those neighborhoods and PSAs to services through a streamlined approach;

"(5) Developing positive relationships with youth and young adults using recreational and other positive behavior reinforcement activities; and

"(6) Coordinating with District agencies and community-based organizations to develop programs that focus on employment and job-training opportunities for individuals residing in priority neighborhoods or PSAs or who are most at risk of participating in, or being a victim of, violent crime, including through the use of financial incentives for participation.

"(c) The ONSE shall be headed by an Executive Director who shall report to the Deputy Mayor for Public Safety and Justice. The Executive Director shall have at least 3 years of relevant experience in criminal justice and public health-based approaches to violence, including matters affecting the deterrence of violent criminal behavior.

"(d) Beginning on January 31, 2018, and by January 31 of each year thereafter, the ONSE shall provide a report to the Mayor and Council that excludes personally identifiable information and includes the following information from the reporting period and in the aggregate:

"(1) The number of individuals successfully recruited and engaged;

"(2) The duration of individuals' participation;

"(3) The status of participants' progress; and

"(4) The participants' age, race or ethnicity, gender, and ward of residence.

"(e) The ONSE may apply for and receive grants and accept private donations to fund its program activities.

"(f) The ONSE shall have grant-making authority for the purpose of providing funds that seek to reduce and prevent violent crime. Grants made pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).".

(b) Section 102 (D.C. Official Code § 7-2412) is amended to read as follows:

"Sec. 102. Duties of the Executive Director.

"(a) The duties of the Executive Director shall include:

"(1) Identifying individuals who pose a high risk of participating in, or being a victim of, violent crime;

"(2) Recruiting such individuals, as feasible, to participate in programs incorporating mental or behavioral health counseling and that are designed to discourage violent crime;

"(3) Coordinating with District agencies to develop workforce development programming; and

"(4) Producing reports as required under section 101(d).

"(b)(1) The Executive Director shall ensure that any personally identifiable information that the ONSE collects or maintains concerning existing or potential participants in its programs remains confidential.

"(2) The Executive Director shall regularly conduct assessments and evaluations, to be performed by a qualified research entity, of outcomes for participants in ONSE programs.".

(c) Section 103 (D.C. Official Code § 7-2413) is amended as follows:

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

(A) Paragraph (2) is amended by striking the semicolon and inserting the phrase "; and" in its place.

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

(C) Paragraph (4) is repealed.

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

"(c) Money in the Fund shall be used to fund the activities of the ONSE, including:

"(1) Providing financial incentives to eligible participants, which may be issued by ONSE or an agency designated by the Mayor;

"(2) Providing grants to eligible community organizations; and

"(3) Appropriate overhead or administrative expenses related to the ONSE and the Fund.".

(d) A new section 103a is added to read as follows:

"Sec. 103a. Rules.

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

SUBTITLE E. ACCESS TO JUSTICE

Sec. 3041. Short title.

This subtitle may be cited as the "Access to Justice Initiative Amendment Act of 2017".

Sec. 3042. The Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-1701.01) is amended as follows:

(1) Paragraph (8) is amended by striking the phrase "associated with obtaining a law degree".

(2) Paragraph (16) is amended by striking the phrase "for law school".

(b) Section 201 (D.C. Official Code § 4-1702.01) is amended by striking the phrase "The Office of the Deputy Mayor for Public Safety and Justice" and inserting the phrase "The Office of Victim Services and Justice Grants" in its place.

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(c) Section 202 (D.C. Official Code § 4-1702.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Deputy Mayor" and inserting the phrase "Office of Victim Services and Justice Grants" in its place.

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

(A) Paragraph (1)(A) is amended by striking the phrase "Deputy Mayor" wherever it appears and inserting the phrase "Office of Victim Services and Justice Grants" in its place.

(B) Paragraph (3) is amended by striking the word "Deputy" and inserting the phrase "Office of Victim Services and Justice Grants" in its place.

(d) Section 301 (D.C. Official Code § 4-1703.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Deputy Mayor" and inserting the phrase "Office of Victim Services and Justice Grants" in its place.

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

(A) Strike the phrase "Deputy Mayor" and insert the phrase "Office of Victim Services and Justice Grants" in its place.

(B) Strike the phrase "5%" and insert the phrase "10%" in its place.

(e) Section 401 (D.C. Official Code § 4-1704.01) is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase "Deputy Mayor" and inserting the phrase "Office of Victim Services and Justice Grants" in its place.

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

(A) Strike the phrase "Deputy Mayor" wherever it appears and insert the phrase "Office of Victim Services and Justice Grants" in its place.

(B) Paragraph (2) is amended by striking the phrase "fiscal year 2012" and inserting the phrase "Fiscal Year 2018" in its place.

(f) Section 402(b) (D.C. Official Code § 4-1704.02(b)) is amended by striking the phrase "associated with obtaining a law degree".

(g) Section 404(c) (D.C. Official Code § 4-1704.04(c)) is amended as follows:

(1) Strike the phrase "in excess of $60,000, or".

(2) Strike the phrase "Deputy Mayor" and insert the phrase "Office of Victim Services and Justice Grants" in its place.

(h) Section 405 (D.C. Official Code § 4-1704.05) is amended as follows:

(1) Subsection (b) is amended by striking the phrase "subsection (c)" and inserting the phrase "subsections (c) and (d)" in its place.

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

"(d) For the purposes of this act, a participant who provides adequate notice to the Administrator of voluntary withdrawal from eligible employment shall be forgiven for the loan through the date of the voluntary withdrawal from eligible employment if the participant has satisfied the obligations under section 403 and this section for 3 or more years. The participant shall be required to repay the loan from the date of voluntary withdrawal from eligible employment through the end of the calendar year.".

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SUBTITLE F. CIVIL LEGAL COUNSEL PROJECTS

Sec. 3051. Short title.

This subtitle may be cited as the "Expanding Access to Justice Amendment Act of 2017".

Sec. 3052. Definitions.

For the purposes of this subtitle, the term:

(1) "Bar Foundation" shall have the same meaning as provided in section 101(6) of the Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01(6)).

(2) "Covered proceeding" means an actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia to evict an eligible individual or group.

(3) "Designated legal services provider" means a nonprofit organization or clinical program headquartered in the District of Columbia that provides legal services under this subtitle.

(4) "Eligible individual or group" means a tenant or occupant, or group of tenants or occupants, residing in a rental unit in a housing accommodation in the District of Columbia, whose gross household income falls at or below 200% of the federal poverty guidelines issued by the United States Department of Health and Human Services, or an individual, family, or group of individuals seeking, receiving, or eligible for service from a program covered by section 3 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.01).

(5) "Housing accommodation" shall have the same meaning as provided in section 103(11) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(11)).

(6) "Legal services" means representation of an eligible individual or group through the provision of advice or brief services, or representation in a covered proceeding, including limited scope representation.

(7) "Licensed legal professional" means:

(A) A member of the District of Columbia Bar authorized to practice law;

(B) A law student participating in an authorized, attorney-supervised clinical program through an accredited law school in the District of Columbia; or

(C) A member of the bar of another jurisdiction who is legally permitted to appear and represent a specific client in a particular proceeding in the court or other forum in which the matter is pending.

(8) "Rental unit" shall have the same meaning as provided in section 103(16) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(16)).

Sec. 3053. Civil legal counsel projects for eligible individuals or groups in covered proceedings.

(a) There is established the Civil Legal Counsel Projects Program ("Program") for the purpose of providing legal services to eligible individuals or groups in eviction proceedings.

(b)(1) The Office of Victim Services and Justice Grants shall award a grant each fiscal year to the Bar Foundation for the purposes of the Bar Foundation administering the Program. Payment

of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council.

(2) Paragraph (1) of this subsection shall not be used to supplant funds made available pursuant to section 301(a) of the Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1703.01(a)), or section 401 of the Access to Justice Initiative Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1704.01).

(c) The Bar Foundation shall:

(1) Serve as the grant-managing entity for the Program; and

(2) Adopt policies, procedures, guidelines, and requirements for the Program, including policies designed to permit designated legal service providers to limit representation to eligible individuals or groups in covered proceedings.

Sec. 3054. Requirements for designated legal service providers.

(a) The Bar Foundation shall only award subgrants to legal services providers that:

(1) Are headquartered in the District of Columbia and maintain a practice of furnishing free legal services to individuals who cannot afford the services of a licensed legal professional;

(2) Possess expertise in housing law, landlord-tenant law, or related experience in representing eligible individuals or groups in covered proceedings;

(3) Demonstrate expertise in recognizing and responding to the multiple legal issues facing low-income residents of the District of Columbia; and

(4) Possess adequate infrastructure and expertise to provide consistent, high-quality oversight, training, evaluation, and strategic responses to emerging or changing needs in the client communities served.

(b) Nothing in this section requires designated legal services providers to serve eligible individuals or groups in covered proceedings beyond the provider's contractual agreement to the Bar Foundation under this subtitle.

Sec. 3055. Financial audit and reporting requirements.

(a) The Bar Foundation shall provide the Council with:

(1) An annual financial audit of its activities prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards; provided, that the audit may be conducted as part of the Bar Foundation's annual audit;

(2) Biannual reporting that includes the following information:

(A) The gender, race, ethnicity, and age of eligible individuals served;

(B) The election ward of residence of eligible individuals served;

(C) The incomes of eligible individuals served;

(D) Legal services provided to eligible individuals; and

(E) A list of designated legal services providers and the amount of grant funding provided to each, including how the grant funding is used by each designated legal services provider; and

(3) Annual programmatic reporting that includes:

(A) An evaluation of the performance of each designated legal services provider;

(B) The legal outcomes for each eligible individual or group served;

(C) An evaluation of implementation challenges and recommendations for future improvements; and

(D) An assessment of unmet legal needs in the provision of legal services for covered proceedings.

Sec. 3056. Other criminal and civil proceedings.

This subtitle shall not be construed to negate, alter, or limit any right to counsel in any civil or criminal action or proceeding otherwise provided by District or federal law or regulation.

SUBTITLE G. OFFICE OF OPEN GOVERNMENT ESTABLISHMENT

Sec. 3061. Short title.

This subtitle may be cited as the "Office of Open Government Budget Authority Amendment Act of 2017".

Sec. 3062. Section 207(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.07(a)), is amended as follows:

(a) Strike the phrase "The Director of Government Ethics" and insert the phrase "The Director of Government Ethics and the Director of Open Government" in its place.

(b) Strike the phrase "necessary for the operation of the Ethics Board for the year" and insert the phrase "necessary for the operation of their respective offices for the year" in its place.

Sec. 3063. Applicability.

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

SUBTITLE H. OFFICE OF THE ATTORNEY GENERAL LITIGATION SUPPORT FUND AND ATTORNEY GENERAL RESTITUTION FUND

Sec. 3071. Short title.

This subtitle may be cited as the "Office of the Attorney General Litigation Support Fund and Attorney General Restitution Fund Amendment Act of 2017".

Sec. 3072. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b(d)(3) (D.C. Official Code § 1-301.86b(d)(3)) is amended by striking the phrase "$3 million" both times it appears and inserting the phrase "$5 million" in its place.

(b) A new section 106c is added to read as follows:

"Sec. 106c. Attorney General Restitution Fund.

"(a) There is established as a special fund the Attorney General Restitution Fund ("Fund"), which shall be administered by the Office of the Attorney General ("OAG") in accordance with subsections (c) and (d) of this section.

"(b) Revenue from the following awards shall be deposited into the Fund:

"(1) Awards of restitution for property lost or damages suffered by consumers made under a court order, judgment, or settlement in any action or investigation under D.C. Official Code § 28-3909(a); and

"(2) Awards on behalf of an aggrieved employee made under a court order, judgment, or settlement in any action or investigation under section 6(a)(2)(A)(iii) of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1306(a)(2)(A)(iii)).

"(c) Money in the Fund shall be used for the following purposes:

"(1) The payment of awards as required by a court order, judgment, or settlement in an action or investigation OAG conducts under D.C. Official Code § 28-3909(a) or section 6(a)(2)(A)(iii) of an Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1306(a)(2)(A)(iii)); and

"(2) The payment of costs and expenses related to maintaining the Fund, including costs associated with the claims process described in subsection (e) of this section.

"(d) Before the OAG authorizes any payments from the Fund to an individual under this section, the Office of the Chief Financial Officer shall determine whether the individual owes any amount to the District and deduct the amount owed from the award to the individual, if any.

"(e)(1) Upon receipt of revenue resulting from an award under this section, OAG shall conduct a claims procedure to:

"(A) Locate each person entitled to receive an award; and

"(B) Distribute the awarded amounts to these individuals, minus any amounts deducted under subsection (d) of this section.

"(2) At the conclusion of the claims procedure under paragraph (1) of this subsection or the time period for payment designated by a court order, judgment, or settlement, and if not otherwise directed by the court order, judgment, or settlement, OAG may apply any part of the award to the costs and expenses related to maintaining the Fund and conducting the claims process under subsection (c)(2) of this section.

"(3) After paragraphs (1) and (2) of this subsection have been completed, any excess funds remaining from the award shall be treated as unclaimed property pursuant to the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-287; D.C. Official Code § 41-101 *et seq.*).

"(f)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of any fiscal year or at any other time.

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

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

"(h) On an annual basis, the Office of the Inspector General shall conduct an audit of the income and expenditures of the Fund and shall submit the audit to the Attorney General, the Mayor, and the Council.".

Sec. 3073. Applicability.

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

SUBTITLE I. REPEAL OF TREATMENT INSTEAD OF JAIL FOR CERTAIN NON-VIOLENT DRUG OFFENDERS INITIATIVE

Sec. 3081. Short title.

This subtitle may be cited as the "Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative Amendment Act of 2017".

Sec. 3082. The Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative of 2002, effective June 5, 2003 (D.C. Law 14-308; D.C. Official Code § 24-751.01 *et seq.*), is repealed.

SUBTITLE J. CHIEF OF POLICE LEAVE AND RETIREMENT MODIFICATIONS

Sec. 3091. Short title.

This subtitle may be cited as the "Leave and Retirement Modifications for Chief of Police Peter Newsham Amendment Act of 2017".

Sec. 3092. Section 1061 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1988 (D.C. Law 12-124; D.C. Official Code § 1-610.61), is amended as follows:

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

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

"(b) Notwithstanding subsection (a) of this section, Peter Newsham, while serving as Chief of Police, shall earn leave under section 1203, consistent with the leave he earned as a member of the Metropolitan Police Department based upon his years of service immediately before his appointment as Chief of Police.".

Sec. 3093. Section 12(h) of the Policemen and Firemen's Retirement and Disability Act, approved August 21, 1957 (71 Stat. 395; D.C. Official Code § 5-712), is amended by adding a new paragraph (7A) to read as follows:

"(7A) Notwithstanding paragraph (1) of this subsection, at the time that Chief of Police Peter Newsham voluntarily retires or is otherwise separated from the Metropolitan Police Department, he shall be entitled to an annuity computed at 80% of his average highest base pay for 24 consecutive months.".

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SUBTITLE K. COMPREHENSIVE YOUTH JUSTICE TECHNICAL AMENDMENTS

Sec. 3101. Short title.

This subtitle may be cited as the "Comprehensive Youth Justice Amendment Act of 2017".

Sec. 3102. Section 101(a)(3) of the Attorney General for the District of Columbia Certification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81(a)(3)), is amended by striking the phrase "By October 1, 2018," and inserting the phrase "By October 1, 2017," in its place.

Sec. 3103. Section 104(15) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.04(15)), is amended by striking the phrase "Within 180 days after the effective date of the Comprehensive Youth Justice Amendment Act of 2016, passed on 2nd reading on November 1, 2016 (Enrolled version of Bill 21-683)," and inserting the phrase "Within 180 days after the effective date of the Comprehensive Youth Justice Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244)," in its place.

SUBTITLE L. EMERGENCY MEDICAL SERVICES DIRECTOR

Sec. 3111. Short title.

This subtitle may be cited as the "Emergency Medical Services Director Amendment Act of 2017".

Sec. 3112. Section 3a of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, effective April 15, 2008 (D.C. Law 17-147; D.C. Official Code § 5-404.01), is amended by adding a new subsection (c-1) to read as follows:

"(c-1) The requirements in subsections (b)(3) and (c) of this section shall not apply to Medical Director Robert Holman, confirmed by the Council pursuant to the Fire and Emergency Medical Services Department Medical Director Robert Holman Confirmation Emergency Resolution of 2017, passed on emergency basis on June 27, 2017 (Res. 22-169; 64 DCR ___).".

Sec. 3113. Applicability.

This subtitle 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).

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TITLE IV. PUBLIC EDUCATION

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Amendment Act of 2017".

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2903 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "$9,682 per student for fiscal year 2017" and inserting the phrase "$9,972 per student for Fiscal Year 2018" in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

"Grade Level	Weighting	Per Pupil Allocation in FY 2018
"Pre-Kindergarten 3	1.34	$13,363
"Pre-Kindergarten 4	1.30	$12,964
"Kindergarten	1.30	$12,964
"Grades 1-5	1.00	$9,972
"Grades 6-8	1.08	$10,770
"Grades 9-12	1.22	$12,166
"Alternative program	1.44	$14,360
"Special education school	1.17	$11,668
"Adult	0.89	$8,875".

.".

(c) Section 106 (D.C. Official Code § 38-2905) is amended as follows:

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

"(a-1) Pursuant to section 106a, supplemental allocations shall be provided on the basis of the count of students identified as at-risk.".

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

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018

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"Level 1: Special Education	Eight hours or less per week of specialized services	0.97	$9,673
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	$11,967
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	$19,646
"Level 4: Special Education	More than 24 hours per week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	$34,804
"Special Education Compliance	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.069	$688
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney's fees.	0.089	$888
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	$16,654

"General Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
"ELL	Additional funding for English Language Learners.	0.49	$4,887
"At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	$2,184

"Residential Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	$3,670
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	$13,333
"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	$28,830
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	$28,830
"LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	$6,662

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"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
"Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs.	0.063	$628
"Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.227	$2,264
"Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	$4,896
"Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	$4,896

.".

(d) Section 109 (D.C. Official Code § 38-2908) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "(b) and (b-1)" and inserting the phrase "(b), (b-1), and (b-2)" in its place.

(2) Subsection (b-1) is amended by striking the phrase "and succeeding fiscal years".

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

(A) Paragraph (2) is amended by striking the phrase "and succeeding fiscal years".

(B) New paragraphs (2A), (2B), (2C), and (2D) are added to read as follows:

"(2A) For Fiscal Year 2018:

"(A) The non-residential per pupil facility allowance for Public Charter Schools shall be $ 3,193; and

"(B) The residential per pupil facility allowance for Public Charter Schools shall be $ 8,621.

"(2B) For Fiscal Year 2019, the per pupil facility allowance for Public Charter Schools shall be $ 3,263.

"(2C) For Fiscal Year 2020, the per pupil facility allowance for Public Charter Schools shall be $ 3,335.

"(2D) For Fiscal Year 2021, and succeeding fiscal years, the per pupil facility allowance for Public Charter Schools shall be $ 3,408.".

(C) Paragraph (3) is amended by striking the phrase "(1) and (2)" and inserting the phrase "(1), (2), (2A), (2B), (2C), and (2D)" in its place.

Sec. 4003. (a) It is the intent of this subtitle that the increase in the District of Columbia Public Schools appropriation in Fiscal Year 2018 resulting from the increase to the Uniform Per Student Funding Formula in Fiscal Year 2018 shall be used for instructional staffing and support provided directly in public schools.

(b) The increase to the Uniform Per Student Funding Formula for District of Columbia Public Schools, pursuant to section 4002, shall not be used in Fiscal Year 2018 to satisfy any compensation terms required by any collective bargaining agreements that become effective in Fiscal Year 2018.

SUBTITLE B. CHILD AND YOUTH, SAFETY AND HEALTH OMNIBUS

Sec. 4011. Short title.

This subtitle may be cited as the "Child and Youth, Safety and Health Omnibus Amendment Act of 2017".

Sec. 4012. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 202(3) (D.C. Official Code § 4-1501.02(3)) is amended by striking the phrase "any private entity that contracts with" and inserting the phrase "any private entity that is licensed by or contracts with" in its place.

(b) Section 206(a) (D.C. Official Code § 4-1501.06(a)) is amended by striking the phrase "including those of private entities that contract with the District to provide direct services to children or youth and that are under the contractual purview of the agency" and inserting the phrase "including those of private entities that are covered child or youth services providers and that are licensed by or under the contractual purview of the agency" in its place.

SUBTITLE C. CHILD DEVELOPMENT FACILITIES FUND

Sec. 4021. Short title.

This subtitle may be cited as the "Child Development Facilities Fund Amendment Act of 2017".

Sec. 4022. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*), is amended by adding a new section 7a to read as follows:

"Sec. 7a. Child Development Facilities Fund.

"(a) There is established as a special fund the Child Development Facilities Fund ("Fund"), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

"(b) Revenue from all payments, fees, and fines collected pursuant to this act shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the following purposes:

"(1) To fund activities regulating child development facilities, including the enforcement and monitoring activities concerning the licensure of child development facilities, pursuant to this act; and

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

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

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

SUBTITLE D. PUBLIC CHARTER SCHOOL ASSETS AND FACILITIES PRESERVATION

Sec. 4031. Short title.

This subtitle may be cited as the "Public Charter School Assets and Facilities Preservation Amendment Act of 2017".

Sec. 4032. Section 2213a of the District of Columbia School Reform Act of 1995, effective March 14, 2007 (D.C. Law 16-268; D.C. Official Code § 38-1802.13a), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "with section 48 of the Nonprofit Corporation Act and".

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

(1) The lead-in language is amended by striking the phrase "require that" and inserting the phrase "provide that" in its place.

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

"(B) The corporation's assets shall be distributed pursuant to a plan of distribution that is in accordance with subsection (d) of this section.".

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

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

(A) The lead-in language is amended by striking the phrase "The chartering authority" and inserting the phrase "Following completion of the closeout audit described in paragraph (3) of this subsection, the chartering authority" in its place.

(B) Subparagraph (A) is amended by striking the word "assets" and inserting the phrase "unencumbered assets" in its place.

(C) Subparagraph (C) is amended to read as follows:

"(C) Distributing the corporation's remaining assets in accordance with this section.".

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

(A) Subparagraph (A) is amended to read as follows:

"(A) Provide either that:

"(i) All tangible personal property purchased with District funds, including funds received pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), and any assets remaining after satisfaction of the corporation's debts and the use of assets authorized in subsection (f) of this section shall be transferred or conveyed to the District of Columbia, to be controlled by and subject to the disposition instructions of the Office of the State Superintendent of Education and used solely for educational or similar purposes; or

"(ii) The assets described in sub-subparagraph (i) of this subparagraph, including cash, shall be transferred to another charter school in a transaction overseen by the chartering authority if the acquiring school agrees to enroll the closing school's students at the start of the following school year; and".

(B) Subparagraph (B) is amended as follows:

(i) Strike the word "Be" and insert the phrase "Notwithstanding subparagraph (A) of this paragraph, be" in its place.

(ii) Strike the phrase "existing creditor agreements and" and insert the phrase "existing creditor agreements, grant agreements, and" in its place.

(3) Paragraph (3) is amended by striking the phrase "feasible," and inserting the phrase "feasible upon notice of an event described in subsection (a) of this section," in its place.

(4) Paragraph (4) is amended by striking the phrase "or the District of Columbia" and inserting the phrase ", the District of Columbia, or a charter school that acquires a corporation's assets pursuant to this section" in its place.

SUBTITLE E. ACADEMIC CERTIFICATION AND TESTING FUND

Sec. 4041. Short title.

This subtitle may be cited as the "Academic Certification and Testing Fund Amendment Act of 2017".

Sec. 4042. Section 3(c)(1) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(c)(1)), is amended by striking the word "nonlapsing" and inserting the word "special" in its place.

SUBTITLE F. POSTSECONDARY AND CAREER GRANT-MAKING

Sec. 4051. Short title.

This subtitle may be cited as the "Postsecondary and Career Grant-Making Authority Amendment Act of 2017".

Sec. 4052. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) Paragraph (27) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (28) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (29) is added to read as follows:

"(29) Have the authority to issue grants, from funds under its administration, to District of Columbia public schools or public charter schools, local education agencies, institutions of higher education, nonprofit organizations, and other education service providers to increase access to postsecondary and career education opportunities, including:

"(A) Programs implementing career and technical education;

"(B) SAT or ACT preparation programs;

"(D) Dual enrollment programs; and

"(D) Programs focused on a successful transition to college and careers.".

SUBTITLE G. HEALTHY TOTS

Sec. 4061. Short title.

This subtitle may be cited as the "Healthy Tots Amendment Act of 2017".

Sec. 4062. Section 4073a of the Healthy Tots Act of 2014, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 38-282.01), is amended as follows:

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

(1) Strike the phrase "are eligible" and insert the phrase "are eligible for at least 6 continuous months" in its place.

(2) Strike the phrase "unless OSSE grants it an exemption" and insert the phrase "unless the facility is exempt pursuant to subsection (a-1) of this section or OSSE grants the facility a hardship exemption" in its place.

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

"(a-1) Subsection (a) of this section shall not apply to a child development facility that is on the U.S. Department of Agriculture ("USDA") CACF Program National Disqualification List for the period of time that the child development facility is on the USDA CACF Program National Disqualification List.".

(c) Subsection (b) is amended by striking the phrase "an exemption, a child development facility must provide OSSE with a written statement describing why participation in the CACF Program constitutes a hardship" and inserting the phrase "a hardship exemption, a child development facility must provide OSSE with a written statement describing why participation in the CACF Program constitutes a hardship, and provide OSSE documentation demonstrating that the child development facility is in compliance with the current CACF Program Meal Patterns" in its place.

(d) Subsection (c) is repealed.

SUBTITLE H. PATRICIA R. HARRIS FACILITY EXCLUSIVE USE

Sec. 4071. Short title.

This subtitle may be cited as the "UDC Patricia R. Harris Facility Exclusive Use Amendment Act of 2017".

Sec. 4072. Section 422 of the University of the District of Columbia Expansion Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 10-507.01, note), is amended as follows:

(a) The existing text is redesignated as subsection (a).

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

"(b) Subsection (a) of this section shall not apply if the Mayor submits to the Council a proposed resolution pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), to dispose of the Patricia R. Harris Educational Center School building that contains a provision to lease or sublease space in the building to the University of the District of Columbia and such resolution is approved by the Council.".

SUBTITLE I. DPR PARKS ADOPTION AND SPONSORSHIP

Sec. 4081. Short title.

This subtitle may be cited as the "DPR Parks Adoption and Sponsorship Amendment Act of 2017".

Sec. 4082. Section 5 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-304), is amended as follows:

(a) Subsection (b) is repealed.

(b) New subsections (c) and (d) are added to read as follows:

"(c) The Department may enter into a written agreement with a BID corporation, as defined in section 3(4) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(4)) ("BID act"), to authorize the BID corporation to:

"(1) Perform maintenance and operations of Franklin Square Park, upon its transfer or lease to the District from the National Park Service. Yards Park, Canal Park, and parks within the NoMa Improvement Association BID, as defined by section 207 of the BID act (D.C. Official Code § 2-1215.57); and

"(2) Enter into contracts, including contracts for concessions and programs, with third parties to generate revenue to fund the maintenance and operations of the parks identified in paragraph (1) of this subsection.

"(d) The Department may make a grant in accordance with the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), to a BID corporation for maintenance and operations of the parks identified in subsection (c)(1) of this section.".

SUBTITLE J. MY SCHOOL DC TRANSFER

Sec. 4091. Short title.

This subtitle may be cited as the "My School DC Transfer Amendment Act of 2017".

Sec. 4092. The Department of Education Establish Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191 *et seq.*), is amended as follows:

(a) Section 205(a)(1) (D.C. Official Code § 38-194(a)(1)) is amended by striking the phrase "Department of Education" both times it appears and inserting the phrase "Office of the State Superintendent of Education" in its place.

(b) Section 206(a) (D.C. Official Code § 38-195(a)) is amended by striking the phrase "Deputy Mayor for Education" and inserting the phrase "State Superintendent of Education" in its place.

Sec. 4093. Section 4122 of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 38-196.01), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Deputy Mayor for Education" and inserting the phrase "State Superintendent of Education" in its place.

(b) Subsection (f) is amended by striking the phrase "Deputy Mayor for Education" and inserting the phrase "State Superintendent of Education" in its place.

Sec. 4094. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended by adding a new paragraph (4A) to read as follows:

"(4A) Administer the common lottery system for admission to public schools in the District of Columbia;".

SUBTITLE K. ACCESS TO QUALITY CHILD CARE FUND ESTABLISHMENT

Sec. 4101. Short title.

This subtitle may be cited as the "Access to Quality Child Care Fund Establishment Act of 2017".

Sec. 4102. Definitions.

For the purposes of this subtitle, the term:

(1) "Child development facility" means a center, home, or other structure that provides care and other services, supervision, and guidance for children, infants, and toddlers on a regular basis, regardless of its designated name. The term "child development facility" does not include a public or private elementary or secondary school engaged in legally required educational and related functions or a pre-kindergarten education program licensed pursuant to the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*).

(2) "Infant" means an individual younger than 12 months of age.

(3) "Operator" means an individual or entity that owns or is responsible for the operations of a child development facility.

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

(5) "Subsidized child care" means part-time or full-time child care services, subsidized in whole or in part to eligible families pursuant to local and federal law, including sections 5a and 6 of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code §§ 4-404.01 and 4-405), and the Child Care and Development Block Grant Act of 2014, approved November 19, 2014 (128 Stat. 1971; 42 U.S.C. § 9858, note).

(6) "Toddler" means an individual older than 12 months but younger than 36 months of age.

Sec. 4103. Access to Quality Child Care Fund.

(a) There is established as a special fund the Access to Quality Child Care Fund ("Fund"), which shall be administered by the Office of the State Superintendent of Education in accordance with section 4104 and subsection (c) of this section.

(b) There shall be deposited into the Fund:

(1) In Fiscal Year 2018, $11 million from local appropriations; and

(2) Private donations, gifts, and grants.

(c) Money in the Fund shall be used to provide grants or contracts to fund the following activities that expand access to child care:

(1) Improving the supply of child care services for infants and toddlers, which may include establishing new or expanding existing child development facilities serving infants and toddlers; provided, that at least 50% of amounts expended pursuant to this paragraph are used to improve the supply of child care services for infants and toddlers eligible for subsidized child care;

(2) Supporting the costs of certification, higher education, and credentialing of child development facility staff;

(3) Providing technical assistance and training to child development facility operators to support compliance with the licensure process or efficient and effective operations;

(4) Evaluating and assessing the availability, quality, and willingness of child development facility operators to expand services for infants and toddlers in the District and conducting studies authorized pursuant to the Child Care Study Act of 2017, enacted on June 5, 2017 (D.C. Act 22-72; 64 DCR 5610); and

(5) Carrying out other activities as determined by OSSE related to expanding access to infant and toddler child care and improving the quality of child care services provided in the District.

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

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

Sec. 4104. Access to quality child care grant-making authority.

(a) Except as provided in subsection (b) of this section, the Office of the State Superintendent of Education shall award funds from the Access to Quality Child Care Fund available pursuant to section 4103(c)(1), on a competitive basis, as grants to:

(1) Organizations that provide child care services to infants and toddlers to open child development facilities;

(2) Existing child development facilities to expand available space to serve infants and toddlers; or

(3) Organizations that provide child care services to carry out other activities necessary to expand access to child care and improve the quality of child care services provided in the District consistent with the findings of the evaluation and studies conducted pursuant to section 4103(c)(4).

(b)(1) The OSSE may award a grant or contract to a single nonprofit organization that does not provide child care services to infants and toddlers; provided, that:

(A) The grantee or contractor has a proven track record of success in grant-making related to child development facilities;

(B) The grantee or contractor agrees to use 90% of OSSE's award to award subgrants to organizations that provide child care services, for the purposes of expanding child care services in accordance with the terms of this section;

(C) The grantee or contractor agrees to undergo an annual audit and submit quarterly reports to OSSE on its financial health and its use of the OSSE award; and

(D) The grantee or contractor has a proven track record in providing financing and investment approaches and technical assistance in child development facility financing and development.

(2) A grant or contract awarded pursuant to this subsection shall be awarded for a term of at least 2 years, subject to the availability of funding.

(3)(A) The grantee or contractor shall award subgrants for terms of at least 2 years, subject to the availability of funding.

(B) All subgrants of District funds shall be awarded on a competitive basis.

(C) Subgrants shall be awarded for the following purposes:

(i) Improving the supply of child care services for infants and toddlers, which may include establishing new, renovating existing, or expanding child development facilities serving infants and toddlers; or

(ii) Carrying out other activities necessary to expand access to child care and improving the quality of child care services provided in the District consistent with the findings of the evaluation and studies conducted pursuant to section 4103(c)(4).

(c) At least 50% of amounts awarded under this section shall be used to improve the supply of child care services for infants and toddlers eligible for subsidized child care.

(d) The OSSE may not award a grant or contract under this section in excess of $1 million during a 12-month period, either singularly or cumulatively, unless the grant is first submitted to the Council for approval, in accordance with section 451(b) of the District of

Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), or by act.

Sec. 4105. The Child Care Services Assistance Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-220; D.C. Official Code § 7-2001 *et seq.*), is repealed.

Sec. 4106. Section 5 of the Child Care Study Act of 2017, enacted on June 5, 2017 (D.C. Act 22-72; 64 DCR 5610), is amended to read as follows:

"Sec. 5. The OSSE shall submit the studies required in section 3 and section 4 to the Council no later than August 1, 2018.".

SUBTITLE L. SPECIAL EDUCATION ENHANCEMENT FUND

Sec. 4111. Short title.

This subtitle may be cited as the "Special Education Enhancement Fund Amendment Act of 2017".

Sec. 4112. Section 7g of the State Education Office Establishment Act of 2000, effective March 10, 2015 (D.C. Law 20-196; D.C. Official Code § 38-2613), is amended by adding a new subsection (c-1) to read as follows:

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

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

Sec. 4113. Applicability.

This subtitle shall apply as of September 30, 2017.

SUBTITLE M. OFFICE OF STATE SUPERINTENDENT OF EDUCATION EARLY LITERACY GRANT PROGRAM

Sec. 4121. Short title.

This subtitle may be cited as the "Office of the State Superintendent of Education Early Literacy Grant Program Amendment Act of 2017".

Sec. 4122. Section 3(b)(24) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(24)), is amended by striking the phrase "competitive grant program" and inserting the phrase "competitive, multiyear grant program, subject to available funding," in its place.

ENROLLED ORIGINAL

SUBTITLE N. OFFICE OF OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

Sec. 4131. Short title.

This subtitle may be cited as the "Office of Out of School Time Grants and Youth Outcomes Amendment Act of 2017".

Sec. 4132. Section 5 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; 64 DCR 2090), is amended as follows:

(a) Subsection (b)(1) is amended by striking the phrase "paragraph (2)" and inserting the phrase "paragraphs (2) and (3)" in its place.

(b) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

"(3) The Office may award grants to nonprofit organizations for the purpose of providing training or technical assistance to the Commission or to nonprofit organizations that provide out-of-school time programs.".

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

"(e) Except for grants supporting out-of-school time summer programs, grants awarded under subsection (b)(1) of this section shall be for terms of at least 3 years, subject to the availability of funding.".

SUBTITLE O. OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION REPORTING REQUIREMENTS

Sec. 4141. Short title.

This subtitle may be cited as the "Office of the State Superintendent of Education Reporting Requirements Amendment Act of 2017".

Sec. 4142. Section 10(e) of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-409(e)), is repealed.

Sec. 4143. Section 2(k) of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-203(k)), is amended by striking the date "October 1" and inserting the date "November 30" in its place.

Sec. 4144. Section 202(d) of the Attendance Accountability Amendment Act of 2013, effective June 23, 2015 (D.C. Law 21-12; D.C. Official Code § 38-236(d)), is amended by striking the date "October 1" and inserting the date "December 15" in its place.

Sec. 4145. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 103(e) (D.C. Official Code § 38-271.03(e)) is amended by striking the date "September 15" and inserting the date "December 30" in its place.

(b) Section 104 (D.C. Official Code § 38-271.04) is amended by striking the date "September 30" and inserting the date "December 30" in its place.

(c) Section 105(a) (D.C. Official Code § 38-271.05(a)) is amended by striking the date "September 30" and inserting the date "December 30" in its place.

Sec. 4146. Section 15c of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.03), is amended by striking the date "May 9" and inserting the date "July 31" in its place.

Sec. 4147. Section 303 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-823.03), is amended by striking the date "June 30" and inserting the date "September 30" in its place.

Sec. 4148. Section 116(a) of the Protection of Students with Disabilities Amendment Act of 2008, effective March 20, 2009 (D.C. Law 17-304; D.C. Official Code § 38-2561.16(a)), is amended by striking the phrase "to the Council".

Sec. 4149. Section 112(a)(2) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2911(a)(2)), is amended by striking the date "2016" and inserting the date "2017" in its place.

Sec. 4150. Applicability.

This subtitle 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).

SUBTITLE P. PER CAPITA DISTRICT OF COLUMBIA PUBLIC SCHOOL AND PUBLIC CHARTER SCHOOL FUNDING AMENDMENT

Sec. 4151. Short title.

This subtitle may be cited as the "Per Capita District of Columbia Public School and Public Charter School Funding Amendment Act of 2017".

Sec. 4152. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.01 *et seq.*), is amended as follows:

(a) Section 2402 (D.C. Official Code § 38-1804.02) is amended as follows:

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

(A) The lead-in language is amended to read as follows:

"(b) COLLECTION OF ENROLLMENT FIGURES. — Not later than October 15 of each year, the Office of the State Superintendent of Education shall collect the following from local education agencies:".

(B) Paragraphs (2), (4), and (6) are repealed.

(C) Paragraph (7) is amended by striking the semicolon at the end and inserting the phrase "; and" in its place.

(D) Paragraph (8) is repealed.

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

"(c) ANNUAL REPORTS. — Not later than December 31 of each year, the Office of the State Superintendent of Education shall transmit to the Mayor and the Council, and make publicly available, a report on the verified enrollment of each local education agency, disaggregated by the categories of students identified in subsection (b) of this section, and an explanation of the systems, procedures, and methodology used to verify enrollment pursuant to subsection (d) of this section.".

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

"(d) VERIFICATION OF STUDENT ENROLLMENT. — The Office of the State Superintendent of Education shall:

"(1) Verify the accuracy of the local education agencies' enrollment figures provided pursuant to subsections (a) and (b) of this section;

"(2) Determine the amount of fees and tuition assessed and collected from the nonresident students described in subsection (b) of this section; and

"(3) Fund the verification solely from amounts appropriated to the Office of the State Superintendent of Education for staff, stipends, and non-personal services of the Office of the State Superintendent of Education by an act making appropriations for the District of Columbia.".

(b) Section 2403 (D.C. Official Code § 38-1804.03) is amended as follows:

(1) Subsection (a)(2)(E) is amended by striking the phrase "audited enrollment" and inserting the phrase "verified enrollment" in its place.

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

(A) Paragraph (3) is amended by striking the phrase "audited enrollment" and inserting the phrase "verified enrollment" in its place.

(B) Paragraph (4) is amended by striking the phrase "audited actual enrollment" both times it appears and inserting the phrase "verified actual enrollment" in its place.

Sec. 4153. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-270; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 107 (D.C. Official Code § 38-2906) is amended as follows:

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

(A) Strike the date "2012" and insert the date "2018" in its place.

(B) Strike the phrase "audited enrollment" and insert the phrase "verified enrollment" in its place.

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

"(d)(1) The student counts reported by October 15 of each year shall be verified by the Office of the State Superintendent of Education, which shall also determine the number of students whose tuition for enrollment in other school systems is paid for by funds available to the

District of Columbia public schools and the amount of fees and tuition assessed and collected from nonresident students enrolled in local education agencies.

"(2) The verification shall cover the information required by section 2402 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.02), and shall be transmitted to the Mayor and the Council, and made publically available, no later than December 31 of each year. Until the verification is transmitted, the unverified October count shall serve as the basis for quarterly payments.".

(b) Section 107b (D.C. Official Code § 38-2906.02) is amended as follows:

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

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

(i) Strike the phrase "unaudited October enrollment" and insert the phrase "unverified October enrollment" in its place.

(ii) Strike the phrase "on October 5" and insert the phrase "by October 15" in its place.

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

(i) Strike the phrase "unaudited October enrollment" and insert the phrase "unverified October enrollment" in its place.

(ii) Strike the phrase "on October 5" and insert the phrase "by October 15" in its place.

(C) Paragraph (4) is amended by striking the phrase "audited October enrollment" and inserting the phrase "verified October enrollment" in its place.

(2) Subsection (c) is amended by striking the word "audit" both times it appears and inserting the word "verification" in its place.

TITLE V. HEALTH AND HUMAN SERVICES

SUBTITLE A. TANF CHILD BENEFIT PROTECTION

Sec. 5001. Short title.

This subtitle may be cited as the "TANF Child Benefit Protection Amendment Act of 2017".

Sec. 5002. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 205 (D.C. Official Code § 4-202.05) is amended by adding a new subsection (e) to read as follows:

"(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the TANF Child Benefit Protection Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244).".

(b) Section 511b (D.C. Official Code § 4-205.11b) is repealed.

(c) Section 518(e) (D.C. Official Code § 4-205.18(e)) is amended by striking the phrase "act." and inserting the phrase "act; provided, that no sanction under this title, or regulations implementing this title, shall exceed 6% of the assistance unit's TANF benefits." in its place.

(d) Section 519f (D.C. Official Code § 4-205.19f) is amended by adding a new subsection (g) to read as follows:

"(g)(1) For the purposes of this subsection, an assistance unit's TANF benefits shall consist of the following portions:

"(A) 80% is designated for the child or children of the assistance unit; and

"(B) 20% is designated for the adult member or members of the assistance unit.

"(2) No sanction under this title, or regulations implementing this title, shall reduce the portion of an assistant unit's TANF benefits that is designated for the child or children of the assistance unit.

"(3) The Department of Human Services shall impose a 30% reduction of the portion of the assistance unit's TANF benefits designated for the adult member or members of the assistance unit when a TANF recipient is found to be in noncompliance with this title, or regulations implementing this title.".

(e) Section 552 (D.C. Official Code § 4-205.52) is amended as follows:

(1) Subsection (c-2) is repealed.

(2) Subsection (c-3) is repealed.

(f) Section 553(a) (D.C. Official Code § 4-205.53(a)) is amended by striking the phrase "made erroneously, or if he or she finds that the recipient's circumstances have altered sufficiently to warrant such action" and inserting the phrase "made erroneously, if the recipient's circumstances have altered sufficiently to warrant such action, or if the recipient has not timely completed the recertification process" in its place.

SUBTITLE B. CFSA REPORTING REQUIREMENTS

Sec. 5021. Short title.

This subtitle may be cited as the "CFSA Reporting Requirements Amendment Act of 2017".

Sec. 5022. Section 105 of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16–69; D.C. Official Code § 4–251.05), is amended by striking the phrase "No later than January 1 of each year, beginning in 2007" and inserting the phrase "No later than February 28th of each year, beginning in 2018" in its place.

Sec. 5023. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 374(b)(3) (D.C. Official Code § 4-1303.74(b)(3)) is amended by striking the phrase "Beginning January 31, 2014, and every January 31st thereafter" and inserting the phrase "Beginning February 28, 2018, and every February 28th thereafter" in its place.

(b) Section 384(b)(1) (D.C. Official Code § 4-1303.84(b)(1)) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase "Beginning on January 31, 2018, and every January 31st thereafter" and inserting the phrase "Beginning on February 28, 2018, and every February 28th thereafter" in its place.

(2) Subparagraph (D) is amended by striking the phrase "By January 31, 2018, and every January 31st thereafter" and inserting the phrase "By February 28, 2018, and every February 28th thereafter" in its place.

Sec. 5024. Section 107 of the Newborn Safe Haven Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-158; D.C. Official Code § 4-1451.07), is amended by striking the phrase "January 1, 2011, and on January 1 of each year thereafter" and inserting the phrase "January 31, 2018, and on January 31st of each year thereafter" in its place.

SUBTITLE C. DEPARTMENT OF HEALTH CARE FINANCE GRANT-MAKING

Sec. 5031. Short title.

This subtitle may be cited as the "Department of Health Care Finance Grant-Making Amendment Act of 2017".

Sec. 5032. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-771.01) is amended by adding a new paragraph (4A) to read as follows:

"(4A) "Director" means the Director of the Department of Health Care Finance.".

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

"Sec. 8a. Grant authority.

"(a)(1) For Fiscal Year 2018, the Director shall:

"(A) Award 4 grants of at least $50,000 to facilitate the development and application of telehealth services to:

"(i) Health care providers located in Wards 7 and 8; and

"(ii) Residents located in Wards 7 and 8;

"(B) Award 2 grants of at least $75,000 to facilitate the development and application of telehealth services to homeless shelters or public housing projects; and

"(C) Award a grant of $250,000 to a college of pharmacy located in the District to create and maintain a medication-assisted treatment genomic registry.

"(2) In awarding grants pursuant to paragraph (1)(A) of this subsection, the Director shall consider the following:

"(A) Promoting telehealth in specialty areas of medicine, including ophthalmology, obstetrics, and endocrinology; and

"(B) Expanding the application of telehealth to public schools, patient homes, and skilled nursing facilities.

"(b) By April 1, 2018, the Director shall submit a report to the Secretary to the Council on all grants issued pursuant to subsection (a) of this section.

"(c) All grants issued pursuant to subsection (a) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

"(d) The Director may set forth health outcome measures for all grants issued pursuant to subsection (a) of this section.

"(e) For the purposes of this section, the term:

"(1) "Health-care provider" shall have the same meaning as provided in section 3(4) of the Health-Care Decisions Act of 1988, effective March 16, 1989 (D.C. Law 7-189; D.C. Official Code § 21-2202(4)).

"(2) "Medication-assisted treatment genomic registry" means a central location for the submission of genetic test information that health care providers can use in the provision of medication assisted treatment, clinical decision support for induction, stabilization, and maintenance treatment, and genomic-guided medication therapy management for opioid addiction.

"(3) "Telehealth" shall have the same meaning as provided in section 2(4) of the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861(4)).".

SUBTITLE D. MEDICAL ASSISTANCE PROGRAM

Sec. 5041. Short title.

This subtitle may be cited as the "Medical Assistance Program Amendment Act of 2017".

Sec. 5042. Section 1(a) of 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(a)), is amended by adding a new paragraph (11) to read as follows:

"(11) Review and approval by the Council of the Fiscal Year 2018 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

"(A) Continue a provider fee on District Medicaid hospitals for in-patient services;

"(B) Continue a supplemental payment to District Medicaid hospitals for outpatient services;

"(C) Update the payment methodology and rates for fee-for-service providers;

"(D) Renew and amend the Intellectual and Developmental Disabilities waiver;

"(E) Make changes to the health homes program; and

"(F) Make changes to mental health rehabilitation services.".

SUBTITLE E. SCHOOL-BASED BEHAVIORAL HEALTH COMPREHENSIVE PLAN

Sec. 5051. Short title.

This subtitle may be cited as "School-Based Behavioral Health Comprehensive Plan Amendment Act of 2017"

ENROLLED ORIGINAL

Sec. 5052. Section 203 of the Early Childhood and School-Based Behavioral Health Infrastructure Act of 2012, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 2-1517.32), is amended as follows:

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

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

"(b)(1) The Mayor shall not alter the school-based behavioral health programs and services model for the 2017-2018 school year.

"(2) There is established a Task Force on School Mental Health ("Task Force") to steer the creation of a comprehensive plan to expand school-based behavioral health programs and services. The Task Force shall consist of the following:

"(A) The Deputy Mayor for Health and Human Services or his or her designee;

"(B) The Deputy Mayor for Education or his or her designee;

"(C) The Director of the Department of Behavioral Health or his or her designee;

"(D) The State Superintendent of Education or his or her designee;

"(E) A Department of Behavioral Health school mental health program clinician appointed by the Chairperson of the Committee on Health, in consultation with committee members;

"(F) The Chairperson of the Committee on Health or his or her designee;

"(G) The Chairperson of the Committee on Education or his or her designee;

"(H) A Department of Behavioral Health school mental health program clinician appointed by the Mayor;

"(I) A representative of a core service agency appointed by the Mayor;

"(J) A non-core service agency school mental health provider appointed by the Mayor;

"(K) A District of Columbia Public Schools representative appointed by the Mayor;

"(L) A parent of a District of Columbia Public Schools student and a parent of a District of Columbia public charter school student appointed by the Chairperson of the Committee on Education, in consultation with committee members;

"(M) A non-core service agency school mental health provider appointed by the Chairperson of the Committee on Education, in consultation with committee members;

"(N) A District of Columbia public charter school representative appointed by the Chairperson of the Committee on Education, in consultation with committee members;

"(O) A representative of a core service agency appointed by the Chairperson of the Committee on Health, in consultation with committee members; and

"(P) A school mental health expert appointed by the Chairperson of the Committee on Health, in consultation with committee members.

"(3) The Task Force shall review the comprehensive plan submitted to the Committee on Health and the Committee on Education on May 9, 2017, by the Deputy Mayor for Health and Human Services ("Deputy Mayor").

"(4) By February 9, 2018, the Task Force shall provide a report to the Council and the Mayor that includes the following:

"(A) An evaluation of the comprehensive plan submitted under paragraph (3) of this subsection, including the following:

"(i) Any shortcomings or defects in the plan;

"(ii) An analysis of healthcare provider interest in participating in the plan;

"(iii) An analysis of healthcare provider capacity to participate in the plan; and

"(iv) District of Columbia Public Schools and District of Columbia public charter schools interest in participating in the plan;

"(B) An analysis of the school mental health programs and providers currently operating in District of Columbia Public Schools and District of Columbia public charter schools, including best practices;

"(C) An analysis of the Department of Behavioral Health's current school mental health program ("SMHP") to determine what schools participate in the SMHP and what activities occur across the schools, including an analysis of available Department of Behavioral health data, such as the following:

"(i) The number of psychiatric admits for children by school;

"(ii) The number of children with an individualized education plan; and

"(iii) Existing SMHP data for the number of sessions and number of clients per school;

"(D) A comprehensive plan to expand school-based behavioral health programs and services, which shall include:

"(i) The Task Force's proposed changes to the Deputy Mayor's comprehensive plan under paragraph (3) of this subsection;

"(ii) A timeline for implementation of the Task Force's comprehensive plan;

"(iii) A funding source for the Task Force's comprehensive plan;

"(iv) A workforce development strategy;

"(v) The District-wide need for school-based behavioral health programs and services; and

"(vi) Evaluation criteria to determine the common metrics all school mental health providers should collect so indicators of success may be reported across providers.".

ENROLLED ORIGINAL

SUBTITLE F. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT

Sec. 5061. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Act of 2017".

Sec. 5062. Definitions.

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

(2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(l)), but excludes any hospital operated by the federal government.

(3) "Hospital system" means any group of hospitals licensed separately, but operated, owned, or maintained by a common entity.

(4) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of 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), and administered by the Department.

(5) "Outpatient gross patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported as the sum of Lines 18 and 19; Column 2; Worksheet G-2 of the Hospital and Hospital Health Care Complex Cost Report (Form CMS 2552-10), filed for the period ending between October 1, 2014, and September 30, 2015.

Sec. 5063. Hospital Provider Fee Fund.

(a) There is established as a special fund the Hospital Provider Fee Fund ("Fund"), which shall be administered by the Department in accordance with subsections (c) and (d) of this section.

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

(1) Fees collected under this subtitle; and

(2) Interest and penalties collected under this subtitle.

(c) Money in the Fund may only be used for the following purposes:

(1) Making Medicaid outpatient hospital access payments to hospitals as required under section 5066;

(2) Payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle in an amount not to exceed $150,000 annually; and

(3) Providing refunds to hospitals pursuant to section 5065.

(d) Money in the Fund may not be used to replace money appropriated to the Medicaid program.

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

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

Sec. 5064. Hospital provider fee.

(a) Beginning October 1, 2017, and subject to section 5065, the District may charge each hospital a fee based on its outpatient gross patient revenue. The fee shall be charged at a uniform rate necessary to generate the following:

(1) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for private hospitals applicable to District Fiscal Year ("DFY") 2018 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(2) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for District operated hospitals applicable to DFY 2018 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(3) An amount equal to the Department's administrative expenses as described in section 5063(c)(2).

(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

Sec. 5065. Applicability of fees.

(a) The fee imposed by section 5064 shall not be due and payable until such time that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5066.

(b) The fee imposed by section 5064 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospitals in proportion to the amounts paid by them, if:

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment to payment rates that are in effect on October 1, 2016; or

(2) The payments to hospitals required under section 5066 are modified in any way other than to secure federal approval of such payments as described in section 5066 or are not eligible for federal matching funds under section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. § 1396b(w)) ("Social Security Act").

(c) The fee imposed by section 5064 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under section 1903(w)(3)(B) of the Social Security Act by the Centers for Medicare and Medicaid Services.

(d) Should the fee imposed by section 5064 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section

5066 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the fee is impermissible, any remaining moneys shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5066. Medicaid outpatient hospital access payments.

(a)(1) For visits and services beginning October 1, 2017, quarterly Medicaid outpatient hospital access payments shall be made to each private hospital.

(2) Each payment will be equal to the hospital's DFY 2015 outpatient Medicaid payments divided by the total in District private hospital DFY 2015 outpatient Medicaid payments multiplied by 1/4 of the total outpatient private hospital access payment pool.

(3) The total outpatient private hospital access payment pool is equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for DFY 2018.

(b)(1) For visits and services beginning October 1, 2017, outpatient hospital access payments shall be made to the United Medical Center.

(2) Each payment shall be equal to 1/4 of the total outpatient public hospital access payment pool.

(3) The total outpatient public hospital access payment pool is equal to the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for DFY 2018.

(c) The quarterly Medicaid outpatient hospital access payments shall be made within 15 business days after the end of each DFY quarter for the Medicaid visits and services rendered during that quarter.

(d) No payments shall be made under this section until such time that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in this subtitle.

(e) The Medicaid payment methodologies authorized under this subtitle shall not be altered in any way unless such alteration is necessary to gain federal approval from the Centers for Medicare and Medicaid Services.

Sec. 5067. Quarterly notice and collection.

(a) The fee imposed under section 5064, which shall be calculated, due, and payable on a quarterly basis, shall be due and payable by the 15th of the last month of each DFY quarter; provided, that the fee shall not be due and payable until:

(1) The District issues written notice that the payment methodologies for payments to hospitals required under section 5066 have been approved by the Centers for Medicare and Medicaid Services; and

(2) The District issues written notice to the hospital informing the hospital of its fee rate, outpatient gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period commencing on October 1, 2017, to ensure all applicable fee obligations have been identified.

(b)(1) If a hospital fails to pay the full amount of the fee in accordance with this subtitle, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(c) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5068. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding any other provision in this subtitle, if a hospital system or person ceases to conduct, operate, or maintain a hospital that is subject to a fee under section 5064, as evidenced by the transfer or surrender of the hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5064 by a fraction, the numerator of which is the number of days in the year during which the hospital system or person conducted, operated, or maintained the hospital, and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision in this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5064 and subsection (a) of this section in installments on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

Sec. 5069. Rules.

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

Sec. 5070. Sunset.

This subtitle shall expire on September 30, 2018.

SUBTITLE G. MEDICAID HOSPITAL INPATIENT FEE

Sec. 5081. Short title.

This subtitle may be cited as the "Medicaid Hospital Inpatient Rate Supplement Act of 2017".

Sec. 5082. Definitions.

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

(2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(l)), but excludes any hospital operated by the federal government and any specialty hospital, as defined by the District of Columbia's Medicaid State Plan ("State Plan"), or a hospital that is reimbursed under a specialty hospital reimbursement methodology under the State Plan.

(3) "Hospital system" means any group of hospitals licensed separately but operated, owned, or maintained by a common entity.

(4) "Inpatient net patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals as derived from each hospital's filed Hospital and Hospital Health Care Complex Cost Report (Form CMS-2552-10), filed for the period ending between October 1, 2014, and September 30, 2015, using the references below:

(A) The sum of: Worksheet G-2; Column 1; Lines 1, 2, 3, 4, 16 and 18;

(B) Minus: The ratio of the sum of Worksheet G-2; Column 1; Lines 5, 6, and 7 divided by Worksheet G-2; Column 1; Line 17 multiplied by Worksheet G-2; Column 1; Line 18;

(C) Divided by: Worksheet G-2; Column 3; Line 28; and

(D) Multiplied by: Worksheet G-3; Column 1; Line 3.

(5) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*) ("Social Security Act"), and by section 1 of 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), and administered by the Department.

Sec. 5083. Hospital Fund.

(a) There is established as a special fund the Hospital Fund ("Fund"), which shall be administered by the Department in accordance with subsection (c) of this section.

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

(1) Fees collected under this subtitle;

(2) Interest and penalties collected under this subtitle; and

(3) Other amounts collected under this subtitle.

(c) Money in the Fund shall be used solely as set forth in section 5084 (a)(2) of this subtitle.

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

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation; provided, that any remaining money in the Fund at the end of each fiscal year shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5084. Hospital provider fee.

(a)(1) Beginning October 1, 2017, and except as provided in subsection (b) of this section and section 5087, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

(2) The fee shall be charged at a uniform rate necessary to generate no more than $8.8 million to support the maintenance of inpatient Medicaid Fee-for-Service rates at the District Fiscal Year ("DFY") 2015 level of 98% of cost to non-specialty hospitals.

(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5083.

(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

(c) If necessary, by August 1, 2017, the Department shall submit a provider tax waiver application to the Center for Medicare and Medicaid Services to ensure the provisions of this subtitle qualify as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act.

Sec. 5085. Quarterly notice and collection.

(a) The fee imposed under section 5084 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5084 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until the District issues written notice to each hospital informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period October 1, 2017, to ensure all applicable fee obligations have been identified.

(c)(1) If a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5086. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding section 5084, if a hospital system or person that is subject to a fee under section 5084 ceases to conduct, operate, or maintain a hospital, as evidenced by the transfer or surrender of a hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5084 by a fraction, the numerator of

which is the number of days in the year during which the hospital system or person conducts, operates, or maintains the hospital and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision of this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee required under 5084 in accordance with subsection (a) of this section on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due date of the initial notice.

Sec. 5087. Federal determinations; suspension and termination of assessment.

(a) If the Centers for Medicare and Medicaid Services determines that an assessment imposed on a hospital pursuant to this subtitle does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, that determination shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other hospitals imposed by this subtitle.

(b) If the Centers for Medicare and Medicaid Services determines that an exclusion for specialty hospitals under this subtitle would prevent an assessment imposed by this subtitle from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, the exclusion of specialty hospitals shall not be made.

Sec. 5088. Rules.

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

Sec. 5089. Applicability; sunset.

This subtitle shall expire on September 30, 2018.

SUBTITLE H. EAST END MEDICAL CENTER

Sec. 5091. Short title.

This subtitle may be cited as the "East End Medical Center Act of 2017".

Sec. 5092. The Department of Health Care Finance, in coordination with the Deputy Mayor for Planning and Economic Development, shall develop a plan to establish a high-quality, full-service community hospital on the Saint Elizabeths East Campus.

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

SUBTITLE A. PRODUCT STEWARDSHIP

Sec. 6001. Short title.

This subtitle may be cited as the "Product Stewardship Amendment Act of 2017".

Sec. 6002. The Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 8-233.04) is amended by adding a new subsection (f) to read as follows:

"(f) Permit fees collected pursuant to this section shall be deposited in the Product Stewardship Fund established by section 127 of the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244).".

(b) Section 7(b) (D.C. Official Code § 8-233.06(b)) is amended as follows:

(1) Designate the existing text as paragraph (1).

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

"(2) Revenue generated from the enforcement of this act shall be deposited in the Product Stewardship Fund established by section 127 of the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244).".

Sec. 6003. Title I of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1041.01 *et seq.*), is amended as follows:

(a) Section 115(4) (D.C. Official Code § 8-1041.01(4)) is amended by striking the phrase "Cosmetic Act." and inserting the phrase "Cosmetic Act. The term "covered electronic equipment" also does not include equipment that is sold to the District government or the federal government." in its place.

(b) Section 118(d) (D.C. Official Code § 8-1041.04(d)) is amended to read as follows:

"(d) Fees collected under this section shall be deposited in the Product Stewardship Fund established by section 127.".

(c) Section 126 (D.C. Official Code § 8-1041.12) is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (3) to read as follows:

"(3) The Mayor may, by rule, restrict the definition of covered electronic equipment to exclude equipment sold to businesses with 100 or more employees.".

(2) Subsection (b) is amended by striking the period and adding the phrase ". Revenue generated from the enforcement of this subtitle shall be deposited in the Product Stewardship Fund established by section 127." in its place.

(d) A new Subtitle C is added to read as follows:

"SUBTITLE C. PRODUCT STEWARDSHIP

"Sec. 127. Product Stewardship Fund.

"(a) There is established as a special fund the Product Stewardship Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

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

"(1) Permit fees collected pursuant to section 5 of the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.04);

"(2) Civil fines and penalties collected pursuant to section 7 of the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.06);

"(3) Fees collected pursuant to section 118; and

"(4) Civil penalties and fines collected pursuant to section 126.

"(c) Money in the Fund shall be used for the purposes of supporting and administering the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.01 *et seq.*), and Subtitle B.

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

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

SUBTITLE B. SOLAR FOR ALL PROGRAM

Sec. 6011. Short title.

This subtitle may be cited as the "Solar for All Program Amendment Act of 2017".

Sec. 6012. Section 216 of the Clean and Affordable Energy Act of 2008, effective October 8, 2016 (D.C. Law 21-154; D.C. Official Code § 8-1774.16), is amended as follows:

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

"(a)(1) There is established the Solar for All Program ("Program") to increase the access of seniors, small local businesses, nonprofits, and low-income households in the District to the benefits of solar power.

"(2) The Program shall provide the long-term financial benefits of solar energy production to at least 100,000 District low-income households in an amount equivalent to at least 50% of the District's average residential electric bills for calendar year 2016 by December 31, 2032. The Department shall, to the extent feasible, meet this goal by reducing low-income households' electric or gas bills by at least 50%.".

(b) Subsection (e)(1)(C) is amended to read as follows:

"(C) Annual benchmarks for complying with subsection (a)(2) of this section.".

SUBTITLE C. LIHEAP HEAT AND EAT INITIATIVE

Sec. 6021. Short title.

This subtitle may be cited as the "LIHEAP Heat and Eat Initiative Amendment Act of 2017".

Sec. 6022. Section 5083(b) of the Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 4-261.03(b)), is amended by striking the phrase "recipients shall" and inserting the phrase "recipients who would receive additional SNAP benefits if they received the minimum annual benefit described in subsection (c) of this section shall" in its place.

SUBTITLE D. AIR QUALITY CONSTRUCTION PERMITS FUND

Sec. 6031. Short title.

This subtitle may be cited as the "Air Quality Construction Permits Fund Amendment Act of 2017".

Sec. 6032. The District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5–165; D.C. Official Code § 8-101.01 *et seq.*), is amended by adding a new section 5i to read as follows:

"Sec. 5i. Air Quality Construction Permits Fund.

"(a) There is established as a special fund the Air Quality Construction Permits Fund ("Fund"), which shall be administered by the Director of the Department of Energy and Environment in accordance with subsection (c) of this section.

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

"(1) Fees collected pursuant to this act; and

"(2) Revenue generated from the enforcement of this act.

"(c) Money in the Fund shall be used to support and administer the air quality programs of the Department of Energy and Environment.

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

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

SUBTITLE E. SOIL EROSION AND SEDIMENT CONTROL FUND

Sec. 6041. Short title.

This subtitle may be cited as the "Soil Erosion and Sediment Control Fund Amendment Act of 2017".

Sec. 6042. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new section 10c to read as follows:

"Sec. 10c. Soil Erosion and Sediment Control Fund.

"(a) There is established as a special fund the Soil Erosion and Sediment Control Fund ("Fund"), which shall be administered by the Director of the Department of Energy and Environment in accordance with subsection (c) of this section.

"(b) Revenue collected under this act from the Department of Energy and Environment's review of construction plans for erosion and sediment control shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the purposes of supporting and administering the soil erosion and sediment control programs of the Department of Energy and Environment.

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

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

SUBTITLE F. STORMWATER FEES FUND

Sec. 6051. Short title.

This subtitle may be cited as the "Stormwater Fees Fund Amendment Act of 2017".

Sec. 6052. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new section 10d to read as follows:

"Sec. 10d. Stormwater Fees Fund.

"(a) There is established as a special fund the Stormwater Fees Fund ("Fund"), which shall be administered by the Director of the Department of Energy and Environment in accordance with subsection (c) of this section.

"(b) Revenue collected under this act from the Department of Energy and Environment's review of construction and grading plans for stormwater management shall be deposited into the Fund.

"(c) Money in the Fund shall be used for the purposes of supporting and administering the stormwater management programs of the Department of Energy and Environment.

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

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

Sec. 6053. Applicability.

This subtitle shall apply as of September 30, 2017.

SUBTITLE G. WETLAND FUND

Sec. 6061. Short title.

This subtitle may be cited as the "Wetland Fund Amendment Act of 2017".

Sec. 6062. Section 10(d)(1) of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.09(d)(1)), is amended by striking the phrase "Excluding monies collected in the current year, any money deposited in the Wetland Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia" and inserting the phrase "The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time. Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation" in its place.

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SUBTITLE H. PRIVATE SPONSORSHIP OF DC CIRCULATOR AND DC STREETCAR

Sec. 6071. Short title.

This subtitle may be cited as the "Private Sponsorship of DC Circulator and DC Streetcar Amendment Act of 2017".

Sec. 6072. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14–137; D.C. Official Code § 50–921.01 *et seq.*), is amended as follows:

(a) Section 5(a)(3)(H)(ii) (D.C. Official Code § 50-921.04(a)(3)(H)(ii)) is amended by striking the phrase "section 9h;" and inserting the phrase "section 9h; provided further, that proceeds relating to private sponsorship of vehicles, equipment, and facilities used in the DC Circulator program shall be deposited into the DC Circulator Fund established by section 11c; provided further, that proceeds relating to private sponsorship of vehicles, equipment, and facilities used in the DC Streetcar program shall be deposited into the DC Streetcar Fund established by section 11o;" in its place.

(b) Section 11b (D.C. Official Code § 50-921.32) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "; and" and inserting a semicolon in its place.

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

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

"(4) Enter into agreements to allow the private sponsorship of vehicles, equipment, and facilities used in the DC Circulator program, and the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, and on related websites and social media; provided, that a proposed private sponsorship agreement entered into pursuant to this paragraph shall be submitted, before execution, to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The agreement submitted to the Council shall include detailed information about the proposed private sponsorship agreement, including, if the agreement contemplates the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, or websites or social media, a drawing depicting how the vehicles, equipment, or facilities, or websites or social media, will appear. If the Council does not approve or disapprove the proposed private sponsorship agreement by resolution within this 45-day review period, the proposed private sponsorship agreement shall be deemed approved.".

(c) Section 11n (D.C. Official Code § 50-921.72) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (4) is amended by striking the period and inserting the phrase "; and" in its place.

(3) A new paragraph (5) is added to read as follows:

"(5) Enter into agreements to allow the private sponsorship of vehicles, equipment, and facilities used in the DC Streetcar program, and the placement of a corporate

logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, and on related websites and social media; provided, that a proposed private sponsorship agreement entered into pursuant to this paragraph shall be submitted, before execution, to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The agreement submitted to the Council shall include detailed information about the proposed private sponsorship agreement, including, if the agreement contemplates the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, or websites or social media, a drawing depicting how the vehicles, equipment, or facilities, or websites or social media, will appear. If the Council does not approve or disapprove the proposed private sponsorship agreement by resolution within the 45-day review period, the proposed private sponsorship agreement shall be deemed approved.".

SUBTITLE I. COMPETITIVE GRANTS

Sec. 6081. Short title.

This subtitle may be cited as the "Competitive Grants Act of 2017".

Sec. 6082. In Fiscal Year 2018, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed $200,000, to support the development of a pilot program to operate a nonprofit grocery store in Ward 8.

Sec. 6083. In Fiscal Year 2018, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed $200,000, to support the development of a pilot program to operate a community-owned grocery store in Ward 8.

Sec. 6084. In Fiscal Year 2018, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed $250,000, to support the costs associated with the creation of an equitable food business incubator in Ward 8.

Sec. 6085. In Fiscal Year 2018, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed $150,000, to conduct a study to analyze aircraft noise from Ronald Reagan Washington National Airport and recommend improvements to its noise abatement programs.

Sec. 6086. In Fiscal Year 2018, the Office of Planning shall award a grant, on a competitive basis, in an amount not to exceed $200,000, to a nonprofit organization seeking a matching grant to improve federally owned park land in the District.

Sec. 6087. In Fiscal Year 2018, the Department of Parks and Recreation shall award grants, on a competitive basis, in an amount not to exceed $5,000 for each grant and $40,000 for all grants awarded under this section, to organize a community run or walk event series in each ward.

SUBTITLE J. CRUMB RUBBER SYNTHETIC TURF MORATORIUM

Sec. 6091. Short title.

This subtitle may be cited as the "Crumb Rubber Artificial Turf Moratorium Act of 2017".

Sec. 6092. Beginning on the effective date of the Crumb Rubber Artificial Turf Moratorium Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), there shall be a moratorium on the installation or construction of any synthetic turf fields made from crumb rubber or other materials made from recycled tires on property owned or leased by the District.

SUBTITLE K. ENERGY ASSISTANCE TRUST FUND FEE

Sec. 6101. Short title.

This subtitle may be cited as the "Energy Assistance Trust Fund Fee Amendment Act of 2017".

Sec. 6102. Section 211 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.11), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "$.0051 per therm" and inserting the phrase "$0.0083359 per therm" in its place.

(2) Paragraph (2) is amended by striking the phrase "$0.0000607 per-kilowatt hour" and inserting the phrase "$0.0002322 per-kilowatt hour" in its place.

(b) Subsection (c) is amended by striking the phrase "program in the amount of $2.33 million annually," and inserting the phrase "program," in its place.

SUBTITLE L. HEALTHY SCHOOLS ACT

Sec. 6111. Short title.

This subtitle may be cited as the "Healthy Schools Amendment Act of 2017".

Sec. 6112. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-821.01) is amended as follows:

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

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

"(1) "Formula grants process" means a process developed by OSSE to distribute grants based on the availability of funding and the needs of schools, as identified through OSSE data collection tools.".

(b) Section 102 (D.C. Official Code § 38-821.02) is amended as follows:

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

(A) Paragraph (6) is amended by striking the phrase "through a competitive process" and inserting the phrase "through a competitive process or a formula grants process" in its place.

(B) Paragraph (7) is amended by striking the phrase "through a competitive process" and inserting "through a competitive process or a formula grants process" in its place.

(C) New paragraphs (9) and (10) are added to read as follows:

"(9) To increase nutrition education in schools, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through either a competitive grant process or a formula grants process, to public schools, public charter schools, and organizations that provide technical assistance to public schools and public charter schools to incorporate nutrition education into the school day.

"(10) To increase cafeteria staff's abilities to provide healthy meals for students, the Office of the State Superintendent for Education shall make grants available, subject to the availability of funds in the Fund, through either a competitive grant process or a formula grants process, to public schools and public charter schools for the acquisition of kitchen equipment and training sessions for cafeteria workers on cooking skills and nutrition.".

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

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

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

"(2) For the fiscal year beginning on October 1, 2017, and ending on September 30, 2018, in addition to the amount required by paragraph (1) of this subsection, an additional $400,000 from the revenues derived from the collection of the tax imposed upon all vendors by D.C. Official Code § 47-2002 shall be deposited into the Fund.".

SUBTITLE M. TREE CANOPY PROTECTION

Sec. 6121. Short title.

This subtitle may be cited as the "Tree Canopy Protection Amendment Act of 2017".

Sec. 6122. Section 4(a) of the Tree Canopy Protection Amendment Act of 2016, effective July 1, 2016 (D.C. Law 21-133; D.C. Official Code § 8-651.02, note, § 8-651.04, note, and § 8-651.04a, note), is amended to read as follows:

"(a) Section 2(b)(1) and (c) shall not apply to:

"(1) A tree with a circumference of 55 inches or more for which a person or nongovernmental entity has an application for a tree removal permit, which is subsequently approved, pending as of the effective date of this act; or

"(2) A tree with a circumference of 100 inches or more that is located on residential property for which a District resident has a building permit application, which is subsequently approved, for a single-family home that contemplates removal of the tree pending as of October 1, 2016.".

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SUBTITLE N. LEAD EXPOSURE FROM DRINKING WATER IN CHILD DEVELOPMENT FACILITIES PREVENTION

Sec. 6131. Short title.

This subtitle may be cited as the "Lead Exposure from Drinking Water in Child Development Facilities Prevention Amendment Act of 2017".

Sec. 6132. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-2031) is amended as follows:

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

"(3A)(A) "Drinking water source" means a source of water on the property of a child development facility where children or adults can be expected to consume or cook with the water originating from that source.

"(B) The term "drinking water source" shall not include a source of water for which a child development facility posts a conspicuous sign pursuant to section 21a(b)(3).".

(2) A new paragraph (7A) is added to read as follows:

"(7A) "Remediation plan" means, at a minimum, a plan to:

"(A) Decrease the elevated lead concentration in a drinking water source to 5 parts per billion or less; or

"(B) Preclude people from consuming water from that source.".

(b) A new section 21a is added to read as follows:

"Sec. 21a. Prevention of lead in drinking water in child development facilities.

"(a) Within 120 days after the effective date of the Lead Exposure from Drinking Water in Child Development Facilities Prevention Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), the Department of Energy and Environment ("DOEE") shall provide a list of approved contractors to all child development facilities, from which child development facilities shall select a contractor to assist in meeting the requirements of subsection (b) of this section.

"(b) By September 30, 2019, each child development facility shall:

"(1) Locate all drinking water sources at the child development facility;

"(2) Install a filter that reduces lead in drinking water on each drinking water source in the child development facility and maintain the filters, at a minimum, in a manner consistent with the manufacturer's recommendations. Filters or all of the filter's component parts shall be certified for lead reduction to the National Sanitation Foundation (NSF) /American National Standards Institute (ANSI) Standard 53 for Health Effects or NSF/ANSI Standard 61 for Health Effects;

"(3) Post conspicuous signs near all water sources at the child development facility that are not drinking water sources that include an image that clearly communicates that the water source should not be used for cooking, when applicable, or consumed;

"(4) Test all drinking water sources for lead annually; and

"(5) If a test conducted pursuant to paragraph (4) of this subsection shows a lead concentration over 5 parts per billion:

"(A) Shut off the drinking water source within 24 hours of receiving the test result and keep the drinking water source shut off until a subsequent test shows that the lead concentration level is not over 5 parts per billion;

"(B) Notify, via email or written communication, parents and guardians of children at the child development facility about the test result and remediation plan within 5 business days of receiving the test result; and

"(C) Notify parents and guardians of children at the child development facility within 5 business days of the completion of the remediation plan.

"(c)(1) Any contractor selected pursuant to subsection (a) of this section shall, at times and in a manner to be determined by the Mayor, provide the child development facility that selected the contractor with written proof that the contractor's service complied with the requirements of this section.

"(2) A child development facility shall, at times and in a manner to be determined by the Mayor, provide proof of compliance with this section to DOEE.

"(d) After the child development facility provides proof of compliance to DOEE pursuant to subsection (c)(2) of this section, DOEE shall:

"(1) Compensate the contractor selected pursuant to subsection (a) of this section, pursuant to rules issued under subsection (h) of this section; and

"(2) Notify the Office of the State Superintendent of Education as to whether the child development facility has complied with the requirements of this section.

"(e)(1) If a contractor provides a false or misleading proof of compliance under subsection (c)(1) of this section, the Mayor shall, for a 5-year period:

"(A) Remove the contractor from all DOEE-approved contractor lists;

"(B) Prohibit the contractor from participating in the activities described in this section; and

"(C) Prohibit the contractor from conducting business with the District government.

"(2) The penalty provided in this subsection shall be in addition to any other penalty provided by law.

"(3) A person aggrieved by an action of the Mayor taken pursuant to paragraph (1) of this subsection may appeal the action of the Mayor to the Office of Administrative Hearings pursuant to section 6(b-14) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-14)).

"(f) OSSE, in consultation with DOEE, shall provide to the Mayor, the Council, and the Healthy Schools and Youth Commission, no later than June 30 of each year, a report on child development facility compliance with this section.

"(g) Nothing in this subsection is intended to, or does, create a private right of action against any person or entity based upon compliance or noncompliance with its provisions. No person or entity may assert any claim or right as a beneficiary or protected class under this subsection in any civil, criminal, or administrative action against the District of Columbia.

"(h) Within 120 days after the effective date of the Lead Exposure from Drinking Water in Child Development Facilities Prevention Amendment Act of 2017, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244), DOEE, in consultation with OSSE, pursuant to

Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including rules by which DOEE shall compensate contractors for services provided under subsection (b) of this section.".

Sec. 6133. Chapter 1 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 100 *et seq.*) is amended as follows:

(a) Section 103.5 (5-A DCMR § 103.5) is amended by adding a new paragraph (c-1) to read as follows:

"(c-1) Proof of compliance with section 21a of the Facilities Act;".

(b) Section 104.5 (5-A DCMR § 104.5) is amended by adding a new paragraph (a-1) to read as follows:

"(a-1) Proof of compliance with section 21a of the Facilities Act;".

(c) Section 122.8 (5-A DCMR § 122.8) is amended to read as follows:

"122.8 A Licensee shall ensure that a Facility is:

"(a) Free of any lead-based paint hazards; and

"(b) In compliance with section 21a of the Facilities Act with respect to all drinking water sources.".

(d) Section 129.2 (5-A DCMR § 129.2) is amended by adding a new paragraph (c-1) to read as follows:

"(c-1) Proof of compliance with section 21a of the Facilities Act;".

Sec. 6134. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-14) to read as follows:

"(b-14) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), (b-10), (b-11), (b-12), and (b-13), this act shall apply to all adjudicated cases involving contractors who provide false or misleading proof of compliance under section 21a of the Child Development Facilities Regulation Act of 1998, passed on 2nd reading on June 27, 2017 (Enrolled version of Bill 22-244).".

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. SUBJECT TO APPROPRIATIONS

Sec. 7001. Short title.

This subtitle may be cited as the "Subject to Appropriations Amendment Act of 2017".

Sec. 7002. Section 4 of the Bicycle Safety Enhancement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-352; 56 DCR 1115), is repealed.

Sec. 7003. Section 111(e) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1841(e)), is repealed.

Sec. 7004. Section 3 of the Rhode Island Avenue Metro Plaza Revenue Bonds Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-344; 58 DCR 630), is repealed.

Sec. 7005. Section 19 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.18), is repealed.

Sec. 7006. Section 3 of the Residential Parking Protection Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-182; 59 DCR 9427), is repealed.

Sec. 7007. Section 656 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-656), is amended to read as follows:

"Sec. 656. Applicability.

"(a) Except as provided in subsections (b) and (c) of this section, this subtitle shall apply as of October 1, 2016.

"(b) Section 654 shall apply as of October 1, 2017.

"(c)(1) Section 652 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

"(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

"(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

"(B) The date of publication of the notice of the certification shall not affect the applicability of this section.".

Sec. 7008. Section 401 of the Parent and Student Empowerment Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; 61 DCR 39), is repealed.

Sec. 7009. Section 12(b) of the Public Space Enforcement Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-207; 61 DCR 12690), is repealed.

Sec. 7010. Section 301 of the Soccer Stadium Development Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-233; 62 DCR 438), is repealed.

Sec. 7011. Section 4 of the Health-Care Decisions Amendment Act of 2015, effective February 27, 2016 (D.C. Law 21-72; 63 DCR 208), is repealed.

Sec. 7012. Section 3 of the Carcinogenic Flame Retardant Prohibition Amendment Act of 2016, effective May 12, 2016 (D.C. Law 21-108; 63 DCR 4315), is repealed.

Sec. 7013. Section 4 of the Youth Suicide Prevention and School Climate Survey Amendment Act of 2016, effective June 17, 2016 (D.C. Law 21-120; 63 DCR 6856), is repealed.

Sec. 7014. Section 901 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; 63 DCR 4659), is repealed.

Sec. 7015. Section 901 of the Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; 63 DCR 10143), is repealed.

Sec. 7016. Section 18 of the Building Service Employees Minimum Work Week Act of 2016, effective October 8, 2016 (D.C. Law 21-157; D.C. Official Code § 32-1051.17), is repealed.

Sec. 7017. Section 5 of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, effective October 21, 2016 (D.C. Law 21-158; 63 DCR 10752), is amended by striking the phrase "Amendatory sections 205(c)(3), 207(a), and 606 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e), (g), and (m)," and inserting the phrase "Amendatory sections 205(c)(3) and 606 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e) and (m)," in its place.

Sec. 7018. (a) Section 18 of the Death with Dignity Act of 2016, effective February 18, 2017 (D.C. Law 21-182; D.C. Official Code § 7-661.17), is repealed.

(b) This section shall apply as of the effective date of this act.

Sec. 7019. Section 4 of the Charitable Solicitations Relief Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-202; 63 DCR 15043), is repealed.

Sec. 7020. Section 4 of the Food, Environmental, and Economic Development in the District of Columbia Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-204; 63 DCR 15047), is repealed.

Sec. 7021. Section 5 of the Automatic Voter Registration Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-208; 63 DCR 15285), is repealed.

Sec. 7022. Section 4 of the Medical Marijuana Omnibus Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-209; 63 DCR 15291), is repealed.

Sec. 7023. Section 5 of the Relocation Expenses Recoupment and Lien Authority Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-211; 63 DCR 15307), is repealed.

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Sec. 7024. Section 4 of the Department of Consumer and Regulatory Affairs Community Partnership Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-213; 63 DCR 15330), is repealed.

Sec. 7025. Section 3 of the Planning Actively for Comprehensive Education Facilities Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-219; 63 DCMR 16023), is repealed.

Sec. 7026. Section 701(a) of the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; 63 DCR 15312), is amended to read as follows:

"(a) Sections 102(e)(3) and (4), 103, and 204(b) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.".

Sec. 7027. Section 3 of the Council Financial Disclosure Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-240; 64 DCR 1598), is repealed.

Sec. 7028. Section 3(a)(2), (b), and (c) of the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; 64 DCR 1635), is repealed.

Sec. 7029. Section 6 of the State Board of Education Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-252; 64 DCR 1656), is repealed.

Sec. 7030. Section 4 of the Fair Credit in Employment Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-256; 64 DCR 2045), is repealed.

Sec. 7031. Section 11 of the Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-259; 64 DCR 2070), is repealed.

Sec. 7032. Section 12 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; 64 DCR 2090), is repealed.

Sec. 7033. Section 301 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; 64 DCR 2110), is repealed.

Sec. 7034. Section 301 of the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; 64 DCR 2121), is repealed.

Sec. 7035. Section 3 of the First-time Homebuyer Tax Benefit Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-268; 64 DCR 2159), is repealed.

Sec. 7036. Section 3 of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-269; 64 DCR 2162), is amended to read as follows:

"Sec. 3. Applicability.

"(a)(1) Section 2(g)(1)(B)(ii) and amendatory section 18(c) within section 2(i) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

"(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

"(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

"(B) The date of publication of the notice of the certification shall not affect the applicability of these sections.

"(b) Section 2(g)(1)(A), (h)(4)(B), (h)(5)(A), (h)(7), (h)(8), and amendatory section 18(a), (b), and (d) within section 2(i) shall apply as of April 1, 2017.".

Sec. 7037. Section 3 of the Continuing Care Retirement Community Exemption Amendment Act of 2016, effective April 15, 2017 (D.C. Law 21-274; 64 DCR 951), is repealed.

Sec. 7038. Section 7 of the Child Care Study Act of 2017, enacted on June 5, 2017 (D.C. Act 22-72; 64 DCR 5610), is repealed.

SUBTITLE B. COUNCIL PERIOD 22 RULE 736 REPEALS

Sec. 7041. Short title.

This subtitle may be cited as the "Council Period 22 Rule 736 Amendment Act of 2017".

Sec. 7042. The Housing Support for Teachers Act of 2007, effective December 21, 2007 (D.C. Law 17-66; D.C. Official Code § 38-2231 *et seq.*), is repealed.

Sec. 7043. The Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007, effective January 29, 2008 (D.C. Law 17-88; D.C. Official Code § 47-1076), is repealed.

Sec. 7044. The Multi-Unit Real Estate Tax Rate Clarification Act of 2007, effective February 27, 2008 (D.C. Law 17-112; 55 DCR 1864), is repealed.

Sec. 7045. The Evictions with Dignity Amendment Act of 2008, effective April 15, 2008 (D.C. Law 17-146; 55 DCMR 2554), is repealed.

Sec. 7046. The Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, effective March 31, 2009 (D.C. Law 17-356; 56 DCR 1614), is repealed.

Sec. 7047. The Housing Production Trust Fund Stabilization Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-365; 56 DCR 1217), is repealed.

Sec. 7048. The OTO Hotel at Constitution Square Economic Development Act of 2010, effective July 1, 2010 (D.C. Law 18-188; D.C. Official Code § 47-4631), is repealed.

Sec. 7049. The Shirley's Place Equitable Real Property Tax Relief Act of 2010, effective October 15, 2010 (D.C. Law 18-236; 57 DCR 7160), is repealed.

Sec. 7050. The Thirteenth Church of Christ Real Property Tax Relief and Exemption Act of 2010, effective March 8, 2011 (D.C. Law 18-292; D.C. Official Code § 47-4644), is repealed.

Sec. 7051. The Processing Sales Tax Clarification Act of 2010, effective March 12, 2011 (D.C. Law 18-324; 58 DCR 3), is repealed.

Sec. 7052. The Ballpark Fee Clarification Act of 2010, effective March 31, 2011 (D.C. Law 18-341; 58 DCMR 624), is repealed.

Sec. 7053. The Perry Street Affordable Housing Tax Exemption and Relief Act of 2010, effective March 31, 2011 (D.C. Law 18-342; D.C. Official Code § 47-4647), is repealed.

Sec. 7054. The Public Library Hours Expansion Act of 2012, effective April 20, 2013 (D.C. Law 19-256; D.C. Official Code § 39-125), is repealed.

Sec. 7055. The Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-257; D.C. Official Code § 47-4656), is repealed.

Sec. 7056. The Construction and Demolition Waste Recycling Accountability Act of 2012, effective April 27, 2013 (D.C. Law 19-294; D.C. Official Code § 8-1071 *et seq.*), is repealed.

Sec. 7057. The Historic Music Cultural Institutions Expansion Tax Abatement Act of 2013, effective February 22, 2014 (D.C. Law 20-86; D.C. Official Code § 47-4662), is repealed.

Sec. 7058. The DC Promise Establishment Act of 2014, effective June 4, 2014 (D.C. Law 20-107; D.C. Official Code § 38-2751 *et seq.*), is repealed.

Sec. 7059. The Breastmilk Bank and Lactation Support Act of 2014, effective July 15, 2014 (D.C. Law 20-121; D.C. Official Code § 7-881.01 *et seq.*), is repealed.

Sec. 7060. The SeVerna, LLC, Real Property Tax Exemption and Real Property Tax Relief Act of 2014, effective March 11, 2015 (D.C. Law 20-209; D.C. Official Code § 47-1095), is repealed.

Sec. 7061. The New Bethany Baptist Church Real Property Tax Exemption Act of 2016, effective August 19, 2016 (D.C. Law 21-145; D.C. Official Code § 47-1098), is repealed.

SUBTITLE C. PRIOR BUDGET ACT

Sec. 7071. Short title.

This subtitle may be cited as the "Prior Budget Support Act Clarification Amendment Act of 2017".

Sec. 7072. The Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

(a) Section 1042 is amended as follows:

(1) Strike the phrase "In Fiscal Year 2016, the Mayor shall submit quarterly reports" and insert the phrase "The Mayor shall submit biannual reports" in its place.

(2) Strike the phrase "within 30 days after the end of each quarter, beginning October 1, 2015" and insert the phrase "no later than 30 days after the end of the 2nd and 4th quarters of each fiscal year, beginning October 1, 2017" in its place.

(b) Section 6193 is repealed.

SUBTITLE D. OUR LADY OF PERPETUAL HELP REAL PROPERTY TAX FORGIVENESS

Sec. 7081. Short title.

This subtitle may be cited as the "Our Lady of Perpetual Help Equitable Real Property Tax Relief Act of 2017".

Sec. 7082. The Council of the District of Columbia orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed through February 1, 2017, against the real property known as Parcel 226, Lot 37 be forgiven.

SUBTITLE E. INTERNATIONAL SPY MUSEUM TAX ABATEMENT

Sec. 7091. Short title.

This subtitle may be cited as the "International Spy Museum Tax Abatement Amendment Act of 2017".

Sec. 7092. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4666. International Spy Museum; Lot 7006, Square 387.".

(b) A new section 47-4666 is added to read as follows:

"§ 47-4666. International Spy Museum; Lot 7006, Square 387.

"(a) Except as provided in subsection (b) of this section, the taxes imposed by Chapter 8 of this title on the real property (and any improvements thereon) described for assessment and

taxation purposes as Lot 7006, Square 387 ("Property") and currently owned by the International Spy Museum shall be abated for the real property tax year commencing:

"(1) October 1, 2016, in the amount of $30,000;

"(2) October 1, 2017, to the extent that they exceed $115,000;

"(3) October 1, 2018, through the real property tax year ending September 30, 2021, to the extent that they exceed $200,000 per year; and

"(4) October 1, 2021, in the amount of 100% of the real property taxes on the Property.

"(b) The abatement provided by this section shall terminate at the beginning of the month following the date on which:

"(1) The Property is no longer being developed or used as a museum of the history of espionage, including related ancillary uses, that is open to the general public; or

"(2) The International Spy Museum, or a successor owner of the Property, is no longer exempt from District of Columbia income and franchise taxation under Subchapter II of Chapter 18 of this title.

"(c) The Property and its owner shall be subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the Property had been administratively exempted from real property taxation under Chapter 10 of this title.

"(d) At the discretion of the Office of Tax and Revenue, the abatements provided by this section may be allocated between half tax years for any real property tax year.

"(e) The abatement provided under this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Property; provided, that no appeal of the Property's proposed assessed value for tax years 2017 through 2021 shall be allowed and no claim for a refund of real property tax paid for real property tax years 2016 through 2021 shall be allowed; except, that the Property owner may seek enforcement of the abatement provided by this section.".

SUBTITLE F. REVISED REVENUE CONTINGENCY LIST

Sec. 7101. Short title.

This subtitle may be cited as the "Revised Revenue Contingency List Act of 2017".

Sec. 7102. (a) Notwithstanding any other provision of law, if local revenues certified in the June 2017 revenue estimate and the September 2017 revenue estimate exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2018, these additional revenues shall be allocated as follows:

(1) 50% to the Workforce Investments account, which shall be available to fund salary increases or other items required by the terms of collective bargaining agreements that will become effective in Fiscal Year 2018; and

(2) 50% to the General Fund of the District of the Columbia ("offset"), which shall offset a dedication of general sales tax revenue to the capital improvements program ("CIP") that in turn will be dedicated to the Washington Area Metropolitan Transit Authority ("WMATA"), in accordance with subsections (b) and (c) of this section.

(b)(1)(A) Revenue from general sales tax imposed by section 47-2002(a) of the District of Columbia Official Code at the rate of 5.75% ("general sales tax") in an amount equal to the recurring revenue in the offset shall become a dedicated tax ("dedicated tax") for use in the CIP.

(B) One-time funds from the offset shall be made available for use in the CIP.

(2) The revenue allocated according to paragraph (1)(A) of this subsection shall not exceed 17.4% of the total general sales tax revenues certified in the September 2017 revenue estimate.

(c)(1) Use of the dedicated tax in subsection (b)(1)(A) of this section shall be a component of the District's dedicated funding requirement when all members of the WMATA Compact have approved a dedicated funding stream to support WMATA.

(2) Until such time as the WMATA dedicated funding stream is approved, the dedicated tax in subsection (b)(1)(A) of this section shall be available on an annual, non-recurring basis within the CIP.

SUBTITLE G. SUPERMARKET TAX INCENTIVES CLARIFICATION

Sec. 7111. Short title.

This subtitle may be cited as the "Supermarket Tax Incentives Amendment Act of 2017".

Sec. 7112. Section 101(2)(B) of the Food, Environmental, and Economic Development in the District of Columbia Act of 2010, effective April 8, 2011 (D.C. Law 18-353; D.C. Official Code § 2-1212.01(2)(B)), is amended by striking the phrase "16,".

Sec. 7113. Section 47-3801(1D)(B) of the District of Columbia Official Code is amended by striking the phrase "16,".

SUBTITLE H. ADULT LEARNER TRANSIT SUBSIDY

Sec. 7121. Short title.

This subtitle may be cited as the "Adult Learner Transit Subsidy Amendment Act of 2017".

Sec. 7122. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (i) to read as follows:

"(i)(1) Subject to available funds, the Mayor shall establish a program for students of adult learning programs to receive subsidies for the Metrorail and Metrobus Transit Systems.

"(2) To be eligible for the program, a student shall be:

"(A) Above 18 years of age;

"(B) A District resident; and

"(C) Enrolled in a publicly funded adult education program that is operated by or receives funding from at least one of the following:

"(i) A local education agency, including the District of Columbia Public Schools or a public charter school;

"(ii) The District of Columbia Public Library;
"(iii) The Office of the State Superintendent for Education; or
"(iv) The University of the District of Columbia Workforce Development and Lifelong Learning Program.

"(3) The total annual appropriation available for the program shall not exceed $1.988 million.".

SUBTITLE I. COMMISSION ON THE ARTS AND HUMANITIES GRANTS

Sec. 7131. Short title.

This subtitle may be cited as the "Commission on the Arts and Humanities Grants Act of 2017".

Sec. 7132. In Fiscal Year 2018, the Commission on the Arts and Humanities shall award, on a competitive basis, grants to:

(1) Provide support to a nonprofit, tax-exempt organization dedicated to preserving burial grounds located in Georgetown, as well as the history of African-American cemeteries, for the purpose of markings and boundaries for such cemeteries and burial grounds and to make visible and definite the locations of graves and the identity of those buried in the graves, in an amount not to exceed $200,000;

(2) Provide orchestral performances with supporting community engagement events, such as education events and symposia, in venues within the District, along with full-orchestra performances in the Kennedy Center, in an amount not to exceed $200,000;

(3) Provide support for infrastructure improvements, such as planting, planning, and outreach events, concerning the National Mall and its grounds, to a nonprofit organization dedicated to improving, preserving, and restoring the National Mall, in an amount not to exceed $250,000;

(4) Assist with capital improvements, such as replacing aging elevators and heating, ventilation, and air conditioning, at a theater in the Central Business District, as defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), that offers Broadway-style musicals, in an amount not to exceed $1.9 million;

(5) Provide a literary-enrichment program for District of Columbia Public Schools and District of Columbia public charter schools, which includes the provision of copies of literature and curricular materials and author visits for literary discussion with students, in an amount not to exceed $250,000;

(6) Support an existing multi-stage theater organization in the Uptown Arts – Mixed Use Overlay District, as defined in section 120.1 of Title 11-W of the District of Columbia Municipal Regulations (11-W DCMR § 120.1), seeking a matching grant to upgrade or renovate its existing facilities, including for the purpose of increasing public access to the facility, in an amount not to exceed $4.95 million;

(7) Support the establishment of a children's museum in the Central Business District, as defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), in an amount not to exceed $700,000; and

(8) Support an existing theater and museum organization in the Central Business District, as defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), that is operated through a public-private partnership and explores the American experience through the intersection of history, performance, and education, in an amount not to exceed $100,000.

SUBTITLE J. FIRST-TIME HOMEBUYER RECORDATION TAX BENEFIT

Sec. 7141. Short title.

This subtitle may be cited as the "First-Time Homebuyer Recordation Tax Benefit Amendment Act of 2017".

Sec. 7142. The District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 42-1101) is amended as follows:

(1) Paragraph (16) is amended by striking the phrase "means an individual" and inserting the phrase "means an individual purchaser" in its place.

(2) Paragraph (17) is amended by striking the phrase "cooperative unit, that qualifies for the homestead deduction provided pursuant to D.C. Official Code § 47-850" and inserting the phrase "cooperative unit, purchased at an amount not to exceed $625,000, adjusted annually by the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers, that qualifies for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01" in its place.

(b) Section 303 (D.C. Official Code § 42-1103) is amended as follows:

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

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

(i) Strike the phrase "Beginning on or after October 1, 2016," and insert the phrase "Beginning on October 1 of the year that the fiscal effect of this subsection is included in an approved budget and financial plan," in its place.

(ii) Strike the phrase "the recordation tax" and insert the phrase "the rate of tax provided under subsection (a) of this section" in its place.

(iii) Strike the phrase "except, that" and insert the phrase "provided further, that" in its place.

(iv) Strike the phrase "shall be applied" and insert the phrase "shall be allocated" in its place.

(v) Strike the phrase "homebuyer on the HUD-1 settlement statement." and insert the phrase "homebuyer, as shown on the settlement statement or closing disclosure form." in its place.

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

(i) The lead-in text is amended by striking the phrase "shall:" and inserting the phrase "shall, at the time the deed is offered for recordation:" in its place.

(ii) Subparagraph (B) is amended by striking the phrase "a household" and inserting the phrase "a household, including all owners," in its place.

(iii) Subparagraph (D) is amended by striking the phrase "a copy of the deed and".

(C) Paragraph (3) is repealed.

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

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

"(f) By December 1 of the 4th year of the applicability of the recordation reduction tax benefit established by subsection (e) of this section, the Mayor shall submit a report to the Council that analyzes the impact of the recordation reduction tax benefit for first-time District homebuyers, which shall include:".

(B) Paragraph (4) is amended by striking the word "and" at the end.

(C) Paragraph (5) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(6) A recommendation regarding whether or not to continue the recordation reduction tax benefit.".

SUBTITLE K. PARKING SALES TAX CLARIFICATION

Sec. 7151. Short title.

This subtitle may be cited as the "Parking Sales Tax Clarification Amendment Act of 2017".

Sec. 7152. Section 47-2002(a)(1) of the District of Columbia Official Code is amended by striking the phrase "station; provided, that after October 1, 2017, the rate of tax shall be 22%;" and inserting the phrase "station;" in its place.

SUBTITLE L. PUBLIC SPACE RENTAL FORGIVENESS

Sec. 7161. Short title.

This subtitle may be cited as the "Public Space Rental Forgiveness Act of 2017".

Sec. 7162. The Council orders that the public space rental fees levied against the public space location 801 13th Street, N.W. (Lot 812, Square 287) pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1158; D.C. Official Code § 10-1103.01 *et seq.*) ("Act"), that cover the period between July 1, 2016, to June 30, 2017, and any interest, penalty, and fee, or other charge, including any charge levied pursuant to section 308 of the Act, be forgiven and any amounts paid for this period, if any, be refunded.

SUBTITLE M. TAX REFORM

Sec. 7171. Short title.

This subtitle may be cited as the "Tax Reform Amendment Act of 2017".

Sec. 7172. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1801.04(44) is amended as follows:

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

(A) Sub-subparagraph (ii) is amended to read as follows:

"(ii) For taxable years beginning after December 31, 2014, but before January 1, 2017, $5,200 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of $50, rounded to the next lowest multiple of $50);".

(B) New sub-subparagraphs (iii) and (iv) are added to read as follows:

"(iii) For taxable years beginning after December 31, 2016, but before January 1, 2018, $5,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of $50, rounded to the next lowest multiple of $50); or

"(iv) For taxable years beginning after December 31, 2017, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986.".

(2) Subparagraph (B) is amended as follows:

(A) Sub-subparagraph (ii) is amended to read as follows:

"(ii) For taxable years beginning after December 31, 2014, but before January 1, 2017, $6,500 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of $50, rounded to the next lowest multiple of $50);".

(B) New sub-subparagraphs (iii) and (iv) are added to read as follows:

"(iii) For taxable years beginning after December 31, 2016, but before January 1, 2018, $7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of $50, rounded to the next lowest multiple of $50); or

"(iv) For taxable years beginning after December 31, 2017, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986.".

(3) Subparagraph (C) is amended as follows:

(A) Sub-subparagraph (ii) is amended to read as follows:

"(ii) For taxable years beginning after December 31, 2014, but before January 1, 2017, $8,350 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of $50, rounded to the next lowest multiple of $50);".

(B) New sub-subparagraphs (iii) and (iv) are added to read as follows:

"(iii) For taxable years beginning after December 31, 2016, but before January 1, 2018, $10,275 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of $50, rounded to the next lowest multiple of $50); or

"(iv) For taxable years beginning after December 31, 2017, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986.".

(b) Section 47-1806.02 is amended as follows:

(1) Subsection (d) is amended by striking the phrase "Until § 47-181(c)(I) is implemented," and inserting the phrase "Until § 47-181(c)(9) is implemented," in its place.

(2) Subsection (e) is amended by striking the phrase "Until § 47-181(c)(I) is implemented," and inserting the phrase "Until § 47-181(c)(9) is implemented," in its place.

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

(A) Paragraph (1) is amended by striking the phrase "December 31, 2012," and inserting the phrase "December 31, 2012, but before January 1, 2018," in its place.

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

"(2) For taxable years beginning after December 31, 2017, the personal exemption amount prescribed in section 151 of the Internal Revenue Code of 1986 without reduction for the phaseout of section 151(d)(3) of the Internal Revenue Code of 1986.".

(c) Section 47-1806.03(a)(10) is amended to read as follows:

"(10) In the case of taxable years beginning after December 31, 2015, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

Not over $10,000	4% of the taxable income.
Over $10,000 but not over $40,000	$400, plus 6% of the excess over $ 10,000.
Over $ 40,000 but not over $ 60,000	$2,200, plus 6.5% of the excess over $ 40,000.
Over $ 60,000 but not over $ 350,000	$3,500, plus 8.5% of the excess over $ 60,000.
Over $350,000 but not over $1,000,000	$28,150, plus 8.75% of the excess above $350,000.
Over $1,000,000	$85,025, plus 8.95% of the excess above $1,000,000.".

(d) Section 47-1806.04(e)(4) is amended to read as follows:

"(4) For taxable years beginning after December 31, 2017, the credit provided for in paragraph (1) of this subsection shall no longer be allowed.".

(e) Section 47-1807.02(a) is amended as follows:

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

(A) Strike the phrase "December 31, 2014," and insert the phrase "December 31, 2014, but before January 1, 2016," in its place.

(B) Strike the phrase "foreign; and" and insert the phrase "foreign;" in its place.

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

"(6) For the taxable year beginning after December 31, 2015, but before January 1, 2017, a tax at the rate of 9.2% upon the taxable income of every corporation, whether domestic or foreign;".

(3) New paragraphs (7) and (8) are added to read as follows:

"(7) For the taxable year beginning after December 31, 2016, but before January 1, 2018, a tax at the rate of 9.0% upon the taxable income of every corporation, whether domestic or foreign; and

"(8) For taxable years beginning after December 31, 2017, a tax at the rate of 8.25% upon the taxable income of every corporation, whether domestic or foreign.".

(f) Section 47-1808.03(a) is amended as follows:

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

(A) Strike the phrase "December 31, 2014," and insert the phrase "December 31, 2014, but before January 1, 2016," in its place.

(B) Strike the phrase "foreign; and" and insert the phrase "foreign;" in its place.

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

"(6) For the taxable year beginning after December 31, 2015, but before January 1, 2017, a tax at the rate of 9.2% upon the taxable income of every unincorporated business, whether domestic or foreign;".

(3) New paragraphs (7) and (8) are added to read as follows:

"(7) For the taxable year beginning after December 31, 2016, but before January 1, 2018, a tax at the rate of 9.0% upon the taxable income of every unincorporated business, whether domestic or foreign; and

"(8) For taxable years beginning after December 31, 2017, a tax at the rate of 8.25% upon the taxable income of every unincorporated business, whether domestic or foreign.".

Sec. 7173. Section 47-3701 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (4) is amended as follows:

(1) Subparagraph (C) is amended by striking the year "2016" and inserting the year "2017" in its place.

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

"(D) For a decedent dying after December 31, 2016, but before January 1, 2018:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be $745,800; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed $2 million.

"(E) For a decedent dying after December 31, 2017:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) The amount of the unified credit shall be as prescribed in section 2010 of the Internal Revenue Code; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed the applicable zero bracket amount.".

(b) Paragraph (14) is amended to read as follows:

"(14) "Zero bracket amount" means:

"(A) For a decedent whose death occurs after December 31, 2015, but before January 1, 2017, $1 million;

"(B) For a decedent whose death occurs after December 31, 2016, but before January 1, 2018, $2 million; or

"(C) For a decedent whose death occurs after December 31, 2017, an amount equal to the basic exclusion amount as prescribed in section 2010(c)(3)(A) of the Internal Revenue Code and any cost-of-living adjustments made pursuant to section 2010(c)(3)(B) of the Internal Revenue Code.".

Sec. 7174. Applicability.
This subtitle shall apply as of January 1, 2018.

SUBTITLE N. REAL PROPERTY TAX APPEALS
Sec. 7181. Short title.
This subtitle may be cited as the "Real Property Tax Appeals Amendment Act of 2017".

Sec. 7182. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-824 is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "proposed change in the assessed value of the owner's real property on or before March 1" and inserting the phrase "proposed change in the assessed value or classification (subject to § 47-813(d-1)(4A) and (4B)) of the owner's real property for the next real property tax year by March 1" in its place.

(B) Paragraph (2) is repealed.

(C) Paragraph (4) is amended as follows:

(i) Strike the phrase "before May 2" and insert the phrase "by May 1" in its place.

(ii) Strike the phrase "assessed value" both times it appears and insert the phrase "assessed value or classification (subject to § 47-813(d-1)(4A) and (4B))" in its place.

(iii) Strike the phrase "April 2" and insert the phrase "April 1" in its place.

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

"(d) This section shall apply only to an annual notice issued by March 1 or May 1, as provided under subsection (a) or (b) of this section, and shall not apply to any notice issued under any other provision of this chapter.".

(b) Section 47-825.01a is amended as follows:

(1) Subsection (d)(2) is amended by striking the phrase "real property." and inserting the phrase "real property; provided further, that an appeal under this subsection pursuant to another provision of this section or chapter under this title shall be filed within 45 days from the date of the notice." in its place.

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

(A) Paragraph (1)(B) is amended by striking the phrase "or a notice of final determination issued under § 47-813(d-1)(4A)".

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

"(B) Subject to subparagraph (A) of this paragraph, after the completion of the hearing, the Commission shall have 30 days to decide a residential real property case involving a single family residential property or a residential real property consisting of 4 or fewer dwelling units and 80 days to decide a residential real property case involving a residential real property with 5 or more dwelling units or a commercial real property case.".

(3) Subsection (f)(1)(B) is amended by striking the phrase "subsection (e)" and inserting the phrase "subsection (d)(2)" in its place.

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

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase "§ 47-830, an owner" and inserting the phrase "§ 47-830 or paragraph (2) of this subsection, an owner" in its place.

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

"(2) An owner aggrieved by a decision of the Commission, with respect to an appeal filed pursuant to subsection (d)(2) of this section or a notice issued pursuant to § 42-3131.15, may appeal the decision of the Commission to the Superior Court of the District of Columbia in the same manner and to the same extent as provided in §§ 47-3303 and 47-3304 by September 30 of the tax year in which the decision of the Commission is issued or within 6 months after the date of the decision of the Commission, whichever is later.".

Sec. 7183. Section 47-3305(c) of the District of Columbia Official Code is repealed.

SUBTITLE O. HILL EAST COMMUNITY GARDEN REAL PROPERTY TAX RELIEF

Sec. 7191. Short title.

This subtitle may be cited as the "Hill East Community Garden Real Property Tax Relief Amendment Act of 2017".

Sec. 7192. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-1061. Capitol Hill Community Garden Land Trust" and inserting the phrase "47-1061. Hill East Community Garden" in its place.

(b) Section 47-1061 is amended as follows:

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

(2) The newly designated subsection (a) is amended by striking the phrase "Trust, the property" and inserting the phrase "Trust or to the Hill East Community Garden, the property" in its place.

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

"(b) The one-time transfer of the property specified in subsection (a) of this section from the Capitol Hill Community Garden Land Trust to the Hill East Community Garden shall not be subject to the transfer tax imposed under Chapter 9 of this title, the recordation tax imposed under Chapter 11 of Title 42, or the penalty imposed under Chapter 14 of this title.".

SUBTITLE P. TIF REAUTHORIZATION

Sec. 7201. Short title.

This subtitle may be cited as the "Tax Increment Financing Reauthorization Amendment Act of 2017".

Sec. 7202. The Tax Increment Financing Authorization Act of 1998, effective May 4, 1998 (D.C. Law 12-143; D. C. Official Code § 2-1217.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1217.01) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "taxes, exclusive" and inserting the phrase "taxes and possessory interest taxes, including any penalties and interest charges, exclusive" in its place.

(2) Paragraph (4) is amended by striking the phrase "§ 10-1202.08" and inserting the phrase "§ 10-1202.08, and exclusive of any provision of law that dedicates any sales or parking tax revenues to the Washington Metropolitan Area Transit Authority" in its place.

(3) Paragraph (25) is amended by striking the phrase "within the priority development area" and inserting the phrase "within a TIF area" in its place.

(b) Section 3 (D.C. Official Code § 2-1217.02) is amended as follows:

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

(A) Strike the phrase "property tax increment revenues" and insert the phrase "real property tax increment revenues" in its place.

(B) Strike the citation "§ 1-204.90(m)(6)" and insert the citation "§ 1-204.90(n)(6)" in its place.

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

"(b) TIF bonds may be issued to finance development costs of eligible projects approved pursuant to this subchapter. Refunding bonds may be issued to refund bonds issued pursuant to this subchapter.".

(c) Section 4 (D.C. Official Code § 2-1217.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "of any project located in a priority development area".

(2) Subsection (c) is repealed.

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

"(i) For the preparation of the certification required by this section, the CFO shall set forth guidance regarding submission requirements and the process for review of information necessary to implement this section.".

(d) Section 12 (D.C. Official Code § 2-1217.11) is repealed.

SUBTITLE Q. URBAN FARMING

Sec. 7211. Short title.

This subtitle may be cited as the "Urban Farming and Food Security Amendment Act of 2017".

Sec. 7212. Section 47-868 of the District of Columbia Official Code is amended as follows:

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

(1) Strike the phrase "if an urban farm is located in" and insert the phrase "if an urban farm is located on or in" in its place.

(2) Strike the phrase "urban farm." and insert the phrase "urban farm, as computed under subsection (a-1) of this section." in its place.

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

"(a-1)(1) In the case of an urban farm located in an improvement to real property not exclusively used for urban farming, the portion of the improvement in use as an urban farm shall be computed by dividing the square footage of the portion of the improvement used for urban farming by the gross building area of the improvement.

"(2) In the case of an urban farm located on an improvement to real property not exclusively used for urban farming, the portion of the improvement in use as an urban farm shall be computed by dividing the square footage of the portion of the improvement used for urban farming by the total square footage of the improvement, which shall be computed as the sum of the gross building area of the improvement and the roof area.".

(b) Subsection (c) is amended by striking the word "semiannually" and inserting the phrase "between semiannual installments of tax" in its place.

SUBTITLE R. EVENTS DC BOARD CLARIFICATION

Sec. 7221. Short title.

This subtitle may be cited as the "Washington Convention Authority Board of Directors Clarification Amendment Act of 2017".

Sec. 7222. Section 205(b)(1) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(b)(1)), is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) of this paragraph, all public Board members shall be appointed to 4-year terms that shall expire on May 16 of the 4th year.

"(B) The term subsequent to the current term occupied pursuant to:

"(i) The Washington Convention and Sports Authority Board of Directors Cheryle Doggett Confirmation Resolution of 2014, effective October 28, 2014 (Res. 20-664; 61 DCR 11983), shall begin on October 1, 2017, and expire on May 16, 2021; and

"(ii) The Washington Convention and Sports Authority Board of Directors William Hall Confirmation Resolution of 2014, effective October 28, 2014 (Res. 20-666; 61 DCR 11985), shall begin on October 1, 2017, and expire on May 16, 2020.

Sec. 7223. Applicability.

This subtitle shall apply as of July 10, 2017.

SUBTITLE S. POSSESSORY INTEREST CLARIFICATION

Sec. 7231. Short title.

This subtitle may be cited as the "Possessory Interest Clarification Amendment Act of 2017".

Sec. 7232. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

(1) Section 47-811.03(b)(2) is amended by striking the phrase "taxes under" and inserting the phrase "taxes, or taxes imposed pursuant to § 47-1005.01, under" in its place.

(2) Section 47-867(a) is amended by striking the phrase "this chapter shall" and inserting the phrase "this chapter or the tax under Chapter 10 of this title shall" in its place.

(b) Chapter 10 is amended as follows:

(1) Section 47-1005.01(b) is amended by striking the phrase "and the person is not exempt or immune from income taxation under the law of the United States or the District of Columbia".

(2) Section 47-1005.02(a)(1) is amended by striking the phrase "tax imposed by Chapter 8" and inserting the phrase "taxes imposed by Chapters 8 and 10" in its place.

(c) Section 47-4665 is amended as follows:

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

(A) Strike the phrase "Chapter 8 of this title shall" and insert the phrase "Chapter 8 of this title or § 47-1005.01 shall" in its place.

(B) Strike the phrase "property tax" wherever it appears and insert the phrase "property or possessory interest tax" in its place.

(2) Subsection (c) is amended by striking the phrase "property tax" wherever it appears and inserting the phrase "property or possessory interest tax" in its place.

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

(A) Strike the phrase "property tax" wherever it appears and insert the phrase "property or possessory interest tax" in its place.

(B) The lead-in language is amended by striking the phrase "§ 47-811," and inserting the phrase "§ 47-811 or § 47-1005.01," in its place.

(4) Subsection (e)(1)(B) is amended by striking the phrase "reservation number," and inserting the phrase "reservation or possessory interest account number," in its place.

SUBTITLE T. HOSPITALITY TAX DEDICATION

Sec. 7241. Short title.

This subtitle may be cited as the "Hospitality Tax Dedication Amendment Act of 2017".

Sec. 7242. Chapter 20 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-2002.03a. Additional tax on gross receipts for transient lodgings or accommodations.".

(b) A new section 47-2002.03a is added to read as follows:

"§ 47-2002.03a. Additional tax on gross receipts for transient lodgings or accommodations.

"(a) A tax, separate from and in addition to, the tax imposed pursuant to § 47-2002(a)(2)(A) and the tax imposed pursuant to § 47-2002.02, is imposed on all vendors at the rate of 0.3% of the gross receipts from the sale of or charges for any room or rooms, lodgings, or

accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

"(b) If the occupancy of a room or rooms, lodgings, or accommodations is reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this section shall be determined based on the net charges and additional charges received by the room remarketer.

"(c) The tax revenue received pursuant to this section shall be dedicated to the Washington Convention and Sports Authority, for transfer to Destination DC for the purposes of marketing and promoting the District of Columbia as a destination. Any tax revenue dedicated pursuant to this subsection shall be in addition to the funds dedicated to Destination DC pursuant to § 10-1202.08a.".

SUBTITLE U. UNIVERSITY OF THE DISTRICT OF COLUMBIA FUNDRAISING MATCH

Sec. 7251. Short title.

This subtitle may be cited as the "University of the District of Columbia Fundraising Match Act of 2017".

Sec. 7252. (a) In Fiscal Year 2018, of the funds allocated to the Non-Departmental agency, $1, up to a maximum of $1.5 million, shall be transferred to the University of the District of Columbia ("UDC") for every $2 that UDC raises by April 1, 2018 from private donations.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less than one-third of the funds shall be deposited into UDC's endowment fund.

SUBTITLE V. COMMODITIES COST RESERVE FUND

Sec. 7261. Short title.

This subtitle may be cited as the "Fixed Cost Commodity Reserve Amendment Act of 2017".

Sec. 7262. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "Commodities Cost Reserve Fund" and inserting the phrase "Commodities Cost Reserve Fund. [Repealed]." in its place.

(b) Section 47-368.04 is repealed.

SUBTITLE W. RECORDER OF DEEDS AUTOMATION FUND CLARIFICATION

Sec. 7271. Short title.

This subtitle may be cited as the "Recorder of Deeds Automation Fund Clarification Amendment Act of 2017".

Sec. 7272. Section 3 of An Act Providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia, effective April 12, 1997 (D.C. Law 11-257; D.C. Official Code § 42-1214), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Recorder of Deeds Automation and Infrastructure Improvement Fund" both times it appears and inserting the phrase "Recorder of Deeds Automation Fund" in its place.

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

(1) Strike the phrase "Recorder of Deeds and the repair and improvement of the infrastructure located at 515 D Street, N.W., Washington, D.C., and any incidental costs associated with that repair and improvement." and insert the phrase "Recorder of Deeds." in its place.

(2) Strike the phrase "the new system, and the repair of the infrastructure components necessary to meet the overall mission of the Recorder of Deeds." and insert the phrase "the new system." in its place.

(c) Subsection (c) is repealed.

Sec. 7273. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-876 is amended by striking the phrase "Recorder of Deeds Automation and Infrastructure Improvement Fund" and inserting the phrase "Recorder of Deeds Automation Fund" in its place.

(b) Section 47-1340(h) is amended by striking the phrase "Recorder of Deeds Automation and Infrastructure Improvement Fund" and inserting the phrase "Recorder of Deeds Automation Fund" in its place.

SUBTITLE X. EVENTS DC GRANT

Sec. 7281. Short title.

This subtitle may be cited as the "Events DC Grant Act of 2017".

Sec. 7282. Notwithstanding any other law or regulation, of the amount provided from enterprise and other funds in Fiscal Year 2018 to the Washington Sports and Entertainment Authority ("Events DC"), Events DC shall award a grant to fund a convention focused on Title IX that includes a sport tournament for young women, in an amount not to exceed $202,832.

SUBTITLE Y. WOMEN'S NATIONAL DEMOCRATIC CLUB REAL PROPERTY TAX EXEMPTION

Sec. 7291. Short title.

This subtitle may be cited as the "Women's National Democratic Club Real Property Tax Exemption Act of 2017".

Sec. 7292. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1099. Women's National Democratic Club; Lot 5, Square 135.".

(b) A new section 47-1099 is added to read as follows:

"§ 47-1099. Women's National Democratic Club; Lot 5, Square 135.

"(a) The real property located at 1526 New Hampshire Avenue, N.W., known for tax and assessment purposes as Lot 5, Square 135, shall be exempt from the tax imposed by Chapter 8 of this title as long as Women's National Democratic Club is the owner of the property, subject to the provisions of §§ 47-1007 and 47-1009, but not § 47-1005.

"(b) The tax exemption provided by this section shall begin as of October 1, 2017.".

SUBTITLE Z. UNION MARKET DISTRICT TIF

Sec. 7301. Short title.

This subtitle may be cited as the "Union Market District TIF Amendment Act of 2017".

Sec. 7302. Section 7193 of the Union Market District TIF Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 2-1217.36b), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase "$90 million" and inserting the phrase "$94 million" in its place.

(b) New paragraphs (4), (5), (6), (7), and (8) are added to read as follows:

"(4) An analysis has been completed showing the Project is financially sustainable and economically viable.

"(5) The TIF scope will include a significant investment in new infrastructure, public improvements, and ample parking for the area.

"(6) The Project has strong community and Council support.

"(7) The Project will serve as a catalyst for welcoming retail and residential visits to an emerging neighborhood and along a prominent gateway corridor of the District.

"(8) The TIF is ready to proceed to market, and given current market conditions, it is important that the Council approve a TIF for this project in 2017.".

SUBTITLE AA. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH

Sec. 7311. Short title.

This subtitle may be cited as the "National Cherry Blossom Festival Fundraising Match Act of 2017".

Sec. 7312. (a) There is established a matching grant program to support the 2018 National Cherry Blossom Festival ("Program"), which shall be administered by the Washington Convention and Sports Authority ("Authority"). Under the Program, a matching grant shall be awarded to a nonprofit organization that organizes and produces events as part of the official, month-long National Cherry Blossom Festival of up to $300,000 for every dollar above $750,000 that the organization has raised in corporate donations by March 31, 2018.

(b) In Fiscal Year 2018, of the funds allocated to the Non-Departmental account, $300,000 shall be transferred to the Authority to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by the Authority in support of the National Cherry Blossom Festival.

TITLE VIII. CAPITAL BUDGET

SUBTITLE A. FISCAL YEAR 2018 CAPITAL PROJECT FINANCING REALLOCATION APPROVAL

Sec. 8001. Short title.

This subtitle may be cited as the "Fiscal Year 2018 Capital Project Financing Reallocation Approval Act of 2017".

Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate $62,442,212 in general obligation bond proceeds from the District capital projects listed in Table A to the District capital projects listed in Table B, in the amounts specified.

(b) The current allocations were made pursuant to the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-315; 58 DCR 10556), the Fiscal Year 2013 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2012, effective October 16, 2012 (Res. 19-635; 59 DCR 12818), the Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), the Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738), and the Fiscal Year 2017 Income Tax Secured Revenue Bond, General Obligation Bond and General Obligation and Income Tax Secured Revenue Bond Anticipation Note Issuance Approval Resolution of 2016, effective November 1, 2016 (Res. 21-635; 63 DCR 14387).

TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Department of General Services	BC4	DGS	Hill E Relocation of Government Fac. & Function	2014C G.O.	500,000
Department of General Services	PL4	DGS	Electronic Security Communications Standardization	2016A G.O.	2,000,000
Office on Aging	A05	DGS	Senior Centers	2016A G.O.	6,451
D.C. Public Library	ITM	DCPL	DCPL Information Technology Modernization	2016A G.O.	253,015
Deputy Mayor for Planning and Economic Development	AWR	DMPED	Saint Elizabeths E Campus Infrastructure	2014C G.O.	4,852,856
Deputy Mayor for Planning and Economic Development	EDP	DMPED	Economic Development Pool	2014C G.O.	51,869
Metropolitan Police Department	PEQ	MPD	Specialized Vehicles - MPD	2016A G.O.	1,758,961
Department of Corrections	CR1	DGS	General Renovations - DC Jail	2014C G.O.	1,643,027
D.C. Public Schools	JOH	DGS	Johnson Middle School Renovation/Modernization	2014C G.O.	464,841
D.C. Public Schools	JOH	DGS	Johnson Middle School Renovation/Modernization	2015A G.O.	4,320,962
D.C. Public Schools	NX3	DGS	Cardozo High School	2016A G.O.	3
Office of the State Superintendent of Education	SFF	DGS	Evans Campus	2012C I.T.	2,000,000
Department of Parks and Recreation	URA	DGS	Urban Agriculture - DPR	2014C G.O.	152,746
Department of Parks and Recreation	URA	DGS	Urban Agriculture - DPR	2016A G.O.	250,000
Department of Parks and Recreation	SQ2	DGS	Square 238 DPR Facility	2016A G.O.	500,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	2016A G.O.	11,000,000
Department of Parks and Recreation	WD3	DGS	Hearst Park Pool - Ward 3 Outdoor Pool	2016A G.O.	500,000
Department of Parks and Recreation	THP	DGS	Therapeutic Recreation Center	2016A G.O.	500,000
Department of Healthcare Finance	AP1	DHCF	Predictive Analytic System - I.T. DHCF	2016A G.O.	125,000
Department of Healthcare Finance	CM1	DHCF	Case Management System - DHCF	2016A G.O.	125,000
District Department of Transportation	CG3	DDOT	Local Roadside Improvements	2016A G.O.	5,432,000
District Department of Transportation	ED3	DDOT	Local Street Parking Studies	2014C G.O.	466,108
District Department of Transportation	ED3	DDOT	Local Street Parking Studies	2015A G.O.	500,000
District Department of Transportation	ED3	DDOT	Local Street Parking Studies	2016A G.O.	533,892
District Department of Transportation	EDS	DDOT	Great Streets Initiatives	2015A G.O.	1,331,583
District Department of Transportation	EDS	DDOT	Great Streets Initiatives	2016A G.O.	1,574,147
District Department of Transportation	PM0	DDOT	Materials Testing Lab	2015A G.O.	315,762
District Department of Transportation	PM0	DDOT	Materials Testing Lab	2016A G.O.	684,238
District Department of Transportation	PM3	DDOT	Planning and Management System	2014C G.O.	429,393
District Department of Transportation	SR0	DDOT	Streetscapes	2016A G.O.	1,000,000
District Department of Transportation	CIR	DDOT	Circulator	2015A G.O.	4,307,439
District Department of Transportation	CIR	DDOT	Circulator	2016A G.O.	1,692,561
District Department of Transportation	FLD	DDOT	Prevention of Flooding in Bloomingdale/Ledroit Park Neighborhoods	2016A G.O.	1,592,000
District Department of Transportation	TRL	DDOT	Trails	2014C G.O.	420,714
District Department of Transportation	TRL	DDOT	Trails	2015A G.O.	500,000
District Department of Transportation	TRL	DDOT	Trails	2016A G.O.	1,079,286
District Department of Transportation	TRF	DDOT	Traffic Operations Center	2015A G.O.	500,000
District Department of Transportation	CE3	DDOT	Street Restoration & Rehabilitation	2014C G.O.	664,745
District Department of Transportation	CE3	DDOT	Street Restoration & Rehabilitation	2016A G.O.	1,335,255
Department of Energy and Environment	SWM	DOEE	Stormwater Management	2016A G.O.	1,000,000
Department of Energy and Environment	SUS	DOEE	Sustainable DC Fund-2	2014C G.O.	1,157,257
Department of Behavioral Health	XA6	DBH	Avatar Upgrade	2016D G.O.	169,704
Office of the Chief Technology Officer	ZA1	OCTO	DC GIS Capital Investment	2014C G.O.	176,640
Office of the Chief Technology Officer	ZA1	OCTO	DC GIS Capital Investment	2015A G.O.	300,000
Office of the Chief Technology Officer	N31	OCTO	Data Management and Publication Platform	2015A G.O.	159,921
Office of the Chief Technology Officer	N31	OCTO	Data Management and Publication Platform	2016A G.O.	1,608,954
Office of the Chief Technology Officer	N38	OCTO	Procurement System - GO Bond	2016D G.O.	2,155,882
Office of the Chief Technology Officer	N93	OCTO	Enterprise Computing Device Management	2016A G.O.	350,000
TOTAL					$62,442,212

TABLE B.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
District of Columbia Public Schools	YY1	DGS	DC Public Schools Modernization/Renovations	N/A	62,442,212
TOTAL					$62,442,212

SUBTITLE B. CAPITAL PROJECT REVIEW AND RECONCILIATION

Sec. 8011. Short title.

This subtitle may be cited as the "Capital Project Review and Reconciliation Amendment Act of 2017".

Sec. 8012. The Capital Project Support Fund Establishment Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-325.151 *et seq.*), is amended as follows:

(a) Section 1261 (D.C. Official Code § 1-325.151) is amended as follows:

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

"(4A) "Encumbered" means committed to pay for goods or services ordered but not yet received.".

(2) A new paragraph (7A) is added to read as follows;

"(7A) "Pre-encumbered" means held, but not yet committed, to pay for goods or services that are expected to be, but have not yet been, ordered.".

(b) Section 1262(b) (D.C. Official Code § 1-325.152(b)) is amended by striking the phrase "sections 1263a, and 1263b" and inserting the phrase "sections 1263a, 1263b, and 1263c" in its place.

(c) Section 1263b(a) (D.C. Official Code § 1-325.153b(a)) is amended to read as follows:

"(a) If a department, office, or agency has a capital project with an unexpended balance of more than $250,000 for which no funds have been expended, encumbered, or pre-encumbered for 2 consecutive years, the OCFO shall provide 30 days written notice to the department, office, or agency of the CFO's intent to transfer the surplus capital funds to the Capital Project Support Fund. The CFO shall make this transfer unless the department, office, or agency to which the funds have been budgeted or allotted:

"(1) Certifies to the Mayor, Council, and OCFO, within the 30-day notice period that it intends to use the funds to implement the capital project within 18 months of the certification; and

"(2) Submits a satisfactory activity report to the OCFO describing the status of the implementation within 180 days from the date of certification.".

(d) A new section 1263c is added to read as follows:

"Sec. 1263c. Release of encumbered or pre-encumbered funds; transfer of surplus capital funds.

"(a) If a department, office, or agency has a capital project with $250,000 or less in encumbered or pre-encumbered funds that have been in an encumbered or pre-encumbered status for 2 consecutive years, the OCFO shall provide written notice to the department, office, or agency of the OCFO's identification of such funds.

"(b) Within 30 days of receipt on this notice, the department, office, or agency to which the funds have been budgeted or allotted shall:

"(1) Notify the OCFO in writing of its intent to expend the funds and provide a spending plan for the funds; or

"(2) Release the funds.".

(e) Section 1265(a) (D.C. Official Code § 1-325.155(a)) is amended as follows:

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

"(2) For a capital project with a balance of more than $250,000, no funds have been expended, encumbered, or pre-encumbered, for 2 consecutive years and the agency has not complied with the requirements of section 1263b(a)(1) and (2) after receiving a notice from the OCFO pursuant to that section; or".

(2) Paragraph (3) is amended by striking the number "3" and inserting the number "2" in its place.

SUBTITLE C. ANTI-DEFICIENCY FOR CAPITAL PROJECTS

Sec. 8021. Short title.

This subtitle may be cited as the "Anti-Deficiency Act Clarification Amendment Act of 2017".

Sec. 8022. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-355.02(8) is amended by striking the phrase "regardless of the percentage;" and inserting the phrase "regardless of the percentage, or, for capital projects, 5% of the project's budget or $1 million, regardless of the percentage;" in its place.

(b) Section 47-355.04 is amended as follows:

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

(A) Strike the phrase "budget submitted to Congress" and insert the phrase "finally enacted annual budget" in its place.

(B) Strike the phrase "after Congressional submission" and insert the phrase "after final enactment" in its place.

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

"(a-1) By October 20 of each year, an agency head and agency fiscal officer shall jointly submit to the Chief Financial Officer a monthly spending plan for each capital project based on the finally enacted annual budget. If a project's budget is changed after final enactment of the annual budget, the agency head and agency fiscal officer shall submit a revised project spending plan to the Chief Financial Officer within one month of final approval of the changes to the project's budget.".

(3) Subsection (b) is amended by striking the phrase "approved operating budget" and inserting the phrase "approved operating budget or approved budget for a capital project" in its place.

(c) Section 47-355.05 is amended as follows:

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

"(a) The Chief Financial Officer shall submit reports to the Council and the Mayor on a quarterly basis indicating each agency's actual operating expenditures, obligations, and commitments, each by source of funds, and the expenditures for each capital project, compared to their approved spending plan. This report shall be accompanied by the Chief Financial Officer's observations regarding spending patterns and identify steps being taken to assure spending remains within the approved budget.".

(2) Subsection (e)(2)(A) is amended to read as follows:

"(2)(A) The summary shall set forth clearly and concisely each budget category affected by the reprogramming, intra-District transfer, or other budget modification, as described in paragraph (1) of this subsection, as follows:

"(i) For the operating budget, by:

"(I) Agency;

"(II) Object category; and

"(III) Comptroller source group; and

"(ii) For capital projects, by:

"(I) Agency; and

"(II) Project and subproject.".

SUBTITLE D. MASTER LOCAL TRANSPORTATION CAPITAL PROJECTS

Sec. 8031. Short title.

This subtitle may be cited as the "Master Local Transportation Capital Projects Clarification Amendment Act of 2017".

Sec. 8032. Section 3(e) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended as follows:

(a) Paragraph (1) is amended by striking the period and inserting the phrase ", or from Master local transportation capital projects designated by the Director as Master local transportation capital projects in Fiscal Year 2018 or later." in its place.

(b) Paragraph (2) is amended by striking the phrase "Fund." and inserting the phrase "Fund. The Director may also submit requests to OBP to allocate funds for the Related Projects of each Master local transportation capital project created in Fiscal Year 2018 or later." in its place.

(c) Paragraph (3) is amended by striking the phrase "Fund." and inserting the phrase "Fund. The Director may also submit requests to OBP to re-allocate funds from any Related Project to the applicable Master local transportation capital project created in Fiscal Year 2018 or later." in its place.

(d) New paragraphs (4) and (5) are added to read as follows:

"(4)(A) The Director may submit requests to OBP to re-allocate any available fund balances in associated projects to the applicable Master local transportation capital project created in Fiscal Year 2018 or later, in order to align the associated projects with the Master local transportation capital projects.

"(B) For the purposes of this paragraph, the term "associated projects" means Related Projects created before Fiscal Year 2018 with current fund balances for which there will not be out-year appropriations or requests for appropriations.

"(C) This paragraph shall expire on January 31, 2018.

"(5) The CFO shall submit to the Mayor and the Council a quarterly summary of all allocations and re-allocations requested pursuant to this subsection, including a description of whether OBP allocated the requested funds.".

SUBTITLE E. REVERSE PAYGO REPROGRAMMING

Sec. 8041. Short title.

This subtitle may be cited as the "Reverse Paygo Reprogramming Amendment Act of 2017".

Sec. 8042. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-361(15) is amended to read as follows:

"(15) "Reverse Paygo action" means the movement of authorized Paygo capital budget funds to the operating budget, through a paper project for the purpose of transaction recording and tracking.".

(b) Section 47-363 is amended by adding a new subsection (f) to read as follows:

"(f)(1) A reverse Paygo action done for the purpose of paying non-capital-eligible expenses, including furniture, fixtures, and equipment, of the same capital project for which Paygo capital funds have been authorized shall not require Council approval; provided, that the Chief Financial Officer shall notify the Budget Director of the Council of the District of Columbia in writing no later than 3 business days after the reverse Paygo action occurs. The notice shall set forth the capital project, amount, and purpose of the reverse Paygo action.

"(2) All other reverse Paygo actions shall require Council approval pursuant to this section.".

(c) Section 47-366 of the District of Columbia Official Code is amended by striking the phrase "in writing" and inserting the phrase "in writing within 3 business days" in its place.

SUBTITLE F. CAPITAL INFRASTRUCTURE PRESERVATION AND IMPROVEMENT

Sec. 8051. Short title.

This subtitle may be cited as the "Capital Infrastructure Preservation and Improvement Amendment Act of 2017".

Sec. 8052. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

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

"(f) Local funds revenue transfer to the Capital Improvements Program. --

"(1) For Fiscal Year 2020, the approved budget and financial plan shall include a minimum local funds transfer to the Capital Improvements Program ("CIP") of $58,950,000.

"(2) Beginning with Fiscal Year 2021, and for each subsequent fiscal year thereafter until the provisions of paragraph (3) of this subsection are met, the approved budget and financial plan shall include a minimum local funds transfer to the CIP of $58,950,000 plus 25% of the amount by which the projected local funds revenue for that fiscal year exceeds the local funds revenue included in the budget and financial plan approved for Fiscal Year 2020.

"(3) When the minimum local funds transfer to the CIP under paragraph (2) of this subsection for any fiscal year causes the amount of funds in the CIP to equal or exceed the amount reported for additions to total accumulated depreciation of capital assets, as reported in the most recent comprehensive annual financial report for the District of Columbia, the approved budget and financial plan for the next fiscal year and for each subsequent year thereafter, shall include a minimum local funds transfer to the CIP equal to the amount reported for additions to total depreciation of capital assets reported in the next annual financial report.".

(b) Subsection (l) is repealed.

ENROLLED ORIGINAL

SUBTITLE G. LOCAL TRANSPORTATION REVENUE

Sec. 8061. Short title.

This subtitle may be cited as the "Local Transportation Revenue Amendment Act of 2017".

Sec. 8062. The Highway Trust Fund Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-184; D.C. Official Code § 9-111.01 *et seq.*), is amended as follows:

(a) Section 102(e)(1) (D.C. Official Code § 9-111.01(e)(1)) is amended by striking the phrase "shall be deposited into the Local Transportation Fund established by section 102a, and used exclusively for the purposes provided therein." and inserting the phrase "shall be transferred to the Capital Improvements Program and used to fund the renovation, repair, and maintenance of local transportation infrastructure." in its place.

(b) Section 102a (D.C. Official Code § 9-111.01a) is amended to read as follows

"Sec. 102a. Local transportation revenue transfer.

"(a) The Chief Financial Officer shall deposit revenue derived from public rights-of-way user fees, charges, and penalties collected pursuant to Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*) ("1997 Act"), and regulations issued pursuant to the 1997 Act in Chapter 33 of Title 24 of the District of Columbia Municipal Regulations in the District of Columbia Highway Trust Fund ("Fund") to supplement the Motor Fuel Tax revenues and Motor Fuel Revenue Fund balance to the extent necessary to satisfy local match requirements to obtain federal aid funds.

"(b) Revenue derived from public rights-of-way user fees, charges, and penalties collected pursuant to Title VI of the 1997 Act and regulations issued pursuant to the 1997 Act in Chapter 33 of Title 24 of the District of Columbia Municipal Regulations not deposited in the Fund pursuant to subsection (a) of this section shall be transferred to the Capital Improvements Program and used to fund the renovation, repair, and maintenance of local transportation infrastructure.".

Sec. 8063. Section 1704 of the Highway Trust Fund Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.31), is repealed.

Sec. 8064. Section 47-305.01 of the District of Columbia Official Code is amended to read as follows:

"§ 47-305.01. Revenue from public rights-of-way included in budget submission.

"All of the revenue derived from the collection of charges imposed for rental and utilization of public rights-of-way authorized by Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*), shall be dedicated annually pursuant to § 9-111.01a.".

Sec. 8065. Section 11i(a) of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code 50-921.52(a)), is amended by striking the phrase "from revenues in the Local Transportation Fund" and inserting the phrase "with local transportation revenues" in its place.

Sec. 8066. Section 7 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 93; D.C. Official Code § 50-2607), is amended by striking the phrase "deposited in the Local Transportation Fund as established by the Highway Trust Fund Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a)." and inserting the phrase "transferred to the Capital Improvements Program and used to fund the renovation, repair, and maintenance of local transportation infrastructure." in its place.

TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS

SUBTITLE A. DESIGNATED FUND TRANSFERS

Sec. 9001. Short title.

This subtitle may be cited as the "Designated Fund Transfer Act of 2017".

Sec. 9002. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in following chart, the Chief Financial Officer shall transfer in Fiscal Year 2018 the following amounts from certified fund balances and other revenue in the identified accounts to the General Fund of the District of Columbia:

Agency	Fund Detail	Fund Detail Title	Proposed Sweep
Other Special Purposes:			
ATO	0605	Dishonored Check Fees	76,687
CRO	6020	Board of Engineers Fund	53,851
FBO	1555	Reimbursable from Other Governments	47,782
HCO	0633	Radiation Protection	64,238
		Total	242,558

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2018 Budget and Financial Plan.

SUBTITLE B. RENEWABLE ENERGY DEVELOPMENT FUND

Sec. 9011. Short title.

This subtitle may be cited as the "Renewable Energy Development Fund Amendment Act of 2017".

Sec. 9012. Section 8(c)(1) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1436(c)(1)), is amended as follows:

(a) Subparagraph (C) is amended by striking the word "and".

(b) Subparagraph (D) is amended by striking the period and inserting the phrase "; and" in its place.

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

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"(E) For the fiscal year beginning October 1, 2017, and ending September 30, 2018, supporting the DOEE operating budget.".

TITLE X. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 10001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2017.

Sec. 10002. 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. 10003. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
July 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-131

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To approve, on an emergency basis, Modification No. 1 to Contract No. DCKA-2016-C-0048 with Vanasse Hangen Brustlin, Inc. to provide services related to the National Environmental Policy Act study of the Long Bridge Project, and to authorize payment for the goods and services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification to Contract No. DCKA-2016-C-0048 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 No. 1 to Contract No. DCKA-2016-C-0048 with Vanasse Hangen Brustlin, Inc. to provide services related to the National Environmental Policy Act study of the Long Bridge Project, and authorizes payment in the not-to-exceed amount of $4.1 million for the goods and services received and to be received under the modification.

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

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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 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-132

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To approve, on an emergency basis, Change Order Nos. 4 and 5 to Contract No. DCAM-14-CS-0098 with GCS-Sigal, LLC for design-build services for Duke Ellington School of the Arts, and to authorize payment in the aggregate amount of $4,432,612.50 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-0098 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. 4 and 5 to Contract No. DCAM-14-CS-0098 with GCS-Sigal, LLC for design-build services for Duke Ellington School of the Arts, and authorizes payment in the aggregate amount of $4,432,612.50 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 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-133

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To approve, on an emergency basis, Change Order Nos. 3 through 7 to Contract No. DCAM-16-CS-0074 with W.M. Schlosser Company, Inc. for construction manager at-risk services for infrastructure work in connection with the DC United Soccer Stadium, and to authorize payment in the aggregate amount of $6,955,761.28 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-16-CS-0074 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. 3 through 7 to Contract No. DCAM-16-CS-0074 with W.M. Schlosser Company, Inc. for construction manager at-risk services for infrastructure work in connection with the DC United Soccer Stadium, and authorizes payment in the aggregate amount of $6,955,761.28 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 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-134

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To approve, on an emergency basis, Modification Nos. 1, 2, 3, and 4 to Contract No. GAGA-2016-C-0028 with Vision Security Solutions, LLC to procure monitoring, maintenance, repair, and replacement services for closed circuit television cameras deployed at District of Columbia Public Schools sites during option year one, and to authorize payment for the 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-0028 with Vision Security Solutions, 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. 1, 2, 3, and 4 to Contract No. GAGA-2016-C-0028 with Vision Security Solutions, LLC to procure monitoring, maintenance, repair, and replacement services for the closed circuit television cameras deployed at District of Columbia Public School sites, and authorizes payment in the not-to-exceed amount of $1,244,059 for 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 31,2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To approve, on an emergency basis, Modification Nos. 12 and 13 to Contract No. GAGA-2015-C-0034 with Tamah, LLC to acquire dedicated aides to provide one-on-one instructional, behavioral, or medical paraprofessional support for District of Columbia Public Schools students during Option Year Two, and to authorize payment for the 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-2015-C-0034 with Tamah, 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. 12 and 13 to Contract No. GAGA-2015-C-0034 with Tamah, LLC to acquire dedicated aides to provide one-on-one instructional, behavioral, or medical paraprofessional support for students of the District of Columbia Public Schools, and authorizes payment in the not-to-exceed amount of $3,474,071.76 for goods and services received and to be received under Modification Nos. 12 and 13.

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 31, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To approve, on an emergency basis, Modification Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13 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 under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. 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. 5, 6, 7, 8, 9, 10, 11, 12, and 13 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 $1,787,016 for goods and services received under Modification Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

section 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 31, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2017

To amend, on an emergency basis, the Animal Control Act of 1979 to clarify what constitutes the proper treatment of animals, update prohibited behaviors toward animals, and update penalties for violating provisions of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Standard of Care for Animals Emergency Amendment Act of 2017".

Sec. 2. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-1801) is amended to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Abandon" means to desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to the Animal Care and Control Agency.

"(2) "Adequate care" means the responsible practice of good animal husbandry, handling, management, confinement, protection, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.

"(3) "Adequate feed" means the provision of and access to food that is sufficient in quantity, prepared and provided in a manner so that the animal can consume it, and provided in a manner sanitary for the animal.

"(4)(A) "Adequate shelter" means the provision of and access to shelter that is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, and physical suffering.

"(B) For dogs confined outside, the term "adequate shelter" shall additionally mean that:

"(i) When the temperature is at or below 40 degrees Fahrenheit, a dog has access to a shelter large enough for the dog to stand up and turn around, has an entrance covered by a flexible wind-proofing material or self-closing door, contains a platform for the dog at least 4 inches off the ground, and contains dry bedding, which must consist of an insulating

material that does not retain moisture, such as straw, of sufficient depth for the dog to burrow; or

"(ii) When the temperature is at or above 80 degrees Fahrenheit, a dog has access to a shelter shaded by trees, a tarp, or a tarp-like device.

"(5)(A) "Adequate space" means sufficient space to allow each animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal, while allowing the animal to interact safely with other animals.

"(B) Where freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to veterinary standards for the species is considered provision of "adequate space".

"(6) "Adequate water" means the provision of and access to clean, fresh, potable water, provided in a suitable manner for proper hydration for the age, species, condition, size, and type of each animal.

"(7) "Animal Care and Control Agency" means the District of Columbia humane organization the Mayor contracts with to manage animal care and control.

"(8) "Animal shelter" means a privately- or government-owned facility established for the impoundment of stray, diseased, dangerous, sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or otherwise displaced animals, with the intent to care for, quarantine, return to an owner, adopt out, or euthanize the animals.

"(9)(A) "At large" means any animal found off the premises of its owner or custodian and not leashed, tethered, or otherwise under adequate means of physical control of a person capable of physically restraining it.

"(B) The term "at large" shall not include a dog in a dog park that is under the verbal command of the dog's owner or custodian.

"(C) The term "at large" shall not include cats.

"(10) "Custodian" means a person who has assumed responsibility for the care and well-being of an animal in place of the animal's owner with the owner's knowledge and permission.

"(11) "Dangerous animal" means an animal that because of specific training or demonstrated behavior threatens the health or safety of the public. The term "dangerous animal" shall not include a dangerous dog as defined in section 2(1) of the Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176; D.C. Official Code § 8-1901(1)).

"(12) "District-operated parkland" means outdoor property under the control of the government of the District of Columbia.

"(13) "Dog park" means an officially established off-leash dog exercise area on District-operated parkland.

"(14) "Extreme weather" means temperatures below 32 degrees Fahrenheit or above 90 degrees Fahrenheit.

"(15) "Leash" means a line held by a person on one end that is for leading or restraining an animal.

"(16) "Mayor" means the Mayor of the District of Columbia or his or her designee.

"(17) "Owner" means a person in the District of Columbia who purchases or keeps an animal in temporary or permanent custody, except as provided in section 5.

"(18) "Tether" means a line connected to a stationary object by which an animal is fastened so as to restrict its range of movement.

"(19) "Unattended" means that no owner or custodian is in a position to check on and provide care to the animal.

"(20) "Vaccinated" means protected by a documented inoculation that the Mayor, consistent with the practices of veterinary medicine, determines is currently effective.".

(b) New sections 2a and 2b are added to read as follows:

"Sec. 2a. Prohibition on at large animals.

"(a)(1) An owner or custodian of an animal shall not allow the animal to go at large. An animal shall be on a leash, tether, or under other means of adequate physical control at all times the animal is not on a premises where the animal is permitted to freely roam.

"(2) An animal shall be presumed to be at large when the animal destroys or damages any property, attacks a person or other animal, becomes a nuisance, or strays onto the private property of another.

"(b) If a dog injures a person while at large, lack of knowledge of the dog's vicious propensity standing alone shall not absolve the owner from a finding of negligence.

"Sec. 2b. Animals left in vehicles.

"(a) An owner or custodian of an animal shall not leave the animal in a parked vehicle in such a way as to endanger the animal's health, safety, or welfare.

"(b) After making a reasonable attempt to contact the owner or custodian, an animal control officer, firefighter, or law enforcement officer may use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health is endangered; provided, that no attempt to contact the owner or custodian is required if the animal is in immediate danger or appears in distress.

"(c) Following an animal's removal from a vehicle by an animal control officer, firefighter, or law enforcement officer, the animal shall be impounded and medical care shall be sought if needed. A written notice shall be left attached to the vehicle identifying the responding animal control officer, firefighter, or law enforcement officer, and giving his or her information, including a phone number, time, date, and location of where the animal is being held.

"(d)(1) Any person found in violation of this section shall be responsible for all expenses incurred by the District in the care, medical treatment, and impound cost of the animal.

"(2) The District shall not be responsible for the:

"(A) Injury or death to an animal due to an animal control officer's, firefighter's, or law enforcement officer's action or inaction in rescuing the animal pursuant to this section; and

"(B) Cost of any damage to a vehicle in the removal of an animal by an animal control officer, firefighter, or law enforcement officer pursuant to this section.".

(c) Section 3 (D.C. Official Code § 8-1802) is amended as follows:

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

"(a) The Mayor may contract, either by negotiation or competitive bid, with a District of Columbia humane organization to manage the Animal Care and Control Agency. The Mayor may delegate all or part of his or her authority under this act, including the issuance of notices of violations and the collection of fines, to the Animal Care and Control Agency.".

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

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

"(1) Issue fines and citations for violations of this act and deliver all fees collected pursuant to this act to the Mayor.".

(B) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (5) and (6) are added to read as follows:

"(5) Respond to all animal calls and emergencies in the District of Columbia; and

"(6) Any other duties the Mayor designates that are consistent with the provisions of this act.".

(d) Section 4(b) (D.C. Official Code § 8-1803(b)) is amended to read as follows:

"(b) The Mayor shall provide a free rabies vaccination clinic at least annually.".

(e) Section 5 (D.C. Official Code § 8-1804) is amended as follows:

(1) Subsection (b) is amended by striking the phrase "his dog wears a collar" and inserting the phrase "his or her dog wears a collar or harness" in its place.

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

"(e-1) $2 of each fee collected pursuant to subsection (e) of this section shall be deposited into the Animal Education and Outreach Fund, established in section 5a. Remaining money from the fees collected shall be deposited in the General Fund of the District of Columbia.".

(3) Subsection (j) is repealed.

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

"Sec. 5a. Animal Education and Outreach Fund.

"(a) There is established as a special fund the Animal Education and Outreach Fund ("Fund"), which shall be utilized by the Animal Care and Control Agency in accordance with subsection (c) of this section.

"(b) Revenue deposited into the Fund shall come from $2 of each fee paid for the application, issuance, or renewal of a dog license pursuant to section 5(e-1).

"(c) Money in the Fund shall be used for the following purposes:

"(1) Implementing an educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and on the laws related to pet ownership;

"(2) Spaying and neutering cats and dogs; and

"(3) Appropriate overhead and administrative expenses related to the Fund.

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

"(2) Subject to authorization in an approved budget and financial plan, any funds

appropriated in the Fund shall be continually available without regard to fiscal year limitation.".

(g) Section 6 (D.C. Official Code § 8-1805) is amended as follows:

(1) Subsection (f) is amended by striking the phrase "District of Columbia" and inserting the phrase "the Animal Care and Control Agency" in its place.

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

"(g)(1) The Mayor shall not release an animal that has not received a rabies vaccination in accordance with the Centers for Disease Control and Prevention's rabies vaccination schedule.

"(2) Paragraph (1) of this subsection shall not apply to puppies or kittens under 4 months of age.".

(h) Section 9 (D.C. Official Code § 8-1808) is amended to read as follows:

"Sec. 9. Prohibited conduct.

"(a) An owner or custodian of an animal shall not allow the animal to go at large.

"(b) A person shall not knowingly and falsely deny ownership or custodianship of any animal.

"(c)(1) An owner or custodian of an animal shall not leave the animal outdoors and unattended for more than 15 minutes during periods of extreme weather, unless the age, condition, size, and type of animal allows the animal to withstand extreme weather.

"(2) Paragraph (1) of this subsection shall not apply to cats.

"(d) A person shall not remove the license of a dog without the permission of its owner.

"(e) A dog shall not be permitted on any school ground or on any public recreation area, other than a dog park, unless the dog is on a leash, tether, or under other means of adequate physical control.

"(f)(1) A person shall not separate a puppy or a kitten from its mother until the puppy or kitten is at least 6 weeks of age.

"(2) Paragraph (1) of this subsection shall not apply in cases where a mother poses a danger to its offspring.

"(g) A person shall not sell or offer for sale a puppy or kitten under 6 weeks of age, unless the puppy's or kitten's mother is sold to the same person as the puppy or kitten.

"(h) A person shall not change the natural color of a baby chicken, duckling, other fowl, or rabbit.

"(i) A person shall not sell or offer for sale a baby chicken, duckling, other fowl, or rabbit that has had its natural color changed.

"(j) A person shall not sell or offer for sale a rabbit under the age of 16 weeks or a chick or duck under the age of 8 weeks except for agricultural or scientific purposes.

"(k)(1) Except as provided in this subsection, a person shall not import into the District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a household pet, any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), domesticated rodents and rabbits, captive-bred species of common cage birds, non-venomous snakes, fish, and turtles, traditionally kept in the home for pleasure rather than for commercial purposes, ferrets, and racing pigeons (when kept in

compliance with permit requirements).

"(2) A person may offer the species enumerated in paragraph (1) of this subsection to a public zoo, park, or museum for exhibition purposes.

"(3) This section shall not apply to federally-licensed animal exhibitors; provided, that the Mayor shall retain the authority to restrict the movement of any prohibited animal into the District and the conditions under which those movements are made.

"(4) The Mayor may allow a licensed wildlife rehabilitator, licensed veterinarian, or licensed animal shelter to maintain an animal prohibited in this subsection for treatment or pending appropriate disposition.

"(l) A person shall not sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator, any activity or event in which any animal engages in unnatural behavior, is wrestled or fought, mentally or physically harassed, or displayed in such a way that the animal is struck, abused, or mentally or physically stressed or traumatized, or is induced, goaded, or encouraged to perform or react through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause, or is likely to cause, physical or other injury or suffering. This prohibition shall apply to any event or activity at a public or private facility or property and is applicable regardless of the purpose of the event or activity and regardless of whether a fee is charged to spectators.

"(m)(1) An owner or custodian of a dog shall not direct, encourage, cause, allow, aid, or assist that dog to threaten, charge, bite, or attack a person or other animal, except that a person may keep a properly trained dog on private property to defend the property and its occupants from intruders, and may order a dog to defend a person under attack.

"(2) Paragraph (1) of this subsection shall not apply to dogs that work for the Metropolitan Police Department or any other law enforcement agency.

"(n) A person shall not display, exhibit, or otherwise move animals in the District of Columbia as part of a circus, carnival, or other special performance or event, without first obtaining a permit, issued by the Mayor, that governs the care and management of the animals.

"(o) An owner or custodian of an animal shall not neglect to provide the animal with adequate care, adequate feed, adequate shelter, adequate space, and adequate water.

"(p) A person shall not take actions that intentionally harm, or that the person should know is likely to cause harm, to an animal.".

(i) Section 9a(a) (D.C. Official Code § 8-1808.01(a)) is amended by striking the phrase "District-owned" and inserting the phrase "District-operated" in its place.

(j) Section 10 (D.C. Official Code § 8-1809) is amended as follows:

(1) Strike the word "mammals" wherever it appears and insert the word "animals" in its place.

(2) Subsection (a) is amended by striking the phrase "permit: EXCEPT," and inserting the phrase "permit; provided," in its place.

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

"(f) A holder of an animal hobby permit shall provide his or her animals with adequate care, adequate feed, adequate shelter, adequate space, adequate water, and appropriate veterinary

care.".

(4) Subsection (g) is amended by striking the word "mammal" and inserting the word "animal" in its place.

(k) Section 11(2) (D.C. Official Code § 8-1810(2)) is amended to read as follows:

"(2) An educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and the laws related to pet ownership.".

(l) A new section 11a is added to read as follows:

"Sec 11a. Abandonment of an animal.

"(a) An owner or custodian shall not abandon an animal in his or her possession.

"(b)(1) The Mayor shall deem abandoned any animal impounded for 7 days after the animal's owner receives notice if the animal is wearing identification.

"(2) The Mayor shall deem abandoned any animal impounded for 5 days if the animal is not wearing identification.

"(3) An animal deemed abandoned shall be transferred to an animal shelter and become the property of the Animal Care and Control Agency.

"(c) A person who transfers ownership of an animal or releases the animal to the Animal Care and Control Agency shall not be liable for abandonment.".

(m) Section 12 (D.C. Official Code § 8-1811) is amended to read as follows:

"Sec. 12. Penalties.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to set specific fine amounts for violations of each provision of this act; provided, that the fines shall not exceed the following amounts:

"(1) $500 for each offense, except as otherwise provided in paragraph (2) of this subsection.

"(2) $1000 for each offense for violations of sections 9(o), 9(p), or 11a.

"(b) Fines issued under this section shall not preclude any other criminal or civil penalty or enforcement action provided by District law.".

(n) Section 12a (D.C. Official Code § 8-1812) is repealed.

(o) A new section 13a is added to read as follows:

"Sec. 13a. Rules.

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

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).

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Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 31, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2017

To officially designate, on an emergency basis, the entire portion of the public alley system within Square 376, bounded by 9th Street, N.W., F Street, N.W., 10th Street, N.W., and G Street, N.W., in Ward 2, as McGill Alley to honor the prolific 19th century Washington, D.C. architect, James H. McGill.

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

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) ("Act"), and notwithstanding the requirements of sections 421(b) and 421(f) of the Act (D.C. Official Code § 9-204.21(b) and (f)), the Council officially designates the entire portion of the public alley system in Square 376, which is bounded by 9th Street, N.W., F Street, N.W., 10th Street, N.W., and G Street, N.W., as shown on the Surveyor's plat in the committee report for the McGill Alley Designation Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-59), as "McGill Alley".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the McGill Alley Designation Act of 2017, passed on 2nd reading on July 11, 2017 (Enrolled version of Bill 22-59), 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

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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 31, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2017

To officially designate a portion of the public alley system in Square 442, bounded by S Street, N.W., 6th Street, N.W., Rhode Island Avenue, N.W., R Street, N.W., and 7th Street, N.W., in Ward 6, as Glick Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Glick Court Designation Act of 2017".

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) ("Act"), and notwithstanding the requirements of section 421(f) of the Act (D.C. Official Code § 9-204.21(f)), the Council officially designates the portion of the public alley system in Square 442, which is bounded by S Street, N.W., 6th Street, N.W., Rhode Island Avenue, N.W., R Street, N.W., and 7th Street, N.W., that runs east-west between the 2 portions running north-south as shown on the Surveyor's plat in the committee report, as "Glick Court".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
July 31, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 3, 2017

To officially designate the entire portion of the public alley system within Square 376, bounded by 9th Street, N.W., F Street, N.W., 10th Street, N.W., and G Street, N.W., in Ward 2, as McGill Alley to honor the prolific 19th century Washington, D.C. architect, James H. McGill.

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

Sec. 2. Pursuant to sections 401, 403, and 421 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03, and 9-204.21) ("Act"), and notwithstanding the requirements of sections 421(b) and 421(f) of the Act (D.C. Official Code § 9-204.21(b) and (f)), the Council officially designates the entire portion of the public alley system in Square 376, which is bounded by 9th Street, N.W., F Street, N.W., 10th Street, N.W., and G Street, N.W., as shown on the Surveyor's plat in the committee report, as "McGill Alley".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 31, 2017

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To celebrate Sassy Nail Salon and Spa on its 15th anniversary, and recognize the salon for its contributions to the Ward 4 community.

WHEREAS, on May 20, 2002, Misha Parham opened Sassy Nail Salon and Spa as a full service salon and spa to meet the glamour needs of Ward 4 residents;

WHEREAS, Sassy Nail Salon and Spa, located at 6910 4th Street, N.W., has been a vital member of the Ward 4 community and has served the residents of Ward 4 for 15 years;

WHEREAS, Sassy Nail Salon and Spa provides services for patrons of all ages and is dedicated to delivering exceptional service and an unforgettable experience;

WHEREAS, Sassy Nail Salon and Spa serves the Ward 4 community 7 days a week and offers a variety of services, ranging from manicures and pedicures to various spa treatments; and

WHEREAS, on May 20, 2017, Sassy Nail Salon and Spa, a valued member of the Ward 4 business community, will celebrate its 15th anniversary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sassy Nail Salon and Spa 15th Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes Sassy Nail Salon and Spa for its contributions to Ward 4 and the District of Columbia, and celebrates the organization's 15th anniversary.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize and honor Joy Holland on the occasion of her retirement and for her dedicated, selfless service to the District of Columbia.

WHEREAS, Joy Holland earned a bachelor's degree from St. Joseph College in Brooklyn, N.Y., and a master's degree from Long Island University in Glenvale, N.Y.;

WHEREAS, after rising in the health profession in Michigan, Joy Holland relocated to the District of Columbia in 2001 after being hired as Chief Executive Officer of Saint Elizabeth Hospital;

WHEREAS, in 2007, Joy Holland began her role as Chief of Staff for then Ward 4 Councilmember Muriel Bowser, and she served in that capacity until 2014;

WHEREAS, in 2015, Joy Holland was appointed as Deputy Chief Secretary of the District of Columbia;

WHEREAS, in her capacity as Deputy Chief Secretary of the District of Columbia, Joy Holland has been responsible for the Office of Protocol and International Affairs, the Office of Public Records, the Archives of the District of Columbia, the Office of Notary Commissions and Authentications, the Office of Documents and Administrative Issuances, and the Office of International Affairs;

WHEREAS, Joy Holland has served on a number of boards, including the American Hospital Association Governing Council, the District of Columbia Hospital Association, the Michigan Alliance for Mental Health Services, and the Junior Leagues of Detroit and Washington, D.C.;

ENROLLED ORIGINAL

WHEREAS, Joy Holland has long been involved in education, having taught at Eastern Michigan University and the University of Michigan, volunteered as an English teacher at the Academy of Hope, and been appointed to the Board of Visitors at Howard University; and

WHEREAS, in her career, Joy Holland has maintained a distinguished record of accomplishment, character, service, and excellence to all she has served and has proven to be a respected leader capable of leading and implementing systems and procedures that have helped produce positive change in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Joy Holland Retirement Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and congratulates Joy Holland on the occasion of her retirement and extends wishes of prosperity, good health, and happiness to Joy Holland during her retirement years.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize and honor the Washington Wizards on their winning season, which included their first Southeast Division championship and advancement to the second round of the National Basketball Association playoffs.

WHEREAS, in 1997, under the ownership of the legendary Abe Pollin, the Washington Bullets officially became the Washington Wizards;

WHEREAS, in 1997, the Washington Wizards moved to the then MCI Center, now the Verizon Center, in downtown Washington, D.C.;

WHEREAS, in 2010, Ted Leonsis completed a deal to purchase a majority share of the Washington Wizards and Verizon Center from the Pollin family;

WHEREAS, coached by Scott Brooks, the 2016-2017 Washington Wizards roster includes: Guards, Bradley Beal, John Wall, Bojan Bogdanovic, Trey Burke, Brendon Jennings; Centers, Marcin Gortat, Ian Mahinmi; Forwards: Chris McCullough, Markieff Morris, Daniel Ochefu, Kelly Oubre Jr., Otto Porter Jr.; Guard/Forward, Sheldon McClellan and Tomas Satoransky; and Forward Center, Jason Smith;

WHEREAS, the Wizards posed 49 wins in the 2016-2017 season, making it the Wizards' best season in 38 years; and

WHEREAS, on May 15, 2017, the Wizards advanced to the Eastern Conference semifinals against the regular season conference champion, the Boston Celtics, and in Game 7 came within 10 points of moving on to the Eastern Conference finals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Wizards Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors the Washington Wizards and their contribution to sports and to the District of Columbia by providing hope for a rich basketball future in the District.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize and honor the Washington Capitals on their stellar regular season and advancement to the National Hockey League Eastern Conference semifinals.

WHEREAS, the Washington Capitals, under the ownership of Ted Leonsis and the coaching of Barry Trotz, have brought action and excitement to Washington, D.C., and the metropolitan area;

WHEREAS, the Washington Capitals won the National Hockey League's Presidents Trophy for being the team with the most points at the end of the regular season;

WHEREAS, the Washington Capitals advanced to the Eastern Conference semifinals and displayed incredible individual and team accomplishments;

WHEREAS, the Washington Capitals have helped transform Chinatown and the Gallery Place neighborhood into an exciting destination for the entire metropolitan area;

WHEREAS, the Washington Capitals contribute to the good of the community through the Washington Capitals charities and a variety of fundraising efforts and donations; and

WHEREAS, Washington, D.C. and the entire metropolitan area looks forward to "rocking the red", supporting and rooting for the Washington Capitals for many years to come.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Capitals 2016-2017 Season Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia salutes the Washington Capitals for its spirit and countless achievements in advancing sporting excellence in Washington, D.C., and recognizes and congratulate all of the Washington Capitals on their individual achievements during this stellar season.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-116

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize National Caribbean-American Heritage Month and the Caribbean-American community as an integral and celebrated cultural community in the District of Columbia.

WHEREAS, in 1996, District of Columbia residents of Caribbean heritage first conceived a national celebration of Caribbean-American heritage, initiated by Doreen Thompson, Esq. with the support of Denys Vaughn Cooke, Errol McLaren, and Robert Nichols, all of Ward 4, and Dr. Basil Buchanan of Ward 1;

WHEREAS, in 2001, Mayor Anthony Williams first proclaimed June as Caribbean-American Heritage Month through the continued efforts of Doreen Thompson, Esq. and Dr. Basil Buchanan;

WHEREAS, the campaign moved to the national stage through the efforts of Dr. Claire Nelson of the Institute of Caribbean Studies, located in the District of Columbia;

WHEREAS, Representative Barbara Lee of California spearheaded the bipartisan, bicameral legislative effort to recognize Caribbean-American Heritage Month nationally, appointing staff person Jamila Thompson, of Caribbean heritage, to coordinate the policy strategy;

WHEREAS, the efforts of Representative Lee and Jamila Thompson resulted in President George W. Bush declaring June 2006 as National Caribbean-American Heritage Month; which is now recognized annually by the sitting President of the United States of America;

WHEREAS, Caribbean immigrants have contributed to the well-being of American society since the country's founding;

WHEREAS, the District of Columbia has benefitted from Caribbean-Americans through their contributions to our city and nation, including the Ali Family of Ben's Chili Bowl, Dr. Wayne A.I. Frederick, President of Howard University, and entertainers with Caribbean roots, including Lamman Rucker and Dave Chappelle;

ENROLLED ORIGINAL

WHEREAS, countless residents of Caribbean heritage serve the District of Columbia in the areas of public service, education, business, technology, healthcare, family services, the arts, and culture in every corner of the city;

WHEREAS, Ward 4 has been the historical base for the Caribbean community, continues to have the largest number of persons of Caribbean heritage in the District of Columbia, and includes many Caribbean-American restaurants and food businesses, as well as a major church of worship for the Caribbean community; and

WHEREAS, June of 2016 is the 15th anniversary of celebrating Caribbean-American Heritage Month in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Caribbean-American Heritage Month and Caribbean-American Community Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes the outstanding contributions and valued accomplishments of the Caribbean-American community in the District of Columbia and the United States of America, and recognizes District residents of Caribbean heritage on the occasion of National Caribbean-American Heritage Month.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-117

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize and honor Robert J. Spagnoletti for his years of service to the government and residents of the District of Columbia.

WHEREAS, Robert Spagnoletti was born and raised in Colonia, New Jersey;

WHEREAS, Robert Spagnoletti graduated *summa cum laude* from Lafayette College in Easton, Pennsylvania, with a dual major in history and mathematics, and later graduated *magna cum laude* from Georgetown University Law Center in Washington, D.C.;

WHEREAS, Robert Spagnoletti began his legal career with private firms in New York and Houston;

WHEREAS, Robert Spagnoletti joined the United States Attorney's Office for the District of Columbia in 1990 and served there until 2003 as chief of the Sex Offense and Domestic Violence Section, prosecuting adult criminal cases involving sexual abuse of adults and children, intrafamily offenses, and child maltreatment;

WHEREAS, Robert Spagnoletti was appointed by Mayor Anthony Williams in 2003 to be Corporation Counsel, a position now known as the Attorney General for the District of Columbia, and held that office until 2006;

WHEREAS, Robert Spagnoletti joined the law firm of Schertler & Onorato, L.L.P., in 2006 and, for almost 11 years, handled a mix of criminal, civil, and administrative litigation for both individuals and business organizations;

WHEREAS, Robert Spagnoletti served as the 37th President of the D.C. Bar from 2008 to 2009, leading the second largest mandatory bar association in the country by chairing the Board of Governors, serving on numerous committees, developing the D.C. Bar's first–ever strategic plan, and leading the D.C. Bar's move to new office space;

ENROLLED ORIGINAL

WHEREAS, Robert Spagnoletti served from 2012 to 2017 as the founding Chair of the Board of Ethics and Government Accountability, which enforces the Code of Conduct governing the executive and legislative branches of the District government;

WHEREAS, Robert Spagnoletti was selected in 2017 to become the Chief Executive Officer of the D.C. Bar, in which position he will be responsible for leading the D,C, Bar through its 2020 strategic plan and major initiatives, including relocating to its new headquarters in the Mount Vernon Triangle; and

WHEREAS, Robert Spagnoletti has been recognized for his personal and professional contributions to the District of Columbia with awards including the Sullivan Award, presented by the Assistant United States Attorney Association, the Bar Association of the District of Columbia Young Lawyer of the Year Award, and the Distinguished Service Award from GAYLAW, now the LGBT Bar Association of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Robert J. Spagnoletti Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Robert J. Spagnoletti for his years of service to the government and residents of the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-118

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To honor Community Tax Aid on the occasion of the celebration of its 30th anniversary, and to declare June 1, 2017, as "Community Tax Aid Day" in the District of Columbia.

WHEREAS, since its establishment in 1987, Community Tax Aid has provided income tax preparation assistance to more than 80,000 low-income workers and retirees;

WHEREAS, Community Tax Aid provides services to residents in all of the wards in the District of Columbia through its 9 tax sites;

WHEREAS, Community Tax Aid provides assistance year-round to low-income taxpayers with both federal and state tax problems;

WHEREAS, Community Tax Aid maintains strong partnerships with other District of Columbia organizations such as DC Hunger Solutions, United Planning Organization, Jubilee Jobs, Centro Nia, Capital Area Asset Builders, and the District of Columbia's Department of Insurance, Securities and Banking, to ensure that low-income taxpayers are informed about other assistance available to them;

WHEREAS, Community Tax Aid works closely with the District of Columbia's Office of Tax and Revenue to help District of Columbia taxpayers comply with their tax fining requirements and to ensure that low-income District of Columbia residents benefit from the tax credits for which they qualify;

WHEREAS, Community Tax Aid trains over 500 local volunteers each year who serve in our community; and

WHEREAS, Executive Director Teresa Hinze served on the DC Tax Revision Commission to provide a voice for low and moderate-income District of Columbia residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Community Tax Aid 30th Anniversary Recognition Resolution of 2017".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia salutes and congratulates Community Tax Aid on the occasion of 30 years of service to the residents of Washington, D.C., and declares June 1, 2017, as "Community Tax Aid Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-119

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To celebrate and honor the life of Rev. Dr. Lewis M. Anthony, in remembrance.

WHEREAS, Rev. Dr. Lewis M. Anthony was a third generation native of Washington, D.C., and a resident of Ward 7;

WHEREAS, Rev. Dr. Lewis M. Anthony graduated from Shaw Junior High School, Anacostia High School, Columbia University, and Harvard University;

WHEREAS, Rev. Dr. Lewis M. Anthony began his long involvement in public service and advocacy as a student leader in the movement to convince the Congress of the United States to build a new Shaw Junior High School and as a contributor to the first student Bill of Rights for the District of Columbia Public Schools;

WHEREAS, Rev. Dr. Lewis M. Anthony gave a speech at the dedication of Robert F. Kennedy Stadium in 1969, was afterwards appointed the city's first Youth Representative and Youth Advisor to the Mayor-Commissioner of the District of Columbia by the Honorable Walter E. Washington, and spoke to an audience of over 180,000 people on the National Mall at the age of 17 years;

WHEREAS, Rev. Dr. Lewis M. Anthony was appointed Assistant to the Mayor and City Administrator of the District of Columbia by Mayor Walter E. Washington;

WHEREAS, Rev. Dr. Lewis M. Anthony was appointed Assistant to the Secretary of the District of Columbia for Appeals, Executive Issuances, Protocol and Ceremonies by the Honorable Mayor Marion Barry and was twice appointed Assistant to the Mayor of the District of Columbia for Religious Affairs;

WHEREAS, Rev. Dr. Lewis M. Anthony served as Director of the Congressional District Office of the Honorable Walter E. Fauntroy, Member of the United States House of Representative;

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WHEREAS, Rev. Dr. Lewis M. Anthony was the recipient of several awards, citations, and honors from Presidents of the United States and distinguished local and national organizations and agencies, including the Mayor's Clergy Award from the Honorable Mayor Anthony A. Williams as one of Washington, D.C.'s outstanding religious leaders, the Dean's Award of the Andrew Rankin Chapel of Howard University, the James F. Jenkins Pillar of Faith Award for "outstanding contributions in the spiritual community" awarded by the Howard University School of Divinity and United Church of Christ, the Humanitarian Award of the Martin Luther King, Jr. D.C. Support Group, and the Paul Robeson Award from the International Ministers and Lay Association of the African Methodist Episcopal Zion Church;

WHEREAS, Rev. Dr. Lewis M. Anthony was active in many organizations and activities such as the African Heritage and Cultural Institute of America, Black United Fund, Citizen's Advisory Board of the District of Columbia's Department of Corrections, and Wednesday Morning Clergy Fellowship, and served as Protestant Chaplin for the Metropolitan Police and Fire Department, a member of the Board of Directors of the Council of Churches of Greater Washington, a member of the Board of Directors of District of Columbia's One Church One Child, and Chairman of the District of Columbia branch of the Southern Christian Leadership Conference;

WHEREAS, Rev. Dr. Lewis M. Anthony previously served as Vice President for Academic Affairs and Chief Academic Officer of the Maple Springs Baptist Bible College and Seminary, National Advisor to the Anti-Drug Program of the Congress of National Black Churches, Consultant to the National Crime Prevention Council, Member of the Board of Directors for Columbia College, Columbia University Alumni Society, D.C. Commission on the Arts, Member of the Board of the Directors for D.C. United Way, Member of the Board of Directors D.C. CASA (Court Appointed Service Advocates), Member of the Board of Trustees for the International Christian Endeavor Society, Chairman of the D.C. Coalition for the Homeless, Chairman of the District of Columbia State Advisory Committee to the United States Civil Rights Commission, President of the Council of Churches of Greater Washington, and Spirituality Coordinator for the National Black Family Reunion of the National Council of Negro Women, and was appointed by the United States District Court of the District of Columbia to serve as a member of the Advisory Board of D.C. Child and Family Services;

WHEREAS, Rev. Dr. Lewis M. Anthony served as Pastor of the St. Lucille A.M.E. Zion Church in Ward 7 and was active within the African Methodist Episcopal Zion Church as Episcopal Liaison for Public Policy and Legislative Affairs, Episcopal Director for Ecumenical Affairs for the Mid-Atlantic II Episcopal District, Administrative Assistant for Spiritual Direction to the General Secretary and Department of Christian Education, Administrative Assistant for Contemporary and Political Affairs, National Advisor to the Assembly of Christian Educators, Member of the Connectional Council, Member of the Restructuring Commission and

ENROLLED ORIGINAL

Chairman of the Conference Committee of Admissions and Ecumenical Relations Committee for the Philadelphia Baltimore Annual Conference; and

WHEREAS, Rev. Dr. Lewis M. Anthony previously served as Interim Pastor of Union Wesley A.M.E. Zion Church, the church of his childhood; Pastor of Metropolitan Wesley A.M.E. Zion Church; Pastor of John Wesley A.M.E. Zion Church in Baltimore, Maryland; Pastor of Varick Memorial A.M.E. Zion Church; and Pastor of Full Gospel A.M.E. Zion Church.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rev. Dr. Lewis M. Anthony Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia honors and remembers the life and contributions of Rev. Dr. Lewis M. Anthony, recognizes him as a veteran of civic and public affairs and a widely traveled speaker, teacher, and preacher, and expresses condolences on his passing.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-120

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To honor Warren Brown for his service to the business vitality and consumer interests of the District of Columbia, to congratulate him on his accolades and achievements, and to declare June 15, 2017, as "Warren Brown Day" in the District of Columbia.

WHEREAS, Warren Brown, esteemed automotive columnist for *The Washington Post*, covered the automobile industry from 1982 to 2009, and has been recognized as one of the nation's most influential auto writers;

WHEREAS, Warren Brown is a special correspondent for *The Washington Post*, writing an automotive product review syndicated column, entitled, "On Wheels," and he also administers an auto industry online roundtable discussion, "Real Wheels";

WHEREAS, Warren Brown's passion, enthusiasm, knowledge, and vision have garnered him the respect and admiration of the entire automotive industry as well as being considered the dean of African American automotive journalists, both mainstream and automotive;

WHEREAS**,** Warren Brown has been a champion of automotive safety, advancing automotive technology and the future of the automobile, smart cities, and mobility;

WHEREAS, Warren Brown has worked diligently for consumer protection and rights, automotive manufacturer responsibility, dealer commitment, and public-private sector initiatives;

WHEREAS**,** Warren Brown has been a trusted professional with the Washington Area New Automobile Dealers Association ("WANADA") and a participant in the popular "Ask the Expert" Booth at The Washington Auto Show;

WHEREAS**,** Warren Brown, after interviewing manufacturers about their latest plans and projections, has written an industry handbook for the 2014-2017 Washington Auto Show on "The Future of Mobility", distributed to hundreds of thousands of auto show attendees;

WHEREAS, Warren Brown has been honored with the highest honor given for career excellence at *The Washington Post*—The Eugene Mayer Award -- and received the 16th Annual

ENROLLED ORIGINAL

Urban Wheel Awards' Lifetime Achievement Award during Press Days at the North American International Auto Show in Detroit;

WHEREAS, Warren Brown has been honored by WANADA with a Lifetime Achievement Award at its annual meeting with dealer principals and the business community at the Mayflower Hotel;

WHEREAS, Warren Brown is the co-author of "Black and White and Red All Over: The Story of a Friendship" and wrote the introduction to DRIVEN: A Tribute to African American Achievement in the Automotive Industry," a book published by Real Times Media and Who's Who Publishing;

WHEREAS, Warren Brown is a graduate of Xavier University in New Orleans and received his master's degree in journalism from Columbia University Graduate School in New York with fellowships at the Duke University School of Public Policy and The Wharton School of Business at the University of Pennsylvania; and

WHEREAS, Warren Brown is honored at a tribute reception by his peers, sponsored by the Washington Automotive Press Association, on June 15, 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Warren Brown Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia salutes Warren Brown for his service to the business vitality and consumer interests of the District of Columbia, congratulates him on his many achievements, and declares June 15, 2017, as "Warren Brown Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-121

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize and honor Chef Marianne Ali for her many contributions to the District of Columbia through her 20 years of service at DC Central Kitchen and its Culinary Job Training program.

WHEREAS, Chef Marianne Ali has spent 20 years tirelessly fighting to help District residents overcome homelessness, addiction, incarceration, trauma, and chronic joblessness;

WHEREAS, Chef Ali graduated from L'Academie de Cuisine in Gaithersburg, Maryland, before joining DC Central Kitchen in 1997 and becoming a culinary instructor in the Culinary Job Training program;

WHEREAS, upon being named the Director of the Culinary Job Training program, Chef Ali developed a robust internship component that connected DC Central Kitchen students with hands-on guidance from the District's chef community;

WHEREAS, in the face of the 2008 recession, Chef Ali led DC Central Kitchen's strategic realignment toward a focus on training and empowering returning citizens, ultimately building a model that reduces recidivism by 90% versus the national average and saves taxpayers $2 million in incarceration costs each year;

WHEREAS, Chef Ali's leadership, vision, and dedication have been honored with membership in Les Dames D'Escoffier, the Restaurant Association of Metropolitan Washington's Culinary Arts Visionary Award, the Catalyst Kitchens network's Catalyst for Change Award, and the White House's Champion of Change Award, which was presented by Attorney General Eric Holder; and

WHEREAS, under her direction, DC Central Kitchen has produced 1,500 culinary graduates, equipping them with the culinary training, self-empowerment, and industry connections they needed to embark on lasting careers and change their lives.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chef Marianne Ali Recognition Resolution of 2017".

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Sec. 2. The Council of the District of Columbia honors Chef Marianne Ali for her 20 years of service at DC Central Kitchen and its Culinary Job Training program, and thanks her for her contributions to the District of Columbia, its workers, and its returning citizens.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To posthumously recognize and honor the life of Marshall Brown for his civic contributions to the citizens of the District of Columbia.

WHEREAS, Marshall Brown was born in Courtland, Virginia on March 10, 1945;

WHEREAS, Marshall Brown was a longstanding resident of Washington, D.C., father, civic leader, civil rights advocate, and a Democratic activist;

WHEREAS, Marshall Brown attended Ella G. Clark Elementary School and graduated from Lakewood High School in Lakewood, New Jersey;

WHEREAS, the District of Columbia was the breeding ground where Marshall Brown's local and national political career flourished;

WHEREAS, Marshall Brown's journey began by working with the Student Nonviolent Coordinating Committee and other groups in the area to help African-Americans win the right to vote in Mississippi;

WHEREAS, Marshall Brown loved his newfound home of the District of Columbia and wanted to make a positive impact on its residents, leading to a life filled with activism and advocacy throughout the District, and leading him to join the Free D.C. group as a champion for District of Columbia statehood;

WHEREAS, Marshall Brown managed many aspects of several key political campaigns, beginning as a volunteer at the Democratic Convention in Atlantic City, New Jersey

WHEREAS, Marshall Brown accompanied Jessie Jackson in his efforts and rescue of Lt. Robert O. Goodman from Cuba;

ENROLLED ORIGINAL

WHEREAS, Marshall Brown's pursuit of advocacy and activism led him to assist Jesse Jackson in his campaign for President in 1984;

WHEREAS, Marshall Brown served as a community organizer to empower and uplift residents, especially within the African-American community;

WHEREAS, Marshall Brown became an aide in the administration of long-term Mayor Marion Barry for over a dozen years;

WHEREAS, Marshall Brown was an active trainer and mentor for the next generation of Democratic leaders through his role in the Marion Barry Youth Leadership Institute;

WHEREAS, Marshall's outgoing personality, knowledge of world history, and unapologetic passion for the African American community afforded him the opportunity to become the ambassador and historian for Ben's Chili Bowl; and

WHEREAS, Marshall Brown passed away on May 2, 2017, at the age of 72 years, leaving behind 3 children, 6 grandchildren, and a city grateful for his wisdom, knowledge, and community activism.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Marshall Brown Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes Mr. Marshall Brown and his contributions to the District as a community leader.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-123

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To commemorate the 79th anniversary of the District of Columbia Chamber of Commerce, to recognize the District of Columbia Chamber of Commerce for its devotion to the local business community and foresight to create a vibrant and thriving District economy that improves the quality of life for all built through mutually beneficial partnerships between business, government, and the community, and to declare June 20, 2017, as "District of Columbia Chamber of Commerce Day" in the District of Columbia.

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WHEREAS, on June 20, 1938, incorporation papers were signed to establish a chamber of commerce in the nation's capital;

WHEREAS, the Washington Chamber of Commerce, as it was known then, was originally formed to provide services for African-American businesses in the city;

WHEREAS, the Washington Chamber of Commerce changed its name to the Negro Chamber of Commerce in August 1946, reflecting the unique needs of black businesses at that time;

WHEREAS, 10 years later, on October 23, 1956, the name was changed to the District of Columbia Chamber of Commerce;

WHEREAS, the District of Columbia Chamber of Commerce's purpose was not only to promote the growth of minority firms, but also to work for the needs and development of all businesses located in the District of Columbia;

WHEREAS, today the District of Columbia Chamber of Commerce is working assertively to expand the economy in the District by attracting new jobs and creating economic opportunities for its members and citizens;

WHEREAS, the District of Columbia Chamber of Commerce's mission is to be the most valuable resource and leading advocate for businesses throughout the District of Columbia;

ENROLLED ORIGINAL

WHEREAS, the District of Columbia Chamber of Commerce is a 501(c)(6) organization that has for 79 years dedicated its efforts to improving the climate of business in the District of Columbia;

WHEREAS, on August 15, 2016, Vincent Bernard Orange, Sr. was named President and Chief Executive Officer of the District of Columbia Chamber of Commerce;

WHEREAS, under the leadership of its Board of Directors and officers, including Chair of the Board, Ms. Marie Johns of Leftwhich LLC; Chair-Elect, Mr. Ajay Madan of Optimal Solutions and Technologies; 1st Vice Chair, Mr. Henry Osborne of Anchor Construction; 2nd Vice Chair, Ms. Jan Adams of AMA Solutions; Treasurer, Ms. Winell Belfonte of CohnReznick; and Secretary, Ms. Lisa Cohen of TooFirerce Extensions, the District of Columbia Chamber of Commerce builds on its efforts to develop businesses, build resources for our community, sponsor opportunities for events and networking, and cultivate learning opportunities for all businesses;

WHEREAS, as a result of active membership campaigns over the past few years and the implementation of strategic outreach, the District of Columbia Chamber of Commerce has evolved into the chief advocate of businesses in the District of Columbia;

WHEREAS, the District of Columbia Chamber of Commerce helps all businesses from small, start-up companies and certified business enterprises to larger enterprises;

WHEREAS, as the leading business organization in the Washington, D.C. metropolitan region, the District of Columbia Chamber of Commerce serves a diverse membership of thousands of businesses who create jobs and contribute to the District's coffers;

WHEREAS, because the District of Columbia's business community is the engine behind local job growth and creation, the District of Columbia Chamber of Commerce strives to reduce the cost of doing business through regulatory reform and advocating for business-friendly fiscal policies;

WHEREAS, during the Fiscal Year 2018 budget considerations, the District of Columbia Chamber of Commerce and business community were successful in maintaining the recommendations of the DC Tax Reform Commission, which lowered the corporate franchise tax rate to 8.25%, beginning January 2018;

WHEREAS, the District of Columbia Chamber of Commerce is devoted to mobilize around policies that impact the business community, and inspires all local businesses to continue

ENROLLED ORIGINAL

to connect with District policy makers in a collaborative effort to support rational pro-business policies that support the overall success of our city; and

WHEREAS, these efforts and many more have solidified the District of Columbia Chamber of Commerce's position as the leading advocate for businesses in the District, where it is valued for its mission to Advocate, Connect and Educate the local business community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "79th Anniversary of the District of Columbia Chamber of Commerce Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia celebrates the District of Columbia Chamber of Commerce on the occasion of its 79th anniversary, recognizes and honors it as the voice for business of all sizes and as an organization that strives to make the District of Columbia a better place for one to live, work, and do business, and declares June 20, 2017, as "District of Columbia Chamber of Commerce Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-124

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To recognize and honor Arrington L. Dixon for his outstanding contributions to the community of the District of Columbia.

WHEREAS, Arrington L. Dixon is a native Washingtonian born to James and Sally Dixon in Anacostia;

WHEREAS. Mr. Dixon served his country honorably and continues to support national defense efforts as a Colonel in the Army Reserve;

WHEREAS, Mr. Dixon was former commander of the DC Selective Service Detachment and also served as Special Assistant to the Secretary of the Army;

WHEREAS, Arrington L. Dixon participated in the first District of Columbia Home Rule Election in 1974, was first elected as Ward 4 Councilmember, then later was elected in 1978 as Chairman of the Council;

WHEREAS, in May 1994, Arrington L. Dixon was elected as Chairman of the Anacostia Coordinating Council, where he worked tirelessly to include more of Anacostia in the Central Employment Area and to bring employment opportunities to the residents of Anacostia;

WHEREAS, Arrington L. Dixon has served as an advocate for issues affecting the citizens of the District of Columbia, including child care, health, crime, and political participation;

WHEREAS, Mr. Dixon served on the Democratic National Committee's Executive Board as a member for 8 years;

WHEREAS, Arrington L. Dixon was appointed by Mayor Marion Barry to serve as a public member of the National Capital Planning Commission;

WHEREAS, Mr. Dixon is the owner, founder, and President of ADA Inc., a 25-year-old IT professional service corporation; and

ENROLLED ORIGINAL

WHEREAS, Mr. Dixon is currently a board member of the Smithsonian Anacostia Neighborhood Museum and has been a board member of the National Capital Planning Council for 20 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Arrington L. Dixon Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes Arrington L. Dixon for his contributions to the District as a community leader.

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

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A CEREMONIAL RESOLUTION

22-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize James "Butch" McAdams for his induction into the District of Columbia State Athletic Association's High School Hall of Fame.

WHEREAS, James "Butch" McAdams was born in Washington, D.C., and graduated from Mackin Catholic High School, which was later merged to form Archbishop Carroll High School in 1989;

WHEREAS, James "Butch" McAdams graduated from the University of the District of Columbia in 1981 after majoring in physical education;

WHEREAS, in 1978, after serving as an assistant coach at St. Albans School and Mackin Catholic High School, James "Butch" McAdams was named the head coach of the boys basketball team at the Maret School;

WHEREAS, in 1992, James "Butch" McAdams began a career in radio broadcasting and currently hosts the "Butch McAdams Show" on Sunday mornings on WOL-AM 1450 as well as co-hosting "The Larry Young Morning Show" weekdays on WOLB-AM 1010 in Baltimore;

WHEREAS, in 2007, James "Butch" McAdams retired from coaching the Maret School boys basketball team after 29 years and amassing 449 victories;

WHEREAS, in his long and prosperous career as a basketball coach, James "Butch" McAdams made extraordinary contributions to scholastic and amateur sports in the District of Columbia; and

WHEREAS, on June 8, 2017, James "Butch" McAdams was one of 10 members inducted into the District of Columbia State Athletic Association's inaugural High School Hall of Fame class.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "James 'Butch' McAdams District of Columbia State Athletic Association High School Hall of Fame Recognition Resolution of 2017".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and honors James “Butch” McAdams for his induction into the District of Columbia State Athletic Association High School Hall of Fame, and his commitment to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To celebrate Homestead, located at 3911 Georgia Avenue, N.W., on its 1st anniversary, and recognize the restaurant for its contributions to the Ward 4 community.

WHEREAS, Nic Makris, Elizabeth Makris, Blaine King, Tracy Knox, Max Major, and Troy Francis sought to serve locally sourced food, cider, and beer in a chef-driven neighborhood family restaurant;

WHEREAS, the building permit for Homestead was issued on April 21, 2014, and construction of the restaurant began the following day;

WHEREAS, on June 23, 2016, Homestead opened its doors to the public in the Ward 4 community of Petworth;

WHEREAS, led by Chef Marty Anklam‘s menu, Homestead has become a valued member of the Ward 4 culinary scene and the Petworth community; and

WHEREAS, on June 23, 2017, Homestead will celebrate its 1st anniversary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “1st Anniversary of Homestead Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Homestead, located at 3911 Georgia Avenue, N.W., on its 1st anniversary.

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

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A CEREMONIAL RESOLUTION

22-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and acknowledge the Shepherd Park Citizens Association for its commitment to serving the residents of Shepherd Park and to acknowledge its 15th Annual Community Picnic.

WHEREAS, the Shepherd Park Citizens Association was first organized in 1917 as the Sixteenth Street Heights Citizens Association, but became the Shepherd Park Citizens Association in the 1940s in order to avoid confusion with the Sixteenth Street Highlands area just to the south;

WHEREAS, the Shepherd Park Citizens Association is a Ward 4-based membership organization servicing residents of Shepherd Park, Colonial Village, and North Portal Estates;

WHEREAS, the Shepherd Park Citizens Association is an active and engaged organization that fosters civic responsibility and pride in Shepherd Park, Ward 4, and Washington, D.C.;

WHEREAS, the Shepherd Park Citizens Association's annual community picnic draws hundreds of residents for fun, food, and fellowship;

WHEREAS, the Shepherd Park Citizens Association's 15th Annual Community Picnic will be held on Sunday, June 25, 2017, at the Lowell School; and

WHEREAS, under the leadership of its President, Mark Pattison, its dedicated Board of Directors, and its devoted members, the Shepherd Park Citizens Association continues to uphold its mission to improve the quality of life for Shepherd Park residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Shepherd Park Citizens Association's 15th Annual Community Picnic Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and congratulates the Shepherd Park Citizens Association on the occasion of its 15th Annual Community Picnic and

ENROLLED ORIGINAL

commends its commitment to serving the residents of Shepherd Park, Ward 4, and the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and celebrate the 29th anniversary of National Senior Citizen's Day, and to declare August 21, 2017, as "National Senior Citizen's Day" in the District of Columbia.

WHEREAS, on August 19, 1988, President Ronald Reagan issued Proclamation 5847 creating National Senior Citizens Day to be August 21st;

WHEREAS, "National Senior Citizen's Day" is an annual observance created to recognize and honor senior citizens in the United States for the many positive contributions they make to their communities and also to bring awareness to social, health, and economic issues that affect senior citizens;

WHEREAS, the number of Americans ages 65 years and older is projected to more than double from 46 million to over 98 million by 2060, and the 65-and-older age group's share of the total population will rise from 15% to nearly 24%;

WHEREAS, there are over 107,000 seniors living in the District of Columbia and the population of older adults in the District is projected to grow to 17.4% by 2030;

WHEREAS, the District of Columbia boasts an active and engaged senior population that richly contributes to every community in every ward across the District;

WHEREAS, the District of Columbia, under the leadership of Mayor Muriel Bowser and Laura Newland, Executive Director of the Office on Aging, is committed to ensuring that the District's ageing population is provided with the highest quality of life;

WHEREAS, the District of Columbia is on pace to become the third United States city designated by the World Health Organization as an Age-Friendly City, in October 2017; and

ENROLLED ORIGINAL

WHEREAS, the District of Columbia recognizes that senior citizens have and continue to make positive contributions in their communities and remain committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "National Senior Citizen's Day Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia honors its aging population and encourages all residents to recognize and show appreciation for the value and contribution of elderly people to the District of Columbia, and hereby declares August 21, 2017, as "National Senior Citizen's Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and congratulate Reverend Dr. Joseph W. Daniels, Jr. on his 25th anniversary as pastor of Emory United Methodist Church.

WHEREAS, July 2017 marks the 25th year for Reverend Dr. Joseph W. Daniels, Jr. in his pastorate of the Emory United Methodist Church, located in the Brightwood community of Ward 4, at 6100 Georgia Avenue, N.W.;

WHEREAS, Reverend Dr. Joseph W. Daniels, Jr. is a 1991 graduate of Howard University School of Divinity, has earned a Bachelor and Master degree in the areas of Public Communication, Psychology, Journalism, and Public Affairs from American University, and holds a Doctor of Ministry degree from Wesley Theological Seminary in Washington, D.C.;

WHEREAS, since 1992, Reverend Dr. Joseph W. Daniels, Jr. has led Emory United Methodist Church, and during the past 25 years the church's congregation has grown from an average of 55 people in weekly worship attendance to over 400 every Sunday;

WHEREAS, under the leadership of Reverend Dr. Joseph W. Daniels, Jr., Emory United Methodist Church has been awarded the "Kim Jefferson Northeast Jurisdictional Award" for effective urban ministry representing the United Methodist Church and has been selected as one of the 25 Congregational Resource Centers in the "Strengthening the Black Church for the 21st Century" effort of the United Methodist Church;

WHEREAS, Reverend Dr. Joseph W. Daniels, Jr. is very active in community affairs, serving as a co-chair of the Washington Interfaith Network, as well as on the Board of Directors of the STEP Foundation and Ephesians Life Ministries;

WHEREAS, Reverend Dr. Joseph W. Daniels, Jr. teaches at Wesley Theological Seminary in both the Urban Ministry and Practice of Ministry and Mission programs;

WHEREAS, Reverend Dr. Joseph W. Daniels, Jr. seeks to inspire and equip others to see the possibilities God has for them and their communities, and accordingly has authored 3 books: *Begging for REAL Church* (2009), *The Power of REAL* (2011), and *Walking with Nehemiah* (2014);

ENROLLED ORIGINAL

WHEREAS, Reverend Dr. Joseph W. Daniels, Jr. has been happily married to Madelyn since 1985, and they are the proud parents of 2 young adults, Joia and Joey;

WHEREAS, under the leadership of Reverend Dr. Joseph W. Daniels, Jr., Emory United Methodist Church has provided much-needed community services to Ward 4 and the District of Columbia and remains an active leader in fostering community and economic development to the District of Columbia; and

WHEREAS, Reverend Dr. Joseph W. Daniels, Jr. has faithfully led the members of the Emory United Methodist Church and served the citizens of Ward 4 and the District of Columbia with great honor and distinction.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reverend Dr. Joseph W. Daniels, Jr. Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Reverend Dr. Joseph W. Daniels, Jr. for his commitment and service to the Emory United Methodist Church, and congratulates him on his 25th anniversary as Lead Pastor.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-131

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and commemorate the 1920 certification of the 19th Amendment to the United States Constitution granting American women the right to vote, and to declare August 26, 2017, as "Women's Equality Day" in the District of Columbia.

WHEREAS, on August 26, 1920, the 19th Amendment to the United States Constitution was formally adopted into the U.S. Constitution by proclamation of Secretary of State Bainbridge Colby, thus granting women full and equal voting rights in the United States;

WHEREAS, by a joint resolution of Congress on August 26, 1971, the first Women's Equality Day was celebrated;

WHEREAS, Rep. Bella Abzug (D-NY) sponsored the resolution, and every year since, each president declares this day as Women's Equality Day commemorating the certification of the 19th Amendment to the United States Constitution;

WHEREAS, seeds were planted for the women's rights movement 80 years before passage of the 19th Amendment when Lucretia Mott and Elizabeth Cady Staton, both abolitionists, were barred from the convention floor of the 1840 World Anti-Slavery Convention because they were women;

WHEREAS, after returning to the United States, Lucretia Mott, Elizabeth Cady Staton, Martha Wright, Mary Ann McClintock, and Jane Hunt began organizing the First Women's Rights Convention, which was held at the Wesleyan Chapel in Seneca Falls, New York, on July 19 and July 20, 1848;

WHEREAS, after vigorous debate and with the support of African American abolitionist Fredrick Douglass, the ninth resolution, the right to vote, was passed at the convention;

WHEREAS, in 1851, abolitionist and women's rights activist Sojourner Truth delivered her renowned speech "Ain't I a Woman?" at the Ohio Women's Rights Convention in Akron;

ENROLLED ORIGINAL

WHEREAS, the 19th Amendment has bolstered generations of women and empowered them to stand up, speak out, and use their vote to impact their communities and improve the lives of young women and girls;

WHEREAS, the passage of the federal Civil Rights Act of 1964 barred employment discrimination against women;

WHEREAS, the enactment of Title IX of the federal Education Amendments of 1972 guaranteed equal opportunity for women in all aspects of education;

WHEREAS, despite the many efforts of policymakers and advocates toward ensuring equality for women, gender inequality persists in many areas, as evidenced by the continuing struggle for equal pay and equal job and job training opportunities;

WHEREAS, women are critical to a strong and vibrant District of Columbia and play a pivotal role in spurring economic, cultural, and social growth in the District of Columbia; and

WHEREAS, Women's Equality Day serves a day to remember all the women suffragists who fought relentlessly for equal rights and to reflect on the countless contributions women make to the quality of our lives and the well-being of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Women's Equality Day Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia encourages citizens to seek opportunities to learn more about the history of Women's Equality Day, to educate themselves on the contributions women have made to the District of Columbia and its communities, and hereby declares August 26, 2017, as "National Senior Citizen's Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-132

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize that parks and recreation are critically important to the economic and environmental well-being of communities and the physical and mental health of individuals, and to declare July 2017, as "Park and Recreation Month" in the District of Columbia.

WHEREAS, the District of Columbia is fortunate to have a variety of recreation parks, water access locations, and trail systems providing many opportunities for residents and visitors to be active and explore our beautiful region;

WHEREAS, in 2009, the U.S. House of Representatives designated July as National Park and Recreation Month in recognition of "the great societal value of parks and recreation facilities and their importance in local communities across the United States";

WHEREAS, parks and recreation programs are an integral part of communities throughout this country and the District of Columbia;

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction;

WHEREAS, the Department of Parks and Recreation ("DPR") is committed to providing safe, fun, and accessible parks, trails, recreational facilities, and leisure opportunities for all District of Columbia residents and visitors;

WHEREAS, DPR manages more than 900 acres of green space, 34 urban gardens, 5 partner urban farms, 375 parks, 12 dog parks, 95 playgrounds, 135 athletic fields, 336 courts, 76 recreation facilities, and 50 aquatic facilities and features, and provides over 100 unique programs across the District of Columbia;

WHEREAS, DPR plays a vital role in establishing and maintaining the quality of life in its communities, ensuring the health of its residents, and contributing to the economic and environmental well-being of the District of Columbia;

ENROLLED ORIGINAL

WHEREAS, the DPR's programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of its residents;

WHEREAS, the District of Columbia was named America's fittest city for 3 years in a row, from 2014-2016 and was ranked the country's second most fit city for 2017;

WHEREAS, the District of Columbia currently claims the fourth highest ranked ParkScore in the United States according to The Trust for Public Land; and

WHEREAS, the District of Columbia recognizes that recreation activities help strengthen and build family unity, enhance community interaction and pride, help children and youth develop a positive self-image, and strengthen volunteer and community development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Park and Recreation Month Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes the benefits derived from parks and recreation resources and declares July 2017, as "Park and Recreation Month" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-133

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and honor Mary Childs on the occasion of her 104th birthday and for her dedication and commitment to the Edgewood community.

WHEREAS, Mary Childs is a resident of the District of Columbia and has lived in the Edgewood neighborhood of Ward 5 since the early 1940s;

WHEREAS, Mary Childs is a graduate of Dunbar Senior High School in Ward 5;

WHEREAS, Mary Childs worked several years in the federal government and retired from the Department of Commerce;

WHEREAS, Mary Childs was the recipient of the Department of Commerce's Bronze Award for superior service;

WHEREAS, Mary Childs worshipped and served at Mount Bethel Baptist Church on Rhode Island Avenue, N.W., in Ward 5; and

WHEREAS, Mary Childs is the proud mother of Edwin Jones, Edgewood Civic Association leader, and Cheryl Perry, who is a renowned opera singer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mary Childs 104th Birthday Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Mary Childs on the occasion of her 104th birthday and for her dedication to the Edgewood community and the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-134

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and honor the importance of representing the District of Columbia on a national stage at the Miss America competition, and to declare June 2017, as "Miss District of Columbia Month" in the District of Columbia.

WHEREAS, Miss District of Columbia, started in 1921, is a preliminary competition to select a young woman who will represent the District of Columbia in the Miss America competition;

WHEREAS, the competition helps raise and award millions of dollars in college scholarships;

WHEREAS, Miss District of Columbia also provides the young women of the District opportunities to pursue their personal, professional, and educational goals;

WHEREAS, this is the 96th year since the birth of the Miss District of Columbia competition;

WHEREAS, Miss District of Columbia brings together contestants, families, artists, performers, students, historians, ambassadors, and elected officials from all over the National Capital Region to celebrate and support the future endeavors of our young women; and

WHEREAS, the District crowned the 2017 Miss District of Columbia on June 18, 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Miss District of Columbia Month Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors all the contestants in the Miss District of Columbia pageant and declares June 2017, as "Miss District of Columbia Month" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and honor Tamar M. Meekins for her years of service to the District of Columbia as a public servant and passionate advocate for criminal justice reform and legal education.

WHEREAS, Tamar M. Meekins was born on November 21, 1961, in Richmond, Virginia;

WHEREAS, Tamar M. Meekins completed her undergraduate studies at the University of Pennsylvania in 1984 and earned a Juris Doctor degree from the University of Virginia in 1987;

WHEREAS, Tamar M. Meekins began her legal career in the District of Columbia at the law firm of Dewey, Ballantine, Bushby, Palmer & Wood;

WHEREAS, Tamar M. Meekins worked for more than a decade at the Public Defender Service for the District of Columbia ("PDS"), advancing to Chief of the Trial Division, where she managed the day-to-day operations of PDS' largest division and supervised 50 to 60 attorneys;

WHEREAS, Tamar M. Meekins was also appointed Chief of Legal Services at PDS, where she coordinated the work of the Trial, Juvenile, Civil, Mental Health, Parole, and Special Litigation Divisions;

WHEREAS, upon leaving PDS, Tamar M. Meekins served as Deputy Director of the Office of Citizen Complaint Review, now known as the Office of Police Complaints;

WHEREAS, in 2002, Tamar M. Meekins joined the faculty of Howard University School of Law, where she taught criminal law-related topics and inspired many of her students to pursue careers in public service;

WHEREAS, Tamar M. Meekins served as a supervising attorney in the Howard University School of Law Criminal Justice Clinic, training and supervising students who represented clients in misdemeanor cases in the Superior Court of the District of Columbia;

ENROLLED ORIGINAL

WHEREAS, Tamar M. Meekins served as the Director of the Howard University School of Law Clinical Law Center and expanded the center to include the Investor Justice and Education Clinic and the Intellectual Property and Trademark Clinic;

WHEREAS, Tamar M. Meekins worked collaboratively with the Superior Court of the District of Columbia Counsel for Child Abuse and Neglect Office to create a Child Welfare Clinic, where students provide representation to parents accused of child abuse and neglect;

WHEREAS, Tamar M. Meekins educated and trained students and lawyers across the United States, serving as a member of the Harvard Law School Trial Advocacy Workshop and Visiting Professor at the American University Washington College of Law and the Seattle University School of Law;

WHEREAS, in 2015, Tamar M. Meekins took a leave of absence from Howard University School of Law to serve as the Deputy Attorney General for the Public Safety Division at the District of Columbia Office of the Attorney General ("OAG"), implementing progressive criminal justice reform and leading 5 sections;

WHEREAS, Tamar M. Meekins, was responsible at OAG for overseeing the prosecution of public safety crimes, advocating for crime victims, and processing and rehabilitating juvenile offenders;

WHEREAS, Tamar M. Meekins authored numerous publications in the areas of criminal law, lawyering skills, specialty courts, trial litigation, and clinical legal education;

WHEREAS, Tamar M. Meekins earned numerous awards for her dedicated service to the legal profession, including the Howard University School of Law Warren Rosmarin Award for Teaching and Service and the inaugural Attorney General's Award for the Outstanding Head of a Division; and

WHEREAS, Tamar M. Meekins worked tirelessly to improve the District of Columbia criminal justice system and to ensure that indigent residents who are facing a loss of liberty receive quality representation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tamar M. Meekins Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Tamar M. Meekins for her years of outstanding service to the District of Columbia as a public servant and passionate advocate for criminal justice reform and legal education.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-137

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and honor Courtney Williams for over 30 years of activism and community organizing to improve older adult policies in the District.

WHEREAS, Courtney Williams is a third generation Washingtonian who attended Drew Elementary School, Adams Elementary School, Douglass Junior High School, and Ballou Senior High School;

WHEREAS, Courtney Williams attended Howard University, George Washington University, and the University of the District of Columbia, and holds a Bachelors of Arts and Master's Degree;

WHEREAS, Courtney Williams served as the City Planner for the District of Columbia Office on Aging for 27 years;

WHEREAS, Courtney Williams developed and managed programs and services to educate, train, and develop initiatives to address issues effecting the District's older adult population;

WHEREAS, Courtney Williams worked closely with his mentor, E. Veronica Pace, former Executive Director of the Office on Aging, to increase access to services and development of Wellness Centers in the District;

WHEREAS, Courtney Williams, even after retirement, volunteers with community organizations addressing chronic health conditions, including breast cancer and colon cancer;

WHEREAS, Courtney Williams has made significant contributions to Ward 5 by volunteering with various service providers, such as Seabury Ward Aging Services, Ward 5 Mini Commission on Aging, AARP Woodbridge Chapter, Seabury Transportation, Ward 5 Health Alliance Network, and the Fort Lincoln Condo Association; and

WHEREAS, Courtney Williams has been recognized for his work on disability and older adult issues, and has received many awards from community organizations.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Courtney Williams Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Courtney Williams for his dedication and service to the community, and for his commitment to improving the lives of older adults in the District.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-138

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 27, 2017

To recognize and honor Bernard Gibson for his outstanding contributions to District sports for over 70 years.

WHEREAS, Bernard Gibson was born in Washington, D.C., on July 18, 1935;

WHEREAS, Bernard Gibson married Barbara Gibson in 1954, and with her, had 3 children, 4 grandchildren, and one great-grandchild;

WHEREAS, Bernard Gibson, at the age of 12 years, was active in sports and encouraged his peers to join him in various sporting activities in his community;

WHEREAS, Bernard Gibson, at the age of 17 years, was awarded the Young American Award for his work in the community with youth, as documented by the Washington Post;

WHEREAS, Bernard Gibson worked in the Fort Lincoln community with community leaders like Commissioner Robert King and successfully advocated to locate Costco in the Fort Lincoln area of Ward 5;

WHEREAS, Bernard Gibson worked to restore the senior lunch programs at Fort Lincoln Village, and testified at legislative hearings on various issues, including policies effecting resources for older adults;

WHEREAS, Bernard Gibson worked at the Veterans Affairs Medical Center in Washington, D.C., to train veterans living with disabilities to participate in the annual Golden Age Games;

WHEREAS, Bernard Gibson won over 100 medals, in table tennis, badminton, pickle ball, long jump, 50-yard dash, and many other Golden Age Games events; and

WHEREAS, Bernard Gibson, since 2010, has led a senior exercise program at the Fort Lincoln-Vicksburg that makes significant impacts on the quality of life of its participants, and was awarded the Presidential Physical Fitness Award from President Barack Obama.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, This this resolution may be cited as the “Bernard Gibson Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Bernard Gibson for his dedication and service to the community and District sports.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and honor the Citi Open Tennis Tournament as it celebrates its 47th annual event and to declare August 1-9, 2017, as "Tennis Week" in the District of Columbia.

WHEREAS, the Washington tennis tournament, now known as the Citi Open, celebrates its 47th year as the Capital Tennis Tradition;

WHEREAS, the Citi Open Tennis Tournament was founded in 1969 by tennis legend and Hall of Famer Donald Dell, along with partner John Harris and with support from Arthur Ashe;

WHEREAS, Arthur Ashe declared he would only play in a naturally integrated neighborhood so everyone could enjoy the sport, leading to its location on 16th and Kennedy Streets, N.W., in Rock Creek Park, in Ward 4;

WHEREAS, Ward 4 has a storied history of cultural and economic diversity, and has served as a proud host for world-class tennis for 47 years;

WHEREAS, in 1972, Donald Dell gave the tournament charter to the Washington Tennis & Education Foundation (then called the Washington Area Tennis Patrons Foundation), raising funds to benefit nearly 1,500 low-income and underserved children from across Washington, D.C. each year;

WHEREAS, the Citi Open Tennis Tournament draws the best players in the world, making Washington, D.C., a global tennis destination, seen on television screens in 182 countries; and

WHEREAS, a 2014 economic impact study found that the estimated total gross impact of the Citi Open on the Washington, D.C. metropolitan regional economy on a given year is more than $26 million.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Citi Open Tennis Week Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia acknowledges and honors the Citi Open Tennis Tournament and the Washington Tennis & Education Foundation for hosting a world-

class sporting event, bringing exceptional annual economic impact to the District of Columbia, and contributing millions of dollars to low-income and underserved youth from across the city, and declares August 1-9, 2017, as "Tennis Week" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-140

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and honor Jermaine Dupri Mauldin on his successful career as a hip-hop recording artist, record producer, songwriter, rapper, record executive, music industry leader, entrepreneur, and community leader.

WHEREAS, Jermaine Dupri Mauldin was born in Asheville, North Carolina and raised in Atlanta, Georgia;

WHEREAS, Jermaine Dupri Mauldin produced his first musical group in 1990 and later formed the multi-platinum teen duo, Kris Kross;

WHEREAS, Jermaine Dupri Mauldin established his record label, So So Def Recordings, in 1993, and soon after discovered and signed the multi-platinum female R&B group Xscape;

WHEREAS, Jermaine Dupri Mauldin signed musical artists such as Da Brat, Bow Wow, Jagged Edge, Dem Franchise Boyz, and many other well-known artists to So So Def Recordings;

WHEREAS, Jermaine Dupri Mauldin co-wrote and produced music for several artists, including, Mariah Carey, Usher, Boys II Men, Destiny's Child, and Jay-Z;

WHEREAS, Jermaine Dupri Mauldin wrote and produced certified platinum and diamond songs;

WHEREAS, Jermaine Dupri Mauldin authored and produced songs that reached No. 1 on the Rhythmic Top 40, the Hot R&B/Hip-Hop chart, and the Billboard 100;

WHEREAS, Jermaine Dupri Mauldin is a Grammy award winning and nominated artist who has written and produced works that have broken world records;

WHEREAS, Jermaine Dupri Mauldin, in 2007, published his memoir, "Young, Rich and Dangerous: The Making of a Mogul";

ENROLLED ORIGINAL

WHEREAS, Jermaine Dupri Mauldin, in 2015, co-created a reality television series with Queen Latifah, The Rap Game, which provides young emerging artists guidance in the entertainment industry; and

WHEREAS, Jermaine Dupri Mauldin worked with his father, Michael Mauldin, to present the Next Generation of Leaders and the 12 Codes of Leadership to help shape today's youth into prominent leaders of tomorrow.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Jermaine Dupri Mauldin Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Jermaine Dupri Mauldin for over 25 years of excellence in the music and entertainment industry, and for his efforts to create a family-friendly, fun environment that reinforces the importance of community leadership and values.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-141

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and honor William C. Kellibrew IV for his contributions to the District, violence prevention work, victims assistance, and advocacy on behalf of children and survivors of violence.

WHEREAS, William Kellibrew IV is a native Washingtonian and was raised in Ward 5;

WHEREAS, William Kellibrew IV witnessed and survived the murders of his mother, Jacqueline Cephas, and his 12-year-old-brother, Anthony Cephas;

WHEREAS, William Kellibrew IV, following the murder of his family, began a path to hope, healing, recovery, and resilience;

WHEREAS, William Kellibrew IV received support from teachers, mental health professionals, professors, and family members, including his grandmother, Delores Short;

WHEREAS, William Kellibrew IV was an integral part of the William Kellibrew Foundation's effort to help break the cycles of violence and poverty in the District;

WHEREAS, William Kellibrew IV was recognized by the White House as a "Champion of Change" in 2011 for his work with the William Kellibrew Foundation working to break the cycles of violence and poverty;

WHEREAS, William Kellibrew IV received the Voice Award from the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration for his national work as a peer and consumer leader;

WHEREAS, William Kellibrew IV pleaded for his life on July 2, 1984, the day of the tragic murders of his family, and began a long pathway to hope, healing, recovery, and resilience;

ENROLLED ORIGINAL

WHEREAS, William Kellibrew IV is truly a product of his District of Columbia community and support system, which includes Melvin Andrews, former general manager of the Kelsey E. Collie Playmakers Repertory Company;

WHEREAS, William Kellibrew IV received the Capitol Probe Award at the District of Columbia Hall of Fame Induction Ceremony in 2014;

WHEREAS, William Kellibrew IV, in 2015, received the United States Congressional Victims' Rights Caucus Eva Murillo Unsung Hero Award;

WHEREAS, William Kellibrew IV, in 2016, earned his associate's degree with a concentration in liberal arts studies from the University of the District of Columbia;

WHEREAS, William Kellibrew IV shared his story of tragedy to triumph on various media platforms, including the Oprah Winfrey Show, CNN, MSNBC, BBC, Newsweek, and the Washington Post; and

WHEREAS, William Kellibrew IV uses the Next Generation of Leaders as a platform to touch young people, survivors, first responders, mental health professionals, and service providers to improve the way communities respond to violence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "William Kellibrew IV Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors William Kellibrew, IV, for his dedication and service to the community, and his advocacy for survivors of violence.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-142

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To honor and acknowledge the Calvin Coolidge Senior High School's Class of 1967 on the occasion of its 50-year reunion celebration.

WHEREAS, Calvin Coolidge Senior High School has been educating students and serving the District since opening its doors on September 23, 1940, and remains a valued institution in Ward 4;

WHEREAS, the Calvin Coolidge Senior High School Class of 1967 is a remarkable group of scholars that embarked on their personal and professional journeys during a critical period of the Civil Rights Movement in the United States of America;

WHEREAS, members of the Class of 1967 built lifelong memories that would last beyond their days at Calvin Coolidge Senior High School;

WHEREAS, members of the Class of 1967 continue to shine as their gifts and talents inspire and motivate others to overcome obstacles and achieve their dreams;

WHEREAS, the Class of 1967 will be celebrating its 50th class reunion September 15 – 17, 2017; and

WHEREAS, the members of the Class of 1967 continue to be actively involved in the lives of the members of the current student body, the Ward 4 community, and the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Calvin Coolidge Senior High School Class of 1967 Recognition Resolution of 2017".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes the Calvin Coolidge Senior High School Class of 1967 for its outstanding contributions to the District of Columbia, and honors the Class of 1967 on the occasion of its 50-year reunion.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To commemorate and celebrate the 153rd anniversary of the Battle of Fort Stevens.

WHEREAS, Fort Stevens, originally named Fort Massachusetts for the home state of the soldiers who constructed it, was built to defend the District of Columbia against attacks from the Confederate army from the north, along the 7th Street Pike, now known as Georgia Avenue;

WHEREAS, Fort Massachusetts was renamed Fort Stevens after the death of Brigadier General Ingalls Stevens at the Battle of Chantilly on September 1, 1862;

WHEREAS, during the summer of 1864, General Ulysses S. Grant moved most Union troops to the south, leaving only approximately 9,000 troops to defend the District of Columbia;

WHEREAS, the Battle of Fort Stevens lasted 2 days, from July 11 through July 12, 1864, and marked the defeat of General Jubal A. Early's Confederate campaign to launch an offensive action against the District of Columbia;

WHEREAS, the victory at Fort Stevens saved the nation's capital, helped ensure President Abraham Lincoln's re-election, and aided in the preservation of the Union;

WHEREAS, the remains of 41 Union soldiers who died in the Battle of Fort Stevens are buried on the grounds of Battleground National Cemetery, which was created and dedicated by President Lincoln, and is located in the Brightwood neighborhood of Ward 4;

WHEREAS, following the Battle of Fort Stevens, the Military Road School, one of the first schools to educate African American children, was established on the grounds of Fort Stevens;

WHEREAS, the Military Road School closed in 1954, but remains an essential part of the history of Fort Stevens and of the Civil War for the District of Columbia;

WHEREAS, Fort Stevens Park now serves as one of many Civil War defenses operated and maintained by the National Park Service in the District of Columbia as a place of enjoyment and a memorial to all those who fought for our country; and

ENROLLED ORIGINAL

WHEREAS, the Battle of Fort Stevens is the only Civil War battle to take place in Washington, D.C., and has a lasting legacy to the District of Columbia and the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Battle of Fort Stevens 153rd Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia celebrates the Union victory at Fort Stevens on July 12, 1864, and is forever grateful for the brave soldiers who defended the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-144

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To commemorate the 10th anniversary of the Joan Hisaoka "Make a Difference" Gala, to honor Joan Hisaoka's memory and her dream of assisting those living with cancer, and to declare September 16, 2017, as "Joan Hisaoka Day" in the District of Columbia .

WHEREAS, on May 14, 2008, Joan Hisaoka, founder of Hisaoka Public Relations, lost her battle with cancer at 48 years of age;

WHEREAS, during her lifetime, Joan received numerous awards for both her community involvement and her work as the founder of Hisaoka Public Relations, which represented many top metropolitan-area hospitality, tourism, and retail clients;

WHEREAS, included in the honors Joan received, were the prestigious international *Silver Anvil* Award in 2004 – one of the highest honors in public relations -- and being named one of the 50 most powerful and influential women in 2004, as a recipient of the Washington Business Journal's *Women Who Mean Business* award;

WHEREAS, through her experiences at cancer-related retreats and programs across the country, Joan learned the immense healing power of emotional, psychological, and spiritual support, and sought to extend that support to others;

WHEREAS, the "Make a Difference" Gala was created to honor Joan and her dream of assisting those living with cancer;

WHEREAS, the Gala proceeds enable her unfinished work to be continued by supporting organizations that bring hope and healing to those faced with serious illness;

WHEREAS, the 2017 "Make a Difference" Gala's main beneficiary is Life with Cancer, the educational and emotional support program of the Inova Schar Cancer Institute, and The Smith Center for Healing and the Arts, located in Washington, D.C., will receive a portion of the proceeds from the Gala;

WHEREAS, Life with Cancer's mission is to enhance the quality of life of those affected by cancer by providing education, information, and support; and

ENROLLED ORIGINAL

WHEREAS, Life with Cancer's programs are provided at no cost to the cancer patients of all ages and their loved ones regardless of where treatment is received.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "10th Anniversary of the Joan Hisaoka "Make a Difference" Gala Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia celebrates the Joan Hisaoka "Make a Difference" Gala on the occasion of its 10th anniversary to raise money to support organizations that bring hope and healing to help others forced with serious illness, and declares September 16, 2017, as "Joan Hisaoka Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and honor Norine C. Berryman on the occasion of her 100th birthday.

WHEREAS, Norine C. Berryman was born in Washington, D.C. on August 2, 1917;

WHEREAS, Norise C. Berryman currently resides in the Fort Lincoln neighborhood of Ward 5 and has lived in Ward 5 for 40 years.

WHEREAS, Norine C. Berryman was one of the first African-American women to drive a taxicab in the District and owned 2 taxicabs;

WHEREAS, Norine C. Berryman was the supervisor of Janitorial Services at the University of Maryland's athletic dormitory for 45 years before retiring;

WHEREAS, Norine C. Berryman has been a member of Metropolitan Wesley African Methodist Episcopal Zion Church for more than 75 years; and

WHEREAS, Norine C. Berryman has one daughter, 5 grandchildren, 8 great-grandchildren, 10 great-great-grandchildren, and 6 great-great-great-grandchildren.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Norine C. Berryman 100th Birthday Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Norine C. Berryman on the occasion of her 100th birthday.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and commemorate the Washington Kastles on their 10th anniversary season.

WHEREAS, in 2008, Mark D. Ein founded the Washington Kastles, and remains the owner today;

WHEREAS, the Kastles played their first match in downtown District of Columbia on July 8, 2008;

WHEREAS, in 2009, the Kastles won their first World TeamTennis ("WTT") Championship;

WHEREAS, past and present Kastles have captured 137 Grand Slam singles, doubles, and mixed doubles titles, along with 18 Olympic medals, thus playing a major role in rewriting the record books of WTT;

WHEREAS, the Kastles have brought to Washington, D.C., World No. 1 players like Venus Williams, Leander Paes, Rennae Stubbs, Martina Hingis, and a special appearance from Serena Williams in the Downtown D.C. Debut in 2008;

WHEREAS, in 2011, the Kastles went on to win all 16 of their matches, including the WTT Finals, to become the first team in the 40-year history of the league to complete a perfect season;

WHEREAS, the Kastles recorded a second consecutive perfect season in 2012 on their way to winning their second WTT championship;

WHEREAS, on July 9, 2013, the Kastles won their 34th consecutive match, defeating the Boston Lobsters 25-12, breaking the pro-team sports record of 33 wins in a row by the 1971-72

ENROLLED ORIGINAL

Los Angeles Lakers, and setting the longest winning streak in major U.S. professional sports history;

WHEREAS, the Kastles have won 5 consecutive WTT championships from 2011 to 2015, breaking the tie with the Sacramento Capitals for the most consecutive titles won;

WHEREAS, 2017 marks their 10th anniversary season and will feature the Kastles hosting 7 home matches, from July 18 through July 29;

WHEREAS, the Kastles' impact on the District of Columbia goes beyond sports as they also hold the Annual Washington Kastles Charity Classic, where all proceeds go to charity;

WHEREAS, the contributions of the Washington Kastles have been such that they received the Key to the City of Washington, D.C. on August 27, 2009; and

WHEREAS, the Washington Kastles have been honored at the White House, the U.S. Department of Education, and the U.S. Capitol.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Kastles 10th Anniversary Season Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes the tremendous impact of the Washington Kastles on the District of Columbia, congratulates the Kastles on their tremendous success on and off the court, and honors the Kastles on their 10th anniversary season.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and honor CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. for its community activism and its contributions to the residents of the District of Columbia.

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. is located at 4708 14th Street, N.W., in Petworth, a neighborhood in Ward 4;

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. is a nonprofit, grassroots organization that was founded in response to the rapidly growing incidents of death, violence, and crime among, and directed at, minorities and at-risk youth involved in the criminal justice system;

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. started with an original group of 50 gang members, representing 5 area gangs across the District, that met under the leadership of former gang leader and long-time youth advocate, Al-Malik Farrakhan, and this group held its first meeting to negotiate peace on February 28, 1995;

WHEREAS, under the guidance of then-Mayor Marion Barry and Mr. Al-Malik Farrakhan, the 50 gang members declared a truce that remains in effect to this day;

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. was one of the first organizations in the District of Columbia to advocate against police violence and has organized rallies and marches against police brutality;

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. serves communities across the District through numerous initiatives, including initiatives to feed and clothe the homeless, help residents earn their GEDs, collect and distribute food to those in need, collect and distribute school supplies for District schoolchildren, and help individuals develop entrepreneurial skills;

ENROLLED ORIGINAL

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. has taken numerous steps to combat violence in the District of Columbia, including brokering truces among gangs and hosting an annual amateur boxing match to raise awareness about the organization's call for an annual 6 months moratorium to "stop the killings;"

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. will host its 10th annual event with a Cookout/Amateur Boxing Match along with the 450 Back-to School Backpack Giveaway;

WHEREAS, the event will be held on Saturday, August 26, 2017 at Upshur Recreation Park, located at 4300 Arkansas Avenue, N.W.;

WHEREAS CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. has received numerous accolades and acknowledgements for its work, including Mayoral Proclamations recognizing the organization's "Jim Brown/Ex-Prisoners Day" in 1999, "Fight for the Fighters Day" in 1999, and "Increase the Peace – Stop the Violence Day" in 1998;

WHEREAS, Mr. Al-Malik Farrakhan, the founder of CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc., was born in Washington, D.C. and has dedicated his life to community activism that has helped returning citizens, at-risk youth, and members of the community at-large; and

WHEREAS, CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. is an organization dedicated to creating a support system for at-risk youth and gang members by offering them alternatives to violence.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors CEASE FIRE…Don't Smoke the Brothers, & Sisters Inc. for its contributions to the District of Columbia and its fervent efforts to serve the communities of the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To posthumously honor Councilmember Jim Graham for his advocacy on behalf of the District's tenant community, and to declare the 10th annual summit to be held by the District of Columbia Office of the Tenant Advocate on September 16, 2017, as the "Jim Graham 10th Annual Tenant and Tenant Association Summit."

WHEREAS, James McMillan Nielson Graham of Wishaw, Scotland, was born on August 26, 1945, and passed away on June 11, 2017;

WHEREAS, Jim Graham served as the Councilmember for Ward 1 from 1999 to 2015;

WHEREAS, Jim Graham was a champion for the District's invisible and forgotten communities, and for all those who need the government's help the most;

WHEREAS, Jim Graham was an outstanding leader in the area of affordable housing;

WHEREAS, Jim Graham built an impressive record of legislative accomplishment in the area of tenant rights, including closing the so-called "95/5 loophole" that had deprived many tenants of their right under the Tenant Opportunity to Purchase Act to purchase the buildingwhen it was being sold, and as a part of the first major revision of the District's rent control law in 20 years, abolishing a rent ceiling system that permitted rent increases to "market rate" and beyond;

WHEREAS, Jim Graham spearheaded the creation of the District of Columbia Office of the Tenant Advocate to serve as an independent voice for tenants within the District of Columbia government; and

WHEREAS, the District of Columbia Office of the Tenant Advocate celebrates this year its 10th anniversary as an independent agency within the District government, providing District renters with legal, legislative, and educational services, including its sponsorship of an annual tenant summit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

ENROLLED ORIGINAL

resolution may be cited as the "Councilmember Jim Graham Posthumous Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the life and service of Jim Graham, and declares the 10th annual summit to be held by the District of Columbia Office of the Tenant Advocate on September 16, 2017, as the "Jim Graham 10th Annual Tenant and Tenant Association Summit".

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

A CEREMONIAL RESOLUTION

22-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To honor James McGrath, founder and longtime leader of the District of Columbia Tenants Advocacy Coalition, for his exceptional commitment and service to tenants and the tenant community and to all District of Columbia residents, and to declare September 16, 2017, as "Jim McGrath Day" in the District of Columbia.

WHEREAS, 25 years ago, in 1992, at a time when tenants' rights were being widely ignored, James ("Jim") McGrath helped create and incorporate a nonprofit organization known as the Tenants Advocacy Coalition ("TENAC");

WHEREAS, the broadly based association, as of 2016, serves more than 150,000 District of Columbia residents;

WHEREAS, the association established numerous tenant assistance programs, including a telephone hotline to help tenants regarding legal disputes with their landlords, assisting tenants with legal representation at landlord-tenant court, and providing hauling and temporary storage services for tenants whose belongings were put on the street after being evicted;

WHEREAS, TENAC helped create innumerable tenant associations throughout the District;

WHEREAS, the advocacy efforts of James McGrath and TENAC helped to ensure the passage of many legislative efforts to help tenants, including the Rent Control Reform Act of 2006; the end of the so-called "95-5" loophole that deprived tenants of their right under the Tenant Opportunity to Purchase Act to purchase the building when it was being sold; the Tenants' Right to Organize Act; and the creation of the District of Columbia Office of Tenant Advocate;

WHEREAS, TENAC has conducted widely respected and influential District of Columbia candidate fora during every election cycle to allow citizens and tenants to hear directly

from the candidates running for District of Columbia Delegate to the House of Representatives, Mayor, the Council, shadow representatives in the U.S. Congress, and school board offices;

WHEREAS, James McGrath, as TENAC Chairman, has earned the admiration and respect of policy-makers and the public alike for his many years promoting the rights and interests of all District residents but especially renters; and

WHEREAS, September 16, 2017 is the day of the Office of the Tenant Advocate's 10th Annual Tenant and Tenant Association Summit.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Jim McGrath Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the distinguished service and extensive contributions of Jim McGrath to the tenant community and all District of Columbia residents, and declares September 16, 2017, the day of the Office of the Tenant Advocate's 10th Annual Tenant and Tenant Association Summit, as "Jim McGrath Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-150

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To honor the District's Fire and Emergency Medical Services Department for its dedication to and protection of the citizens and visitors of Washington, D.C., and for their valiant and courageous service to the metropolitan area after the attacks of September 11, 2001.

WHEREAS, on the occasion of the 16th Anniversary of the September 11, 2001 terrorist attacks on United States, the Council of the District of Columbia honors the memory of the nearly 3,000 people who perished from the attack, including 12 victims from the District;

WHEREAS, an exceptionally courageous force of first responders -- including more than 100,000 firefighters, paramedics, rescue and recovery workers, and police officers across the country -- risked their lives that day to save the lives of others;

WHEREAS, the brave members of the District Fire and Emergency Medical Services Department, along with members of the Arlington County Fire Department and other local fire agencies, helped with the Pentagon recovery efforts on September 11, 2001;

WHEREAS, the men and women who serve as first responders in the District of Columbia carry out the extraordinary responsibility of protecting not only District residents, but also all who visit and work here, and have always done so with tremendous dedication and respect;

WHEREAS, the men and women of the District's emergency services have fulfilled every duty to the District and their country in an honorable, courageous, and timely fashion, and they have demonstrated immense compassion for those who have suffered unforeseeable tragedies, while routinely considering the safety and well-being of others before their own;

WHEREAS, nationally, thousands of first responders have suffered adverse physical and emotional effects in the 16 years since 2001 and, even now, are at significantly greater risk for developing occupational cancers due to their exposure to chemicals and debris from the attacks;

ENROLLED ORIGINAL

WHEREAS, the Council acknowledges that there is more work to be done to support our first responders and to ensure that our men and women are suitably cared for and compensated for their brave work defending the District, our country, and our ideals; and

WHEREAS, it is fully right and just to honor the memory of those who lost their lives in the terrorist attacks a decade ago, and it is equally compelling to observe and pay our respects to the first responders of the District and their bravery and selflessness in the face of extraordinarily trying circumstances.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the "September 11th Emergency and First Responders Remembrance and Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia honors its first responders for their tremendous commitment to serving the District, and remembers emergency workers who dutifully served their country in the face of danger on September 11, 2001.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To declare the month of October 2017 as "Breast Cancer Awareness Month" in the District of Columbia.

WHEREAS, women in the District of Columbia have the highest rate of breast cancer mortality in the nation;

WHEREAS, approximately 252,710 new cases of invasive breast cancer will be diagnosed in women before the end of 2017 and, of those cases, about 520 will occur in women in the District;

WHEREAS, the American Cancer Society estimates that about 40,610 women in the United States will die from the disease in 2017 and, of those cases, about 100 will be women in the District;

WHEREAS, approximately 2,470 new cases of invasive breast cancer will be diagnosed in men before the end of 2017 and, of those cases, about 460 men will die from the disease;

WHEREAS, there are several types of breast cancer—divided into non-invasive and invasive types—which can be diagnosed at different stages of development and can grow at different rates;

WHEREAS, if cancer is detected at an early stage, it can be treated before it spreads to other parts of the body;

WHEREAS, the exact cause of breast cancer is not fully understood, but there are many factors that increase the likelihood of developing it, including age and family medical history;

WHEREAS, the American Cancer Society is a 104-year-old, community-based, voluntary health organization, located both nationwide and in the District of Columbia, which is dedicated to eliminating cancer as a major health problem;

ENROLLED ORIGINAL

WHEREAS, the American Cancer Society established Breast Cancer Awareness Month in 1985 to promote mammography as the most effective weapon in the fight against breast cancer; and

WHEREAS, the District of Columbia anticipates the day when no woman or man has to be treated for this disease.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Breast Cancer Awareness Month Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia honors breast cancer patients, survivors, and their families and declares October 2017 as "Breast Cancer Awareness Month" in the District of Columbia to promote research for a cure.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize and celebrate the career of James Albright, who dedicated nearly a decade of service to the students of Alice Deal Middle School, the largest middle school in the District of Columbia.

WHEREAS, Mr. Albright served as the Principal of Alice Deal Middle School for 6 years of his 9-year tenure at one of the District's most acclaimed middle schools;

WHEREAS, under Mr. Albright's vision and management, Alice Deal Middle School transitioned into becoming an International Baccalaureate Middle Years Program school –the designation of which reflects the school's commitment to high academic standards;

WHEREAS, Alice Deal Middle School's reputation as being one of the best-performing middle schools in the District can largely be attributed to Mr. Albright's support and investment in the school's teaching staff;

WHEREAS, Mr. Albright leaves Alice Deal Middle School with a reputation as being an ardent and compassionate leader who strove to foster a healthy, rigorous learning environment for students;

WHEREAS, Mr. Albright exemplifies Alice Deal Middle School's core mission of inspiring student excellence, curiosity, and compassion through intellectual and social engagement; and

WHEREAS, Mr. Albright will be greatly missed by his students, their parents, alumni, and the Tenleytown community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "James Albright Recognition Resolution of 2017".

Sec. 2. The District of Columbia recognizes the distinguished tenure of James Albright in his role as Principal of Alice Deal Middle School and as one of the longest-serving middle school principals in the District of Columbia;

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To recognize Thelma E. Jones on the occasion of her 90th birthday and for service to District of Columbia and the Fairlawn neighborhood, and to declare July 19, 2017, as "Thelma E. Jones Day" in the District of Columbia.

WHEREAS, Thelma E. Jones was born on July 19, 1927, in the District of Columbia, attended its public schools, and graduated from Cardoza High School and attended Minor Teaching College;

WHEREAS, Thelma E. Jones married the late Joseph Jones on July 25, 1948, and the couple has 7 children, 13 grandchildren, and 11 great grandchildren;

WHEREAS, Thelma E. Jones worked at the Government Printing Office for over 20 years;

WHEREAS, Thelma E. Jones was President of the Fairlawn Citizen's Association ("FCA") for over 16 years and, as president of the FCA, she took on many challenges to improve the community as well as wanting the community to be a safe place for residents in Fairlawn to live.

WHEREAS, Thelma E. Jones was and still is a staunch supporter in advocating for the education of the young adults leaving high school, supporting a scholarship fund given by the FCA;

WHEREAS, Thelma E. Jones was instrumental in working with the Metropolitan Police Department to establish block captains to assist and help with deterring crime and drugs, insisted on obtaining lighting at night on some of the streets in her neighborhood where none existed before, and had her grandchildren distribute meeting notices every month throughout the Fairlawn neighborhood to ensure that the FCA meetings were well-attended; and

WHEREAS, in recognition of Thelma E. Jones's service, the Council passed D.C. Law 18-332, the Thelma Jones Way Designation Act of 2011, which became effective on March 31, 2011.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be sited as the "Thelma E. Jones Day Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia honors and recognizes Thelma E. Jones on the occasion of her 90th birthday and for her leadership and service to the Fairlawn and the District of Columbia, and proclaims July 19, 2017, as "Thelma E. Jones Day" in the District of Columbia.

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

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 22-219, Paul S. Devrouax, Jr. Way Designation Act of 2017
Bill 22-272, Richard Rausch Way Designation Act of 2017
And
Bill 22-336, Lincoln Court Designation Act of 2017
on

Wednesday, September 20, 2017
9:00 a.m., Hearing Room 412, 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 22-219**, the "Paul S. Devrouax, Jr. Way Designation Act of 2017"; "**Bill 22-272**, the "Richard Rausch Way Designation Act of 2017"; and **Bill 22-336**, the "Lincoln Court Designation Act of 2017." The hearing will be held at 9:00 a.m. on **Wednesday, September 20, 2017** in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of **Bill 22-219** is to officially designate the 800 block of G Street N.W., in Ward 2, as Paul S. Devrouax, Jr. Way. The stated purpose of **Bill 22-272** is to officially designate the alleyway that runs east/west between the 400 block of 15th and 16th Streets, S.E., and the 200 block of 2nd Street, S.W., in Ward 6, as Richard Rausch Way. The stated purpose of **Bill 22-336** is to officially designate the alley in Square 762, bounded by the 200 blocks of 2nd and 3rd Streets, S.E., and the 200 blocks of C Street and Pennsylvania Avenue, S.E., in Ward 6, as Lincoln Court. An official naming typically involves the designation of postal addresses and the primary entrance for residences or offices.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **September 18, 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 18, 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 Wednesday, October 4, 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

Bill 22-292, Ann Hughes Hargrove Park Designation Act of 2017
Bill 22-346, Charles Hamilton Houston and Other Diverse Washingtonians Commemorative Works Amendment Act of 2017
&
Bill 22-406, Joy Evans Therapeutic Recreation Center Designation Act of 2017

on

Thursday, October 5, 2017
9:30 a.m., Hearing Room 123, 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 22-292**, the "Ann Hughes Hargrove Park Designation Act of 2017"; "**Bill 22-346**, the "Charles Hamilton Houston and Other Diverse Washingtonians Commemorative Works Amendment Act of 2017"; and **Bill 22-406**, the "Joy Evans Therapeutic Recreation Center Designation Act of 2017." The hearing will be held at 9:30 a.m. on **Thursday, October 5, 2017** in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of **Bill 22-292** is to designate the park bounded by Kalorama Road, N.W., 19th Street, N.W., and Columbia Road, N.W., as Ann Hughes Hargrove Park. The stated purpose of **Bill 22-346** is to propose that a statue of Charles Hamilton Houston be commissioned; and to amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to include the Council as among those that may sponsor a commemorative work on public space, to require the Commemorative Works Committee to give a priority to applications for commemorative works that are significant to the District's culture or history and the first priority to such works that honor a woman or individual or a minority who is a native Washingtonian. The stated purpose of **Bill 22-406** is to officially designate the Therapeutic Recreation Center located at 3030 G Street, S.E. as the Joy Evans Therapeutic Recreation Center.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **October 3, 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 3, 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 Thursday, October 19, 2017.

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

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

AND

CHAIRMAN PHIL MENDELSON, CHAIR
COMMITTEE OF THE WHOLE

ANNOUNCES A JOINT PUBLIC HEARING OF THE COMMITTEES ON

Bill 22-0316, "Housing Production Trust Fund Advanced Solicitations Amendment Act of 2017"

Bill 22-0023, "Local and Small Business Equity and Development Participation Amendment Act of 2017"

and

Bill 22-0226, "Housing Production Trust Fund Guarantee Funding Amendment Act of 2017"

on

Thursday, October 19, 2017, at 11:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, October 19, 2017, Councilmember Anita Bonds and Council Chairman Phil Mendelson, will hold a joint public hearing before the Committee on Housing and Neighborhood Revitalization and the Committee of the Whole on Bill 22-0316, "Housing Production Trust Fund Advanced Solicitations Amendment Act of 2017", Bill 22-0023, "Local and Small Business Equity and Development Participation Amendment Act of 2017", and Bill 22-0226, "Housing Production Trust Fund Guarantee Funding Amendment Act of 2017". The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m.

The purpose of Bill 22-0316 is to authorize the Mayor to solicit proposals and rank recipients for the expenditure of uncommitted tax revenues one fiscal year before the revenues are available, with the limitation that no contracts, obligations, or commitments may be made until the fiscal year in which the funds are available

The purpose of Bill 22-0023 is to require the Department of Housing and Community Development give priority consideration to certain developers regarding contracts that include equity and development participation of local, small, or certified business enterprises.

The purpose of Bill 22-0226 is to require the housing production trust fund be supported by $120 million of the real property tax and the deed recordation tax, combined, or 25% of the real property transfer tax and 25% of the deed recordation tax, whichever is greater.

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 18, 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 2, 2017.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	August 11, 2017
Protest Petition Deadline:	September 25, 2017
Roll Call Hearing Date:	October 10, 2017
Protest Hearing Date:	December 6, 2017

License No.:	ABRA-107164
Licensee:	SRP Corporation
Trade Name:	Pappe
License Class:	Retailer's Class "C" Restaurant
Address:	1317 14th Street, N.W.
Contact:	Andrew Kline: (202) 686-7600

WARD 2 ANC 2F SMD 2F03

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 10, 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 **December 6, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant, serving Indian Food. The restaurant will have 75 seats and an estimated Total Occupancy Load of 85, plus a Sidewalk Café with 11 seats.

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

Sunday – Saturday 11: 00 am – 12: 00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	August 11, 2017
Protest Petition Deadline:	September 25, 2017
Roll Call Hearing Date:	October 10, 2017
Protest Hearing Date:	December 6, 2017

License No.:	ABRA-107307
Licensee:	Pear Plum, LLC
Trade Name:	Pear Plum
License Class:	Retailer's Class "C" Restaurant
Address:	3068 Mt. Pleasant Street, N.W.
Contact:	Andrew Kline: 202-686-7600

WARD 1 ANC 1D SMD 1D05

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 10, 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 **December 6, 2017 at 4:30 p.m.**

NATURE OF OPERATION

A new restaurant serving breakfast, light bar food, sandwiches, soups and salads. Total Occupancy Load of 25, with seating for 14.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Saturday 7 am – 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

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" **Tavern
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

****RESCIND**

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT

Fiscal Year 2017 DCA Airplane Noise Assessment

The Department of Energy and Environment (Department) invites the public to present comments at a public hearing on the fiscal year (FY) 2017 DCA Airplane Noise Assessment Study.

PUBLIC HEARING DATE:	**Tuesday, September 19, 2017**
TIME:	**6:00 pm**
PLACE:	**Hardy Recreation Center** **4500 Q Street NW, Washington, DC 20007** **Multi-Purpose Room**

The Ronald Reagan International (DCA) Airport Airplane Noise Project will end September 31st 2017. The deliverables for this project will be available online at the Department's website by September 15, 2017. A person may obtain a copy of any or all deliverables by any of the following means:

Download from the Department's website, https://doee.dc.gov/release/dca-airplane-noise-assessment-project. Look under Attachments near the bottom of the page. Follow the link to the page, where the document can be downloaded in a PDF format;

Email a request to 2016dcanoiserfa.grants@dc.gov with "Request copy of **DCA Airport Airplane Noise Report**" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call the Department's reception at (202) 535-2600 and mention this Notice by name.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Rama Tangirala RE: FY17 **DCA Airport Airplane Noise Report**" on the outside of the envelope.

The deadline for comments is at the conclusion of the public hearing. All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of "FY17 DCA Airplane Noise Assessment", to 2016dcanoiserfa.grants@dc.gov . Comments clearly marked "FY17 DCA Airplane Noise Assessment" may also be hand delivered or mailed to the Department's offices at the address listed above. All comments should be received no later than the conclusion of the public hearing on Tuesday, September 19, 2017.

DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

NOTICE OF PUBLIC HEARING

2018 PROPOSED HEALTH INSURANCE RATES

August 17, 2017
5:00 p.m.
One Judiciary Square
Old Council Chambers
441 4th Street, N.W.
Washington, D.C. 20001

The Commissioner of the Department of Insurance, Securities and Banking ("Department") hereby gives notice of his intent to conduct a public hearing to review the 2018 proposed health insurance rates of the carriers offering health benefits plans in the individual and small business market in the District of Columbia. The purpose of the public hearing is to inform the public on the Department's process for reviewing health insurance rates and to receive public comments. A summary of the 2018 rates and the rate review process can be found on the Department's website at https://disb.dc.gov/release/insurers-file-proposed-rates-2018-district-columbia-health-plan-offerings.

All interested members of the public are invited to attend the public hearing. Time limits may be imposed for oral testimony depending on the number of witnesses. For those individuals who are unable to attend the public hearing, a conference call-in number will be available. The number is 877-921-9725, and the access code is 3378575.

Persons interested in testifying should contact the Department at 202-727-8000 to have their name(s) added to the witness list. Written statements may be submitted by email to HealthRate.Comments@dc.gov or by mail to District of Columbia Department of Insurance, Securities and Banking, 810 First Street, NE, #701, Washington, D.C. 20002, Attention Philip Barlow. All comments must be received by 5:00 p.m. on August 17, 2017.

If a party or witness is deaf, has a hearing impediment, or otherwise cannot readily understand or communicate in English, the party or witness may apply to the Department for the appointment of a qualified interpreter. In addition, if any witness to be called requires any other special accommodations, please contact the Department at 202-727-8000 at least three (3) business days prior to the hearing.

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, SEPTEMBER 27, 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 FIVE

THIS CASE WAS POSTPONED FROM DECEMBER 7, 2016, FEBRUARY 22, 2017, AND APRIL 26, 2017 AT THE APPLICANT'S REQUEST, THEN ADMINISTRATIVELY RESCHEDULED TO MAY 31, 2017, THEN POSTPONED TO SEPTEMBER 27, 2017 AT THE APPLICANT'S REQUEST:

19377
ANC 5E — **Application of The Boundary Companies and The Missionary Society of St Paul the Apostle**, pursuant to 11 DCMR Subtitle X, Chapters 9 and 10, for a special exception under the theoretical lot subdivision requirements of Subtitle C § 305.1, and the RA-new residential use requirements of Subtitle U § 421, and a variance from the vehicular access requirements of Subtitle C § 305.3, to construct 12 new buildings with approximately 78 one-family dwelling units in the RA-1 Zone at premises 3015 4th Street N.E. (Square 3648, Lot 915).

WARD FOUR

19564
ANC 4C — **Application of Tammika Thompson**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 320.2(l) from the residential conversion requirements of Subtitle U § 320.2(e), to convert an existing one-family dwelling into a three-unit apartment house with a rear addition in the RF-1 Zone at premises 428 Randolph Street N.W. (Square 3236, Lot 69).

WARD SIX

19566
ANC 6A — **Application of Cindy Jimenez and Cris Turner**, 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 three-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 225 Tennessee Avenue N.E. (Square 1033, Lot 126).

WARD SIX

19570 ANC 6B — **Application of George Calormiris and William Calormiris**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the lot area requirements of Subtitle E § 201.4, to construct an additional apartment in an existing 12-unit apartment house in the RF-3 Zone at premises 220 2nd Street S.E. (Square 762, Lot 8).

WARD ONE

19578 ANC 1B — **Application of 944 Florida Avenue NW LLC**, pursuant to Subtitle X, Chapter 10, for a use variance from the use requirements of Subtitle U § 401, to operate a salon in the commercial space of an existing building in the RA-2 zone at premises 944 Florida Avenue N.W. (Square 357, Lot 50).

WARD FIVE

THIS CASE WAS POSTPONED FROM JUNE 14, 2017 TO THE HEARING OF JULY 26, 2017 THEN TO THE HEARING OF SEPTEMBER 27, 2017 AT THE APPLICANT'S REQUEST:

19508 ANC 5B — **Application of John Tekeste,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the lot occupancy requirements under Subtitle G § 1200.4, and pursuant to Subtitle X, Chapter 10, for a variance from the FAR requirements of Subtitle G § 402.1, to allow a mixed-use building in the MU-3 Zone at premises 3418 18th Street N.E. (Square 4146, Lot 39).

WARD SIX

THIS CASE WAS CONTINUED FROM JULY 26, 2017 TO THE HEARING OF SEPTEMBER 27, 2017:

19517 ANC 1B — **Application of James Wright and Sin Wah Li**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 320.2, and pursuant to Subtitle X, Chapter 10, for an area variance from the minimum land area requirements of U § 320.2(d), to permit the use of an existing three-story attached dwelling as a three-unit apartment house in the RF-1 zone at premises 943 S Street N.W. (Square 362, Lot 113).

WARD SEVEN

THIS CASE WAS CONTINUED FROM JULY 26, 2017 TO THE HEARING OF SEPTEMBER 27, 2017:

19532 ANC 7D — **Application of Avenue Property, LLC**, 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, to construct a three-story, rear addition to an existing two-story, four-unit apartment house in the RF-1 Zone at premises 2025 E Street N.E. (Square 4550, Lot 98).

WARD FIVE

THIS CASE WAS CONTINUED FROM JULY 26, 2017 TO THE HEARING OF SEPTEMBER 27, 2017:

19539 ANC 5E — **Application of 74 R Street LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structures requirements of Subtitle C § 202.2, to allow an addition to and convert an existing one-family dwelling into a two-unit flat in the RF-1 at premises 74 R Street N.W. (Square 3101, Lot 57).

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, 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
ለመካተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይምየ ቋንቋ እርዳታ አገልግሎቶች (ትርጉምወይምመሸተርጎም) ካስፈለገዎት እባክዎን ከስብሰባውአምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይምበኤሜል 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
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Thursday, September 28, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 16-26 (Wisconsin Owner, LLC – Consolidated Planned Unit Development & Related Map Amendment @ Square 1732)

THIS CASE IS OF INTEREST TO ANC 3E

On November 21, 2016, the Office of Zoning received an application from Wisconsin Owner LLC (the "Applicant"). The Applicant is requesting approval of a consolidated planned unit development and related Zoning Map amendment from the MU-4 zone to the MU-7 zone for property located in Square 1732, Lots 45 and 49. The Office of Planning provided its report on March 3, 2017, and the case was set down for hearing on March 13, 2017. The Applicant provided its prehearing statement on June 27, 2017.

The property that is the subject of this application consists of approximately 23,741 square feet of land area. The property is located mid-block in the 4600 block of Wisconsin Avenue, N.W., and consists of properties known as 4620-4624 Wisconsin Avenue, N.W. The property is bordered at the rear by a public alley. The property is located in the MU-4 zone. The property is located in the Mixed-Use Medium Density Residential/Moderate-Density Commercial Land Use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Applicant proposes to develop the property with a mixed use project including approximately 146 residential units and approximately 10,984 square feet of retail uses. The project will have a floor area ratio of 5.73 and a lot occupancy at the first floor of 89.9%. The maximum height of the proposed building will be 88 feet 4 inches, with 58 parking spaces and loading facilities on the property.

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

How to participate as a witness.

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

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

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

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

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

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

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

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

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

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

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

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

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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Quí vị có cần trợ giúp gì để tham gia không? Nếu quí 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.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: **Monday, October 2, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 17-11 (3200 Penn Ave PJV, LLC – Map Amendment @ Square 5539, Lots 835, 383, 839, and 840)

THIS CASE IS OF INTEREST TO ANC 7B

On May 26, 2017, the Office of Zoning received a petition from 3200 Penn Ave PJV, LLC (the "Petitioner") requesting approval of a Zoning Map amendment to rezone the property consisting of Lots 835, 838, 839, and 840 in Square 5539 (the "Property"). On June 16, 2017, the Office of Planning submitted a report in support of setting the petition down for a public hearing, and the Zoning Commission voted to set down the petition for a public hearing on June 26, 2017. The Petitioner submitted its prehearing statement on July 6, 2017.

The Property, which consists of approximately 155,643 square feet (approximately 3.6 acres) of land area, is located at the northeast corner of the intersection of Pennsylvania Avenue, S.E. and Branch Avenue, S.E., and is currently improved with the Penn Branch Shopping Center and associated accessory surface parking. The Property is currently split-zoned, with Lots 838 and 839 zoned MU-3, and Lots 835 and 840 zoned R-1-B. The Property is located in the Low-Density Commercial land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Petitioner seeks a map amendment to rezone the Property from MU-3/R-1-B to MU-4 to make it consistent with the Low-Density Commercial land use designation of the Comprehensive Plan. The general purpose of MU zones is, among other things, to provide for mixed-use developments that permit a broad range of uses at varying densities consisting of housing, shopping, and business needs, including residential, office, service, and employment centers. The MU-4 zone is intended to be located in low- to moderate-density residential areas with access to main roadways or rapid transit stops, and permit mixed-use development providing facilities for shopping, office, and housing. As a matter-of-right, the MU-4 zone permits a maximum building height of 50 feet; a maximum density of 2.5 FAR (3.0 FAR with Inclusionary Zoning), of which no more than 1.5 FAR can be devoted to non-residential uses; and a maximum permitted lot occupancy of 60% for residential uses (75% with Inclusionary Zoning).

The Zoning Commission has determined that this public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Commission's Rules of Practice and Procedure, 11-Z DCMR Chapter 5.

How to participate as a witness.

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

Time limits.

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

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

1.	Organizations	5 minutes each
2.	Individuals	3 minutes each

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

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

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

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of For-Hire Vehicles ("Department" or "DFHV") pursuant to the authority set forth in Sections 8(c) (2), (3), (7), (10), (14), (16), (17), (19) and (20), 10b, 14, 20, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (2) (3), (7), (10), (19), and (20), 50-309.02, 50-301.13, 50-301.19, and 50-301.29 (2014 Repl. & 2016 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2015 Repl.), hereby gives notice of its intent to adopt amendments to Chapter 5 (Taxicab Companies, Associations, Fleets, and Independent Taxicabs), Chapter 7 (Enforcement), Chapter 8 (Operating Rules for Public Vehicles-For-Hire), Chapter 10 (Public Vehicles for Hire), Chapter 12 (Luxury Class Services – Owners, Operators, and Vehicles), Chapter 16 (Dispatch Services and District of Columbia Taxicab Industry Co-Op), and Chapter 99 (Definitions) and adds a new Chapter 21 (Office of Hearing Examiners) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking consolidates seven (7) adopted final rulemakings, none of which have yet been published in the *D.C. Register*.

This final rulemaking amends Chapter 7 to authorize the in-person service of a notice of infraction (NOI) anywhere within the District of Columbia. The current regulations only provide for personal service of an NOI upon the respondent or respondent's agent at the respondent's or respondent's agent's last known home or business address; by posting the NOI in a conspicuous place in or about the location of the respondent's place of business; or by sending the NOI by first-class U.S. Mail to the last known home or business address of the respondent, or respondent's agent. The amendment increases efficiencies and lowers costs to the Department by also allowing service of an NOI at any location where the respondent may be found within the District. Proposed rulemaking was adopted by the D.C. Taxicab Commission[1] on February 10, 2016 and was published in the *D.C. Register* on May 20, 2016 at 63 DCR 007703. The Commission did not receive any comments during the comment period which expired on June 20, 2016. Any changes made in this final rulemaking from the proposed rulemaking were solely: to correct grammar and typographic errors, to clarify the Department's intent, and to lessen the burdens on affected stakeholders. No substantial changes have been made from the proposed rules.

This final rulemaking amends Chapter 12 to establish data reporting requirements for luxury class vehicles when used as limousines. The data collected will allow the Department to: determine the availability wheelchair accessible vehicles in this class of service; measure vehicle response time; ensure the reasonableness of rates and charges; and develop policy based on data which includes a broader spectrum of public vehicles-for-hire. The rules also establish greater

[1] The District of Columbia Taxicab Commission was renamed and re-structured as the Department of For-Hire Vehicles by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124; 63 DCR 7076 (May 13, 2016)).

parity in operating rules among existing public vehicle-for-hire services. The Proposed rulemaking was adopted by the Commission on December 9, 2015 and published in the *D.C. Register* on February 26, 2016, at 63 DCR 002257. The Commission received one comment during the comment period, which expired March 27, 2016, stating that the rulemaking should be withdrawn because it would impose unnecessary burdens on business owners and present privacy concerns. The Department did not make changes in response to this comment because the reporting requirements are reasonable, and are consistent with the existing rules for taxicabs to report trip data to the Department through payment service providers, and the operation of black cars occurs entirely through apps provided by digital dispatch services, which requires a real-time data flow. Further, the rulemaking would limit data reporting to once per day and would not require the collection of private information. Changes have been made to update the implementation date, clarify intent, correct grammar, and limit the collection of real time information to periods when the operator is on duty. No substantial changes have been made.

This final rulemaking amends Chapters 7 and Chapter 16 to establish a new requirement in § 1605 that all digital dispatch services (DDSs) provide the Department with one or more bonds to secure the payments to the District of taxicab surcharges and one percent of gross receipts required by § 1604.7 and the Establishment Act, which are vital to support the operations of the Department. The Department finds that bonds must be provided to the Department by all DDSs to secure the payments of taxicab surcharges and one percent of gross receipts, as required by § 1604.7 and the Establishment Act, to reduce the possibility that the District will fail to receive a required payment. The Department finds it necessary to impose this requirement after two incidents in which businesses obligated to make payments of surcharges or one percent of gross receipts failed to do so. In one incident, a payment service provider (PSP) ceased operations in the District without paying all owed taxicab surcharges, but, because it had provided the Department with a bond pursuant to Chapter 4 of Title 31, the Department was able to recover a substantial portion of the unpaid surcharges. In a more recent incident, a DDS for private sedans ceased operations while still owing a payment for one percent of gross profits. Because DDSs are not required under the current, permanent (non-emergency) rules in Chapter 16 to provide a bond, when the DDS ceased operations, there was no bond available cover its outstanding payment. To prevent a recurrence, the new bond requirement applies to all DDSs, including all those which are currently registered with the Department. This rulemaking also amends Chapter 7 to add an enforcement provision allowing the Department to suspend the registration of a registered digital dispatch service which fails to provide a bond within the time required under the new rules in § 1605. A Notice of Emergency and Proposed Rulemaking was adopted by the D.C. Taxicab Commission on February 10, 2016, and was published in the *D.C. Register* on May 13, 2016 at 63 DCR 007335. The Commission received two comments during the comment period, which expired on June 20, 2016. Changes made in this final rulemaking from the proposed rulemaking were to correct grammatical and typographic errors, and clarify the Department's intent. In addition, the following changes were made in § 1605.5 in part due to the comments, which lessen the burdens on affected stakeholders: (1) a digital dispatch service may, for each public or private vehicle-for-hire service other than taxicabs, provide bond(s) of either two hundred fifty thousand dollars ($250,000), or, pursuant to an administrative issuance, one hundred thousand dollars ($100,000) to two hundred fifty thousand dollars ($250,000), inclusive, if the digital dispatch service voluntarily maintains with the Department current information relevant to establishing a risk profile for the non-payment of amount(s) owed to the District

pursuant to the § 1604.7, such as the number of the digital dispatch service's associated vehicles; and (2) a bond shall not be required during the first six months that any business digitally dispatches rides pursuant to a donation agreement or through a live field testing program approved by the Department pursuant to § 1612.6 *et seq.* In addition, the Department renumbered Section 720 to Section 716. No substantial changes have been made from the proposed rules.

This final rulemaking amends Chapters 5, 12 and 99 to create a pathway for non-District residents to own and operate DFHV-licensed taxicabs and black cars (and other luxury class vehicles), allowing them to legally provide point-to-point service in the District, rather than limiting them to the safe-haven of the reciprocity rules in § 828. Without this rulemaking, non-District residents are legally barred from registering vehicles in the District due to Department of Motor Vehicles ("DMV) laws and regulations, and, as a result, the Department is precluded from issuing DCHV vehicle licenses to them; the Department hereby finds that recent decisions of the Office Administrative Hearings to the contrary are incorrect as a matter of law. This rulemaking does not affect other DFHV vehicle license eligibility requirements in Title 31, which must be met in order for any applicant to be issued a DFHV vehicle license and corresponding "H" or "L" tags from DMV. The rules would authorize the licensing of independent taxicab vehicle businesses ("ITVBs") and independent luxury vehicle businesses ("ILVBs"), which would co-own vehicles with these non-District owner-operators, who would then be eligible to title and register their vehicles with DMV in order to receive "H" or "L" tags", as appropriate. Each ITVB and ILVB would be a District-based company, licensed and regulated by the D.C. Department of Consumer and Regulatory Affairs, and responsible for paying all applicable fees and taxes to the District. Applicants seeking new DFHV vehicle licenses must also comply with all applicable DFHV rules and regulations, including all conditions imposed by the Department through an administrative issuance. This rulemaking also adds necessary definitions to Chapter 99. A proposed rulemaking was adopted by the District of Columbia Taxicab Commission on November 18, 2015 and was published in the *D.C. Register* on May 20, 2016 at 63 DCR 007693. The Commission received one comment during the comment period, which expired on June 20, 2016. The commenter opposed the rulemaking, believing it to be unnecessary, unreasonable and burdensome. The Department believes that this rulemaking is necessary, for the reasons including those stated above, and that it is not unreasonable or burdensome. Accordingly, changes were not made in response to the comment. Any changes made in this final rulemaking from the proposed rulemaking were solely: to correct grammar and typographic errors, to clarify the Department's intent, and to lessen the burdens on affected stakeholders. No substantial changes have been made from the proposed rules.

This final rulemaking amends Chapters 10, 12, and 99 to: (1) authorize the Department to issue provisional licenses to applicants seeking new DFHV operator's licenses for luxury class service (LCS), in order to expedite the licensing process for this public vehicle-for-hire service, which includes black cars and limousines, and (2) require that all applicants seeking new DFHV operator's licenses successfully complete disability sensitivity training prior to being licensed. This rulemaking also adds new necessary definitions to Chapter 99. A proposed rulemaking was adopted by the D.C. Taxicab Commission on January 20, 2016 and was published in the *D.C. Register* on May 20, 2016 at 63 DCR 007706. The Commission received no comments during the comment period expiring June 19, 2016. Any changes made in this final rulemaking from

the proposed rulemaking were to correct grammar and typographic errors, clarify the Department's intent, and lessen the burdens on affected stakeholders. No substantial changes have been made from the proposed rules.

This final rulemaking amends Chapters 8 and 16 to: (1) encourage the use of shared riding through a clarified structure for calculating shared ride fares which incentives the adoption of digital meters, an innovative technology that would apportion shared ride fares in a manner that maximizes consumer choice and operator income; and (2) broadens the ban on electronic refusal to haul, to protect consumers and support the agency's efforts to eliminate discrimination in for-hire transportation. The rulemaking also amends Chapter 16 by clarifying the implementation date by which all taxicab operators must be logged in to the DC TaxiApp while providing service. A proposed rulemaking was adopted by the D.C. Taxicab Commission on January 20, 2016 and published in the *D.C. Register* on May 20, 2016 at 63 DCR 007704. The Commission received no comments during the comment period expiring June 20, 2016. Changes made from the proposed rulemaking were to correct grammar and typographic errors, clarify the Department's intent, and lessen the burdens on affected stakeholders. No substantial changes were made from the proposed rules.

This final rulemaking adds a new Chapter 21 that creates an independent Office of Hearing Examiners ("OHE") within the Department of For-Hire Vehicles ("Department"), with jurisdiction to hear and adjudicate the following types of enforcement actions (contested cases) of the Department: (1) decisions to deny new licenses; (2) decisions to deny renewed licenses; (3) notices of proposed suspensions of licenses; and (4) notices of proposed revocations of licenses. The rulemaking also establishes the rules and procedures applicable to these cases. This rulemaking also amends Chapter 99 to add necessary definitions. Proposed rulemaking was adopted by the Commission on October 14, 2015 and published in the *D.C. Register* on February 12, 2016 at 63 DCR 001687. The Commission did not receive any comments during the comment period, which expired on March 13, 2016. Changes were made to correct grammar, clarify initial intent, clarify proposed procedures, or lessen the burdens established by the proposed rules. No substantial changes were made.

This rulemaking was adopted as final on February 1, 2017; it will become effective upon publication in the *D.C. Register*.

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

The title of Chapter 5 is amended to read as follows:

Chapter 5 TAXICAB OWNERS

A new Section 504 is added to read as follows:

504 INDEPENDENT TAXICAB VEHICLE BUSINESSES

504.1 An individual not domiciled in the District ("applicant") may apply pursuant to this section for an initial certificate of operating authority to operate an independent taxicab vehicle business ("ITVB"), during such times when the Department makes new DFHV vehicle licenses available. This section does not authorize the issuance of new DFHV vehicle licenses or DMV "H tags". Existing ITVBs may apply pursuant to this section to renew their ITVB operating authority provided they meet all requirements for ITVBs in effect at that time. An applicant may register a taxicab vehicle in the District, with the ITVB as co-owner and co-registrant, as required by the rules and regulations of DMV and other applicable laws. The operating authority required by this section shall be in addition to any other operating required by this chapter for independent owners.

504.2 Applicants may be required by the Department as a condition for the issuance of operating authority to:

(a) Purchase or lease a vehicle which has electric propulsion;

(b) Purchase or lease a vehicle which is wheelchair accessible;

(c) Provide service in underserved areas of the District, as identified by the Department;

(d) Obtain additional training to improve customer service levels, including training for wheelchair service and disability sensitivity; and

(e) Meet other reasonable requirements to enhance safety and consumer protection, to improve customer service, and to achieve other lawful purposes within the jurisdiction of the Department, as determined by the Department in an administrative issuance.

504.3 For all purposes of this title, the Establishment Act, the Impoundment Act, and other applicable laws (excluding the regulations and laws applicable to DMV):

(a) The ITVB shall be considered and treated by the Department as the legal *alter ego* of the individual for all purposes of this title, with the effect of imposing upon the individual all obligations applicable to the ITVB under this title, provided however that where a provision of this title authorizes the imposition of a civil penalty upon either the ITVB or the individual, either penalty may be applied upon the individual; and

(b) Notwithstanding any contrary provision of Chapter 7, notice of any action including without limitation any enforcement action or legal proceeding by the Department, the Office of Administrative Hearings, or the District, shall be valid, binding, and fully enforceable against either or both the individual and the ITVB, provided it is otherwise properly served upon either the individual or the ITVB pursuant to Chapter 7.

504.4 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the D.C. Municipal Regulations or District law other than the rules and regulations of this title.

504.5 An individual ("applicant") shall be eligible to apply for an initial or renewed certificate of operating authority under this section where:

(a) The individual is not domiciled in the District;

(b) The individual holds a DFHV vehicle operator's license (Face card) to operate a taxicab;

(c) The individual:

(1) Holds a current DFHV vehicle license as an independent owner-operator, for a vehicle titled and registered with DMV;

(2) Is a co-owner of a vehicle with a taxicab company or association and has obtained a release of the company's or association's interests in the vehicle; or

(3) Owns or agrees in writing to purchase a new vehicle or a vehicle which is not required to be replaced within two (2) years from the date of the application;

(d) Consistent with the prohibition in § 504.12, no person other than the applicant has acquired, or is designated to receive, a legal or beneficial interest in the ITVB, in any contract, will, or other legal document, and the applicant has not become domiciled in the District, requirements which shall appear in the charter documents filed with DCRA;

(e) The ITVB is a District-based business with a bona fide place of business in the District, registered with DCRA and subject to all other requirements for a District-based business, and eligible under all applicable District regulations and laws (other than those in this title) to appear on the title as co-owner of the vehicle for which the application is filed;

(f) The individual and the vehicle are in full compliance with all other requirements of this title, including all applicable licensing and operating requirements;

(g) The individual is in good standing with the Department, including having no pending enforcement actions;

(h) The individual is in compliance with the Clean Hands Act; and

(i) For renewal applications: such additional information and documentation as may be required by the Department, including information and documentation showing the ITVB is in compliance with all operating requirements.

504.6 Each application for operating authority shall:

(a) Contain such supporting information and documentation as may be required by the Department, including information and documentation about the applicant, the vehicle, and the business;

(b) Be accompanied by the original charter documents for the ITVB which demonstrate compliance with this section;

(c) Be provided under penalty of perjury and notarized before a notary public;

(d) Be filed not later than any deadline stated in an applicable administrative issuance; and

(e) Be accompanied by an application fee of one hundred fifty dollars ($150) for an initial application.

504.7 The Department shall issue a decision to grant or deny an application for an initial or renewed certificate of operating authority within thirty (30) days.

504.8 Operating authority for the ITVB shall be effective for twelve (12) months. The Department may establish a uniform renewal date through an administrative issuance.

504.9 At the time an applicant is issued a certificate of operating authority, the applicant shall also be issued a DFHV vehicle license in the name of the applicant and the ITVB under § 1010, which shall be automatically suspended or revoked if the ITVB's operating authority or the applicant's DFHV operator's license (face card) is suspended or revoked.

504.10 Failure to file an application to renew ITVB operating authority within the time established by the Department shall result in the loss of the operating authority. The application deadline shall not be extended.

504.11 Each ITVB shall comply with § 812 for leasing the vehicle co-titled in its name. A lease executed in violation of this requirement shall be null and void.

504.12 An ITVB operating authority shall be null and void, and thereby subject to immediate suspension, proposed suspension, and proposed revocation, if any time:

(a) A person other than the applicant acquires, or is designated to receive, a legal or beneficial interest in the ITVB, in any contract, will, or other legal document; or

(b) The applicant becomes domiciled in the District, provided however that in the event ITVB operating authority becomes null and void for this reason, the applicant shall be entitled to be issued a DFHV vehicle license as the exclusive owner of the vehicle where the applicant notifies the Department of the change in domicile within thirty (30) days of the change.

504.13 Tags issued by DMV based on a DFHV vehicle license issued pursuant to this section shall be immediately surrendered to DMV if any of the following licenses are suspended (other than an immediate suspension), revoked, or not renewed:

(a) The applicant's DFHV operator's license;

(b) The vehicle's DFHV vehicle license; or

(c) The ITVB operating authority

504.14 Tags required to be surrendered pursuant to § 504.13 shall not be reissued, reclaimed, restored, or returned.

504.15 The Department may deny any license issued under this title to any person the issuance of which would perpetuate a violation of this section.

Chapter 7, ENFORCEMENT, is amended as follows:

Section 714, SERVICE AND FILING, is amended as follows:

A new Subsection 714.6 is added to read as follows:

714.6 In addition to the methods of service available under § 714.1, a notice of infraction may be served by in-person service upon the respondent at any location where the respondent may be found within the District of Columbia.

A new Subsection 716 is added to read as follows:

716 **IMMEDIATE SUSPENSION OF A DIGITAL DISPATCH SERVICE REGISTRATION**

716.1 In addition to any other enforcement action available under this chapter, a digital dispatch service registered with the Department under § 1605 which fails to comply with § 1605.6 shall be subject to the immediate suspension of its registration until the digital dispatch service provides the Department with the

bond(s) required by § 1605.5, consistent with any applicable administrative issuance.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES-FOR-HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.8 is amended to read as follows:

801.8 Charges for group and shared rides shall be assessed as follows, and in the manner set forth in an applicable administrative issuance:

(a) For shared rides:

(1) In vehicles with digital meters: only one flag drop rate shall be charged, without regard to the number of destinations. Shared rides may be arranged through digital meters approved by the Department pursuant to § 602, which shall allow passengers to apportion the total fare in a manner that maximizes consumer choice and operator income pursuant to an administrative issuance; and

(2) In vehicles with legacy (non-digital) meters: as each passenger reaches his or her destination, the metered fare shall be paid by the passenger(s) leaving the taxicab, at which time there shall be a new flag drop and the passenger(s) remaining in the group shall pay in the same manner until the last passenger(s) arrives at his or her destination and the final metered taxicab fare is then paid. There shall be a new flag drop for each leg of the trip.

(b) For group rides booked by street hail, telephone dispatch, or digital dispatch, and paid through in-vehicle payment, the metered fare, including the additional passenger fee under § 801.7(c)(2)(E), shall be paid by the last passenger(s) leaving the taxicab.

(c) For group rides booked by digital dispatch and paid through digital payment, the fare shall be charged and paid consistent with all applicable requirements of this title applicable to a trip which is not a group ride.

Section 819, CONSUMER SERVICE AND PASSENGER RELATIONS, is amended as follows:

A new Subsection 819.12 is added to read as follows:

819.12 Proof that an operator has failed to accept two (2) or more requests for service transmitted to the operator through the app of any DDS registered with the

Department under Chapter 16, including but not limited to the DC TaxiApp, during the same two (2) hour period of any tour of duty, shall be treated as a refusal to haul under § 818.2 or § 819.5, unless the operator's actions do not violate either: the District of Columbia Human Rights Act, D.C. Official Code § 2-1401.01, *et seq*., Title 4 of the D.C. Municipal Regulations, or any other applicable anti-discrimination law or regulation; or any policy maintained by the DDS.

Chapter 10, PUBLIC VEHICLES FOR HIRE, is amended as follows:

A new Section 1008 is added to read as follows:

1008 PROVISIONAL LUXURY CLASS SERVICE OPERATOR'S LICENSE

1008.1 The Department may issue a provisional DFHV operator's luxury class service license (provisional LCS operator's license) consistent with the requirements of § 1209 and pursuant to an administrative issuance.

Chapter 12, LUXURY CLASS SERVICES – OWNERS, OPERATORS, AND VEHICLES, is amended to read as follows:

Section 1201, GENERAL REQUIREMENTS, is amended as follows:

A new Subsection 1201.9 is added to read as follows:

1201.9 Beginning May 1, 2016, or at such later date as set by the Department in an administrative issuance ("implementation date"), each owner of a luxury class vehicle, when used to provide limousine service, shall provide the Department with the following trip data for all limousine trips:

(1) The operator's DFHV operator's license (face card) number;

(2) The vehicle's tag (license plate) number;

(3) The vehicle's vehicle identification number (VIN);

(4) The name of the vehicle owner;

(5) The date and time of the beginning of the operator's tour of duty;

(6) The duration and mileage of each trip;

(7) The date and time of the pickup and drop-off of each trip;

(8) The address and/or geospatially-recorded place of pickup and drop-off of each trip;

(9) The number of passengers;

(10) The unique trip identification number assigned by the owner or operator, if any;

(11) The total fare, with an itemization of all rates and charges;

(12) The form of payment;

(13) The date and time of the end of the operator's tour of duty;

(14) The date and time that the data was transmitted to the Department;

(15) The date on which the vehicle's insurance policy expires;

(16) The vehicle's odometer reading;

(17) The vehicle's type of propulsion;

(18) An indication of whether the vehicle is wheelchair accessible; and

(17) Such other reasonable information within the jurisdiction of the Department as it may require through an administrative issuance.

1201.10 The trip data required by § 1201.9 shall be reported no more than once per day or such lower frequency as set in an administrative issuance, and real time information may be required only when the operator is on duty.

Section 1209, LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES, is amended as follows:

New Subsections 1209.5 and 1209.6 are added to read as follows:

1209.5 The Department may issue a provisional DFHV operator's luxury class service license (provisional LCS operator's license) pursuant to an administrative issuance provided that each applicant:

(a) Meets the requirements of §§ 1205 and 1207;

(b) Submits an application pursuant to § 1206;

(c) Completes the training and education requirements of § 1208; and

(d) Complies with such additional terms and conditions for provisional licensing as may be set forth in the administrative issuance, including requirements related to:

(1) Passenger, operator, and public safety;

(2) Consumer protection; and

(3) Any other purpose within the jurisdiction of the Department.

1209.6 The total application fees for a provisional LCS operator's license, including fees for fingerprinting and testing, shall not exceed the total fees for a full (non-provisional) DFHV operator's license.

A new Section 1221 is added to read as follows:

1221 INDEPENDENT LUXURY VEHICLE BUSINESSES

1221.1 An individual not domiciled in the District ("applicant") may apply for a certificate of operating authority to operate an independent luxury vehicle business ("ILVB"). An ILVB shall allow the applicant to register a luxury class vehicle (limousine or black car) in the District, with the ILVB as co-owner and co-registrant of the vehicle, as required by the rules and regulations of DMV, and other applicable laws.

1221.2 Applicants who apply for certificates of operating authority under this section may be required to:

(a) Purchase or lease a vehicle which has electric propulsion;

(b) Purchase or lease a vehicle which is wheelchair accessible;

(c) Provide service in underserved areas of the District, as identified by the Department;

(d) Obtain additional training to improve customer service levels, including training for wheelchair service and disability sensitivity; and

(e) Meet other reasonable requirements to enhance safety and consumer protection, to improve customer service, and to achieve other lawful purposes within the jurisdiction of the Department as determined by the Department in an administrative issuance.

1221.3 For all purposes of this title, the Establishment Act, the Impoundment Act, and other applicable laws (excluding the regulations and laws applicable to DMV):

(a) The ILVB shall be considered and treated by the Department and the Department as the legal *alter ego* of the individual for all purposes of this title, with the effect of imposing upon the individual all obligations

applicable to the ILVB under this title, provided however that where a provision of this title authorizes the imposition of a civil penalty upon either the ILVB or the individual, either penalty may be applied upon the individual; and

(b) Notwithstanding any contrary provision of Chapter 7, notice of any action, including without limitation any enforcement action or legal proceeding by the Department, the Office of Administrative Hearings, or the District, shall be valid, binding, and fully enforceable against either or both the individual and the ILVB, provided it is otherwise properly served upon either the individual or the ILVB pursuant to Chapter 7.

1221.4 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the D.C. Municipal Regulations or District law other than the rules and regulations of this title.

1221.5 An individual ("applicant") shall be eligible to apply for an initial or renewed certificate of operating authority under this section where:

(a) The individual is not domiciled in the District;

(b) The individual holds a DFHV vehicle operator's license (Face card) to operate a luxury class vehicle;

(c) The individual owns or agrees in writing to purchase a new vehicle or a vehicle which is not required to be replaced within two (2) years from the date of application under this title or other applicable law;

(d) Consistent with the prohibition in § 1221.12, no person other than the applicant has acquired, or is designated to receive, a legal or beneficial interest in the ILVB, in any contract, will, or other legal document, and the applicant has not become domiciled in the District, requirements which shall appear in the charter documents from DCRA;

(e) The ILVB is a District-based business with a bona fide place of business in the District, registered with DCRA and subject to all other requirements for a District-based business, and eligible under all applicable District regulations and laws (other than those in this title) to appear on the title as co-owner of the vehicle for which the application is filed;

(f) The individual and the vehicle are in full compliance with all other requirements of this title, including all applicable licensing and operating requirements, as may be amended from time-to-time;

(g) The individual is in good standing with the Department, including having no pending enforcement actions;

(h) The individual is in compliance with the Clean Hands Act; and

(i) For renewal applications: such additional supporting information and documentation as may be required by the Department, including information and documentation showing the ILVB is in compliance with all operating requirements.

1221.6 Each application for operating authority shall:

(a) Contain such information and documentation as may be required by the Department, including information and documentation about the applicant, the vehicle, and the business;

(b) Be accompanied by the original charter documents for the ILVB demonstrating compliance with this section;

(c) Be provided under penalty of perjury and notarized before a notary public;

(d) Be filed not later than any deadline stated in an applicable administrative issuance; and

(e) Be accompanied by an application fee of two hundred fifty dollars ($250)

1221.7 The Department shall issue a decision to grant or deny an application for an initial or renewed certificate of operating authority within thirty (30) days.

1221.8 Operating authority for the ILVB shall be effective for twelve (12) months. The Department may establish a uniform renewal date through an administrative issuance.

1221.9 At the time an applicant is issued a certificate of operating authority, the applicant shall also be issued a DFHV vehicle license in the name of the applicant and the ILVB under §§ 1010 and 1204, which shall be automatically suspended or revoked if the ILVB's operating authority or the applicant's DFHV operator's license (face card) is suspended or revoked.

1221.10 Failure to file an application to renew ILVB operating authority within the time established by the Department shall result in the loss of the operating authority. The application deadline shall not be extended.

1221.11 Each ILVB shall comply with § 812 for leasing the vehicle co-titled in its name. A lease executed in violation of this requirement shall be null and void.

1221.12 An ILVB operating authority shall be null and void, and thereby subject to immediate suspension, proposed suspension, and proposed revocation, if any time:

(a) A person other than the applicant acquires, or is designated to receive, a legal or beneficial interest in the ILVB, in any contract, will, or other legal document; or

(b) The applicant becomes domiciled in the District, provided however that in the event ILVB operating authority becomes null and void for this reason, the applicant shall be entitled to be issued a DFHV vehicle license as the exclusive owner of the vehicle where the applicant notifies the Department of the change in domicile within thirty (30) days of the change.

1221.13 Tags issued by DMV based on a DFHV vehicle license issued pursuant to this section shall be immediately surrendered to DMV if any of the following licenses are suspended (other than an immediate suspension), revoked, or not renewed:

(a) The applicant's DFHV operator's license;

(b) The vehicle's DFHV vehicle license; or

(c) The ILVB operating authority

1221.14 Tags required to be surrendered pursuant to § 1221.13 shall not be reissued, reclaimed, restored, or returned.

1221.15 The Department may deny any license issued under this title to any person the issuance of which would perpetuate a violation of this section.

Chapter 16, DISPATCH SERVICES AND DISTRICT OF COLUMBIA TAXICAB INDUSTRY CO-OP, is amended as follows:

Section 1605, DIGITAL DISPATCH SERVICES – REGISTRATION, is amended as follows:

Subsection 1605.5 is amended to read as follows:

1605.5 Each registration application form filed under § 1605.3 shall be:

(a) Executed under oath by an individual with authority to complete the filing;

(b) Accompanied by a filing fee of five hundred dollars ($500) regardless of the number of vehicle-for-hire services dispatched by the digital dispatch service; and

(c) Accompanied by one (1) or more bond(s) naming the District of Columbia as obligee for the purpose of securing the amount(s) owed to the District pursuant to § 1604.7. Such bond(s) shall:

(1) Be in effect throughout the digital dispatch service's registration period and for one (1) year thereafter; and

(2) Be in the amount of:

(A) For taxicabs: one hundred thousand dollars ($100,000); and

(B) For each public or private vehicle-for-hire service other than taxicabs:

(i) Two hundred fifty thousand dollars ($250,000); or

(ii) Pursuant to an administrative issuance, one hundred thousand dollars ($100,000) to two hundred fifty thousand dollars ($250,000), inclusive, if the digital dispatch service voluntarily maintains with the Department current information relevant to establishing a risk profile for the non-payment of amount(s) owed to the District pursuant to the § 1604.7, such as the number of the digital dispatch service's associated vehicles.

(d) Notwithstanding the requirements of paragraph (c) of this subsection, a bond shall not be required during the first six (6) months that any business digitally dispatches rides pursuant to a donation agreement with the Department or a live field testing program approved by the Department pursuant to §§ 1612.6 *et seq.*

Existing Subsections 1605.6 through 1605.9 are renumbered as Subsections 1605.7 through 1605.10.

A new Subsection 1605.6 is added to read as follows:

1605.6 Not later than thirty (30) days after the effective date of these regulations, each digital dispatch service registered with the Department shall provide such bond(s) to the Department as are required by § 1605.5.

A new Subsection 1605.11 is added to read as follows:

1605.11 A claim may be made by the Department against any bond provided by a digital dispatch service pursuant to § 1605.5 for any amount owed to the District of Columbia by the digital dispatch service under § 1604.7 which remains unpaid for

more than thirty (30) days. The Department shall give written notice to the digital dispatch service of its intent to make a claim against a bond not less than ten (10) days prior to taking the action.

Section 1612, DISTRICT OF COLUMBIA UNIVERSAL TAXICAB APP, is amended as follows:

Subsection 1612.1 is amended to read as follows:

1612.1 Not later than one hundred eighty (180) days after the effective date of this section ("implementation date"), each DFHV taxicab operator shall at all times throughout each tour of duty:

(a) Be logged into the District of Columbia Universal Taxicab App ("DC TaxiApp"); and

(b) Be able to timely receive and accept all requests for service.

A new Chapter 21, OFFICE OF HEARING EXAMINERS, is added as follows:

2100 APPLICATION AND SCOPE

2100.1 This chapter is intended to create the Office of Hearing Examiners ("OHE") as an independent unit within the Department of For-Hire Vehicles, and to establish fair and consistent procedural rules for the hearing and adjudication of matters by OHE.

2100.2 The provisions of this chapter shall apply to all matters heard or adjudicated by OHE.

2100.3 The provisions of this chapter shall be interpreted to comply with the language and intent of the Establishment Act and the Impoundment Act.

2100.4 OHE shall have jurisdiction to adjudicate and conduct a hearing in a matter involving one or more of the following actions by the Department:

(a) A decision to deny a new license;

(b) A decision to deny a renewed license;

(c) A notice of proposed suspension of a license; or

(d) A notice of proposed revocation of a license.

2100.5 Hearings shall be conducted at the administrative offices of the Department, or elsewhere in the District as designated in an administrative issuance.

2100.6 All adjudications and hearings before OHE shall comply with this chapter, other applicable provisions of this title, the Administrative Procedure Act ("APA"), and other applicable laws.

2100.7 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title other than Chapter 7, the provision of this chapter shall control.

2101 EFFECT OF FAILURE TO APPEAL

2101.1 If an appellant or respondent fails to timely appeal an action taken by the Department enumerated in § 2100.4, the action shall become final and not subject to appeal.

2102 INDEPENDENCE AND IMPARTIALITY OF HEARING EXAMINERS

2102.1 Hearing examiners shall be employees of the Department, but no hearing examiner shall be subject to the supervision, direction, control, or influence of an official, employee, agent, or counsel of the Department, except for purposes of time and attendance.

2102.2 No official, employee, agent, or counsel of the Department shall engage in *ex parte* communications with an employee of OHE, or attempt to supervise, direct, control, or influence a hearing examiner in connection with the merits or facts of any matter.

2102.3 No official, employee, agent, or counsel of the Department shall assign to a hearing examiner any task or duty which is unrelated to adjudications or hearings, or which limits a hearing examiner's availability to adjudicate matters, except for time and attendance and other administrative matters applicable to all District employees.

2102.4 Hearing examiners shall be required at all times to act in a manner that promotes public confidence in the integrity and impartiality of OHE.

2103 POWERS AND DUTIES OF HEARING EXAMINERS

2103.1 All hearings shall be conducted by a hearing examiner. No other official, employee, agent, or counsel of the Department shall have authority to adjudicate contested cases before the Department.

2103.2 Hearing examiners shall conduct fair and impartial hearings, in a manner which ensures that facts are fully and accurately elicited and that all issues are adjudicated expeditiously so as to not create undue delay.

2103.3 Hearing examiners shall ensure that each hearing is conducted in an orderly manner, and shall have the authority to physically exclude from a hearing an appellant, respondent, or other individual who substantially interferes with or obstructs the orderly conduct of a hearing.

2103.4 Within thirty (30) days following the receipt of a request for a hearing pursuant to § 2106, OHE shall schedule a hearing and serve notice thereof upon the parties.

2103.5 Each hearing examiner shall have authority to:

(a) Administer oaths and affirmations;

(b) Examine witnesses and receive testimony;

(c) Rule upon offers of proof and receive evidence;

(d) Regulate the course and conduct of hearings;

(e) Rule upon motions and dispose of procedural requests and similar matters;

(f) Hear and decide questions of law and fact;

(g) Exclude information which is scandalous, impertinent, or not relevant to the adjudication of the matter;

(h) Issue a subpoena to compel a witness to testify; and

(i) Limit the evidence and number of witnesses to be heard, and the nature of testimony, to avoid cumulative evidence and to expedite the proceedings.

2104 RECUSAL

2104.1 A hearing examiner shall recuse himself or herself from a matter where he or she is unable to act in a fair and impartial manner. Notice of a recusal shall be provided to the senior hearing examiner.

2104.2 Grounds for recusal shall include:

(a) A conflict of interest or the appearance thereof;

(b) Bias toward a party or the appearance thereof;

(c) An *ex parte* communication or pre-judgment of the matter by the hearing examiner of any fact or issue; and

(d) Any other reason for recusal supported by District law.

2104.3 A party shall file a motion to recuse a hearing examiner from participating in the adjudication not later than five (5) days after receipt of the notice of hearing.

2104.4 Each motion for recusal shall be supported by an affidavit setting forth the reasons for recusal. Failure to timely file a motion for recusal by the time required by § 2104.3 may be construed as a waiver of all grounds for recusal.

2104.5 The senior hearing examiner shall rule upon each motion for recusal.

2105 EX PARTE COMMUNICATIONS

2105.1 Hearing examiners shall not engage in *ex parte* communications with any individual, including any official, employee, agent, or counsel of the Department.

2105.2 Where a hearing examiner has engaged in *ex parte* communications, the hearing examiner shall disclose such communications on the record, and shall consider whether recusal is required by § 2104.1.

2106 REQUEST FOR HEARING

2106.1 An appeal shall be filed with OHE within the time prescribed by §§ 708 and 709.

2106.2 Each request for a hearing shall include:

(a) The full name of the respondent or appellant, and the full name of the appellant's or respondent's representative, if any, appearing on the appellant's or respondent's behalf pursuant to § 2108;

(b) The mailing address, email address, and telephone number of the appellant or respondent, or of the appellant's representative, if any;

(c) A brief statement of the reasons for the appeal;

(d) A brief statement of the relief sought from OHE; and

(e) A copy of the document reflecting the Department's decision to deny a new or renewed license, the notice of proposed suspension, or the notice of proposed revocation.

2107 SUMMARY ADJUDICATION

2107.1 An appellant may request that an appeal of a decision to deny a new or renewed license be decided summarily, without a hearing.

2107.2 Each motion for summary adjudication shall be supported by evidence that identifies the facts not in dispute, with appropriate affidavits, and citations to relevant legal authority.

2108 REPRESENTATIVES

2108.1 An appellant or respondent, at its own expense, may appear through an attorney or non-attorney representative.

2108.2 Each representative shall file a notice of appearance at least two (2) days prior to the first scheduled hearing at which the representative expects to appear. The notice shall include the representative's full name, contact information, and, if applicable, the bar number and jurisdiction(s) of admission.

2108.3 A representative shall not be heard and shall not file or serve documents, other than a request for a hearing, until a notice of appearance has been filed.

2108.4 A representative may withdraw by serving and filing a notice of withdrawal upon all parties, provided that no motions are pending and no hearing has been scheduled. If a motion is pending or a hearing date has been scheduled, withdrawal shall be granted only by leave of the hearing examiner.

2108.5 An attorney acting as a representative shall be in good standing in all jurisdictions where the attorney is admitted, and shall comply with the D.C. Rules of Professional Responsibility throughout the course of the representation.

2108.6 Each representative shall exhibit professionalism and courtesy, and shall not mislead or make false statements to OHE.

2109 FAILURE TO APPEAR

2109.1 Where a respondent or appellant fails to appear for a scheduled hearing, the hearing examiner may enter a default, provided however, that the Department shall be required to proffer sufficient evidence to meet its burden of proof.

2109.2 Where, following default, the Department proffers sufficient evidence to meet its burden of proof, the hearing examiner shall issue a default judgment, which shall constitute the hearing examiner's final decision in the matter.

2109.3 A respondent or appellant may file a motion to set aside a default judgment within ten (10) days following the default judgment. If a respondent fails to file a motion to set aside a default judgment, the default judgment will become final. The hearing examiner may grant the motion for good cause shown.

2110 MOTIONS

2110.1 Motions shall be filed no later than ten (10) days prior to the hearing, shall state the nature of the motion and the relief sought, and shall be supported by appropriate documentation.

2110.2 A response or opposition to a motion shall be filed not later than five (5) days prior to the hearing, and shall be supported by appropriate documentation. Replies and sur-replies shall not be filed without leave.

2110.3 Where leave is required to file a document, a motion for leave shall be filed within ten (10) days following service of the motion or order to which the document is addressed.

2110.4 Each motion other than a motion made at a hearing shall be in writing and shall be served upon all parties to the matter. The filing or pendency of a motion shall not extend any deadline.

2110.5 Motions made during a hearing may be made orally at the discretion of the hearing examiner.

2111 COMPUTATION OF TIME

2111.1 An applicable time period measured in days under this chapter shall be calculated using the computation of time rules prescribed by Chapter 7, if any, and, if none, then in calculating such period:

(a) The day of the act, event, or default from which the period begins to run shall not be included;

(b) The last day of the period shall be included;

(c) Unless otherwise specified, any reference to "days" means calendar days including holidays and weekends; and

(d) When the last day is a Saturday or a Sunday, or a national or District holiday, the period shall run until the close of business of the following business day.

2112 ENLARGEMENTS OF TIME

2112.1 When an act is required or allowed to be done within a specified time, a hearing examiner, upon motion demonstrating good cause, or *sua sponte*, may enlarge the time period.

2112.2 If a motion is made to enlarge before the expiration of the period originally prescribed, the hearing examiner may grant enlargement of time for good cause shown.

2112.3 If a motion for enlargement of time is filed after the expiration of the time period, the hearing examiner may grant the enlargement for good cause shown, provided that the failure to file the motion prior to the expiration of the time period was the result of excusable neglect.

2112.4 A motion for enlargement of time shall not apply to the time prescribed for filing an appeal.

2113 CONTINUANCES OF HEARINGS

2113.1 A hearing examiner may continue a hearing for good cause shown, including at a hearing, upon motion or *sua sponte,* provided the continuance does not unduly delay or disrupt the adjudication of a matter, and does not cause undue prejudice to the opposing party.

2113.2 Each motion for continuance shall comply with § 2110.

2114 DISMISSALS OF MATTERS

2114.1 A respondent or appellant may file a motion to dismiss at any time.

2114.2 Parties may file a joint motion to dismiss, with or without prejudice, at any time.

2114.3 If a respondent or appellant fails to comply with a hearing examiner's order or with the requirements of this chapter, or fails to prosecute, the hearing examiner may dismiss the matter *sua sponte* or upon motion.

2114.4 A dismissal shall be without prejudice, unless the hearing examiner orders otherwise.

2114.5 Each motion to dismiss shall be in writing unless made orally at a hearing.

2114.6 Each motion to dismiss shall state the reasons for dismissal and include supporting documentation.

2115 SUBPOENAS

2115.1 A hearing examiner shall have authority to issue a subpoena for the appearance of witnesses or the production of documents, *sua sponte* or upon the filing of a motion.

2115.2 Each motion for a subpoena shall identify the relevance of the documents sought or witnesses requested, and shall be filed not later than ten (10) days prior to the hearing.

2115.3 If a motion for subpoena is granted, the moving party shall serve the subpoena in the manner required by §§ 714.1 (a) and (c), and shall serve a copy of the subpoena and proof of service upon the opposing party within one (1) day.

2115.4 Proof of service of a subpoena shall be filed with OHE within three (3) days following service of the subpoena, or one (1) day prior to the hearing, whichever is earlier.

2116 BURDEN OF PROOF

2116.1 In all matters adjudicated by OHE, the Department shall bear the burden of proof to establish by a preponderance of the evidence an evidentiary basis for the Department's denial or nonrenewal of a license, or for the Department's proposed suspension or revocation of a license.

2116.2 If the Department has presented all of its evidence and the hearing examiner determines that the Department has not met its burden of proof, the hearing examiner may enter judgment against the Department without the presentation of additional evidence.

2117 EVIDENCE

2117.1 Formal rules of evidence shall not apply to adjudications or hearings before OHE.

2117.2 Hearsay may be considered during a hearing, provided however, that hearsay shall not serve as the sole evidentiary basis for a suspension or revocation of a license.

2117.3 Irrelevant, immaterial, scandalous, cumulative, or unduly lengthy evidence may be excluded at the discretion of the hearing examiner.

2117.4 Each party shall have the right to present witnesses, to conduct direct examination and cross examination, and to introduce documentary evidence.

2117.5 Each party shall serve upon the opposing party and file with OHE, exhibit and witness lists, not later than five (5) business days prior to the hearing.

2117.6 A hearing examiner may require the production of evidence by either party.

2117.7 A hearing examiner may take judicial notice of generally accepted facts, but shall not take judicial notice of any facts in dispute.

2118 DECISIONS

2118.1 A hearing examiner shall issue a written decision within thirty (30) days following the hearing.

2118.2 Each decision shall include:

(a) A list of the exhibits accepted in evidence and the witnesses who testified;

(b) Findings of fact based on the evidence adduced at the hearing; and

(c) Conclusions of law referencing the applicable law and identifying the findings of fact upon which the conclusions rest.

2118.3 If the Establishment Act does not require that a hearing examiner's decision be approved by the Director, the decision shall be a final agency decision.

2118.4 If the Establishment Act requires that a hearing examiner's decision be approved by the Director, the hearing examiner shall promptly refer the matter to the Director or his or her designee.

2119 RECONSIDERATION

2119.1 A motion for reconsideration of a hearing examiner's decision shall be filed within ten (10) days following the issuance of the decision.

2119.2 Each motion for reconsideration shall state the grounds for reconsideration and shall be limited to:

(a) Errors of law; findings of facts not supported by the evidence, or

(b) Newly discovered evidence which was not reasonably available to the party at the time of the hearing.

2119.3 The filing of a motion for reconsideration shall not stay a decision by the Department to deny a new license, but it shall stay a decision by the Department to deny a renewed license, a notice of proposed suspension, or a notice of proposed revocation.

2120 APPEALS

2120.1 This section shall apply to a decision of a hearing examiner which does not require the Director's approval under the Establishment Act.

2120.2 In accordance with Chapter 7, either party may appeal a hearing examiner's decision to the Director or his or her designee within thirty (30) days of the issuance of the decision.

2120.3 Upon receipt of an appeal from a hearing examiner's decision, the Director or his or her designee shall render a final decision to affirm, reverse, or modify the

decision, or to remand for further proceedings.

2120.4 The filing of an appeal shall not stay a decision by the Department to deny a new license.

2120.5 The filing of an appeal shall stay a decision by the Department to deny a renewed license, a notice of proposed suspension, or a notice of proposed revocation.

2121 RECORDS OF HEARINGS

2121.1 All hearings shall be recorded, and shall be available to the parties and to the public by transcript.

2121.2 The administrative record shall consist of the OHE file, exhibits, transcripts, and all other documents filed with or issued by OHE.

2121.3 A party appealing a decision of OHE shall bear the expense of producing the transcript where not already produced.

2122 FINAL AGENCY DECISION

2122.1 A decision of the Director or his or her designee on a matter referred under § 2118.4 or appealed to the Director or his or her designee under § 2120 shall constitute a final agency decision.

2122.2 A decision of a hearing examiner which is not timely appealed in accordance with § 2120.2 shall constitute a final agency decision.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add definitions as follows:

"Administrative Procedure Act" ("APA")-- The District of Columbia Administrative Procedure Act, effective October 8, 1975, (D.C. Law 1-19; D.C. Official Code §§ 2-502 *et seq*. (2016 Repl.)).

"Evidence" - papers, notarized statements, photographs, and other things a party believes are helpful to a case.

"*Ex parte* communications" – direct or indirect communications about the merits or facts of a matter or impending matter which do not occur in the presence of all parties, and which do not include scheduling or other procedural matters unrelated to the merits or facts of a matter.

"Hearing examiner" – an attorney who hears and adjudicates cases at OHE.

"ILVB" – An independent taxicab business, as defined in this chapter.

"Independent luxury vehicle business" – A District-based business which appears as co-owner and co-registrant of a vehicle owned by an individual who is not domiciled in the District, for the purpose of allowing the individual to register a public vehicle-for-hire in the District pursuant to all applicable District laws and regulations.

"Independent taxicab business" – A District-based business which appears as co-owner and co-registrant of a taxicab vehicle owned by an individual who is not domiciled in the District, for the purpose of allowing the individual to register a public vehicle-for-hire in the District pursuant to all applicable District laws and regulations.

"ITVB" – An independent taxicab business, as defined in this chapter.

"Matter" - a contested case, as defined in the Administrative Procedures Act.

"Preponderance of the evidence" - evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, sufficient evidence to convince the hearing examiner that something is more likely to have occurred than to not have occurred.

"Proceeding" - the entire adjudication process, from the issuance of a notice of hearing through the issuance of a decision, including the disposition of any motion for reconsideration.

"Provisional DFHV luxury class service operator's license" – a DFHV operator's license issued to an operator of a luxury class service vehicle which, following its issuance, may be subject to additional requirements or conditions, including the completion of a background check by the Federal Bureau of Investigation, prior to full licensing consistent with the requirements of this title and other applicable laws.

"Provisional LCS operator's license" – a provisional DFHV luxury class service operator's license as defined in this section.

"Senior hearing examiner" – a hearing examiner, as defined in this chapter, who also performs administrative duties for OHE as allowed or required by OHE rules and by other applicable laws and regulations.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (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 adoption of an amendment to Section 9502 (Residency) of Chapter 95 (Medicaid Eligibility) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF, as the single state agency for the administration of the State Medicaid program under Title XIX of the Social Security Act and CHIP under Title XXI of the Social Security Act in the District, is responsible for supervising and administering the District of Columbia State Plan (State Plan) for Medical Assistance pursuant to 42 U.S.C. §§ 1396 *et seq.*, and amendments thereto. In that capacity, DHCF shall ensure that the State Plan establishes and/or maintains standards that govern DHCF, or its designee, in the administration of the District's Medicaid program.

The existing rules originally implemented changes to the District's eligibility policies and procedures in accordance with the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat 119), as amended, and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029; codified as amended in scattered sections of 42 U.S.C.))(collectively referred to as the Affordable Care Act) (ACA), and related regulations.

These rules amend Section 9502 (Residency) by defining when an individual, who is temporarily absent from the District, may satisfy residency criteria for Medicaid. It also identifies the conditions under which otherwise eligible foster care individuals placed outside of the District may satisfy eligibility criteria for Medicaid. These conditions include compliance with the federal designation of foster care at 45 C.F.R. § 1355.20; receipt of services by a provider enrolled in the District's Medicaid program at 29 DCMR § 9400; placement in an out-of-District foster home by the District's Child and Family Services Agency (CFSA); and taking into account the best interest of the individual when determining continued eligibility for and enrollment in the District's Medicaid program. DHCF projects no change in federal expenditures following implementation of this rule.

A Notice of Proposed Rulemaking was published in the in the *D.C Register* on February 10, 2017 at 64 DCR 001382. One (1) set of comments were received from the Children's Law Center (CLC). DHCF carefully considered CLC's comments and a number of technical changes and clarifications were made, as detailed below. No substantive changes were made to the rule.

Temporary Absence Day Limit

CLC identified an ambiguity in the rule with respect to the ninety (90) day limit referenced in §§ 9502.8(a) and 9502.8(b). The rule, as proposed, did not specify whether the 90 day limit is consecutive or cumulative. Further, if the day limit is cumulative, the rule was silent with respect to any timeframe within which the days accrue against the limit. DHCF agrees with CLC's recommendation to incorporate 'consecutive' into the rule in order to clarify the intended meaning of §§ 9502.8(a) and 9502.8(b).

Second, CLC expressed concern that the 90 day limit is too restrictive and will leave individuals without access to Medicaid coverage. CLC recommended that the District increase the day limit to one hundred twenty (120) consecutive days. The rule, as proposed, gives DHCF the ability to allow an individual who is absent from the District for 90 or more days to retain his or her status as a resident for good cause. Given the flexibility in the current proposal to allow for exceptions where needed, DHCF does not agree that an increase in the day limit is needed and is not making the recommended change.

'Good Cause' Age Limit

CLC recommended DHCF correct the good cause exception for 'school attendance' set forth in § 9502.8(b)(1) to include students up through the age of twenty-two (22). Under the Individuals with Disabilities Education and Improvement Act (IDEA) and corresponding District law, school districts are required to make available a free and appropriate public education to students with disabilities through the age of twenty-two (22). 5-E DCMR § 3002.1(b) specifies that an individual eligible for an educational placement under IDEA shall remain eligible through the end of the semester that he or she turns twenty-two (22). A technical correction was made to § 9502.8(b)(1) to clarify DHCF's intention that the good cause exception includes circumstances outlined in the District's special education rules. Further, the good cause exception is broadly constructed. As proposed, DHCF retained authority to allow students over twenty-one (21) to retain their residency for purposes of determining Medicaid eligibility. Therefore, DHCF does not believe substantive changes are needed.

'Best-Interest' Evaluation and Determination

CLC is concerned that the rule gives the District authority to make the best-interest determination, unilaterally, without any requirement that the District confer with critical parties, including the Guardian ad Litem, social workers, medical professional, and others. The language in the rule was proposed following extensive negotiation with and approval by CMS. The language is based on policies developed in collaboration with the Child and Family Services Administration (CFSA). Subsections 9502.24(d) and 9502.25(d), as proposed, require the District to evaluate 'all factors affecting the best interests of the individual'. Therefore, DHCF does not agree that a rule change, specifically requiring that the District confer with the Guardian ad Litem, social workers, medical professionals, and others, is necessary. However, DHCF will work with CFSA to update its Medicaid Eligibility policy guidance to for children in care in order to detail the factors CFSA shall consider when making the best-interest evaluation and determination to ensure the process for conferring with these entities is clearly outlined and understood by all stakeholders.

Geographic Distance

CLC suggested that, as proposed, Subsection 9502.25(a) of the rule was unclear. The language does not clearly indicate whether geographic distance refers to the distance from the provider or the distance from the location where services are provided. DHCF agrees that the language of the rule, as proposed, was potentially ambiguous. DHCF has clarified the language to ensure that all understand that by indicating that geographic distance in § 9502.25(a) refers to the distance 'from the location where services are provided.'

The following minor changes were made throughout the document to correct grammar and clarify intent: 1) an extra space was removed between 'her' and 'parents' in Subsection 9502.16(c); 2) two references were corrected in Subsection 9502.15; and 3) the 'is' before 'enrolled' was removed from Subsection 9502.24(b).

This final rulemaking correlates to a State Plan Amendment (SPA) to the District of Columbia State Plan for Medical Assistance. The SPA was approved by the U. S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) on April 21, 2016 and by the Council of the District of Columbia on March 18, 2016 (PR21-0559).

The Director adopted these rules on July 31, 2017 and they will become effective upon publication of this notice in the *D.C. Register*.

Chapter 95, MEDICAID ELIGIBILITY, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

Section 9502, RESIDENCY, is amended by replacing Subsections 9502.8 and 9502.15, inserting two (2) new subsections after Subsection 9502.23, and renumbering subsequent subsections to read as follows:

9502 RESIDENCY

9502.1 An individual shall be a resident of the District as a condition of Medicaid eligibility.

9502.2 An individual shall be considered incapable of stating intent to reside in the District if one of the following applies to the individual:

(a) Individual has an I.Q. of forty-nine (49) or less or a mental age of seven (7) or less, based on tests acceptable to the District Department on Disability Services;

(b) Individual is judged legally incompetent; or

(c) Individual is found incapable of indicating intent by a physician, psychologist, or other similarly individual licensed in accordance with the

District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq*. (2012 Repl.)).

9502.3 A resident of the District shall be any individual who:

(a) Meets the conditions of Subsections 9502.4 through 9502.19; or

(b) Meets the criteria specified in an interstate agreement under Subsection 9502.24.

9502.4 Subject to the exceptions identified in Subsections 9502.6, 9502.11, 9502.12, and 9502.14 below, an individual under age nineteen (19) who lives in the District shall be considered a resident of the District.

9502.5 Subject to the exceptions identified in Subsections 9502.6, 9502.11, 9502.12, and 9502.14 below, the state of residence of an individual who is age nineteen (19) through twenty (20) shall be where the individual resides or the state of residency of the parent or caretaker relative with whom the individual resides.

9502.6 An individual who is under the age of twenty-one (21), who is capable of stating intent to reside; who is married or emancipated, and who does not reside in an institution, shall follow the residency rules applicable to individuals who are the age of twenty-one (21) and older.

9502.7 An individual, who is the age of twenty-one (21) or older and who does not live in an institution, shall be considered a resident of the District if the individual is living in the District voluntarily and not for a temporary purpose; that is, an individual with no intention of presently leaving including individuals without a fixed address or who have entered the District with a job commitment or seeking employment, whether or not currently employed.

9502.8 For purposes of determining eligibility for Medicaid, an individual may retain his or her status as a resident of the District of Columbia if the individual considers the District to be his or her fixed place of residence to which he or she will return with the intent to reside following a temporary absence, and:

(a) The individual is absent from the District for less than ninety (90) consecutive days; or

(b) The individual is absent from the District for more than ninety (90) consecutive days for good cause, as determined by DHCF, which may include, but not be limited to, the following:

(1) School attendance: an individual under the age of twenty-two (22) who is away from the District for the sole purpose of attending a

boarding school, other educational facility, or in an educational placement as set forth in Title 5-E DCMR § 3013.6, if otherwise eligible, may retain Medicaid eligibility;

(2) Medical care: an otherwise eligible individual in need of medical care that temporarily resides outside of the District may retain Medicaid eligibility as long as the need for medical care continues; or

(3) U.S. Military service: an individual with full-time employment in the U.S. military service, if otherwise eligible, may retain Medicaid eligibility while away from the District due to a duty assignment.

9502.9 Residence as defined for eligibility purposes shall not depend upon the reason for which the individual entered the District, except insofar as it may bear on whether the individual is there for a temporary purpose.

9502.10 Unless an exception applies, the State of residence for an individual who is age twenty-one (21) and over, and who is not living in an institution, but who is incapable of stating intent to reside, shall be the State where the individual lives.

9502.11 Where a District agency or designee arranges or makes an out-of-state placement for any individual aged eighteen (18) and older receiving diagnostic, treatment, or rehabilitative services related to intellectual or developmental disabilities, the District shall be the State of residence.

9502.12 The State of residence for an individual placed by the District in an out-of-District institution shall be determined as follows:

(a) An individual who is placed in an institution in another State by a District agency or designee is a District resident;

(b) If a District agency or designee arranges or makes the placement, the District is considered as the individual's State of residence, regardless of the individual's intent or ability to indicate intent;

(c) Where a placement is initiated by a District agency or designee because the District lacks a sufficient number of appropriate facilities to provide services to its residents, the District, as the State making the placement is the individual's State of residence.

9502.13 Any action by a District agency or designee beyond providing information to the individual and the individual's family constitutes arranging, or making, an out-of-District placement in an institution.

9502.14 The State of residence for an individual of any age who receives a State supplementary payment (SSP) shall be the State paying the SSP.

9502.15 Except as provided in Subsections 9502.24 and 9502.25, the State of residence for individuals under the age of twenty-one (21) receiving adoption assistance, foster care, or guardianship care under title IV-E of the Social Security Act (the Act) shall be the State where the individual resides.

9502.16 The State of residence for an institutionalized individual under the age of twenty-one (21), who is neither married nor emancipated, shall be the following:

(a) The parent's or legal guardian's State of residence at the time of placement;

(b) The current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that same State; or

(c) If the individual has been abandoned by his or her parents and has no legal guardian, the State of residence of the individual who files an application.

9502.17 For any institutionalized individual who became incapable of indicating intent before age twenty-one (21), the State of residence shall be:

(a) That of the parent applying for Medicaid on the individual's behalf, if the parents reside in separate States (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's);

(b) The parent's or legal guardian's State of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's);

(c) The current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that State (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's); or

(d) The State of residence of the individual or party who files an application is used if the individual has been abandoned by their parent(s), does not have a legal guardian and is institutionalized in that State.

9502.18 For any institutionalized individual (regardless of any type of guardianship) who became incapable of indicating intent at or after age twenty-one (21), the State of residence is the State in which the individual is physically present, except where another State makes a placement.

9502.19 For any other institutionalized individual, the State of residence shall be the State where the individual is living and intends to reside.

9502.20 The Department shall not deny eligibility for Medicaid because an individual has not resided in the District for a specified period.

9502.21 The Department shall not deny eligibility for Medicaid to an individual in an institution, who satisfies the residency rules set forth in this section on the grounds that the individual did not establish residence in the District before entering the institution.

9502.22 The Department shall not deny or terminate an individual's eligibility for Medicaid because of the individual's temporary absence from the District if the individual intends to return when the purpose of the absence has been accomplished, unless another State has determined that the individual is a resident there for purposes of Medicaid.

9502.23 The District may extend eligibility for Medicaid to individuals who would traditionally be considered residents of a State other than the District under an interstate agreement.

9502.24 The Department may consider an individual under the age of twenty-one (21) who receives foster care assistance from the District under title IV-E of the Social Security Act and lives in an out-of-District foster home to be a resident of the District when:

(a) The individual receives foster care as defined at 45 CFR § 1355.20;

(b) The individual receives services from a provider screened and enrolled in the District Medicaid program pursuant to 29 DCMR §§ 9400 *et seq*.;

(c) The District's Child and Family Services Agency (CFSA) places the individual in an out-of-District foster home for reasons related to the safety, permanence, and well-being of abused and neglected children and their families; and

(d) The District evaluates all factors affecting the best interests of the individual and determines that continued eligibility for and enrollment in the District Medicaid program is in the best interest of the individual.

9502.25 The District may determine that continued eligibility for and enrollment in the District Medicaid program is not in the best interest of an individual described in Subsection 9502.24 for the following reasons:

(a) The individual cannot obtain services from a provider enrolled in the District's Medicaid program because of their geographic distance from the location where the services are provided;

(b) The individual has special health needs that cannot be addressed by an available and accessible provider enrolled in the District's Medicaid program;

(c) The individual, or someone acting responsibly for the individual, requests that the individual be enrolled in the state's Medicaid program where the individual is living; or

(d) The District evaluates all factors affecting the best interests of the individual and determines that continued eligibility for and enrollment in the District Medicaid program is not in the best interest of the individual.

9502.26 Where two or more States cannot resolve which State is the State of residence, and in the absence of an interstate agreement between the District and another State governing disputed residency, the State where the individual is physically located shall be the State of residence.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles ("Director"), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Sections 6 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01 (2014 Repl.)), and Mayor's Order 2016-077, dated May 2, 2016, hereby gives notice of the adoption of the following amendments to Chapter 1 (Issuance of Driver Licenses), Chapter 4 (Motor Vehicle Title and Registration), Chapter 6 (Inspection of Motor Vehicles), Chapter 7 (Motor Vehicle Equipment), Chapter 22 (Moving Violations) and Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations ("DCMR").

The rulemaking creates a new classification of autocycles and clarifies what motor vehicles do not need to be emission inspected.

The Proposed Rulemaking was published in the *D.C. Register* on February 3, 2017 at 64 DCR 001212. No comments were received. No changes were made to the text of the proposed rules. The final rules were adopted on March 10, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Chapter 1, ISSUANCE OF DRIVER LICENSES, is amended as follows:

Section 104, EXAMINATION OF APPLICANTS FOR DRIVER'S LICENSES is amended by striking the current title and inserting the phrase "APPLICANTS FOR DRIVER LICENSES" in its place. Section 104 is also amended as follows:

A new Subsection 104.16 is added to read as follows:

104.16 An autocycle shall not be used by an applicant for the road test.

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:

Section 413, APPLICATION FOR REGISTRATION, is amended as follows:

Subsection 413.6 is amended by inserting the term "autocycle," before the term "motor-driven cycle".

Section 422, DISPLAY OF IDENTIFICATION TAGS, is amended as follows:

Subsection 422.2 is amended by inserting the term "Autocycles," before the term "Motor-driven cycles".

Chapter 6, INSPECTION OF MOTOR VEHICLES, is amended as follows:

Section 601, INSPECTION REQUIREMENTS, is amended as follows:

Subsection 601.4(l) is amended to read as follows:

(l) All other motor vehicles: every two (2) years; except that autocycles, motorcycles, motor-driven cycles, vehicles weighing twenty-six thousand (26,000) pounds or more, motor vehicles with diesel or electric engines, and trailers do not need to be inspected.

Section 607, PLACEMENT OF INSPECTION STICKERS ON VEHICLES, is amended as follows:

Subsection 607.1 is amended by inserting the term "autocycles," before the word "motorcycles".

Chapter 7, MOTOR VEHICLE EQUIPMENT, is amended as follows:

Section 704, HEADLAMPS, is amended as follows:

Subsections 704.1, 704.3 and 704.4 are amended by inserting the term "autocycle," before the word "motorcycle".

Section 705, TAIL LAMPS, is amended as follows:

Subsection 705.2 is amended by inserting the term "autocycles," before the word "motorcycles".

Section 706, STOP LAMPS, TURN SIGNALS, AND REFLECTORS, is amended as follows:

Subsection 706.2 is amended by inserting the term "autocycles," before the word "motorcycles".

Subsection 706.6 is amended by inserting the term "autocycle," before the word "motorcycle".

Section 715, MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT, is amended as follows:

Subsection 715.1 is amended by inserting the term "autocycles," before the word "motorcycles".

Subsection 715.4 is amended by inserting the term "autocycle," before the word "motorcycle".

Section 718, ROAD LIGHTING EQUIPMENT: SPECIAL REQUIREMENTS, is amended as follows:

Subsection 718.1 is amended by inserting the term "autocycle," before the word "motorcycle".

Section 720, BRAKES: GENERAL PROVISIONS, is amended as follows:

Subsection 720.3 is amended by inserting the term "autocycles," before the word "motorcycles".

Section 724, PERFORMANCE ABILITY OF BRAKES, is amended as follows:

Subsection 724.1 is amended by inserting the term "autocycles," before the word "motorcycles" in section B1.

Section 733, BUMPERS AND FENDERS, is amended as follows:

Subsection 733.1 is amended by inserting the term "autocycles," before the word "motorcycles".

Section 741, MOTORCYCLE HELMETS, is amended as follows:

Subsection 741.1 is amended by inserting the phrase "or autocycles, except as set forth in § 2215.7" after the word "motorcycles"

Chapter 22, MOVING VIOLATIONS, is amended as follows:

Section 2215, RIDING ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES, is amended as follows:

The section heading is amended to read as follows:

2215 RIDING ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES AND RIDING IN AUTOCYCLES

A new Subsection 2215.7 is added to read as follows:

2215.7 Autocycle operators or passengers shall not be required to wear a protective helmet, goggles, or a face shield if the autocycle has a non-removable roof and windshield and is fully enclosed.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, Subsection 9901.1, is amended by adding a definition for autocycle to read as follows:

Autocycle - a three (3)-wheeled motor vehicle that has a steering wheel, has seating that does not require the operator or passenger to straddle or sit astride, is equipped with safety belts for all occupants, and is manufactured to comply with federal safety requirements for motorcycles.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education ("State Superintendent"), pursuant to authority set forth in Sections 3(b)(9) and 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(9) and (b)(11)) (2012 Repl. & 2016 Supp.)); the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code §§ 4-401 *et seq*. (2012 Repl. & 2016 Supp.)); Mayor's Order 2009-3, dated January 15, 2009; and pursuant to the Social Security Act, approved February 22, 2012 (Pub.L. 112-96; 42 U.S.C. § 618(c)); the Child Care and Development Block Grant Act of 2014 ("CCDBG Act"), approved November 19, 2014 (Pub.L. 113-186; 42 U.S.C. §§ 9858 *et seq*.), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby gives notice of her intent to amend Chapter 2 (Child Development Facilities: District-Subsidized Child Care Services) to Subtitle A (Office of the State Superintendent of Education) of Title 5 (Education) of the District of Columbia Municipal Regulations ("DCMR").

The purpose of the proposed rulemaking is to update the District of Columbia's child care subsidy rates for child care services provided by child development centers, child development homes and expanded homes, and relative and in-home caregivers participating in the subsidized child care program for infants and toddlers. The proposed rulemaking also updates the sliding fee schedule based on the "2017 Federal Poverty Guidelines for the 48 Contiguous States and the District of Columbia." Finally, the proposed rulemaking will align the District's regulatory framework for subsidized child care with the CCDBG Act, its implementing regulations, the District's current Child Care and Development Fund (CCDF) Plan, and the Office of the State Superintendent's Eligibility Determinations for Subsidized Child Care Policy Manual. The updates in this proposed rulemaking are necessary to ensure equal access to stable, high-quality child care for low-income children in the District.

The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 2, CHILD DEVELOPMENT FACILITIES: DISTRICT-SUBSIDIZED CHILD CARE SERVICES, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 200, GENERAL PROVISIONS, Section 201, ELIGIBILITY DETERMINATIONS, and Section 202, TERMINATION OF SUBSIDIZED CHILD CARE SERVICES, are added to read as follows:

200 GENERAL PROVISIONS

200.1 The Office of the State Superintendent of Education ("OSSE") shall administer and enforce the requirements of the District of Columbia's subsidized child care program which shall provide financial assistance to families with eligible children

seeking access to child care while the parent(s) or guardian(s) work or attend job training or educational programs, pursuant to this chapter.

200.2 A child's eligibility to receive subsidized child care services shall be determined in accordance with this Chapter by OSSE or an entity authorized by OSSE to conduct eligibility determinations, including the District of Columbia Department of Human Services, Level II providers, or a Shared Services Business Alliance.

201 ELIGIBILITY DETERMINATIONS

201.1 To be eligible for subsidized child care in the District, a child shall, at the time of eligibility determination or redetermination:

(a) Be under fifteen (15) years old, or under nineteen (19) years old if the child has special needs;

(b) Reside with a parent(s), guardian(s), or adult with legal relationship to child;

(c) Be a United States citizen or an alien lawfully admitted for permanent residence or otherwise lawfully and permanently residing in the United States;

(d) Be a resident of the District of Columbia;

(e) Meet the requirements for one of the following categories of need:

(1) Resides with parent(s) who are working or attending a job training or education program;

(2) Resides with parent(s) who is seeking employment or engaging in job search; or

(3) Receives, or needs to receive, protective services or is considered a vulnerable child, as defined herein; and

(f) Resides with a parent(s) or guardian(s) whose:

(1) Gross annual income does not exceed two hundred fifty percent (250%) of the Federal Poverty Level (FPL) or eighty-five percent (85%) of the District of Columbia's State Median Income (SMI) based on family size, whichever is lower; and

(2) Family assets do not exceed one million dollars ($1,000,000).

201.2 If there is insufficient funding for the District's subsidized child care program and a waitlist is put into effect because there are more applicants than available funds, OSSE shall give priority for subsidized child care services to:

(a) Children of families with very low family income;

(b) Children with special needs, including vulnerable children; and

(c) Children experiencing homelessness.

201.3 Once a child is determined as eligible for receiving child care subsidy assistance, the family or individual will be considered to meet all eligibility requirements for such assistance and will receive assistance for not less than twelve (12) months before a re-determination of eligibility.

201.4 A child shall remain eligible for the District of Columbia's child care subsidy program throughout the twelve (12) month eligibility period regardless of:

(a) A change in gross annual family income, if the gross annual family income does not exceed the lesser of three hundred percent (300%) of the FPL or eighty-five percent (85%) of the SMI for a family of the same size;

(b) A temporary change, as defined in this chapter, in the child's parent(s) or guardian(s) ongoing status;

(c) A change in the child's age, including turning thirteen (13) during the eligibility period; or

(d) Any change in residency *within* the District of Columbia.

201.5 A child's eligibility for the District of Columbia's child care subsidy program shall be re-determined during the twelve (12) month eligibility period in the following situations:

(a) Any change in residency to outside of the District of Columbia;

(b) Non-temporary change, as defined in this chapter; or

(c) A change in income, if the family's income exceeds eighty-five percent (85%) of the SMI for a family of the same size.

201.6 Applicants shall notify OSSE, or its authorized designee, within ten (10) calendar days of the occurrence of any of the changes listed in Subsection 201.5.

201.7 Families who are classified as being over the income threshold at the end of the

twelve (12) month eligibility period are to still be considered eligible for subsidized child care services if the gross annual family income does not exceed three hundred percent (300%) of the 2017 FPL or eighty-five percent (85%) of the current SMI, whichever is lower.

201.8 Any family already designated as eligible for subsidized child care and receiving such services whose income reaches three hundred percent (300%) of FPL or eighty-five percent (85%) of the current SMI shall continue to receive subsidized care for no more than three (3) months. At the end of the three (3) month period of continued assistance, if the gross annual family income is below 300% of FPL or 85% of the most current SMI, assistance cannot be terminated and the child shall continue receiving assistance until the next scheduled redetermination.

201.9 Applicants cannot be required to unduly disrupt their education, training, or employment in order to complete the eligibility re-determination process.

201.10 OSSE, or its authorized designee, may deny an application for subsidized child care services if:

(a) The applicant does not satisfy the eligibility requirements for relationship, the child's citizenship or status within the United States, residency, need and/or income;

(b) The applicant has failed to provide all required documentation for the establishment of eligibility within thirty (30) days of the date of the application;

(c) The applicant's information is found to be false; or

(d) Funds are not available for placement for a family that is not provided for in Subsection 201.2. In this case, the applicant's name may be added to a waiting list.

201.11 When the application for subsidized care is denied, OSSE, or its authorized designee, shall issue written notice to the applicant that provides:

(a) The decision;

(b) The basis for the decision, including legal citations where appropriate; and

(c) An explanation of the applicant's right to an Administrative Hearing.

202 TERMINATION OF SUBSIDIZED CHILD CARE SERVICES

202.1 During a twelve (12) month eligibility period, subsidized child care services shall be terminated by the eligibility staff as a result of any of the following

circumstances:

(a) Based on an eligibility re-determination for reasons set forth in Subsection 201.5;

(b) The applicant is no longer a resident of the District of Columbia;

(c) The applicant has failed to complete an eligibility review, including providing the required supporting documentation, in a timely manner; or

(d) An applicant has been found through investigation to have committed child care eligibility fraud.

202.2 Subsidized child care services may be immediately terminated by OSSE, unless a hearing request is filed, for any of the following circumstances:

(a) The applicant is no longer a resident of the District of Columbia; or

(b) Substantiated fraud or intentional program violations that invalidate prior determinations of eligibility.

202.3 An applicant who has been confirmed through investigation to commit fraud may be permanently barred from receiving subsidized child care services through the District's subsidy program. Child care eligibility fraud includes, but is not limited to the following:

(a) With intent to deceive, withholding information regarding eligibility factors such as gross annual family income, number of family members, ages of family members, or the recipient's hours of employment or training;

(b) Knowingly using child care services for an ineligible child; or

(c) Intentionally failing to report any changes which would affect the child's eligibility for child care benefits.

202.4 All suspected cases of fraud shall be referred to OSSE immediately.

202.5 OSSE may take further action if there is a determination that fraud has occurred, such as collection from the parent(s) or guardian(s) of funds improperly spent on child care or referral to the Office of the Attorney General or the United States Attorney for possible civil or criminal action.

202.6 OSSE shall give prior written notice of the proposed termination from subsidized child care services for all instances of termination with the exception of those that require immediate termination.

202.7 Written notice of the proposed termination from subsidized child care services shall be given ninety (90) calendar days prior to the date of termination and shall include:

(a) The effective date of termination;

(b) The reason for the termination;

(c) An opportunity to cure within a stated timeframe, if appropriate; and

(c) An explanation of the parent(s) or guardian(s)' right to appeal the decision.

202.8 If the applicant complies with all requirements within the stated time frame, the termination shall be voided prior to the date of termination.

Subsections 203.1, 203.2, 203.3 and 203.4 in Section 203, RATES PAID BY DISTICT OF COLUMBIA, are amended to read as follows:

203.1 The District of Columbia shall pay the following rates per day for child care services, less the parent fee as required by the parent sliding fee scale, to child development centers and child development homes that meet their respective requirements of the Tiered Rate Reimbursement System, when appropriate and funds are available.

(a) Payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day, and nontraditional hours of care at the Bronze Tier shall be as follows:

Bronze Tier - Child Development Center						
	Full-Time Traditional	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 48.68	$ 29.20	$ 53.55	$ 34.07	$ 60.83	$36.51
Infant and Toddler Special Needs	$ 77.78	$ 46.40	--	--	--	--
Pre-school	$ 29.21	$ 17.53	$ 32.13	$ 20.45	$ 36.51	$ 21.91
Pre-school Before and After	$ 29.21	$ 17.53	$ 32.13	$ 20.45	--	--
School-Age Before ***and*** After	$ 20.00	$ 12.25	$ 22.00	$ 13.20	$ 24.59	$ 14.75
School-Age Before ***or*** After	$ 20.00	$ 9.19	--	--	--	--
Pre-school and School-Age Special Needs	$ 61.49	$ 36.68	--	--	--	--

Bronze Tier - Child Development Home						
	Full-Time Traditional	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 36.04	$ 21.62	$ 39.61	$ 25.22	$ 45.05	$ 27.04
Pre-school	$ 22.03	$ 13.22	$ 24.23	$ 15.42	$ 27.53	$ 16.52
Pre-school Before and After	$ 22.03	$ 13.22	$ 24.23	$ 15.42	--	--
School-Age Before ***and*** After	$ 20.00	$ 12.25	$ 22.00	$ 13.20	$ 24.59	$ 14.75
School-Age Before ***or*** After	$ 20.00	$ 9.19	--	--	--	--

(b) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day, and nontraditional hours of care at the Silver Tier shall be as follows:

Silver Tier - Child Development Center						
	Full-Time Traditional	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$56.51	$ 33.90	$ 62.17	$ 39.56	$ 70.64	$ 42.39
Infant and Toddler Special Needs	$ 77.78	$ 46.40	--	--	--	--
Pre-school	$ 35.60	$ 21.36	$ 39.16	$ 24.92	$ 44.50	$ 26.70
Pre-school Before and After	$ 35.60	$ 21.36	$ 39.16	$ 24.92	--	--
School-Age Before ***and*** After	$ 25.43	$ 15.26	$ 27.97	$ 16.79	$ 30.92	$ 18.55
School-Age Before ***or*** After	$ 25.43	$ 11.45	--	--	--	--
Pre-school and School-Age Special Needs	$ 61.49	$ 36.68	--	--	--	--

Silver Tier - Child Development Home						
	Full-Time Traditional	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 39.30	$ 23.58	$ 43.24	$ 27.51	$ 49.14	$29.48
Pre-school	$ 24.53	$ 14.72	$ 26.98	$ 17.17	$ 30.66	$ 18.40
Pre-school Before and After	$ 24.53	$ 14.72	$ 26.98	$ 17.17	--	--
School-Age Before ***and*** After	$ 22.90	$ 13.74	$ 25.19	$ 15.11	$ 27.08	$ 16.25
School-Age Before ***or*** After	$ 22.90	$ 10.31	--	--	--	--

(c) The payment rates for child development centers and child development homes (including satellite homes) for traditional, extended day and nontraditional hours of care at the Gold Tier shall be as follows:

Gold Tier - Child Development Center						
	Full-Time Traditional	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 65.07	$ 39.05	$ 71.58	$ 45.55	$ 81.34	$ 48.81
Infant and Toddler Special Needs	$ 77.78	$ 46.40	--	--	--	--
Pre-school	$ 42.00	$ 25.20	$ 46.20	$ 29.40	$ 52.50	$ 31.50
Pre-school Before and After	$ 42.00	$ 25.20	$ 46.20	$ 29.40	--	--
School-Age Before ***and*** After	$ 32.00	$ 19.20	$ 35.20	$ 21.12	$ 38.91	$ 23.35
School-Age Before ***or*** After	$ 32.00	$ 14.40	--	--	--	--
Pre-school and School-Age Special Needs	$ 61.49	$ 36.68	--	--	--	--

Gold Tier - Child Development Home						
	Full-Time Traditional	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 44.28	$ 26.57	$ 48.71	$ 31.00	$ 55.34	$ 33.21
Pre-school	$ 28.00	$ 16.80	$ 30.80	$ 19.60	$ 35.00	$ 21.00
Pre-school Before and After	$ 28.00	$ 16.80	$ 30.80	$ 19.60	--	--
School-Age Before ***and*** After	$ 25.80	$ 15.48	$ 28.38	$ 17.03	$ 30.51	$ 18.31
School-Age Before ***or*** After	$ 25.80	$ 11.61	--	--	--	--

(d) The payment rate for infants and toddlers enrolled in a child development home in the Quality Improvement Network shall be $65.07.

(e) The payment rate for Quality Improvement Network enrolled infants and toddlers in a child development center shall be $83.75.

203.2 The District of Columbia shall pay child development centers in the Level II Provider program the full amount of the payment rate pursuant to Subsection 203.1 and shall allow such centers to collect a parent co-pay, based on the sliding fee scale set forth in Subsection 204.8, if applicable.

203.3 The District of Columbia shall pay child development homes in OSSE's Shared Services Business Alliance the full amount of the payment rate pursuant to Subsection 203.1 and shall allow such homes to collect a parent co-pay, based on the sliding fee scale set forth in Subsection 204.8, if applicable.

203.4 The District of Columbia shall pay the following rates per day for child care services to relative and in-home caregivers, when appropriate and funds are available:

(a) The payment rates for relative caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

Relative Child Care Rates						
Age Group	**Full-Time Traditional**	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 24.18	$ 14.50	$ 26.60	$ 16.93	$ 30.23	$ 18.14
Pre-school	$ 14.33	$ 8.60	--	--	--	--
Pre-school Before and After	$ 14.33	$ 8.60	--	--	--	--
School-Age Before ***and*** After	$ 13.92	$ 8.35	$ 15.31	$ 9.74	$ 17.40	$ 10.44
School-Age Before ***or*** After	$ 13.92	$ 4.18	--	--	--	--

(b) The payment rates for in-home caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

In-Home Child Care Rates						
Age Group	**Full-Time Traditional**	**Part-Time Traditional**	**Extended Day Full-Time**	**Extended Day Part-Time**	**Full-Time Nontraditional**	**Part-Time Nontraditional**
Infant and Toddler	$ 14.18	$ 8.51	$ 15.60	$ 9.93	$ 17.73	$ 10.64
Pre-School	$ 8.70	$ 5.22	$ 9.57	$ 6.09	$ 10.88	$ 6.53
Pre-school Before and After	$ 8.70	$ 5.22	$ 9.57	$ 6.09	--	--
School-Age Before ***and*** After	$ 7.54	$ 4.52	$ 8.29	$ 5.28	$ 9.43	$ 5.66
School-Age Before ***or*** After	$ 7.54	$ 4.14	--	--	--	--

Section 204, SCHEDULE OF PAYMENTS BY FAMILIES, is amended in its entirety to read as follows:

204.1 Parent(s) or guardian(s) shall pay a co-payment toward the cost of child care services, based on the sliding fee scale set forth in Subsection 204.8, unless exempt from co-payment.

204.2 The following shall be exempt from co-payment:

(a) Temporary Assistance to Needy Families ("TANF") recipients in countable activities other than employment;

(b) TANF payees in countable activities;

(c) TANF parent(s) or guardian(s) with physical or mental, disabilities;

(d) Unemployed parent(s) or guardian(s) receiving vocational rehabilitation services;

(e) Children receiving Child Protective Services;

(f) Children in foster care;

(g) Children experiencing homelessness;

(h) Teen or young adult parent(s) in junior and senior high school; and

(i) Working parent(s) or guardian(s) or benefit recipients with income levels falling below one hundred percent (100%) of the FPL.

204.3 A family with a gross annual family income greater than one hundred percent (100%) but less than or equal to two hundred fifty percent (250%) of the FPL shall be required to pay the co-payment amount(s) set forth in Subsection 204.8.

204.4 The co-payment requirements in this chapter shall apply only to the two (2) youngest children in a family.

204.5 There shall be no co-payment requirement for a third child or any additional children of a family.

204.6 Parents shall be responsible for paying co-payments directly to the authorized child care provider, including a child development facility, relative care, or in-home care provider.

204.7 A child care provider shall not require parents to pay additional mandatory fees the authorized child care provider beyond the established co-payment, set forth in Subsection 204.8.

204.8 The following schedule of co-payments shall apply to services provided by a child development facility or relative or in-home caregiver providing child care services subsidized by the District of Columbia.

Sliding Fee Scale 2017						Daily Co-Pay Children in Care			
	Annual Income by Family Size					Full Time		Part Time	
%FPG	1	2	3	4	5	First	Second	First	Second
0-50%	$6,030	$8,120	$10,210	$12,300	$14,390	$ -	$ -	$ -	$ -
51-60%	$7,236	$9,744	$12,252	$14,760	$17,268	$ -	$ -	$ -	$ -
61-70%	$8,442	$11,368	$14,294	$17,220	$20,146	$ -	$ -	$ -	$ -
71-80%	$9,648	$12,992	$16,336	$19,680	$23,024	$ -	$ -	$ -	$ -
81-90%	$10,854	$14,616	$18,378	$22,140	$25,902	$ -	$ -	$ -	$ -
91-100%	$12,060	$16,240	$20,420	$24,600	$28,780	$ -	$ -	$ -	$ -
101-110%	$13,266	$17,864	$22,462	$27,060	$31,658	$ 1.02	$ 0.35	$ 0.51	$ 0.18
111-120%	$14,472	$19,488	$24,504	$29,520	$34,536	$ 1.30	$ 0.45	$ 0.65	$ 0.23
121-130%	$15,678	$21,112	$26,546	$31,980	$37,414	$ 1.61	$ 0.56	$ 0.80	$ 0.28
131-140%	$16,884	$22,736	$28,588	$34,440	$40,292	$ 1.95	$ 0.68	$ 0.97	$ 0.34
141-150%	$18,090	$24,360	$30,630	$36,900	$43,170	$ 2.32	$ 0.80	$ 1.16	$ 0.40
151-160%	$19,296	$25,984	$32,672	$39,360	$46,048	$ 2.72	$ 0.94	$ 1.36	$ 0.47
161-170%	$20,502	$27,608	$34,714	$41,820	$48,926	$ 3.15	$ 1.09	$ 1.58	$ 0.55
171-180%	$21,708	$29,232	$36,756	$44,280	$51,804	$ 3.62	$ 1.25	$ 1.81	$ 0.63
181-190%	$22,914	$30,856	$38,798	$46,740	$54,682	$ 4.11	$ 1.43	$ 2.06	$ 0.71
191-200%	$24,120	$32,480	$40,840	$49,200	$57,560	$ 4.64	$ 1.61	$ 2.32	$ 0.80
201-210%	$25,326	$34,104	$42,882	$51,660	$60,438	$ 5.20	$ 1.80	$ 2.60	$ 0.90
211-220%	$26,532	$35,728	$44,924	$54,120	$63,316	$ 5.78	$ 2.00	$ 2.89	$ 1.00
221-230%	$27,738	$37,352	$46,966	$56,580	$66,194	$ 6.40	$ 2.22	$ 3.20	$ 1.11
231-240%	$28,944	$38,976	$49,008	$59,040	$69,072	$ 7.05	$ 2.44	$ 3.53	$ 1.22
241-250%	$30,150	$40,600	$51,050	$61,500	$71,950	$ 7.73	$ 2.68	$ 3.87	$ 1.34
251-260%	$31,356	$42,224	$53,092	$63,960	$74,828	$ 8.44	$ 2.93	$ 4.22	$ 1.46
261-270%	$32,562	$43,848	$55,134	$66,420	$77,706	$ 9.18	$ 3.18	$ 4.59	$ 1.59
271-280%	$33,768	$45,472	$57,176	$68,880	$80,584	$ 9.96	$ 3.45	$ 4.98	$ 1.73
281-290%	$34,974	$47,096				$ 10.76	$ 3.73	$ 5.38	$ 1.86
291-300%	$36,180					$ 11.60		$ 5.80	$ -

204.9 The schedule of co-payments may be revised periodically.

204.10 Co-payment may not be increased during a twelve (12) month eligibility period but may be decreased if any one of the following occurs:

(a) Change in qualifying activity;

(b) Decrease in income; or

(c) Increase in family size.

A new Section 205, APPEAL OF ADVERSE ACTION, is added to read as follows:

205 APPEAL OF ADVERSE ACTION

205.1 Every applicant has the right to appeal a decision made by OSSE or an authorized entity as a result of any of the following adverse actions:

(a) Denial of application for subsidized child care services;

(b) Termination of services; or

(c) An inaccurate co-payment computation.

205.2 OSSE or authorized entity shall inform the applicant of his or her right to appeal any decision by requesting an administrative hearing. The notice shall include the following information:

(a) The process for requesting an administrative hearing and where the appeal must be submitted;

(b) The requirement the appeal be in writing and received within fifteen (15) calendar days of the adverse decision;

(c) The availability of the eligibility staff to assist any applicant who states orally or in writing that he or she wants to appeal a decision, in writing the appeal and that even if such help is provided, the applicant must review, approve, and sign the appeal request;

(d) The fact that if the case is in the application stage, no services will be provided unless and until an appeal decision to the contrary is issued;

(e) The fact that if an appeal of a decision to terminate services or increase a co-payment is filed timely, subsidized child care will continue to be provided unless and until a decision to the contrary is issued;

(f) How a hearing will be scheduled by the Office of Administrative Hearings;

(g) The possibility of the need for additional documentation to be provided to the Hearing Officer;

(h) The appeal process is expected to be complete within sixty (60) days after the date of receipt of the request for an administrative hearing, provided however, that this process may, in fact, take more or less time; and

(i) The decision of the Hearing Officer will be provided in writing to all parties.

Section 299, DEFINITIONS, Subsection 299.1, is amended by adding the following definitions:

Applicant - The parent(s) or guardian(s) who makes initial application for subsidized child care.

Fraud – Any action by any person who obtains or attempts to obtain, or aids or abets any person, who pursuant to a scheme to deceive, knowingly falsifies, conceals or otherwise fails to disclose, covers up a material fact, or makes or uses any false statement or document to obtain a benefit or payment described in this chapter to which the applicant or provider would otherwise not be entitled. A failure to disclose a material fact that results in obtaining or continuing to receive child care subsidy funds or services for which the parent or provider is not entitled.

Hearing officer – An Office of Administrative Hearings administrative law judge.

Gross countable income - The portion of the annual gross family income of the family all family members living in the same household who are included for purposes of determining family size that includes:

(a) Gross salaries or wages of one or both parent(s) or guardian(s), including regularly received commissions, tips, and overtime (see discussion below);

(b) Net income from self-employment (business expenses shall be deducted from gross receipts);

(c) Other income of parent(s) or guardian(s) such as Social Security and Veterans Benefits;

(d) Income of children receiving subsidized care such as child support or Social Security Income;

(e) Unemployment Compensation;

(f) Workers Compensation;

(g) Alimony; and

(h) The portion of an educational grant that is specifically designated for living expenses.

Non-temporary change - Any cessation of work or attendance at a training or education program that exceeds 90 calendar days.

Provider - A licensed child development center, a licensed family child care home or expanded home, or a person approved as an in-home or relative caregiver.

Qualifying Activity - A qualifying activity shall include:

(a) Employment (including through an agency or self-employed);

(b) Job Search;

(c) Training Program;

(d) Work Experience Program;

(e) Job Corps;

(f) Teen or young adult parent in high school or G.E.D. Program

(g) Student in Undergraduate Program; or

(h) Summer School Program (including undergraduate program).

Recipient - An individual child who is determined eligible for and receives subsidized child care.

Shared Services Business Alliance – An entity authorized by OSSE to conduct eligibility determinations, collect payments, and provide centralized back office supports for a network of licensed child development homes or centers in the District of Columbia.

Teen or Young Adult Parent - A parent under the age of twenty-six (26) years old.

Temporary Change - A temporary change shall include any of the following:

(a) Any time limited absence from work for employed parent or guardian due to reasons such as need to care for a family member or an illness;

(b) Any interruption in work for a seasonal worker who is not working between regular industry work seasons;

(c) Any student holiday or break for a parent or guardian participating in training or education;

(d) Any reduction in work, training or education hours to less than twenty hours per week, as long as the parent or guardian is still working or attending training or education;

(e) Any other cessation of work or attendance at a training or education program that does not exceed ninety (90) calendar days;

(f) Any change in age, including turning thirteen (13) years old during the eligibility period; and

(g) Any change in residency within the District of Columbia.

Vulnerable child - For the purposes of eligibility:

(a) A child with special needs;

(b) A child experiencing homelessness;

(c) A child in foster care;

(d) A child of an adult with disabilities; or

(e) A child of recipients of vocational rehabilitation services.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: Subsidized Child Care Regulations, 810 First Street, N.E. 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Section 3(b)(11), (15), and (17) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11), (15), and (17) (2012 Repl. & 2016 Supp.)), hereby gives notice of her intent to adopt the following amendments to Chapter 84 (General Educational Development (GED®) Testing) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rulemaking is to alleviate undue barriers for test applicants in establishing their eligibility to take the GED tests in the District that were recently discovered during the implementation of the most recent rulemaking on this chapter, published in the *D.C. Register* on April 8, 2016 at 63 DCR 5227.

The State Superintendent of Education hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register.*

Chapter 84, GENERAL EDUCATIONAL DEVELOPMENT (GED®) TESTING, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Add new Subsections 8402.6 and 8402.7 to Section 8402, ELIGIBILITY REQUIREMENTS, as follows:

8402.6 Verification of an applicant's residence in the District of Columbia by the State Superintendent shall be valid for twelve (12) months so long as the applicant has maintained residency in the District. If the applicant's address of residency has changed since the verification of residency, the applicant shall re-establish residency in the District by presenting documentation in compliance with D.C. Official Code §§ 38-309-310.

8402.7 Notwithstanding subsection 8402.1, an applicant that is currently enrolled as a resident student, as set forth in 5-A DCMR §§100 *et seq.*, in a District of Columbia public school or public charter school's established GED program, may provide proof of enrollment to establish residence in the District of Columbia.

Amend Subsection 8403.1(a) in Section 8403, RETESTING, as follows:

8403 RETESTING

8403.1

…

(a) Thirty (30) calendar days since the date of their failed attempt, if the applicant has taken the corresponding GED Ready® test, the official practice test for the GED® test and achieved a result of "likely to pass" or "too close to call" within the last one hundred eighty (180) days; or

. . .

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re. GED update, 810 First Street, N.E. 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl.)); Section 4902(d) of the Health Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14–28; D.C. Official Code § 7–731(d) (2012 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the intent to adopt the following amendments to Chapter 8 (Recommending Physicians), Chapter 10 (Enforcement Actions), and Chapter 99 (Definitions) of Subtitle C (Medical Marijuana), Title 22 (Health), 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,* and upon completion of the thirty (30) day Council period of review if the Council does not act earlier to adopt a resolution approving the rules.

The purpose of this rulemaking is to establish the requirements and guidelines for advanced practice registered nurses, dentists, naturopathic physicians, and physician assistants to recommend the use of medical marijuana to a qualifying patient; to clarify that a referral or request for a consultation from a qualifying patient's primary care provider or specialist for the purposes of determining whether the patient may benefit from the use of medical marijuana is within the permissible scope of a *bona fide* authorized practitioner-patient relationship for purposes of complying with the Act and the regulations implementing the Act; and to further define prohibited conduct.

Chapter 8, RECOMMENDING PHYSICIANS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

The title of Chapter 8 is amended to read as follows:

Chapter 8 RECOMMENDING AUTHORIZED PRACTITIONERS

Section 800, QUALIFICATIONS TO BE A RECOMMENDING PHYSICIAN, is amended as follows:

The title of Section 800 is amended to read as follows:

800 QUALIFICATIONS TO BE A RECOMMENDING AUTHORIZED PRACTITIONER

800 QUALIFICATIONS TO BE A RECOMMENDING AUTHORIZED PRACTITIONER

800.1 An authorized practitioner who is licensed and in good standing to practice medicine, osteopathy, advanced practice registered nursing, dentistry,

naturopathic medicine, or as a physician assistant in the District of Columbia may recommend the use of medical marijuana to a qualifying patient if the authorized practitioner:

(a) Is in a *bona fide* relationship with the qualifying patient, which for purposes of complying with this chapter and the Act shall mean that the authorized practitioner:

(1) Has completed a full assessment of the patient's medical or dental history and current medical or dental condition, including a personal physical examination, not more than ninety (90) days prior to making the recommendation; and

(2) Has responsibility for the ongoing care and treatment of the patient either directly or in consultation with another licensed authorized practitioner;

(b) Makes the recommendation based upon the authorized practitioner's assessment of the qualifying patient's:

(1) Medical or dental history;

(2) Current medical or dental condition; and

(3) A review of other approved medications and treatments that might provide the qualifying patient with relief from a qualifying medical or dental condition or the side effects of a qualifying medical or dental treatment; and

(c) Is not the owner, director, officer, member, incorporator, agent, or employee of a dispensary, cultivation center, or testing laboratory.

800.2 An authorized practitioner who is licensed and in good standing to practice medicine, osteopathy, advanced practice registered nursing, dentistry, naturopathic medicine, or as a physician assistant in the District of Columbia may evaluate a patient for the sole or primary purpose of the recommendation of medical marijuana only if:

(a) The evaluation is based upon a written referral to the recommending authorized practitioner by the patient's current primary care authorized practitioner or an authorized practitioner specialist responsible for the current treatment of the patient's medical condition;

(b) The recommending authorized practitioner complies with the requirements set forth in Subsection 800.1; and

(c) There is no exchange of any form of remuneration, gift, donation, bartering, referral fees, or fee-splitting between the referring and recommending authorized practitioner either directly or indirectly.

Section 801, FORM OF RECOMMENDATION, is amended as follows:

Section 801.1 is amended to read as follows:

801.1 An authorized practitioner's recommendation that a qualifying patient may use medical marijuana shall be written on a form provided by the Department and include the following:

(a) The name, address, telephone number, and specialty or primary area of clinical practice of the authorized practitioner;

(b) The authorized practitioner's District of Columbia health occupation license number;

(c) The qualifying patient's name, date of birth, and home address;

(d) The patient's qualifying medical or dental condition or qualifying medical or dental treatment;

(e) A statement certifying that the patient has a qualifying medical or dental condition or suffers from the side effects of a qualifying medical or dental treatment, and that in the authorized practitioner's professional opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for this patient;

(f) The length of time that the qualifying patient has been under the care of the authorized practitioner;

(g) A statement that the authorized practitioner has explained the potential risks and benefits of the use of marijuana to the qualifying patient and the qualifying patient's parent or legal guardian, if applicable;

(h) The authorized practitioner's signature and date; and

(i) The qualifying patient's signed consent for the release of medical or dental information related to the patient's qualifying medical or dental condition or treatment.

Section 802, RECORDS MAINTAINED BY PHYSICIAN AND DEPARTMENT, is amended to read as follows:

802 RECORDS MAINTAINED BY AUTHORIZED PRACTITIONERS AND

DEPARTMENT

802.1 An authorized practitioner recommending the use of medical marijuana to a qualifying patient shall maintain a record for each qualifying patient which shall:

(a) Accurately reflect the evaluation and treatment of the patient and include the following as applicable:

(1) Patient's name and the date(s) of treatment;

(2) Patient's medical or dental history and updated health history;

(3) Documented results of a full assessment of the patient's medical or dental history and current medical or dental condition;

(4) Documented results of the authorized practitioner's physical examination of the patient;

(5) Treatment plan;

(6) Informed consent document(s);

(7) Diagnosis and treatment rendered;

(8) List of drugs prescribed, administered, dispensed and the quantity;

(9) Radiographs;

(10) Patient financial/billing records;

(11) Name of the authorized practitioner or assistive personnel providing service(s);

(12) Laboratory work orders; and

(b) Be kept for three (3) years after last seeing the patient or three (3) years after a minor patient reaches eighteen (18) years of age.

802.2 The Department shall maintain a confidential record, which shall not be subject to requests under the Freedom of Information Act, of each recommending authorized practitioner for the purpose of monitoring compliance with the Act.

Section 803, NO OFFICE AT DISPENSARY OR CULTIVATION CENTER, is amended to read as follows:

803 NO OFFICE AT A DISPENSARY, CULTIVATION CENTER, OR TESTING LABORATORY

803.1 An authorized practitioner recommending the use of medical marijuana to a qualifying patient shall not:

(a) Have a professional office located at or adjacent to a dispensary, cultivation center, or testing laboratory;

(b) Have employees, agents, volunteers, or independent-contractors affiliated directly or indirectly with the authorized practitioner located at or adjacent to a dispensary, cultivation center, or testing laboratory; or

(c) Receive financial compensation directly or indirectly from a dispensary, cultivation center, or testing laboratory, or a director, officer, member, incorporator, agent, or employee of a dispensary, cultivation center, or testing laboratory.

803.2 An authorized practitioner recommending the use of medical marijuana to a qualifying patient shall not have employees, agents, volunteers, or independent-contractors affiliated directly or indirectly with a dispensary, cultivation center, or testing laboratory on the premises of the authorized practitioner's professional office, clinic, or an institutional facility where the authorized practitioner sees patients or has privileges to see patients.

803.3 An authorized practitioner recommending the use of medical marijuana to a qualifying patient shall not have expediters or employees, agents, volunteers or independent-contractors affiliated directly or indirectly with an expediter on the premises of the authorized practitioner professional office, clinic, or an institutional facility where the authorized practitioner sees patients or has privileges to see patients.

Section 804, NOTIFICATION OF END OF QUALIFYING MEDICAL CONDITION OR TREATMENT, is amended to read as follows:

804 NOTIFICATION OF END OF QUALIFYING MEDICAL OR DENTAL CONDITION OR TREATMENT

804.1 An authorized practitioner shall notify the Department in writing within fourteen (14) calendar days after advising a qualifying patient that he or she no longer suffers from a qualifying medical or dental condition or treatment.

Section 805, TRAINING PROGRAM FOR RECOMMENDING PHYSICIANS, is amended to read as follows:

805 TRAINING PROGRAM FOR RECOMMENDING AUTHORIZED

PRACTITIONERS

805.1 The Department shall make available an educational program for authorized practitioners on the medical and dental indications, uses, and side effects of medical marijuana and the District's medical marijuana program, and may charge a fee for the training program.

805.2 The program shall be made available to authorized practitioners licensed to practice medicine, osteopathy, advanced practice registered nursing, dentistry, naturopathic medicine, or as a physician assistant in the District of Columbia who recommend or intend to recommend the use of medical marijuana to qualifying patients.

805.3 If approved by the District of Columbia Board of Medicine, Nursing, or Dentistry the program may be used toward satisfying the continuing education requirements for the respective health profession for the number of credits approved by the board.

A new Section 806, BOARD AUDITS OF RECOMMENDATIONS, is added to read as follows:

806 BOARD AUDITS AND REVIEW OF RECOMMENDATIONS

806.1 The Department shall timely notify the Board of Medicine whenever a physician, naturopathic physician, or physician assistant provides more than two hundred fifty (250) recommendations in any twelve (12)-month period to patients for the use of medical marijuana.

806.2 The Department shall timely notify the Board of Nursing whenever an advance practice registered nurse provides more than 250 recommendations in any 12-month period to patients for the use of medical marijuana.

806.3 The Department shall timely notify the Board of Dentistry whenever a dentist provides more than 250 recommendations in any 12-month period to patients for the use of medical marijuana.

806.4 The Boards of Medicine, Nursing, and Dentistry shall audit and review the recommendations submitted by the authorized practitioners under its purview who provide more than 250 recommendations in a 12-month period.

Chapter 10, ENFORCEMENT ACTIONS, is amended as follows:

Section 1000, COMPLAINTS AGAINST PATIENTS, CAREGIVERS OR RECOMMENDING PHYSICIANS, is amended as follows:

The title of Section 1000 is amended to read as follows:

1000 COMPLAINTS AGAINST PATIENTS, CAREGIVERS, OR RECOMMENDING AUTHORIZED PRACTITIONERS

Subsection 1000.1 is amended to read as follows:

1000.1 The Department shall receive, at any time during the registration period, complaints from any person alleging a violation or misconduct by a patient, caregiver, or recommending authorized practitioner. Complaints shall be in writing and set forth enough information to allow the Department staff to investigate the matter, which shall include at a minimum:

(a) The facts or circumstances that form the basis of the complaint, including the date(s), time(s), and location(s) of the incident(s);

(b) Clear identification of the patient, caregiver, or recommending authorized practitioner who is the subject of the complaint;

(c) The name(s), and contact information (if known) of any witnesses to the incident;

(d) Any supporting documentation or photos; and

(e) The contact information for the complainant.

Subsection 1000.5 is amended to read as follows:

1000.5 Complaints against recommending authorized practitioners shall be forwarded to the relevant licensing board for disposition.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding these definitions, to appear in alphabetical order:

Authorized practitioner- a physician, advanced practice registered nurse, physician assistant, dentist, or naturopathic physician who is licensed and in good standing to practice under District law.

***Bona fide* relationship with a qualifying patient-** a relationship between an authorized practitioner and qualifying patient for which the authorized practitioner:

(a) Has completed a full assessment of the patient's medical or dental history and current medical or dental condition, including a personal physical or dental examination; and

(b) Has responsibility for the ongoing care and treatment of the patient.

Caregiver- a person who:

(a) Is designated by a qualifying patient as the person authorized, on the qualifying patient's behalf, to possess, obtain from a dispensary, dispense, administer, and assist in the administration of medical marijuana;

(b) Is registered with the Department as the qualifying patient's caregiver;

(c) Is not currently, with the exception of caregivers providing services on behalf of nursing homes and hospices, serving as the caregiver for another qualifying patient; and

(d) Is at least 18 years of age.

Dentist- an individual who is licensed and in good standing to practice dentistry under District law, but does not include an individual who only holds a dental teaching license.

Expediter - other than a registered caregiver, any person or entity employed, contracted, volunteering, or compensated by any form of remuneration, gift, donation, or bartering, to register individuals as patients in the medical marijuana program, to connect individuals with recommending authorized practitioners, to solicit individuals to become qualifying patients, to complete application forms or to assist individuals in completing application forms to become qualifying patients, or to transport or deliver to the Department application forms for individuals seeking to become qualifying patients.

Qualifying medical or dental condition- any condition for which treatment with medical marijuana would be beneficial, as determined by the patient's authorized practitioner.

Qualifying medical or dental treatment- means:

(a) Chemotherapy;

(b) The use of azidothymidine or protease inhibitors;

(c) Radiotherapy; or

(d) Any other treatment, as determined by rulemaking, whose side effects require treatment through the administration of medical marijuana in the same manner as a qualifying medical or dental condition.

Qualifying patient- a resident of the District who has a qualifying medical or dental condition or is undergoing a qualifying medical or dental treatment, or a patient enrolled in another jurisdiction's medical marijuana program; provided, that a patient from another jurisdiction shall not be a qualifying patient if the Department determines that there is a shortage of medical marijuana or the real-time electronic records system referenced in the Act is inactive.

Testing laboratory- an entity that is not owned or operated by a director, officer, member, incorporator, agent, or employee of a cultivation center or dispensary, and is registered by the Department to test medical marijuana and medical marijuana products that are to be sold under the Act.

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.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 977, IN THE MATTER OF THE INVESTIGATION INTO THE QUALITY OF SERVICE OF WASHINGTON GAS LIGHT COMPANY, DISTRICT OF COLUMBIA DIVISION, IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code,[1] of its intent to amend Chapter 37 (Natural Gas Quality of Service Standards), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR"), commonly referred to as the Natural Gas Quality of Service Standards ("NGQSS"). This chapter sets forth standards for ensuring that a natural gas utility and natural gas service providers operating in the District of Columbia meet an adequate level of quality, reliability, and safety in the natural gas service provided to District of Columbia residents. The Commission gives notice of its intent to take final rulemaking action in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

Chapter 37, NATURAL GAS QUALITY OF SERVICE STANDARDS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to read as follows:

CHAPTER 37 NATURAL GAS QUALITY OF SERVICE STANDARDS AND RELIABILITY PERFORMANCE

3700 PURPOSE AND APPLICABILITY

3700.1 The purpose of this chapter is to establish standards and requirements for ensuring that a Natural Gas Utility and Natural Gas Service Providers operating in the District of Columbia meet an adequate level of quality, reliability, and safety in the natural gas service provided to District of Columbia customers.

3700.2 This chapter shall apply to all Natural Gas Utility and natural gas service providers operating in the District of Columbia, subject to the authority of the Public Service Commission of the District of Columbia ("Commission").

3700.3 All written Natural Gas Quality of Service Standards ("NGQSS") reports, studies, surveys, or filings required to be submitted to the Commission shall be docketed under Formal Case No. 977.

3701 REPORTING REQUIREMENTS FOR REPORTABLE AND LIMITED SERVICE OUTAGES AND GAS INCIDENTS

[1] D. C. Official Code § 2-505 (2016 Repl.).

3701.1 The Natural Gas Utility shall report to the Commission and the Office of the People's Counsel ("OPC") of the District of Columbia all Reportable Service Outages and incidents.

3701.2 The Natural Gas Utility shall report Reportable Service Outages by telephone and e-mail to the Commission's Office of Compliance and Enforcement ("OCE") and OPC, at the earliest practicable time, but not later than one (1) hour after the Natural Gas Utility's dispatch has been informed of a Reportable Service Outage, with as much detailed information as possible. To the extent that all information required by Subsection 3701.3 is not available at the time of the initial communication, the Natural Gas Utility shall within two (2) hours of the dispatch, supplement its initial report with the additional information. This reporting requirement applies to business and non-business hours.

3701.3 Each telephone and e-mail report rendered by the Natural Gas Utility to OCE and OPC subsequent to a Reportable Service Outage shall state clearly, at a minimum, the following information:

(a) The location(s) of the service outage(s), including street addresses; the ward(s) and/or quadrant(s) where the service outage(s) occurred;

(b) The estimated number of customers out of service, if known;

(c) A preliminary assessment as to the cause(s) of the service outage(s), if known; and

(d) The estimated repair and/or restoration time, if known.

3701.4 During the course of each Reportable Service Outage, the Natural Gas Utility shall report periodically to OCE and OPC regarding the status of the service outage and the Natural Gas Utility's progress in restoration efforts. The frequency of such periodic updates to OCE shall be jointly determined by the utility and OCE at the start of the service outage and/or as modified during the course of the service outage. The Natural Gas Utility shall update OCE and OPC if the originally estimated restoration time needs to be extended.

3701.5 Updated estimated restoration information, if available, shall be continuously provided to District of Columbia customers by the Natural Gas Utility's customer service representatives and by the Natural Gas Utility's automated voice response unit.

3701.6 The Natural Gas Utility shall file a written report concerning all Reportable Service Outages with the Office of the Commission Secretary ("OCMS") and OPC within twenty-one (21) calendar days following the end date of a Reportable Service Outage.

3701.7 Each written report concerning a Reportable Service Outage shall state clearly, at a minimum, the following information:

(a) The date(s) and times when the Reportable Service Outage began and ended;

(b) The location(s) of the service outage(s), including street addresses, the ward(s) and /or quadrant(s);

(c) Pipe size, material, pressure and type of gas pipeline involved;

(d) The date(s) and time(s) the Natural Gas Utility received the first call regarding the outage(s) or became aware of the outage(s);

(e) The dates and times when the restoration effort began and ended;

(f) The date and time when the maximum number of customers experienced an outage and the total number of customers affected at that time (both on a system-wide basis and for the District of Columbia only);

(g) The total number of customers that experienced an outage given in one hour intervals throughout the outage (both on a system-wide basis and for the District of Columbia only);

(h) The total number of customer interruption durations (converted into hours) during the outage (both on a system-wide basis and for the District of Columbia only);

(i) Any information concerning requests made for outside assistance, including the organization(s) to which such requests were made, the date and time of the requests, and the resources requested;

(j) Any information concerning outside assistance received, including the organization(s) that provided personnel, the date(s) and time(s) of personnel arrivals and departures, all crew personnel with names, ID numbers and the type of work (covered tasks) performed with complete Operator Qualifications (OQ) records;

(k) Any information on the Natural Gas Utility's own and contractor personnel and resources used in the restoration efforts with names, identification numbers and the type of work (covered tasks) performed with complete OQ records;

(l) Any system-wide information concerning customer communications including the hourly call volumes (specifically identifying the total number of customer calls received and the total number of customer calls answered by the Natural Gas Utility during each hour of the service outage), the hourly staffing numbers (specifically identifying the total number of customer service representatives logged into the call center and supporting phone systems actively taking or waiting to take customer calls), and the telephone service factor provided on an hourly basis during

the entire duration of the service outage (specifically identifying the percentage of answered calls that were answered within a thirty (30)-second timeframe);

(m) The total number of customers interrupted and the customer interruption durations (converted into hours) along with the causes of the outages (both on a system-wide basis and for the District of Columbia only);

(n) The detailed explanation of the work (covered tasks) performed as part of the emergency restoration efforts including the Natural Gas Utility's own and contractor personnel and resources used with the names, ID numbers and the type of work (covered tasks) performed with complete OQ records (both on a system-wide basis and for the District of Columbia only);

(o) Any issues concerning the availability of materials that affected restoration progress and a description of the emergency measures taken to resolve such issues;

(p) A self-assessment of the Natural Gas Utility's restoration efforts in the District of Columbia;

(q) The total number of customers, and percent of all affected customers, restored, given in one-hour intervals throughout the Reportable Service Outage restoration effort (both on a system-wide basis and for the District of Columbia only);

(r) An analysis, based upon the availability of the data and all other surrounding circumstances, of the Natural Gas Utility's performance in its current restoration efforts as compared to its past restoration efforts, taking into account all relevant factors, such as the severity of the current outage in terms of the number of customers affected (both on a system-wide basis or the District of Columbia only);

(s) Complete investigation of the root cause of the abnormal operating condition of the gas pipelines which resulted in the gas service outage and the steps the Natural Gas Utility will implement to prevent such an occurrence in the future; and

(t) Whether there was any safety issues associated with the outage, how the safety issues were addressed, and were there customers in danger at any time during the restoration.

3701.8 The Natural Gas Utility shall report Limited Service Outage(s) by telephone and e-mail to OCE and OPC at the earliest practicable time, but not more than an hour after the Natural Gas Utility's dispatch has been informed of a Service Outage, with as much detailed information as possible. To the extent that all information required by Subsection 3701.9 is not available at the time of the initial

communication, the Natural Gas Utility shall within two (2) hours of the dispatch supplement its initial report with the additional information. This reporting requirement applies to business and non-business hours.

3701.9 The reporting requirements for Limited Service Outage(s) are as follows:

(a) The Natural Gas Utility shall report Limited Service Outage(s) of more than eight (8) hours on the Natural Gas Utility's side of the gas pipeline;

(b) No report needs to be filed if the customer service outage was caused by an event on the customer's side of the meter; and

(c) No report needs to be filed if the outage is the result of planned maintenance activities, provided that the customer was informed prior to the implementation of the maintenance activities.

(d) Each telephone and e-mail report concerning Limited Service Outage(s) shall state clearly, at a minimum, the following information:

(1) The location(s) of the service outage(s), including street addresses, the ward(s) and / or quadrant(s);

(2) The estimated number of customers out of service, if known;

(3) A preliminary assessment as to the cause(s) of the service outage(s), if known; and

(4) The estimated repair and/or restoration time, if known.

(e) Written reports concerning Limited Services Outage(s) shall be submitted by the Natural Gas Utility to OCMS and OPC within ten (10) days from the date of repair/restoration completion or within two (2) weeks of the event occurrence whichever comes first.

(f) Each written report concerning Limited Service Outage(s) shall state clearly, at a minimum, the following information as applicable to the given outage(s):

(1) A description of the service outage(s) and information as to the cause of the outage(s);

(2) The location(s) of the service outage(s), including street addresses, the ward(s) and/or quadrants;

(3) Pipe size, material, pressure and type of gas pipeline involved;

(4) The time the Natural Gas Utility received the first call regarding the outage(s) or became aware of the outage(s);

(5) The actual repair and restoration times of the service outage(s);

(6) The duration of the service outage(s) rounded to the nearest hour and half-hour;

(7) The estimated number of customers affected by the service outage(s);

(8) The steps taken to minimize and/or control the service outage(s);

(9) Detailed information on the Natural Gas Utility's own and contractor personnel deployed to the restoration efforts including names, ID numbers, type of work (covered tasks) performed and complete OQ records; and

(10) The root cause analysis of the cause of the outage(s) and the steps the Natural Gas Utility will implement to prevent such an occurrence in the future.

(g) The Natural Gas Utility shall provide regular updates, to OCE and OPC until the restoration work is completed.

3701.10 The Natural Gas Utility shall report by telephone and e-mail all incidents to OCE and OPC at the earliest practicable time, but not later than one (1) hour after the Natural Gas Utility's dispatch has been informed of the incident, with as much detailed information as possible. To the extent that all information required by Subsection 3701.11 is not available at the time of the initial communication, the Natural Gas Utility shall, within two (2) hours of the dispatch, supplement its initial report with the additional information. The Natural Gas Utility shall continue providing updates to the Commission and OPC on all incidents as information becomes available. This reporting requirement applies to business and non-business hours.

3701.11 Each telephone and e-mail report concerning, all incident(s) shall state clearly, at a minimum, the following information:

(a) A description of the incident(s);

(b) The location(s) of the incident(s), including street addresses and the ward(s) and /or quadrant(s);

(c) Pipe size, material, pressure and type of gas pipeline involved;

(d) The estimated number of customers and/or persons affected, if known;

(e) A preliminary assessment as to the cause(s) of the incident(s), if known; and

(f) The steps the Natural Gas Utility will voluntarily take to provide assistance to consumers.

3701.12 Initial written reports concerning all incidents shall be filed with OCMS and OPC within five (5) days of the event occurrence.

3701.13 Each written report concerning all incidents shall state clearly, at a minimum, the following information:

(a) A description of the incident(s) and information as to the root cause of the incident(s);

(b) The location(s) of the incident(s), including street addresses, the ward(s) and/or quadrant(s);

(c) Pipe size, material, pressure and type of gas pipeline involved;

(d) The date(s) and time(s) the Natural Gas Utility received the first call regarding the incident(s) or became aware of the incident(s);

(e) The estimated number of customers and/or persons affected, and street shutdowns;

(f) The steps the Natural Gas Utility took to provide assistance;

(g) The amount of time it took for assistance to arrive;

(h) The date(s) and time(s) of arrival of the one-man responder;

(i) The date and time the area was made safe;

(j) The total number of injuries, hospitalizations, and fatalities;

(k) The total dollar amount of damage and loss to the Natural Gas Utility caused by the incident(s); and

(l) The results of investigations into the root causes of the incident(s) and steps the Natural Gas Utility will implement to prevent such an occurrence in the future.

3701.14 The Natural Gas Utility shall update the initial written report and shall file same with OCMS and OPC within thirty (30) days of the event occurrence.

3702 REPORTING AND REPAIRING REQUIREMENTS FOR GAS LEAKS AND ODOR COMPLAINTS

3702.1 The Natural Gas Utility's reporting and repair requirements for gas leaks and odor complaints shall follow four steps: (i) respond to all leaks and odor complaints within the timeframes established for the appropriate Code Orders and categorize any gas leak by grade; (ii) notify OCE and OPC by e-mail and telephone of each Grade 1, Grade 2 and Grade 3 gas leak; (iii) provide periodic updates to the initial notification; and (iv) submit written reports on the results of the leak detection and repair, and odor complaints. The leak detection, classification, and repair personnel shall meet the federal training requirements for natural gas operations, maintenance, and emergencies (49 Code of Federal Regulations, Part 192).

3702.2 The Natural Gas Utility shall:

(a) Respond to (be at the site of) all Code 1 Orders, on a monthly average basis, within thirty (30) minutes after the Natural Gas Utility's dispatch has been informed about the leak and/or odor complaint during business or non-business hours; with no more than three percent (3%) of the overall monthly response times over fifty (50) minutes and no single event response time exceeding two (2) hours;

(b) Respond to (be at the site of) all Code 2 Orders, on a monthly average basis, within sixty (60) minutes after the Natural Gas Utility's dispatch has been informed about the leak and/or odor complaint during business or non-business hours; with no more than ten percent (10%) of the overall monthly response times over seventy-five (75) minutes and no single event response time exceeding four (4) hours;

(c) Respond to all Code 3 Orders, by making a determination as to the severity of the gas leaks and/or reported odor complaints and indicate to the customer/caller when a representative will be at the site, provided that on a monthly average basis, a representative will be at the site not later than ninety (90) minutes after the Natural Gas Utility's dispatch has been informed about the leak and/or odor complaint during business and non-business hours; with no more than twenty (20) percent of the overall monthly response times over ninety (90) minutes and no single event response time exceeding six (6) hours; and

(d) For non-compliant Code 1 Order response times, notify OCE and OPC within twenty-four (24) hours following the end of each month, for those Code 1 response times that exceeded the average allowable response time or the single event time and provide, on a monthly basis, the following additional information:

(1) Full root cause analysis;
(2) Location from which the technician was dispatched;
(3) Time of dispatch;
(4) Time of arrival;
(5) Length of time of the response;

(6) Whether the Natural Gas Utility's standard processes for dispatch and response were followed and if not, a description of any deviation and the reason why;
(7) Reason for any response in excess of the average allowable response time and in excess of two hours;
(8) Number of in-progress Code orders (any Code) at the time of dispatch in the District of Columbia;
(9) Number of in-progress gas leaks (any Grade) at the time of dispatch in the District of Columbia;
(10) Number of service technicians (qualified to respond to Code 1 orders) on-the-clock at the time of dispatch; and
(11) Proposed remedy to prevent a similar circumstance.

(e) Upon responding to a Code 1, Code 2, or Code 3 Order, determine whether there is a gas leak that is in need of repair and if so, shall categorize the gas leak by grade pursuant to § 3702.4.

(f) Provide to OCMS and OPC on a quarterly basis the compliance reporting required by § 3708.2. The Natural Gas Utility shall provide explanations if these time limits are exceeded, pursuant to § 3708.3.

3702.3 The Natural Gas Utility shall report to OCE and OPC by telephone and e-mail all natural gas leaks, except gas leaks found inside residential and/or commercial customers' property at the earliest practicable time, but not later than one (1) hour after the Natural Gas Utility's dispatch has been informed about and determined that the odor complaint resulted from a leak and/or the dispatch has determined that a leak has occurred on the Natural Gas Utility's gas system, with as much detailed information as possible. To the extent all information required by Section 3702.5 is not available at the time of the initial communication; the Natural Gas Utility shall within two (2) hours of the dispatch supplement its initial information with the additional information. Gas leaks found for odor complaints reported inside customers' facilities and odor complaints where no leaks are found shall not be reported. This reporting requirement applies to gas leaks that are found during business and non-business hours.

3702.4 Each gas leak shall be categorized as Grade 1, 2, or 3. All leaks shall be classified with the following criteria:

(a) Grade 1: A leak that presents an immediate or probable hazard to persons or property, and requires immediate repair or continuous action until the conditions are no longer hazardous;

(b) Grade 2: A leak that is recognized as being non-hazardous at the time of detection, but requires scheduled repair based on probable future hazard; and

(c) Grade 3: A leak that is non-hazardous at the time of detection and can be reasonably expected to remain non-hazardous.

3702.5 Each telephone and e-mail report to OCE and OPC of Grade 1, Grade 2, and Grade 3 leak(s) due to a gas-related odor complaint shall state clearly, at a minimum, the following information:

(a) A description of the type of leak(s);

(b) The location of the leak(s), including street address (s), the ward(s) and/or quadrant(s);

(c) Pipe size, material, pressure and type of gas pipeline involved.

(d) The estimated number of customers and/or persons whose services were disrupted, if any;

(e) A preliminary assessment as to the cause of the leak(s), if known.

(f) The estimated time to repair the leak, if known; and

(g) The Natural Gas Utility shall provide regular updates, to OCE and OPC, to the initial report as it receives more information.

3702.6 All Grade 1 leaks shall be promptly repaired. If not repaired immediately, upon detection, because of downgrading of the Grade 1 leak to a Grade 2 leak, the Natural Gas Utility shall submit a written report after one (1) week to OCE and OPC regarding the status of the downgraded leak and the Natural Gas Utility's progress in completing repairs, and follow Subsections 3702.11 and 3702.12 for Grade 2 and Grade 3 leaks respectively until completion of the leak repair. Within eight (8) hours, when a Grade 1 leak is downgraded to a Grade 2 leak, the Natural Gas Utility shall report by telephone and e-mail to OCE and OPC and shall state clearly the leak downgrading information, Subsection 3702.5 information and the name, telephone number, and identification of the technician downgrading the leak.

3702.7 Each written report to OCE and OPC concerning Grade 1 leaks shall state clearly, at a minimum, the following information as applicable to the incident:

(a) The street address, the ward(s) and/or quadrant(s) location of the leak or odor;

(b) A description of the type of leak;

(c) Pipe size, material, pressure, and type of the gas pipeline involved;

(d) The time the Natural Gas Utility received the first call regarding a gas leak or leak detection;

(e) The time the Natural Gas Utility's technician reached the site;

(f) The cause of the leak, if known;

(g) The time the area was made safe;

(h) The actual repair time; The time and date when the job was completed with actual repair duration; and

(i) The job site shall be continuously observed until completion of the repair or downgrade of the Grade 1 leak to a Grade 2 leak.

3702.8 Grade 2 leaks shall be monitored and reevaluated at least once every six months until cleared with no further signs of leak. Depending upon the location and magnitude of the leakage condition, reevaluation may be made earlier than six months. If reevaluation of a Grade 2 leak indicates potential hazard, *i.e*., reclassified as a Grade 1 leak, and it shall be repaired immediately. For Grade 2 leak that do not pose an immediate hazard, the Natural Gas Utility shall schedule repairs within thirty (30) days depending upon the severity of the leak. Otherwise, Grade 2 leaks shall be repaired or cleared within one calendar year, but no later than fifteen (15) months from the date the leak was first reported.

3702.9 Grade 3 leaks shall be monitored and reevaluated during the next scheduled leak survey, or within fifteen (15) months of the date reported, whichever occurs first, until the leak is regraded or cleared with no further signs of leak.

3702.10 Written reports for leaks classified as Grade 2 and Grade 3 shall be filed semi-annually with OCMS and OPC. The report shall be submitted forty-five (45) days after the reporting period, starting with the six-month reporting period following the NGQSS's adoption in Title 15 DCMR.

3702.11 Each semi-annual written report concerning Grade 2 leaks shall state clearly, at a minimum, the following information as applicable:

(a) The street address, the ward(s) and/or quadrant(s) location of the leak or odor;

(b) A description of the type and cause of leak;

(c) Pipe size, material, pressure, and type of the gas pipeline involved; and

(d) The schedule and the status of repair of all Grade 2 leaks consistent with the standard provided in Subsection 3702.10.

3702.12 Each semi-annual written report concerning Grade 3 leaks shall state clearly, at a minimum, the following information as applicable:

(a) The street address, the ward(s) and/or quadrant(s) of the leak or odor;

(b) A description of the type and cause of leak;

(c) Pipe size, material, pressure, and type of gas pipeline involved; and

(d) The status of reevaluation and repair schedule, if applicable, of Grade 3 leaks, consistent with Subsection 3702.11.

3702.13 The Natural Gas Utility shall create and maintain database(s) for all gas leaks and customer reported gas-related odor complaints. The database(s) shall be referred to as the "Leak Identification, Detection and Repair, and Odor Complaints (LIDAROC)". The database(s) shall contain, at a minimum, the grade of the leak, type of leak, location of the leak, the ward and/or quadrant where the leak occurred, the pressure involved, estimated number of customers whose services were disrupted because of the leak, if any, the cause of the leak, response time, estimated and actual time to repair the leak, and actions taken. The Natural Gas Utility shall incorporate all natural gas leaks and customer reported odor complaint calls into the database(s) within five (5) days of receipt of the gas-related odor complaint and/or determination that a leak has occurred on its gas system. The database(s) shall also reflect the Code order assigned to each complaint call (*i.e.*, Code 1, Code 2 or Code 3) and be organized in a way that permits analysis of the data by the time taken to respond, repair, and resolve the gas leaks.

3702.14 The Natural Gas Utility shall update the database(s) after it has repaired and/or resolved the leak and customer reported odor complaints and shall submit an electronic and a hard copy of the database (s) to OCMS and OPC on a quarterly basis.

3703 REPORTING AND RESPONDING REQUIREMENTS FOR GAS EMERGENCIES

3703.1 The Natural Gas Utility shall immediately dispatch personnel to the site of the Gas Emergency and shall arrive at the site within fifty (50) minutes of receiving an emergency call during normal business and non-business hours.

3703.2 A Gas Emergency shall be reported by telephone and e-mail to OCE and OPC with as much detailed information as possible at the earliest practicable time, but not later than thirty (30) minutes after the Natural Gas Utility's dispatch has been informed that a Gas Emergency has occurred. The Natural Gas Utility shall provide updates to the initial report as it receives more information. This reporting requirement applies to business and non-business hours.

3703.3 Each telephone and e-mail report of a Gas Emergency shall state clearly, at a minimum, the following information:

(a) The location of the Gas Emergency, person making the report and contact information; the ward (s) and/or quadrant(s) where the Gas Emergency occurred;

(b) The estimated number of customers impacted by the Gas Emergency, and street shutdowns, if known;

(c) A preliminary assessment as to the cause of the Gas Emergency, if known;

(d) The time between becoming aware of the Gas Emergency and responding (arriving at the emergency site) to the Gas Emergency, if known;

(e) The estimated time to clear the Gas Emergency, if known;

(f) The estimated time to repair pipeline facilities affected by the Gas Emergency, and/or restore service, if known; and

(g) A preliminary assessment as to any injuries, deaths, or personal property damage, if known.

3703.4 During the course of a Gas Emergency on the Natural Gas Utility's system, the Natural Gas Utility shall report periodically by telephone and e-mail to OCE and OPC, regarding the status of the Gas Emergency and the utility's progress in clearing the Gas Emergency and making the site safe. The Natural Gas Utility shall provide updates or progress on the Gas Emergency every hour until the Gas Emergency is resolved.

3703.5 Written reports concerning all Gas Emergency shall be filed with OCMS and OPC within five (5) days of the event occurrence. The Natural Gas Utility shall provide updates to its written report as it receives more information.

3703.6 Each written report concerning a Gas Emergency shall state clearly, at a minimum, the following information:

(a) The location of the Gas Emergency;

(b) The date and time when the Gas Emergency started;

(c) The date and time when the emergency crew arrived at the scene;

(d) The date and time when the Gas Emergency ended;

(e) An assessment as to the cause, origin, and contributing factors of the Gas Emergency;

(f) The number of customers affected by the Gas Emergency;

(g) An assessment as to any injuries, deaths, or personal property damage; and

(h) The steps the Natural Gas Utility is taking to minimize the possibility of a recurrence of the incident.

3704 CUSTOMER SERVICE STANDARDS, CUSTOMER SURVEYS, SERVICE PROVISIONING

3704.1 The Natural Gas Utility shall maintain a customer service (walk-in) office physically located in the District of Columbia.

3704.2 The Natural Gas Utility shall conduct annual customer surveys to assess customer satisfaction with the quality of customer service provided by the company to DC customers. The Natural Gas Utility shall provide the results of the surveys to OCMS and OPC. The customer satisfaction surveys shall be conducted from (1) a statistically representative sample of residential customers; and (2) customers randomly selected from those customers who have contacted the company's customer service department within the year in which service is being measured. The representative sample shall be drawn from customers contacting the company's customer service department in the previous year and shall be conducted with a sample of customers who contacted the Natural Gas Utility by walk-in, telephone, or e-mail. The survey instrument and the method shall be pre-approved by OCE. The Natural Gas Utility shall include the results from all available previous years of the survey up to a maximum of ten years in the Quality of Service Standard Performance Report ("QSSPR").

3704.3 The Natural Gas Utility shall gather data and report statistics regarding the number of service calls met on the same day requested or scheduled, excluding instances where a customer misses a mutually agreed upon time to OCE, OPC and OCMS. The Natural Gas Utility shall report the percentage of scheduled service appointments met by the Natural Gas Utility on the same day requested. Service appointment data shall be compiled and aggregated monthly. A minimum performance standard of ninety-five percent (95%) on a quarterly basis will apply. The Natural Gas Utility shall record the delay, in hours and/or days, in responding to requested or scheduled service calls. The Natural Gas Utility shall provide the results on service calls met and delayed to OCMS and OPC on an annual basis in the QSSPR.

3704.4 The Natural Gas Utility shall gather data on the percentage of meters that are actually read by the company on a monthly basis. Eligible meters include both residential and commercial accounts. On-cycle meter reads performance standard of 95% on a quarterly basis will apply. The Natural Gas Utility shall provide the results to OCMS and OPC on an annual basis in the QSSPR.

3704.5 The Natural Gas Utility shall perform the customer requested meter testing on a timely basis, but at a minimum shall test ninety-seven percent (97%) of meters, on a quarterly basis, on pre-scheduled test time mutually agreed upon by the Natural Gas Utility and the customer. The Natural Gas Utility shall submit its results to OCMS and OPC on an annual basis in the QSSPR.

3704.6 The Natural Gas Utility shall answer at least seventy percent (70%) of all customers' phone calls within thirty (30) seconds, on a system-wide basis, and

shall maintain records delineating customer phone calls answered by a Natural Gas Utility representative or an automated operator system. The Natural Gas Utility shall measure and report on an annual basis to OCMS and OPC the average customer wait time before being transferred from an automated operator system to a Natural Gas Utility representative.

3704.7 The Natural Gas Utility's Call Answering statistics shall exclude calls made during periods of major telecommunications failures, and periods of labor disruption.

3704.8 The Natural Gas Utility shall maintain a Call Abandonment Rate, on a system-wide basis, below ten percent (10%) on a quarterly basis, and shall report the information to OCMS and OPC on an annual basis in the QSSPR.

3704.9 The Natural Gas Utility's Call Abandonment Rate statistics shall exclude Abandoned Calls, and calls made during periods of major telecommunications failures, and periods of labor disruption.

3704.10 If the Natural Gas Utility fails to meet the standards set forth in Subsections 3704.3, 3704.4, 3704.5, 3704.6 or 3704.8, for two (2) consecutive quarters, it shall be required to develop a corrective action plan.

3704.11 The corrective action plan shall describe the cause(s) of the Natural Gas Utility's non-compliance with Subsections 3704.3, 3704.4, 3704.5, 3704.6 or 3704.8, describe the corrective measure(s) to be taken to ensure that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s).

3704.12 Progress on current corrective action plans shall be included in the Natural Gas Utility's annual QSSPR, filed with OCMS, and OPC by April 30 of each year starting with the year after the adoption of the NGQSS's in Title 15 DCMR.

3704.13 On a quarterly basis, the Natural Gas Utility shall complete installation of 95% of new residential service requests within the installation time per § 3704.14.

3704.14 The start date of the installation is the date that the customer registers his/her name on the internet for installation of service at his/her address. The end date is the date when the customer's gas service is completely installed and ready to be used. The period between the start date and the end date as written above is the installation time and should not be more than six months.

3704.15 The Natural Gas Utility shall submit a written report on its performance pursuant to Subsection 3704.13 annually every six (6) months. The report shall be submitted to OCE and OPC, forty-five (45) days after the six (6)-month reporting period ends

3704.16 After the submission of four (4) consecutive reports pursuant to Subsection 3704.15, the Commission may modify the frequency of the reporting.

3704.17 The reports pursuant to Subsection 3704.15 shall clearly state the total number of new residential service installation requests received during the relevant reporting period, and for the new residential installation service requests received, the percentage of new residential service connections that were completed in accordance with Subsection 3704.13.

3704.18 If the Natural Gas Utility fails to meet the standard set in Subsection 3704.13 in any two consecutive quarters, it shall develop a corrective action plan.

3704.19 The corrective action plan shall describe the cause(s) of the Natural Gas Utility's non-compliance with Subsection 3704.13, describe the corrective measure(s) to be taken to ensure that the standard is met or exceeded in the future, and set a target date for completion of the corrective measure(s).

3704.20 Progress on any current corrective action plans shall be included in the Natural Gas Utility's annual QSSPR.

3704.21 The Natural Gas Utility shall report the actual performance obtained during the reporting period in the annual QSSPR of the following year.

3705 RELIABILITY STANDARDS, LOW PRESSURE WATER INFILTRATION, UNDERGROUND DAMAGE PREVENTION, LOST TIME ACCIDENTS OSHA 300 LOG

3705.1 The Natural Gas Utility shall establish a gas main ranking index to determine its gas main segments (including associated service lines) most in need of improvement or replacement. Factors associated with the main ranking index for making improvement and replacement decisions include, poor leak history, poor cathodic protection or poor gas main conditions determined from visual observations, poor pressure in the area, interruption of service due to water infiltration, segment affected by city or state public improvement projects, etc. At least once each calendar year, the Natural Gas Utility shall rank and identify areas of piping networks of its natural gas operating system requiring improvements to eliminate segments most susceptible to leakage, excavation damage, failure, supply interruptions or failure to meet its minimum design pressure and volume deliverability requirements. The Natural Gas Utility shall retain in its leak data base the leak data/leak history in the main segments and service lines it has replaced. The Natural Gas Utility shall establish a performance ranking by area, on a scale of one to ten with one being the poorest performing segment. The Natural Gas Utility shall provide the results to OCMS and OPC on a biennial basis.

3705.2 Each calendar year, the Natural Gas Utility shall perform the necessary analysis for the issues identified in Subsection 3705.1, and provide plans for eliminating the ten worst performing segments due to low pressure or interruption problems. The Natural Gas Utility shall file the results with OCMS and OPC on a biennial basis.

3705.3 The Natural Gas Utility shall respond to all underground utility locate requests and locate their facilities in accordance with the damage prevention laws established within the District of Columbia and the U.S. Department of Transportation. The Natural Gas Utility shall maintain an accurate count of all locate requests, responses to locate requests, number of gas main and service lines inaccurately marked which resulted in damages (*e.g.*, hits per 1,000 locates) or construction delays, number of locations which the Natural Gas Utility failed to mark as required by the damage prevention rules, number of calls not made for Miss Utility ticket numbers by excavator(s), reports of incidents to underground utilities, damages caused by excavators or third party to gas underground facilities, third party responsible for the damage, and the root cause(s) of the damage. An annual report shall be filed with OCMS and OPC in the QSSPR no later than February 15 of the following year.

3705.4 The Natural Gas Utility shall monitor high volume condensate drips on its low pressure distribution network to minimize service continuity disruption. In no case shall a natural gas customer outage due to condensate accumulation be more than five percent (5%) of the low-pressure customer base during two consecutive winter periods. The Natural Gas Utility shall prepare a remediation plan within one hundred twenty (120) days of exceeding the 5% standard of service interruption, for the approval of the Commission, and provide a target date for completion of the recommended repair to the low-pressure piping network. The Natural Gas Utility shall file the results with OCMS and OPC on an annual basis in the QSSPR.

3705.5 The standard in § 3705.4 may be changed or modified by the Commission, at a later date, based on a study of trends in service interruptions.

3705.6 The Natural Gas Utility shall measure annually its Lost Time Accident Rate as reported in the Occupational Safety and Health Administration ("OSHA") 300 Log Summary of Occupational Injuries and Illnesses. The Natural Gas Utility may provide this information on a system-wide basis with a breakdown for each of the jurisdictions. The Natural Gas Utility shall provide the results to OCMS and OPC on an annual basis in the QSSPR.

3706 BILLING ERROR NOTIFICATION

3706.1 The Natural Gas Utility and all natural gas service providers must inform OCMS and OPC when a billing error has affected one hundred (100) or more customers or when the number of affected customers is equal to or more than two percent (2%) of the Natural Gas Utility's or natural gas service provider's customer base in the District, whichever is fewer. The Natural Gas Utility and natural gas service providers with a customer base of fewer than one hundred (100) customers shall report errors when two (2) or more customers are affected.

3706.2 The Natural Gas Utility and all natural gas service providers shall submit an initial billing error notification within one (1) business day of discovering or

being notified of the error. After submitting the initial notification, the Natural Gas Utility and natural gas service providers must submit a follow-up written report within fourteen (14) calendar days and a final written report within sixty (60) calendar days.

3706.3 The Natural Gas Utility and all natural gas service providers shall send the initial billing error notification via e-mail to OCE and OPC and then file the notice required by § 3706.2 with OCMS and OPC.

3706.4 The initial billing error notification shall contain the following information:

(a) Type(s) of billing error(s) found;

(b) Date and time the billing error(s) was discovered;

(c) How the Natural Gas Utility service provider discovered the error(s); and

(d) Approximate number of customers affected.

3706.5 The Natural Gas Utility and all natural gas service providers shall file the follow-up written report with OCMS, with a copy provided to OPC within fourteen (14) days of the initial report. The follow-up report, shall contain the following information:

(a) Type(s) of billing error(s);

(b) Date and time of the billing error(s);

(c) Number of customers affected;

(d) Cause of the error and status of any and all corrective action(s) taken; and

(e) Timeline for completing any and all other required corrective action(s) which must include the provision of refunds and/or credits, no later than sixty (60) days after the billing error(s) was discovered, as necessary to correct the billing error(s).

3706.6 If the information in the follow-up report filed pursuant to Subsection 3706.5 changes, the Natural Gas Utility and all natural gas service providers shall file a final written report with OCMS, with a copy provided to OPC. The final written report shall contain the following information:

(a) Type(s) of billing error(s);

(b) Date and time of billing error(s);

(c) Number of customers affected and the dollar amount involved;

(d) Duration of the billing error(s);

(e) Cause of the error, corrective action(s) and preventative measure(s) taken; and

(f) Lessons learned, if any.

3706.7 Upon receipt of the final written report, the Commission shall determine whether any further investigation is necessary.

3706.8 No later than sixty (60) days after the date the Natural Gas Utility or natural gas supplier discovers or is notified of the billing error(s), it shall notify each affected customer of the following:

(a) The nature of the error;

(b) The amount by which the customer's previous bill(s) were inaccurate; and

(c) If appropriate, the steps the Natural Gas Utility or natural gas service provider will take to ensure that the customer receives a full refund if overbilled or when customers will be required to make payment if underbilled no later than the date specified in Subsection 3706.5(e).

(d) The Natural Gas Utility or natural gas service provider shall by letter or bill insert describe to customers the nature of the billing error and the corrective action that the company intends to implement. If a refund or outstanding balance appears on a customer's billing statement, the Natural Gas Utility or natural gas service provider shall provide a clear description and explanation of the reason(s) for the error.

3708 COMPLIANCE REPORTING

3708.1 The Natural Gas Utility and all natural gas service providers shall collect and retain accurate data demonstrating compliance with the measures in this chapter. Data are to be collected on a monthly basis in a format established by Commission Order.

3708.2 The Natural Gas Utility and all natural gas service providers shall file monthly compliance data, and aggregated data for the three (3) months in the quarter, with the Commission, with a copy provided to OPC, on a quarterly basis pursuant to the following schedule:

(a) The report for the months of January, February, and March shall be filed on April 30;

(b) The report for the months of April, May, and June, on July 30;

(c) The report for the months of July, August, and September, on October 30; and

(d) The report for the months of October, November, and December, on January 30 of the following year. A cumulative annual report for the current reporting year shall also be filed by January 30 of the following year.

3708.3 If the Natural Gas Utility fails to comply with any requirement stated in Subsection 3702.2 for any given month, the Natural Gas Utility shall provide the reason(s) for not meeting the requirement(s) (including the actual response time(s) and the dispatch location(s) for the technicians responding to the event(s), a proposed remedy to prevent a similar occurrence(s), and show cause as to why a penalty(s) shall not be imposed. The Natural Gas Utility shall file a report with the Commission, with a copy provided to OPC, within fifteen (15) days of the end of the month.

3709 – 3796 [RESERVED]

3797 PENALTIES

3797.1 The regulations in this chapter are pipeline quality of service standards, some of which affect the reliability of services provided to customers. Subsections 3701.2 to 3701.14 and 3705.1 to 3705.6 contain quality of service rules which are designated as reliability performance standards adopted by the Commission within the meaning of D.C. Official Code § 34-706(e). If a utility fails to comply with Subsections 3701.2 to 3701.14 and 3705.1 to 3705.6, it may be subject to forfeiture or civil penalty in accordance with D.C. Official Code § 34-706.

3791.2 Failure to comply with the remaining Subsections of this chapter may result in the penalties set forth in D.C. Official Code § 34-706 (a) for failure to comply with Commission rules and regulations.

3791.3 Violations of the pipeline quality of service standards and of the reliability performance standards set forth in this chapter will be handled according to the rules established in 15 DCMR, Chapter 23 (Natural Gas). When determining the amount of the civil penalty for violations of this chapter, the Commission will consider the factors established in Chapter 23, Section 2398 (Penalties).

3798 WAIVER

3798.1 The Commission may, in its discretion, waive any provisions of Chapter 37 of this title.

3799 DEFINITIONS

3799.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Abandoned Calls – calls to the Natural Gas Utility that are terminated by the customer after the customer selects the menu option and is placed in the

queue and has been in queue at least thirty seconds, but has not yet reached a customer service representative or any other automated response system.

Abnormal Operating Condition – A condition that may indicate failure of gas piping integrity or a deviation from normal operation or a malfunction of a component on gas piping infra-structure that may result in a hazard(s) to persons, property or the environment.

Call Abandonment Rate – the annual number of Abandoned Calls divided by the total number of calls the Natural Gas Utility received.

Call Answering – a process whereby Natural Gas Utility representative, voice response unit, or other automated operator system is ready to render assistance or ready to accept information necessary to process a customer's call. An acknowledgement that the customer is waiting on the line does not constitute an answer.

Code 1 Orders – gas leak or customer reported odor complaint calls involving a strong gas leak, carbon monoxide, illness, broken service main or gaslight, fire in progress, explosion, uncontrolled appliance heat, steam or noise, gas blowing or hissing, second call, or pressure alarm, or presenting an immediate or probable hazard to persons or property and requiring immediate repair or continuous action until the conditions are no longer hazardous.

Code 2 Orders – gas leak or customer reported odor complaint calls involving a "medium" gas leak, noise, or a leak that is recognized as being non-hazardous at the time of detection, but requires scheduled repair based on probable future hazard.

Code 3 Orders – gas leak or customer reported odor complaint calls involving a "slight" gas leak, or a leak that is non-hazardous at the time of detection and can be reasonably expected to remain non-hazardous.

Commission – Public Service Commission of the District of Columbia.

Condensate Drips – devices installed on low pressure natural gas distribution system at its lowest elevation to facilitate collection of condensates such as ground water or other liquids infiltrating the gas piping.

Dispatch – unit of the Natural Gas Utility that receives calls, disseminates information and assigns service calls to technicians and field crews, and acknowledges their feedback during responses to gas leaks, incidents and emergencies.

Distribution Line – gas pipelines that provide natural gas delivery service to customers.

Gas Emergency – any sudden and unexpected situation where leakage, blowing gas, loss of gas pressure, an overpressure condition, or loss of telemetry or control-system has caused or may cause serious injury or damage to life and/or property. Examples of emergencies include gas-fed fires, explosions involving gas, escaping gas, unplanned supply interruptions, releases of hazardous material, carbon monoxide poisonings, and odorant releases.

Gas Pipeline Facility – a pipeline, a right of way, a building, or equipment used in transporting natural gas or treating natural gas during its transportation.

Gas Related Emergency Call – a telephone call where the caller believes that he or she is confronting special circumstances that might lead to bodily and/or system-related damage if circumstances remain unaddressed. Examples include, but are not limited to, gas detected inside or near buildings, fire/explosion near or directly involving a gas pipeline facility with or without escaping gas, vehicle accidents, natural disasters, unplanned supply interruption, uncontrolled escape of gas, or other conditions that may warrant immediate response.

Grade 1 - A leak that presents an immediate or probable hazard to persons or property, and requires immediate repair or continuous action until the conditions are no longer hazardous;

Grade 2 - A leak that is recognized as being non-hazardous at the time of detection, but requires scheduled repair based on probable future hazard; and

Grade 3 - A leak that is non-hazardous at the time of detection and can be reasonably expected to remain non-hazardous.

High Pressure (HP) System – a gas pipeline in which the gas pressure is higher than the pressure provided to the customer. Typically, high pressure pipelines operate over sixty (60) pounds per square inch gauge (psig) and are not transmission pipes.

Interruption Duration – the period of time, truncated or rounded to the nearest minute, during which a Reportable Service Outage occurs.

Incident – an event involving the release or potential release of natural gas that interrupts normal operations or causes a crisis. A reportable incident is an event that involves the release of gas and a death or injury requiring in-patient hospitalization or property damage or costs of five thousand dollars ($5,000) or more to the Natural Gas Utility, or an event receiving media attention or that requires closing a public street.

Limited Service Outages (LSO) – customer service outage(s) caused by failure of gas piping integrity or a deviation from normal operation or a malfunction of a component on gas piping infrastructure lasting more than eight (8) hours and affecting less than twenty five (25) customers.

Low Pressure (LP) System – a gas pipeline in which the pressure is substantially the same as the pressure provided to the normal residential customer. Low pressure lines normally operate at 7.8 inches water column.

Medium Pressure (MP) System – a gas pipeline in which the gas pressure is higher than the pressure provided to the customer. Typically, medium pressure pipelines operate higher than the LP System (at 7.8 inches water column) up to sixty (60) pounds per square inch gauge (psig).

Natural Gas – is a gaseous flammable fossil fuel consisting primarily of methane.

Natural Gas Service Provider – a natural gas supplier, including an Aggregator, Broker, or Marketer, who generates or produces natural gas, sells natural gas, or purchases, brokers, arranges, or markets natural gas for sale to customers.

Natural Gas Utility – the company that owns or controls the distribution facilities required for the transmission and delivery of natural gas to customers, provides sales service and delivery of distribution service of natural gas, and is regulated by the Public Service Commission of the District of Columbia.

Normal Business Hours – Monday through Friday, 8:00 a.m. to 9:00 p.m., and Saturday, 8:00 a.m. to 4:30 p.m. (except major holidays). The main office serves customers Monday through Friday (except holidays) from 8:30 a.m. to 4:30 p.m. The Anacostia office accepts bill payments by check or money order only, Monday through Friday (except holidays), 8:00 a.m. to 4:00 p.m. All other hours including, holidays and Sunday are designated as non-normal business hours.[2]

Occupational Safety and Health Administration (OSHA) 300 log (OSHA 300 Log) –a log of all recordable occupational injuries and illnesses on forms approved by OSHA. This form is called OSHA 300 Log. It is regularly updated by OSHA. OSHA 300 Log shall be used to record each case within seven (7) calendar days after the employer received information that a recordable work-related injury or illness has occurred.

Office of the Commission Secretary (OCMS) – Secretary of the Public Service Commission of the District of Columbia.

Office of Compliance and Enforcement (OCE) – Office of Compliance and Enforcement of the Public Service Commission of the District of Columbia.

Office of the People's Counsel (OPC) – Office of the People's Counsel of the District of Columbia.

Outside Assistance – resources not routinely used by a Natural Gas Utility for service restoration. Natural Gas Utility resources transferred among utility operating areas are not considered outside assistance.

PSIG – pounds per square inch gauge.

Regulator Station – a facility for controlling the pressure and flow of natural gas serving a distribution system.

Reportable Service Outages - customer service outages caused by failure of gas piping integrity or a deviation from normal operation or a malfunction of a component on gas piping infrastructure lasting more than eight (8) hours and affecting more than twenty five (25) customers.

Telephone Service Factor – the percentage of calls answered within a specified amount of time. For example, if the service level time is set at thirty (30) seconds and seventy percent (70%) of calls are answered in less than 30 seconds, then the telephone service factor is 70.

Transmission Line – a pipeline, other than a gathering line, that: (1) transports gas from a gathering line or storage facility to a gas distribution center, storage facility, or large volume customer that is not down-stream from a gas distribution center; (2) operates at a hoop stress of twenty percent (20%) or more of Specified Minimum Yield Strength (SMYS); or (3) transports gas within a storage field**.**

2. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit comments and reply comments, in writing, not later than thirty (30) and forty-five (45) days after publication of this NOPR in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington D.C. 20005. Copies of these proposed rules may be obtained, at cost, by writing the Commission Secretary at the above address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF THIRD PROPOSED RULEMAKING

RM46-2015-01-E, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING THE LICENSURE AND BONDING OF ELECTRIC SUPPLIERS IN THE DISTRICT OF COLUMBIA;

AND

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY

1. On February 6, 2015, the Public Service Commission of the District of Columbia ("Commission"), pursuant to Sections 34-1501 through 1520 of the D.C. Official Code, gave notice of the proposed adoption of Chapter 46 (Licensure of Electricity Suppliers) of Title 15 (Public Utilities and Cable Television), District of Columbia Municipal Regulations ("DCMR") (62 DCR 001712). Chapter 46 establishes the rules governing the licensure and bonding of Electricity Suppliers in the District of Columbia, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999 ("1999 Act") as codified in Sections 34-1501 through 1520 of the D.C. Official Code. Currently, the requirements for licensing Electricity Suppliers are set forth in *Formal Case No. 945*, Order No. 11796, rel. September 18, 2000. Bonding requirements for Electric Suppliers are set forth in *Formal Case No. 945*, Order No. 11862, rel. December 18, 2000. On February 17, 2017, the Commission published a Notice of Second Proposed Rulemaking ("NOPR") (64 DCR 001818) with revisions based upon recommendations put forth by interested persons at a technical conference and comments filed on the February 6, 2015 NOPR publication. Like the prior two NOPRs, this Third NOPR combines the licensing and bonding requirements in a single chapter. This Third NOPR includes the following attachments: (1) Supplier Application; (2) Form of Integrity Bond for Electric Suppliers other than Aggregators and Brokers-Surety Bond; (3) Form of Integrity Bond for Aggregators and Brokers-Surety Bond; and (4) Form of Customer Payments Bond-Surety Bond. This Third NOPR supersedes the previous Second NOPR published on February 17, 2017 (64 DCR 001818). In this Third NOPR, the following sections were revised based upon recommendations put forth by comments filed on the February 17, 2017 NOPR (1) § 4601.2 (h) (1), (2), (3); (2) § 4602; (3) § 4602.1; (4) § 4602.2; (5) § 4603.1; (6) § 4603.5; (7) § 4603.9; (8) § 4603.10; (9) § 4603.11; (10) § 4603.12; (11) § 4603.13; (12) § 4603.16; (13) § 4603.19; (14) § 4604.1; (15) §§ 4605.2(b) and (c); (16) § 4605.3; (17) §§ 4606.1(a) and (b).; (18) § 4607.1; (19) § 4608.1(a).; (20) § 4608.2; (21) § 4609.1; and (22) § 4609.2(x). Also, the above sections were given further review and revised to reflect consistency with the Retail Natural Gas Licensing Supplier Rules, where appropriate.

The Commission notes that these proposed rules may be amended in the future depending on actions taken in Formal Case 1130, In the Matter of the Investigation into Modernizing the Energy Delivery System for Increased Sustainability (MEDSIS proceeding).

CHAPTER 46 LICENSURE OF ELECTRICITY SUPPLIERS

4600 APPLICABILITY

4600.1 **Application.** These rules apply to a Person who engages in the business of an Electricity Supplier in the District of Columbia.

4600.2 **Purpose.** These rules provide uniform requirements for obtaining any form of an Electricity Supplier License in the District of Columbia, describe the administrative procedures available to the Applicants and Licensees, outline the grounds for Commission action regarding a Licensee, and describe the sanctions that may be imposed by the Commission.

4600.3 **Restrictions.** No Person shall present itself as a licensed retail Electricity Supplier, perform the duties of an Electricity Supplier, accept Deposits or prepayments from retail customers, contract with retail customers or arrange for contracts for retail customers, prior to receipt of a license from the Commission.

4601 LICENSING REQUIREMENTS

4601.1 **Persons Subject to Licensing Requirements.** Any Person who engages in the business of an Electricity Supplier in the District of Columbia shall hold an Electricity Supplier License issued by the Commission.

4601.2 **Application Information Requirements for Electricity Suppliers.** An Application for an Electricity Supplier License and an Application for renewal of an Electricity Supplier License shall include the following information, in a manner and form specified by the Commission:

(a) Proof of technical and managerial competence;

(b) Proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any Independent System Operator, or Regional Transmission Operator to be used by the Applicant;

(c) A sworn verification that the Applicant is currently in compliance with, and will comply with all, applicable federal and District of Columbia environmental laws and regulations;

(d) Proof of compliance with the Bonding Requirements set forth in §§ 4604 and 4605;

(e) Proof that the Applicant has registered with the Department of Consumer and Regulatory Affairs and the Department of Finance and Revenue to do business in the District of Columbia;

(f) A sworn verification that the Applicant is currently in compliance with, and will comply with, all applicable taxes;

(g) A sworn verification that the Applicant is currently in compliance with, and will comply with all of the requirements of the Act and all orders and regulations of the Commission issued under the Act;

(h) If the Applicant was a previously licensed supplier in the District but has surrendered that license under a former name or in this current applicant's name, the Applicant must:

(1) Submit a sworn verification that it has paid all previously outstanding Commission and Office of the People's Counsel (OPC) imposed assessments and penalties;

(2) If prior assessments and penalties remain unpaid, submit a date certain when those assessments and any penalties will be paid; and

(3) If the Applicant fails to comply with either directive, its application will not be considered;

(i) A sample copy of each of the Electricity Supplier's electricity supply Customer contracts (*e.g.*, fixed, variable) and a sample bill;

(j) The name and contact information for the Electricity Supplier's designated contact Person for Customer and consumer complaints;

(k) The Trade name(s) or d/b/a ("doing business as name(s)") if the Applicant will be using either while doing business as an Electricity Supplier in the District of Columbia; and

(l) Any other information required by the Commission.

4602 COMMISSION ASSESSMENT AND FEES

4602.1 The Licensee or the Electricity Supplier shall pay an assessment for the costs and expenses of the Commission and the Office of the People's Counsel as required by D.C. Official Code §§ 34-912 (b) and 34-1671.11.

4602.2 The Licensee or the Electricity Supplier shall pay any additional fees imposed by the Commission pursuant to the Commission's rules, regulations, or orders. Renewal Applications may not be approved if the Licensee or Electricity Supplier owes any outstanding assessment to the Commission, the Office of the People's Counsel, or both.

4603 LICENSING PROCEDURES

4603.1 **Scope.** These procedures apply to an Application for an Electricity Supplier License before the Commission and the review of an Electricity Supplier License.

4603.2 **Form.** An Application for a Electricity Supplier License shall be made to the Commission in writing on the applicable form provided by the Commission (See the form set out in Attachment A); be verified by oath or affirmation; and be accompanied by an Application fee of $400.00.

4603.3 **Number of copies; Service.** Each Applicant shall file a signed and verified original and an electronic version of their application and attachments.

4603.4 **Change in Application Information.** The Applicant shall immediately inform the Commission of any change in the information provided in the Application during the pendency of the Application process.

4603.5 **Notice of Incomplete Application (Deficiency Letter).** With respect to the Application, the Commission shall review the submitted Application for completeness within fifteen (15) days of receipt of the Application and inform the Applicant if the Application is either complete or incomplete. If the Application is complete, the Commission shall notify the Applicant in writing that the Application is complete and has been accepted for filing. If the Application is incomplete, the Commission shall notify the Applicant in writing of the deficiencies in the Application. The Applicant shall have ten (10) days, or such additional time as the Commission may designate if it extends the time period for good cause shown, to provide the information requested in the deficiency letter. Once the deficiency has been cured by the Applicant, the Commission will notify the Applicant in writing that the Application is now complete and has been accepted for filing. If the Applicant does not provide the information to the Commission within ten (10) days or within the alternative time period set by the Commission, the Application shall be deemed dismissed without prejudice. An Applicant may submit a new Application at any time.

4603.6 **Comments and Objections Regarding Filed Application.** All persons interested in filing an objection or a comment regarding the filed Application or the licensure of an Applicant may submit written comments or objections to the Commission Secretary and to the Applicant no later than twenty (20) days after the Notice of Application has been posted on the Commission's website. An Applicant may file reply comments no later than ten (10) days after objections or comments are filed with the Commission Secretary. The Commission may waive this filing deadline at its discretion.

4603.7 **Review of Complete Application.** Upon determining that an Application is complete, the Commission shall conduct an appropriate investigation of the information provided by the Applicant in the complete Application and of any

objections or comments received on the Application. Within fifteen (15) days after the comment period has expired, the Commission shall conclude its investigation and issue a Licensing Order approving or denying the Application if no objections or comments are filed. If an objection to licensure or comments are filed, the Commission shall conclude its investigation and issue a Licensing Order approving or denying the Application within sixty (60) days after the comments or objection period has expired. In the event that the Commission denies a License to an Applicant, the Commission shall state in writing its reasons for such denial and file its determination with the Commission Secretary. A copy of the Commission's determination shall also be served on the Applicant and the Office of the People's Counsel.

4603.8 **Licensee's Update Information.** A licensed Electricity Supplier shall comply with any information update requirements or supplemental information requirements established by Commission rules or in Commission orders.

4603.9 **Term of Electricity Supplier License.** An Electricity Supplier License is valid until revoked by the Commission or surrendered by the Licensed Electricity Supplier. An Electricity Supplier is subject to review every five (5) years after the date on which the license was issued or was last reviewed. Not less than forty-five (45) days before the five-year anniversary of the date on which the licensee was issued or was last reviewed; an Electricity Supplier shall file with the Commission a review application pursuant to the licensing requirements and procedures set forth in Sections 4601 and 4602. The Commission shall complete its review of the review application within thirty (30) days after its filing. Currently, licensed Electricity Suppliers shall submit a review application not less than forty-five days before five years after the effective date of this chapter.

4603.10 **Transfer of Electricity Supplier License.** An Electricity Supplier License is not transferable without the prior approval of the Commission. To obtain the approval of the Commission, a Licensee shall file a Transfer Application with the Commission Secretary. After receiving the Transfer Application, the Commission shall give public notice of the Transfer Application by posting it on its website. All Persons interested in filing an objection or a comment regarding the filed Transfer Application may submit written comments or objections to the Commission's Secretary no later than thirty (30) days after the posting of the Notice of Application on the Commission's website. The Licensee may file reply comments no later than seven (7) days after objections or comments are filed. The Commission may waive this filing deadline at its discretion. Within thirty (30) days after the comment period has expired, the Commission shall issue an order approving or denying the Transfer Application if no objections or comments are filed. If an objection to a Transfer Application or a comment is filed, the Commission shall conclude its investigation and issue an order approving or denying the Transfer Application within sixty (60) days after the comments or objection period has expired. In the event that the Commission denies a Transfer Application, the Commission shall state in writing its reasons for such denial and

file its determination with the Commission Secretary. A copy of the Commission's determination shall also be served on the Licensee and on the Office of the People's Counsel.

4603.11 **Solicitation of Customers.** A Licensee (both new and existing who has not initially started serving customers (residential or small commercial) shall notify the Commission and the Office of the People's Counsel ("OPC within seven (7) before the Licensee begins soliciting or marketing to customers directly or through an authorized representative in the District of Columbia. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting District consumers. The notice shall include the name of the licensed Electricity Supplier's designated contact person for pricing information if the Licensee is serving residential customers and small commercial customers and the URL address of the Electricity Supplier's website. The Licensee shall provide the Commission and OPC with a copy of its flyers, consumer pamphlets, scripts and other proposed marketing material at the time of notification. Also, all door-to-door sales representatives and agents shall be required to present a company photo identification to customers as part of the solicitation process. In addition, the Licensee is required to maintain a record of the identity of each sales representative and marketing agent or representative active in the District, including the company photo identification, and make it available upon request to the Commission. Also, the Electricity Supplier shall maintain the photo identification record for a period of six months after the representative or agent has been employed or marketing on the supplier's behalf.

4603.12 **Electronic Solicitation**. For the purpose of monitoring compliance with 15 DCMR Chapter 3 regarding electronic solicitation on the Licensee's website, each Licensee who contracts electronically with customers shall provide the Commission with screenshots of their online enrollment web pages upon request.

4603.13 **Serving Customers.** A Licensee shall do the following before it begins to serve customers in the District of Columbia: (a) notify the Commission of estimated start date when it will begin to serve customers in the District of Columbia; and (b) file an affidavit attesting that all sales and marketing and regulatory personnel including independent contractors and vendors performing marketing or sales activities on the Licensees' behalf have read the relevant provisions of Chapters 3 and 46 of Title 15 DCMR before they begin soliciting customers in the District of Columbia.

4603.14 **Cessation of Business in the District of Columbia or Cessation of Business to a Customer Class.** A Licensee shall provide to the Commission at least sixty (60) days prior written notice of the Licensee's intention to cease providing electricity (a) to all Customers in the District of Columbia; or (b) to all Customers within a specified Customer class. Upon receipt of such notice, the Commission may order the Licensee to provide such further notice to Customers or to the

public as the Commission deems necessary, and/or take such other action that the Commission deems appropriate.

4603.15 **Electric Company and Licensee Responsibilities in the Event of Default.** In the event of a default, the Licensee and the Electric Company shall abide by the District of Columbia Electricity Supplier Coordination Tariff. Also, a Defaulted Licensee using consolidated billing services remains obligated to provide the Electric Company with information necessary to allow the Electric Company to continue consolidated billing through the conclusion of the billing cycle in which the default occurred. The Defaulted Licensee using consolidated billing services is prohibited from issuing bills to persons who were Customers at the time of the default unless specifically authorized by the Commission. A request to authorize a Defaulted Licensee to bill directly may be made to the Commission by the Defaulted Licensee or the Electric Company. In order that a Defaulted Licensee's charges may be included in the Electric Company's consolidated billing services, a Defaulted Licensee and the Electric Company shall abide by the District of Columbia's Electricity Supplier Coordination Tariff.

4603.16 **Required Notices Upon Default.** Upon default, a Licensee shall immediately notify its Customers of its default by the preferred method that each customer has selected to receive notifications and send written notice by electronic mail to the Electric Company and Commission notifying them of its default. Upon receipt of notice of a Licensee's default from the defaulting Licensee or from the Regional Transmission Organization, the Electric Company shall immediately provide the defaulting Licensee's Customers Standard Offer Service in accordance with the SOS Administrator's Retail Electric Service Tariff, unless or until a Customer notifies the SOS Provider that the Customer has selected a new Electricity Supplier.

4603.17 **Accuracy of Information.** Any Applicant who knowingly or in reckless disregard submits misleading, incomplete, or inaccurate information to the Commission during the Application Process may have its Application rejected, its Electricity Supplier License suspended or revoked or be otherwise penalized in accordance with applicable law and the provisions of the Commission's rules in Subsection 4610.1(a).

4603.18 **Filing of Electronic Data Interchange Trading Partner Agreement and Supplier Coordination Agreement.** Every Licensee shall execute and file with the Commission Secretary a copy of the Electronic Data Interchange Trading Partner Agreement and Supplier Coordination Agreement entered into with the Electric Company within ten (10) days of execution of such agreements.

4603.19 **Proprietary and Confidential Information.** In its Application, the Applicant may designate as confidential information documents provided in response to Sections 4d and 14 of the Application related to the ownership of the Applicant (to the extent such information is not already public) and financial information if

an interested person requests the release of this information, the Applicant shall have the burden of proving the confidential nature of the information. The Commission will notify the Applicant of any request for release of this information and will permit the Applicant to respond to the request through a written motion filed with the Commission prior to the Commission's determination on the request. The Commission may order the release of information if an Applicant does not meet its burden of proving that the information is confidential pursuant to 15 DCMR § 150 (Confidential or Proprietary Information).

4604 ELECTRICITY SUPPLIER EDUCATION WORKSHOP

4604.1 **Electricity Supplier Education Workshop.** Within one hundred eighty (180) days of approval of a license Application or within one year of the effective date of this chapter whichever is later, each Licensee's Regulatory Contact or Licensee's representative responsible for the Licensee's compliance with the Commission's rules shall complete the Electricity Supplier Education Workshop sponsored by the Commission. Successful completion of the workshop by the Licensee shall be evidenced by a certificate issued by the Commission. Thereafter, each Licensee shall certify annually that its Regulatory Contact or representative responsible for the Licensee's compliance with the Commission's rules has completed the Electricity Supplier Education Workshop sponsored by the Commission or is otherwise knowledgeable with respect to the Commission's Electricity Supplier rules.

4605 BOND REQUIREMENTS FOR ELECTRICITY SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS ("CUSTOMER PAYMENTS BOND")

4605. 1 **Applicability.**

Any Electricity Supplier that states on its Application that it intends to charge Deposits or collect Prepayments or that does in fact require a Deposit or collects any Prepayment, shall post a Customer Payments Bond with the Commission, in addition to any Integrity Bond that may be required or submitted and shall submit the certification described in this section. Any Electricity Supplier that states on its Application that it does not intend to charge Deposits or collect Prepayments and that does not in fact require a Deposit or collect any Prepayment will not be required to post a Customer Payments Bond or provide the certification described below. Any Licensee that actually charges a Deposit or collects a Prepayment without posting the required Customer Payments Bond may be subject to suspension, revocation, or other action against its license, as well as be held liable for restitution to any Customers who paid such Deposits or Prepayments. Any Licensee requiring, charging, collecting or holding Deposits, or Prepayments may not request a return of a current Customer Payments Bond (as defined in this chapter) or waiver of the

requirements for a future Customer Payments Bond, unless and until the Licensee returns the Deposits or Prepayments to its Customers or provides the services to which the Deposit or Prepayments is applied.

4605.2 **Procedure for Determining Amount of a Customer Payments Bond.**

(a) **Initial Bond:** Before accepting any Deposits or Prepayments, a Licensee shall post an initial Customer Payments Bond of fifty thousand dollars ($50,000) in the form as set out in Attachment C (Form of Customer Payments Bond-Surety Bond).

(b) **Six Month Certification:** Within six (6) months after the initial Customer Payments Bond is posted, the Licensee shall provide to the Commission with any appropriate confidentiality designations: (1) a certification, subject to review by the Commission, of the amount of the Deposits and Prepayments held by the Licensee, and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.

(c) **Annual Certification:** Annually thereafter, coinciding with the annual update requirements of the Commission's Application, the Licensee shall provide to the Commission with any appropriate confidentiality designations: (1) certification of the amount of the Deposits and Prepayments held by the Licensee and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.

4605.3 **Form of the Bond.** Any Applicant or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, the bond form shall:

(a) Designate the Commission as the sole beneficiary of the bond;

(b) Be continuous in nature. If a Licensee seeks to cease providing the bond it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;

(c) Cover payment of all District of Columbia Deposits and Prepayments of the Licensee that occurred while the bond was in force; as identified by the Commission under these standards; and

(d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission. See Attachment C (Form of Customer Payments Bond-Surety Bond).

4605.4 **Commission Verification.** Each Licensee shall provide appropriate certification, at the intervals discussed in Subsection 4605.2 of funds collected by the Licensee for Prepayments and/or Deposits. Each Licensee shall certify the amount of funds held for Deposits and Prepayments through a notarized statement, subject to verification by the Commission. The certification and any audit by the Commission, will verify the year to date collections and balances of Prepayments and Deposits as of a specific date and will be used to verify whether the Licensee has the appropriate amount of Customer Payments Bond coverage. The Commission reserves the right, in its sole discretion, to order the Licensee to have a Certified Public Accountant review such balances, should conditions warrant such a review.

4605.5 **Compliance Investigations.** The Commission may initiate appropriate investigations if it determines an Electricity Supplier or a Licensee may be collecting Prepayments and/or Deposits from Customers without appropriate Customer Payments Bond coverage. The Commission may utilize appropriate legal remedies both to investigate and, if appropriate, to enforce its requirements for appropriate Customer Payments Bond coverage.

4605.6 **Bond Foreclosure.** The Commission may foreclose upon any bond posted with the Commission when, in the Commission's discretion, foreclosure is necessary to ensure the fair and lawful treatment of the District of Columbia's Residential and/or Small Commercial Customers by a Licensee, to ensure that Deposits and Prepayments collected by a Licensee from a Customer will be paid. In order to draw funds on this Bond, the Commission Secretary shall present an affidavit sworn to and signed by the Commission Secretary to the surety stating that the Commission has determined that the Licensee has not satisfactorily performed its obligations to a Customer who has suffered actual and direct damages or loss of a Deposit or Prepayment in a specific amount by means of failure, or by reason of breach of contract or violation of the Act and any orders, regulations, rules or standards promulgated thereto.

4606 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY ("INTEGRITY BOND")

4606.1 **Exclusion.**

(a) An Electricity Supplier or Licensee that cannot provide evidence to the satisfaction of the Commission that it meets the standards listed in section 4605.2 below will be required to submit an initial Integrity Bond of fifty thousand dollars ($50,000), unless that Electricity Supplier or Licensee is applying to provide service as an Aggregator (as defined in D.C. Official Code § 34-1501 (2) and Section 4699(b)) who does not take title to electricity or as a Broker (as defined in D.C. Official Code § 34-1501(7) and Section 4699(b)), in which case a ten thousand dollars ($10,000) Integrity Bond will be required. However, an Electricity Supplier or Licensee that meets the standards listed in Subsection 4605.2 below may still be required

to provide a bond to demonstrate financial integrity for the Application on a case-by-case basis. This initial Integrity Bond shall be updated in accordance with the requirements set forth in Subsection 4606.3 below, except that Aggregators who do not take title and Brokers will not be required to update the initial $10,000 Integrity Bond.

(b) After continuously providing service in the District for two years, any Licensee that has submitted an Integrity Bond to the Commission in compliance with these requirements may request that the Commission return the previously posted Integrity Bond and waive the requirement for a future bond based upon the Licensee's demonstrated record of continuous and high quality service in the District, without meaningful substantiated consumer complaints, as determined by and in the opinion of the Commission, and such other information as the Licensee may choose to present to the Commission. The Commission may accept or reject this request based on a review of information provided by the Licensee and such other information as the Commission may deem appropriate. The Commission retains the discretion to require an Integrity Bond of the Licensee at a later date if circumstances change, or if the Commission otherwise deems the requirement of an Integrity Bond to be necessary and appropriate.

4606.2 **Applicability.** Any Electricity Supplier or Licensee that can provide credible evidence that it meets the following standards is not required to post an Integrity Bond in the District of Columbia:

(a) A current credit rating of BBB- or higher from a nationally-recognized credit rating service;

(b) A current commercial paper rating of A2 or higher by Standard & Poor's and/or P2 or higher by Moody's or similar rating by another nationally-recognized rating service;

(c) An unused line of bank credit or parent guarantees deemed adequate by the Commission; or

(d) Any other evidence of financial integrity that the Commission may deem appropriate.

4606.3 **Procedure for Determining Amount of a Financial Integrity Bond**

(a) **Initial Integrity Bond:** Any Electricity Supplier that cannot meet the above criteria for financial integrity, and that is not applying to provide service as an Aggregator that does not take title to electricity or a Broker, shall post an initial Integrity Bond of $50,000. If the Electricity Supplier is applying to

provide service as an Aggregator that does not take title to electricity or as a Broker, the initial required Integrity Bond amount is $10,000.

(b) **Future Updates:** The Commission, in its sole discretion, shall determine whether or not to reevaluate the amount of the Integrity Bond in light of any changing conditions in the electricity market at the time that a Licensee submits updated information, taking into consideration the Licensee's past experience with the Commission and with its Customers. The Commission may request such information from the Licensee as may be necessary to make its evaluation.

4606.4 **Form of the Bond.** Any Electricity Supplier or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, this form shall:

(a) Designate the District of Columbia, or the Commission, as the sole beneficiary of the bond;

(b) Be continuous in nature. If any Licensee seeks to cease providing the bond it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;

(c) Cover payment of all of the Licensee's District of Columbia Deposits and Prepayments that occurred while the bond was in force as identified by the Commission under these standards;

(d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission; and

(e) Be in the format set out in Attachment D (Form of Integrity Bond for Electricity Suppliers and Marketers-Surety Bond, or Attachment E (Form of Integrity Bond for Aggregators and Brokers-Surety Bond).

4606.5 **Commission Verification**. Each Licensee shall provide appropriate certification at the intervals discussed in the above paragraphs. The Commission may request such information from the Licensee as is necessary to verify the accuracy of the certification at any time.

4606.6 **Compliance Investigations.** The Commission has the right to initiate appropriate investigations if it has reason to believe that any Licensee may be providing service without appropriate Bond coverage. The Commission will utilize appropriate legal remedies both to investigate and, if appropriate, to enforce its requirements for an appropriate Integrity Bond.

4606.7 **Bond Foreclosure.** The Commission's foreclosure of an Integrity Bond shall be limited to those instances where damages to the Customers by the Licensee are "actual and direct". In order to draw funds on this Bond, the Commission Secretary shall present an affidavit sworn to and signed by the Commission Secretary to the surety stating that the Commission has determined that the Licensee has not satisfactorily performed its obligations to a Customer who has suffered actual and direct damages or loss of a Deposit or Prepayment in a specific amount by means of failure, or by reason of breach of contract or violation of the Act and any orders, regulations, rules or standards promulgated thereto.

4607 PRIVACY PROTECTION POLICY

4607.1 All Applicants and current Licensees shall submit to the Commission Secretary a copy of their Privacy Protection Policy that demonstrates compliance with 15 DCMR § 308 (Use of Customer Information) and 15 DCMR § 309 (Privacy Protection Policy) within ninety (90) days of the effective date of this chapter, or within sixty (60) days of approval of their Electricity Supplier License Application, whichever date is later. The Privacy Protection Policy shall protect against the unauthorized disclosure or use of customer information about a Customer or a Customer's use of electricity.

4608 COMMISSION REPORTING REQUIREMENTS

4608.1 **Updates to an Approved Application.** After an Application has been approved, a Licensee shall inform the Commission of new information that changes or updates any part of the Application, including but not limited to the averment regarding any civil, criminal, or regulatory penalties imposed on the Licensee, within thirty (30) days of the change or the new information. An Applicant or a Licensee shall also inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within twenty-four (24) hours of the institution of such proceedings.

(a) If a Licensee changes any of its marketing materials, it shall provide the new materials to the Commission and OPCOPC as soon as the Licensee starts using the new material to solicit Customers; and

(b) If a Licensee changes its trade name or the d/b/a name that it is using in the District of Columbia, the Licensee shall notify the Commission within ten (10) days of the effective date of the change and prior to soliciting Customers under that new name.

4608.2 **Annual Reporting Requirements.** The Licensee shall annually review its Application and submit updated information as needed. Annual updates shall be filed with the Commission Secretary within one hundred twenty (120) days after the anniversary of the grant of the License. The Licensee shall, if it is serving

Residential Customers and Small Commercial Customers, also submit or update as needed the name of its Regulatory Contact, website address, the contact for pricing information, copies of its flyers, scripts, pamphlets and other marketing materials. The Licensee shall recertify annually that it has complied with Subsection 4604.2(c) of this chapter. A Licensee shall provide any information required by any other Commission order or regulation. The Licensee shall also annually file a copy of its Privacy Protection Policy with the Commission Secretary.

4609 COMMISSION ACTION REGARDING A LICENSEE

4609.1 **Commission Investigation.** The Commission may initiate an investigation of a Licensee upon its own motion or upon the complaint of the Office of the People's Counsel, the Office of the Attorney General, or any aggrieved person. The Commission shall provide written notice of the investigation to the Licensee, and shall provide the Licensee an opportunity for a hearing in accordance with District of Columbia law and Commission regulations.

4609.2 **Grounds for Commission Action.** The Commission may take action regarding a Licensee for just cause as determined by the Commission. " Just cause" includes, but is not limited to, the following:

(a) Knowingly or with reckless disregard, providing false or misleading information to the Commission;

(b) Switching, or causing to be switched, the electricity supply for a Customer without first obtaining the Customer's permission, a practice commonly known as slamming;

(c) Disclosing information about a Customer supplied to the Licensee by the Customer or using information about a Customer for any purpose other than the purpose for which the information was originally acquired, without the Customer's written consent, unless the disclosure is for bill collection or credit rating reporting purposes or is required by law or an order of the Commission;

(d) Adding services or new charges to a Customer's existing retail electric service options without the Customer's consent, a practice commonly known as cramming;

(e) Failure to provide adequate and accurate information to each Customer about the Licensee's available services and charges;

(f) Discriminating against any Customer based wholly or partly on race, color, creed, national origin, sex, or sexual orientation of the Customer or for any arbitrary, capricious, or unfairly discriminatory reason;

(g) Refusing to provide electricity or related service to a Customer unless the refusal is based on standards reasonably related to the Licensee's economic and business purposes;

(h) Failure to post on the Internet adequate and accurate information about its services and rates for Small Commercial Customers and Residential Customers;

(i) Failure to provide electricity for its Customers when the failure is attributable to the actions of the Electricity Supplier;

(j) Committing fraud or engaging in sales, marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive such as engaging in any solicitation that leads the Customer to believe that the Licensee is soliciting on behalf of, or is an agent of, the District of Columbia Electric Company when no such relationship exists;

(k) Failure to maintain financial integrity;

(l) Violating a Commission regulation or order including, but not limited to engaging in direct Solicitation to Customers without complying with the Commission's solicitation rules as provided in the Consumer Protection Standards Applicable to Energy Suppliers (15 DCMR §§ 327.7 - 327.13);

(m) Failure to pay, collect, remit, or accurately calculate applicable taxes;

(n) Violating an applicable provision of the D.C. Official Code or any other applicable consumer protection law;

(o) Conviction of the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers of offices of the Licensee) for any fraud-related crimes (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud);

(p) Imposition of a civil, criminal, or regulatory sanction(s) or penalties against the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Company) pursuant to any state or Federal consumer protection law or regulation;

(q) Conviction by the Licensee or principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Licensee) of any felony that has some nexus with the Licensee's business;

(r) Filing of involuntary bankruptcy/insolvency proceedings against the Licensee or filing of voluntary bankruptcy/insolvency proceedings by the Licensee;

(s) Suspension or revocation of a license by any state or federal authority, including, but not limited to, suspension or revocation of a license to be a power marketer issued by the Federal Energy Regulatory Commission;

(t) Imposition of any enforcement action by any ISO or RTO used by the Licensee;

(u) Failure to provide annually an updated Privacy Protection Policy that complies with 15 DCMR § 308 (Use of Customer Information) and 15 DCMR § 309 (Privacy Protection Policy);

(v) Failure of a Licensee, who has not initially started serving customers in the District to notify the Commission as soon as the Licensee begins soliciting or marketing to customers directly or through an authorized representative per Subsection 4602.11. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting District consumers; and

(w) Failure to comply with any Commission regulation or order; or

(x) Failure of the Licensee or Electric Supplier to pay its assessment for the costs and expenses of the Commission and the Office of the People's Counsel as required by D.C. Official Code §§ 34-912(b) and any penalties prescribed by D.C. Official Code § 34-1508.

4610 SANCTIONS AND ENFORCEMENT

4610.1 **Sanctions.** Electricity Suppliers and Licensees are subject to sanctions for violations of the District of Columbia Code, and applicable Commission regulations and orders. The following sanctions may be imposed by the Commission:

(a) **Civil Penalty.** The Commission may impose a civil penalty of not more than $10,000 for each violation. Each day a violation continues shall be considered a separate violation for purposes of this penalty. The Commission shall determine the amount of a civil penalty after consideration of the following:

(1) The number of previous violations on the part of the Licensee;

(2) The gravity and duration of the current violation; and

(3) The good faith of the Licensee in attempting to achieve compliance after the Commission provides notice of the violation.

(b) **Customer Refund or Credit**. The Commission may order a Licensee or an Electricity Supplier to issue a full refund for all charges billed or collected by the Licensee or Electricity Supplier or a credit to the Customer's account. Specifically,

(1) If slamming occurred, the Licensee or the Electricity Supplier shall refund to the Customer all monies paid to the Licensee or the Electricity Supplier; and

(2) If cramming occurred, the Licensee or the Electricity Supplier shall refund to the Customer three times the amount of the unauthorized charges paid to the Licensee or the Electricity Supplier.

(c) **Cease and Desist Order.** The Commission may order the Licensee or the Electricity Supplier to (1) cease adding or soliciting additional customers; (2) cease serving customers in the District of Columbia; and (3) cease any action found to be in violation of District of Columbia law, or Commission rules and regulations.

(d) **Cancellation of a contract or part of a contract between a Customer and a Licensee or an Electricity Supplier**;

(e) **Suspension of a Licensee's License**; and

(f) **Revocation of a Licensee's License**.

4610.2 **Commission Access to Records.** As part of any Commission investigation, the Commission shall have access to any accounts, books, papers, and documents of the Licensee or the Electricity Supplier that the Commission considers necessary in order to resolve the matter under investigation.

4610.3 **Emergency Action by the Commission.** The Commission may temporarily suspend a License, issue a temporary cease and desist order, or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to believe that Customers or the reliability of electric supply in the District of Columbia is or will be harmed by the actions of a Licensee or an Electricity Supplier.

4699 DEFINITIONS

4699.1 For the Purposes of these rules, the following terms have the meanings indicated.

Act - "Act" means the "Retail Competition and Consumer Protection Act of 1999."

Affiliate - "Affiliate" means a Person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has, directly or indirectly, any economic interest in another person.

Aggregator - "Aggregator" means a Person that acts on behalf of customers to purchase electricity.

Applicant - "Applicant" means the Person that applies for an Electricity Supplier License required by the Act.

Application - "Application" means the written request by a Person for an Electricity Supplier License in a form specified by the Commission. The Application form for an Electricity Supplier License in the District of Columbia is attached to these rules (See Attachment A).

Broker - "Broker" means a Person who acts as an agent or intermediary in the sale and purchase of electricity but who does not take title to electricity and who is not a Consolidator.

Commission - "Commission" means the Public Service Commission of the District of Columbia.

Competitive Billing - "Competitive Billing" means the right of a Customer to receive a single bill from the Electric Company, a single bill from the Electricity Supplier, or separate bills from the Electric Company and the Electricity Supplier.

Consolidator - "Consolidator" means any owner of, or property manager for multi-family residential, commercial office, industrial, and retail facilities who combines more than one property for the primary purpose of contracting with an aggregator or electric energy service provider for electric energy services for those properties, and who: (A) Does not take title to electric energy; (B) Does not sell electric energy to or purchase electric energy for buildings not owned or managed by such owner or property manager; (C) Does not offer aggregation of electric energy services to other, unrelated end-users; and (D) Arranges for the purchase of electric energy services only from duly licensed Electricity Suppliers or Aggregators.

Customer - "Customer" means a purchaser of electricity for their own end use in the District of Columbia. The term excludes the nonresidential occupant

or tenant of a nonresidential Rental Unit of a building where the owner, lessee, or manager manages the internal distribution system serving the building and supplies electricity solely to occupants of the building for use by the occupants.

Customer Payments Bond - "Customer Payments Bond" is a bond or other form of acceptable financial instrument such as a line of credit, sworn letter of guarantee, bank loan approval documents, recent bank statements, vendor financing agreements or underwriting agreements in an amount at least equal to the total amount of Deposits or Prepayments specified in this section.

Deposits - "Deposits" include all payments made by a customer to an Electricity Supplier to secure the receipt of electric energy services from the Electricity Supplier.

Defaulted Licensee - A Defaulted Licensee means that a Licensee is in default and is unable to deliver electricity because: (1) the Commission revokes or suspends the Electricity Supplier's retail Electricity Supplier License; or (2) the Licensee is unable to transact sales through the Regional Transmission Organization designated for the District of Columbia by the Federal Energy Regulatory Commission.

District of Columbia Electricity Supplier Coordination Tariff - "District of Columbia Electricity Supplier Coordination Tariff" means the document that sets forth the basic requirements for interaction and coordination between the Electric Company as the Local Distribution Company and each Electricity Supplier necessary for ensuring the delivery of competitive power supply from Electricity Suppliers to their customers via the Company's distribution system.

Electric Company - "Electric Company" includes every corporation, company, association, joint-stock company or association, partnership, or Person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers. The term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other electricity related services solely to the occupants of the building for use by the occupants. The term also excludes a Person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

Electricity Supplier - "Electricity Supplier" means a person, including an Aggregator, Broker, or Marketer, who generates electricity; sells

electricity; or purchases, brokers, arranges or markets electricity or electric generation services for sale to customers. The term excludes the following:

(a) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;

(b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates and does not resell it to its subsidiaries or affiliates;

(c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, or who does not: (I) Take title to electricity; (II) Market electric services to the individually-metered tenants of his or her building; or (III) Engage in the resale of electric services to others;

(d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;

(e) A Consolidator;

(f) A Community Renewable Energy Facilities ("CREFs") as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013;

(g) An Electric Company, and;

(h) Nontraditional Marketers.

Electricity Supplier License - "Electricity Supplier License" means the authority granted by the Commission to a Person to do business as an Electricity Supplier in the District of Columbia.

Electronic Data Interchange Trading Partner Agreement - "Electronic Data Interchange Trading Partner Agreement" means the agreement between the Electric Company and the Electricity Supplier that sets out the terms and conditions between the parties governing Electronic Data Interchange (EDI)

Independent System Operator or **"ISO**" - "Independent System Operator" means an entity authorized by the Federal Energy Regulatory Commission to manage and control the electric transmission grid in a state or region.

Initiating Service in the District - "Initiating Service in the District," means the earliest calendar date on which a licensed Electricity Supplier is contractually obligated to provide electric service to any District of Columbia Customer or Consumer.

Integrity Bond - "Integrity Bond" is a bond that is required of an Electricity Supplier who cannot provide credible evidence that it meets the standards listed in Subsection 4605.2 of this chapter.

Licensee - "Licensee" means an Electricity Supplier who has been granted a valid Electricity Supplier License by the Commission.

Marketer - "Marketer" means a Person who purchases and takes title to electricity in order to resell electricity to Customers.

Market Participant - "Market Participant" means any Electricity Supplier (including an affiliate of the Electric Company) or any Person providing billing services or services declared by the Commission to be potentially competitive services.

Nontraditional Marketers - "Nontraditional Marketers" means a community-based organization, civic, fraternal or business association that works with a licensed Electricity Supplier as an agent to market electricity to its members or constituents. A Nontraditional Marketer: (i) conducts its transactions through a licensed Electricity Supplier; (ii) does not collect revenue directly from retail customers; (iii) does not require its members or constituents to obtain its electricity through the Nontraditional Marketer or a specific licensed Electricity Supplier; and (iv) is not responsible for the payment of the costs of the electricity to its suppliers or producers.

Person - "Person" means every individual, corporation, company, association, joint stock company, association, firm, partnership, or other entity.

Prepayments - "Prepayments" include all payments other than a Deposit made by a residential and/or small commercial consumer to an Electricity Supplier for services that have not been rendered at the time of payment, subject to the following:

(a) Where an Electricity Supplier charges for services based on a quantity of electricity, such as a price per kilowatt/hour, then Prepayments include any payments for any quantity that has not been delivered to the Customer or Consumer at the time of payment;

(b) Where an Electricity Supplier charges for services based on a period of time, such as charging a membership fee, initiation fee or other fee for services for a time period, then Prepayments include the amount of the total charges collected by the Electricity Supplier for the period of time less the prorated value of the period of time for which services have been rendered;

(c) Where an Electricity Supplier charges for services based on a measure other than quantity of electricity delivered or a period of time, the Commission shall determine, on a case-by-case basis, whether the charges involve a prepayment; and

(d) Prepayments do not include any funds received in advance of the services being rendered as a result of the Customer's or Consumer's voluntary participation in a budget billing or level billing plan by which the consumer's anticipated electrical costs are averaged over a period of time.

Regional Transmission Organization or **"RTO" -** "Regional Transmission Organization" or "RTO" means an entity designated by the Federal Energy Regulatory Commission to direct operations of the regional electric transmission grid in its area to ensure electric grid reliability.

Regulatory Contact - "Regulatory Contact" means the staff contact for the licensed Electricity Supplier that handles regulatory matters for that company or entity.

R**esidential Customers -** "Residential Customers" mean those customers served under Potomac Electric Power Company ("Pepco") Rate Schedule DC-R, DC-AE, DC-RAD, DC-RAD-AE, DC-R-TM, or DC-MMA, subject to any revisions made to those tariff sheets by the Commission in the latest rate case.

Small Commercial Customers - "Small commercial customers" means those customers served under Pepco Rate schedule DC-GS or DC-GS-3A, subject to any revisions made to those tariff sheets by the Commission in the latest rate case. Small commercial customers exclude accounts on the above rate schedules in: (1) apartment buildings with four or more units; (2) commercial office buildings; (3) accounts owned or managed by a Consolidator; and CREF subscribers.

Standard Offer Service or SOS - "Standard Offer Service" or SOS" means electricity supply made available to: (1) Customers who contract for electricity with an Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) Customers who cannot arrange to purchase electricity from an Electricity Supplier; and (3) Customers who

do not choose an Electricity Supplier.

SOS Administrator - "SOS Administrator" means the provider of Standard Offer Service mandated by Section 109 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1509).

Supplier Coordination Agreement - "Supplier Coordination Agreement" means the agreement between the Electric Company and the Electricity Supplier whereby the Electric Company agrees to supply, and the Electricity Supplier requests and agrees to take, all "Coordination Services" pursuant to the Electric Company's Electricity Supplier Tariff.

Transfer Application - "Transfer Application" means the formal submission by a licensed Electricity Supplier to the Commission to transfer its Electricity Supplier License to another licensed Electricity Supplier in the District.

2. All persons interested in commenting on the subject matter of this NOPR and Attachments may submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Eighth Floor, Washington, D.C. 20005 or at the Commission's website at www.dcpsc.org. Persons with questions concerning this Notice should call 202-626-5150.

ATTACHMENT A

APPLICATION FOR LICENSE TO SUPPLY ELECTRICITY OR ELECTRIC GENERATION SERVICES TO THE PUBLIC IN THE DISTRICT OF COLUMBIA

You may use the attached form to submit your application. (Please remove this instruction sheet prior to filing.) If you need more space than is provided on this form, then you can create an attachment to this application. You may also attach exhibits. All attachments/exhibits must be labeled or tabbed to identify the application item to which they respond. You are also required to file an electronic version of this document (excluding "confidential" information) which must be converted to the Portable Document Format ("PDF") before filing.

To file an application with the District of Columbia Public Service Commission ("Commission"), file a signed and verified original and an electronic version of your application and attachments, and a nonrefundable license fee of four hundred dollars ($400.00) (payable to "D.C. Public Service Commission") with the Commission Secretary in Washington, D.C.

Commission Secretary
Public Service Commission of the District of Columbia
1325 G Street, N.W., Suite 800
Washington, D.C. 20005

Questions pertaining to the completion of this application may be directed to the Commission at the above address or you may call the Commission at the following number: (202) 626-5100. You may reach the Commission electronically at www.websupport@psc.dc.gov

If your answer to any of the Application questions changes during the pendency of your Application, or if the information relative to any item herein changes while you are operating within the District of Columbia, you are under a duty to so inform the Commission immediately. After an Application has been approved a Licensee must inform the Commission of changes to all parts of the Application and the averment regarding any civil, criminal or regulatory penalties, etc. imposed on Applicant, *et al*. must be updated. A Licensee must inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within twenty-four (24) hours of the institution of such proceedings. Also, a Licensee/Electricity Supplier must provide annual updates of all items that have changed in the Application. The annual update should be provided to the Commission within one hundred twenty (120) days after the anniversary of the grant of the license. A Licensee/Electricity Supplier also is required to officially notify the Commission if it plans to cease doing business in the District of Columbia sixty (60) days prior to ceasing operations.

Confidentiality: Sections 4d and 14 of this Application related to ownership of the Applicant (to the extent such information is not already public) and financial information, respectively, will be treated as confidential information by the Commission to the extent permitted by law if the

Applicant requests such treatment by stamping or marking the materials in question as "CONFIDENTIAL." Any interested person may request, however, release of this information by filing such a request with the Commission. If such a request is made, Applicant shall have the burden of proving the confidential nature of the information. The Commission will notify the Applicant of any request for release of this information, and will permit the Applicant the opportunity to respond to the request through written motion filed with the Commission prior to the Commission's determination on the request.

If you are applying to provide service as an Aggregator (as defined in the "Retail Electric Competition and Consumer Protection Act of 1999" at Section 101(2) and as defined in Commission regulations) who does not take title to electricity as part of providing that service or if you are providing service as a Broker (as defined in the "Retail Competition and Consumer Protection Act of 1999" as Section 101(7) as defined in Commission regulations), you do not need to fill out certain questions in this Application. The exempted questions are marked.

Applicable law: The provisions set forth in this application related to the licensing of Electricity Suppliers and the provision of electricity and electric generation services are addressed in detail in the "Retail Electric Competition and Consumer Protection Act of 1999," and in the Commission's regulations.

Statements made in this Application are made under penalty of perjury (D.C. Official Code Section 22-2402), false swearing (D.C. Official Code Section 22-2404), and false statements (D.C. Official Code Section 22-2405). Perjury is punishable by a fine of up to $5,000 or imprisonment for up to ten (10) years, or both. False statements are punishable by a fine not more than one thousand dollars ($1,000) or imprisonment for not more than one hundred eighty (180) days, or both. Further amendments to these Code sections shall apply. If the Commission has reliable information that an Applicant has violated any or all of these sections of the Code, the Commission will forward the information to the appropriate law enforcement agency. Statements made in this Application are also subject to Commission regulations, which require the Applicant to certify the truthfulness of the contents of this Application. Any Applicant in violation of these regulations is subject to the penalties found in the "Retail Electric Competition and Consumer Protection Act of 1999," Section 108.

BEFORE THE DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Application Docket No. _____

Application of _____, d/b/a ("doing business as")

_____

for approval to offer, render, furnish, or supply electricity or electric generation services as a(n)_____, [specified in item 10 below] to the public in the District of Columbia

To the District of Columbia Public Service Commission:

BUSINESS INFORMATION

1. IDENTITY OF THE APPLICANT:

a. Legal Name_____

Current Mailing Address:_____

_____

_____

Street Address (if different): _____

Telephone Number: _____

Website URL:_____

Other States, including District of Columbia, in which the Applicant is now or has been engaged in the retail sale of electricity or natural gas and the names under which the Applicant is engaged or has been engaged in such business(es) Applicant may limit response to the last three (3) years:

Name:_____

Business Address:_____

_____

License # State of Issuance:_____

Other states in which the Applicant has applied to provide retail electric or natural gas service but has been rejected. Applicant may limit response to the last three (3) years:

State(s):_____

Date of Application: _____

Attach additional sheets to the application if necessary.

b. **Trade name** (If Applicant will not be using a trade name, skip to question no. 2.a.):

Trade Name:_____

c. The District of Columbia and other states, in which the Applicant has provided retail electric or natural gas service under the current Applicant name or in a different name but has voluntarily or involuntarily surrendered its license. Describe reasons for license surrender. With regard to a voluntary or involuntary license surrender in the District of Columbia only, state whether any previously outstanding assessments and/or penalties imposed by the Commission and the Office of the People's Counsel have been paid. If any previous assessments and/or penalties are unpaid, provide a date certain when those assessments and/or penalties will be paid. Applicant may limit response to the last five (5) years:

State(s):_____

Date of License Surrender and Reasons for License Surrender:

_____

In the District of Columbia, Amount of Paid Assessments and Unpaid Assessments/Penalties Following License Surrender and to Whom Owed (If Applicable)

_____
_____
_____
_____
_____

Attach additional sheets to the application if necessary.

2.

a. **CONTACT PERSON-REGULATORY CONTACT:**

Name and Title:_____

Address:_____
_____
_____

Telephone: ( )_____
Fax: ( )_____
E-mail _____

b. CONTACT PERSON-CUSTOMER SERVICE and CONSUMER COMPLAINTS (not required for Aggregators who do not take title and/or Brokers):

Name and Title:_____

Address:_____

Telephone: ( )_____
Fax: ( )_____
e-mail _____

3. RESIDENT AGENT:

Name and Title:_____

Address:_____

Telephone: ( )_____
Fax: ( )_____
e-mail _____

4. PRIMARY COMPANY OFFICIALS

President/General Partners: Name(s)_____

Business Address:_____

_____

_____

CEO/Managing Partner: Name_ _____

Business Address:_____

_____

_____

Secretary Name: _____

Business Address:_____

_____

_____

Treasurer Name: _____

Business Address:_____

_____

_____

a. **APPLICANT'S BUSINESS FORM:** (select and complete appropriate statement)

- □ Proprietorship
- □ Corporation
- □ Partnership
- □ Limited Partnership
- □ Limited Liability Company
- □ Limited Liability Partnership
- □ Other:_____

b. **STATE OF FORMATION:** Applicant's business is formed under the laws of

the State of _____

c. **STATUS:** Provide a certificate issued by the state of formation certifying that the Applicant is in good standing and qualified to do business in the state of formation.

If formed under the laws of other than the District of Columbia, provide a certificate issued by the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) certifying that the applicant is registered or qualified,

to do business in the District of Columbia and is currently in good standing with DCRA and with the District Department of Finance and Revenue.

d. **OWNERSHIP:** Provide on a separate sheet the names and addresses of all persons and entities that directly or indirectly own ten percent (10%) or more of the ownership interests in the Applicant, or have the right to vote ten percent (10%) or more in the Applicant's voting securities, or who otherwise have the power to control ten percent (10%) or more of the Applicant.

5. **AFFILIATES, OR PRECEDECESSOR(S), ENGAGED IN THE SALE OR TRANSPORTATION/TRANSMISSION OF ELECTRICITY OR NATURAL GAS AT WHOLESALE OR RETAIL OR THE PROVISION OF RETAIL TELEPHONE OR CABLE SERVICES TO THE PUBLIC:** (select and complete appropriate statement) (Applicant may limit responses to the last five (5) years)

The Applicant has no such Affiliate(s) or Predecessors(s)

Applicant is an Affiliate of a regulated utility in Pennsylvania, Virginia, Delaware, New Jersey or Maryland. Please provide regulated utility's Name and the jurisdictions in which it operates:

_____

Affiliate(s), or Predecessor(s), other than a regulated utility in Pennsylvania, Virginia, Delaware, New Jersey or Maryland that provides, or provided, sale or transportation/transmission of electricity or natural gas at wholesale or retail to the public:

Name:_____

Business Address:_____

_____

_____

License #, State of Issuance:_____

Location of Operations (Utility Service Territory):_____

Name:_____

Business Address:_____

_____

_____

License #, State of Issuance:_____

Location of Operations (Utility Service Territory:_____

Attach additional sheets to the application if necessary.

6. ACTIONS AGAINST LICENSEES: Provide the following information for the Applicant, any Predecessor(s), and any unregulated Affiliate that engages in or engaged in the sale or transportation/transmission of electricity or natural gas at wholesale or retail or the provision of retail telephone or cable services to the public. (Applicant may limit responses to the last five (5) years).

□ Identify all actions against the Licensee, Predecessor or any regulated or unregulated affiliate(s) such as Suspensions/Revocations/Limitations/ Reprimands/Fines and describe the action in an attached statement, including docket numbers, offense dates, and case numbers, if applicable. Formal Investigations (defined as those investigations formally instituted in a public forum by way of the filing of a complaint, show cause order, or similar pleading) instituted by any regulatory agency or law enforcement agency relating to the Applicant, Predecessor(s), or unregulated affiliate(s) if, as a result of the investigation, Applicant's/Predecessor's/or affiliate's license to provide service to the public was in jeopardy are also listed. The license number, state of issuance, and name of license are identified below:

State(s):_____
Name(s):_____
License Number(s) (or other applicable identification):

□ No such action has been taken.

7. FERC FILING: Applicant has:

□ Filed an Application with the Federal Energy Regulatory Commission ("FERC") to be a Power Marketer.

□ Received approval from FERC to be a Power Marketer at Docket or Case Number: _____

□ Not Applicable.

OPERATIONAL CAPABILITY

8. ISO/RTO AFFILIATION: Provide evidence that the Applicant has met all applicable requirements of any ISO and/or RTO for its use by the Applicant. Indicate the evidence provided (not required for aggregators who do not take title and/or brokers)

Evidence of having met all applicable requirements of the PJM Interconnection, L.L.C. or another RTO or ISO (Attach evidence of being a signatory to all applicable agreements)

9. SOURCE OF SUPPLY: (Check all that apply) (not required for aggregators who do not take title and/or brokers)

□ Not applicable. Applicant will not be supplying retail electricity

□ Applicant owns generation.

□ Applicant contracts for generation.

□ Applicant obtains generation on the spot market.

□ Other – Applicant must attach a statement detailing its source of Generation.

SCOPE OF OPERATIONS

(Check all that apply)

10. APPLICANT'S PROPOSED OPERATIONS: The Applicant proposes to operate as a:

□ Generator of electricity in the wholesale or retail market

□ Marketer of electricity purchasing and taking title to electricity as an intermediary for sale to customers.

□ Aggregator acting on behalf of customers to purchase electricity.

□ Broker acting as an agent or intermediary on behalf of customers in the sale and purchase of electricity and who does not take title to electricity.

Does Applicant intend to offer competitive billing services?:_____

Is the Applicant proposing to offer any other services?: _____
If so, please provide information regarding the proposed service in an attached statement.

11. AREA OF OPERATION: If the Applicant does not intend to offer services throughout the Potomac Electric Power Company territory in the District of Columbia, Applicant must, in an attached statement, describe in detail the area within the Electric Company's service territory in which Applicant's services will be offered.

□ Applicant intends to offer service throughout the Potomac Electric Power Company territory in the District of Columbia.

□ Applicant intends to offer services in only a portion of Potomac Electric Power Company's service territory in the District of Columbia. Please see attached statement.

12. CUSTOMERS: Applicant proposes to initially provide services to (check all that apply):

□ Residential Customers

□ Commercial Customers

□ Industrial Customers

□ Other (Describe in attachment)

Also, Applicant proposes:

□ Restrictions upon the number of end use customers (Describe in attachment)

□ No restrictions on the number of end use customers.

□ Restrictions upon the size of end use customers (Describe in attachment).

□ No restrictions regarding the size of the end use customers (Describe in attachment).

□ Other restrictions regarding customers (Describe in attachment).

13. START DATE: The Applicant proposes to begin delivering services:

□ Upon approval of the Application and receipt of License.

□ Other approximate date of commencement.

FINANCIAL INTEGRITY

14. REQUIRED DOCUMENTATION OF FINANCIAL INTEGRITY:

Check that the documents listed below are attached to the Application.

The Applicant shall provide the most recent versions of the following documents to the extent they are available:

- □ Credit reports or ratings prepared by established credit bureaus or agencies regarding the Applicant's payment and credit history.

- □ Balance sheets, income statements and statements of cash flow for the two (2) most recent twelve (12)-month periods for which information is available. Audited financial statements must be provided if they exist. In addition, the Applicant shall provide any financial statements subsequent to the most recent annual financial statements.

- □ In the event that a parent or other company, person or entity has undertaken to guarantee the financial integrity of the Applicant, the Applicant must submit such entity's balance sheet, income statement and statement of cash flow, together with documentation of such guarantee to insure the financial integrity of the Applicant. Audited financial statements must be provided if they exist. In addition, the Applicant shall provide any available quarterly financial statements subsequent to the most recent annual financial statements.

- □ If the Applicant, parent, or guarantor entity has not been in existence for at least two (2) twelve (12)-month periods, it must provide balance sheets, income statements and statements of cash flow for the life of the business. Audited financial statements must be provided if they exist.

- □ Organizational structure of Applicant. Include Applicant's parent, affiliate(s), and subsidiary(ies) if any.

- □ Evidence of general liability insurance.

- □ If the Applicant has engaged in the retail supply of electricity supply services in any other jurisdiction, evidence that the Applicant is a licensed supplier in good standing in those jurisdictions.

- □ A current long-term bond rating, or other senior debt rating.

- □ Any other evidence of financial integrity such as an unused line of bank credit or parent guarantees.

15. BONDING REQUIREMENTS (Note: Underlining below is provided to highlight differences between Integrity Bond and Customer Payments Bond requirements.)

Integrity Bond

An Applicant who cannot provide credible evidence that it meets the financial integrity standards listed in Section 4605 of Chapter 46 of Title 15 D.C.M.R. must submit a bond on the form attached to this Application ("Integrity Bond"). The Applicant, if licensed by the Commission as an electricity supplier, may be required to update/revise this initial

Integrity Bond, by revising the initial Integrity Bond or posting an additional Integrity Bond, as set forth in Section 4606.

However, an Applicant who can provide credible evidence that it meets the financial integrity standards listed in Section 4605 will not be required to submit an Integrity Bond. (The Applicant may still be required to submit a separate Customer Payments Bond, as discussed below.)

Customer Payments Bond

A separate bond on the appropriate form attached to this Application is mandatory if an Applicant requires prepayments and/or deposits from residential or small commercial customers ("Customer Payments Bond"). Please check one of the boxes below to state whether you, the Applicant, intend to charge, collect, or hold prepayments and/or deposits, as such terms are defined in the Bonding Requirements Addendum attached to this Application:

□ Applicant will not accept prepayments or deposits from residential and small commercial customers.

□ Applicant intends to accept prepayments or deposits and/or deposits from residential and small commercial customers. Applicant must comply with Bonding Requirements Addendum governing the Customer Payment Bond.

Further details regarding the District of Columbia's bonding requirements are included in Sections 4604 and 4605 of Chapter 46 of Title 15 DCMR.

16. NOTICE OF REQUIRED COMPLIANCE: The Applicant is hereby notified that it is required to comply with the following:

a. The Applicant may be required to submit bond(s), as applicable as described in Section 15 herein.

b. The Applicant must update this application with the Commission immediately if any of the information provided in this Application changes or an error or inaccuracy is noted during the pendency of the Application. After an Application has been approved, a Licensee must inform the Commission of changes to all parts of the application and the averment regarding any civil, criminal, or regulatory penalties, etc. imposed on applicant, *et al.* within thirty days of the change or an error or inaccuracy is noted. A Licensee must inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within Twenty-four (24) hours of the institution of such proceedings.

c. If the Applicant receives a License from the Commission, Licensee/Supplier must provide annual updates of all items that have changed in the application. The

annual update must be provided to the Commission within one hundred twenty (120) days after the anniversary of the grant of the License.

d. Supplement this application in the event the Commission modifies the licensing requirements, or request further information.

e. Agree that it will not present itself as a licensed retail supplier of electricity in the District of Columbia, sell or market services, accept deposits, prepayments, or contract with any end-use customers without a license from the Commission.

f. Pay all fees imposed by the Commission and any applicable taxes.

g. Ensure that a copy of each service agreement entered into with Potomac Electric Power Company is provided to the Commission.

h. Agree to not transfer its license to sell electricity and electricity supply services without the prior approval of the District of Columbia Public Service Commission.

i. Attend an Electricity Suppliers Education Workshop sponsored by the Commission.

j. If certified, submit a Privacy Protection Policy that complies with 15 DCMR § 308 (Use of Customer Information) and 309 (Privacy Protection Policy) within ninety (90) days of the adoption of Chapter 46 of Title 15 District of Columba Municipal Regulations (DCMR) or within sixty (60) days of receiving their Electricity Supplier license, whichever date is later. The Privacy Protection Policy must protect against the unauthorized disclosure or use of customer information about a Customer or a Customer's use of service.

k. Abide by 15 DCMR § 308 and refrain from disclosing information about a Customer or the Customer's use of electricity or electric generation services without the Customer's written consent.

l. Agrees to comply with 15 DCMR § 4602.15 Electric Company and Licensee Responsibilities in the event of a default after certification, and with the District of Columbia Electricity Supplier Coordination Tariff.

17. **AFFIDAVITS REQUIRED**. The Applicant must supply Affidavits of Tax Compliance and General Compliance to the Commission with the completed Application. The affidavits are included with this Application packet and must be executed by the Applicant or representative with authority to bind the Applicant in compliance with District of Columbia laws.

18. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.

19. **FEE:** The Applicant has enclosed the required fee of $400.00.

Applicant:_____

By:_____

Printed Name:_____

Title:_____

AFFIDAVIT TAX COMPLIANCE

State of_____ :
: ss
County of_____ :

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

That he/she is the_____(office of Affiant) of _____(Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant:

That _____, the Applicant herein, certifies to the Public Service Commission of the District of Columbia ("Commission") that it is subject to, will pay, and in the past has paid, the full amount of taxes imposed by applicable statutes and ordinances, as may be amended from time to time. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of the District of Columbia, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall provide to the Commission its jurisdictional Gross Receipts and revenues from retail sales in the District, for the previous year or as otherwise required by the Commission.

As provided by applicable Law, Applicant, by filing of this application waives confidentiality with respect to its tax information in the possession of the (appropriate taxing authority), regardless of the source of the information, and shall consent to the (appropriate taxing authority) providing that information to the Commission. The Commission shall retain such information confidentially. This does not constitute a waiver of the confidentiality of such information with respect to any party other than the Commission.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this ____ day of _____,_____.

_____
Signature of official administering oath

My commission expires_____.

AFFIDAVIT OF GENERAL COMPLIANCE

State of _____ _____:
: ss
County of_____:

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He/she is the _____(Officer/Affiant) of_____(Name of Applicant).

That he/she is authorized to and does make this affidavit for said Applicant.

That the Applicant herein certifies to the Public Service Commission of the District of Columbia ("Commission") that:

The Applicant agrees to comply with the terms and conditions of Potomac Electric Power's Company's tariff and agreements.

The Applicant is in compliance with and agrees to comply with all applicable Federal and District of Columbia consumer protection and environmental laws and regulations, and Commissions regulations, fees, assessments, order and requirements.

If certified, the Applicant agrees to submit a Privacy Protection Policy that complies with 15 DCMR § 308 (Use of Customer Information) and § 309 (Privacy Protection Policy) within ninety (90) days of the adoption of Chapter 46 of Title 15 District of Columbia Municipal Regulations or within sixty (60) days of receiving their Electricity Supplier license, whichever date is later. The Privacy Protection Policy must protect against the unauthorized disclosure or use of customer information about a Customer or a Customer's use of service.

The Applicant also agrees to abide by 15 DCMR § 308 and refrain from disclosing information about a Customer or a Customer's use of service without the Customer's written consent.

Applicant agrees, upon request by the Commission, to provide copies to the Commission, of its consumer forms and/or contracts, its marketing or advertising materials (flyers and solicitation scripts), consumer pamphlets and its consumer education materials.

Applicant agrees to abide by any periodic reporting requirements set by the Commission by regulation, including any required periodic reporting to the (appropriate taxing authority).

Applicant agrees to provide proposed notice of the filing of its Application to the Commission so that it may forward the notice to the *District of Columbia Register* for publication.

The Applicant has obtained all the licenses and permits required to operate the proposed business in the District of Columbia.

The Applicant agrees to comply with power pool, control area, regional transmission operator, and/or ISO standards and requirements, as applicable.

The Applicant agrees that it shall neither disclose nor resell customer data provided to the Applicant by Potomac Electric Power Company.

The Applicant agrees, if the Commission approves its Application, to post an appropriate bond or other form of financial guarantee as required by the Commission and its regulations.

If the Applicant is certified, but later defaults, the licensee/Supplier agrees to comply with 15 DCMR § 4602.15, Electric Company and Licensee Responsibilities in the event of a default, and with the District of Columbia Electricity Supplier Coordination Tariff.

The Applicant agrees, that within one (1) year of licensing or within one (1) year of the adoption of Chapter 46 of Title 15 DCMR, whichever is later, each Electricity Supplier shall notify the Commission of the successful completion of the Electricity Supplier Education Workshop sponsored by the Commission, by the Licensee's Regulatory Contact or by the individual responsible for the Licensee's compliance with the Commission's rules. Successful completion of the Workshop shall be evidenced by a certificate awarded by the Commission.

The Applicant, including any of its Predecessor(s) and/or affiliate that engages in or engaged in the sale or transportation/transmission of electricity or natural gas at wholesale or retail or the provision of retail telephone or cable services to the public, the general partners, company officials, corporate officers or directors, or limited liability company managers or officers of the Applicant, its predecessor(s) or its affiliates:

1. Has had no civil, criminal or regulatory sanctions or Penalties imposed against it within the previous five (5) years pursuant to any state or federal consumer protection law or regulations, has not been convicted of any fraud-related crime (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud) within the last five (5) years; and has not ever been convicted of a felony; or alternatively.

2. Has disclosed by attachment all such sanctions, penalties or convictions.

The Applicant further certifies that it:

1. Is not under involuntary bankruptcy/insolvency proceedings including but not limited to, the appointment of a receiver, liquidator, or trustee of the supplier, or a decree by such court adjudging the supplier bankrupt or insolvent or sequestering

any substantial part of its property or a petition to declare bankruptcy as to reorganize the supplier; and

2. Has not filed a voluntary petition in bankruptcy under any provision of any Federal or state bankruptcy law, or its consent to the filing of any bankruptcy or reorganization petition against it under any similar law; or without limiting the generality of the foregoing, a supplier admits in writing its inability to pay its debt generally as they become due to consent to the appointment of a receiver, trustee or liquidator of it or of all or any part of its property.

That Applicant possesses the requisite managerial and financial fitness to provide service at retail in the District of Columbia.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

_____
Signature of Affiant

Sworn and subscribed before me this _____day of_____, _____.

_____
Signature of official administering oath

My commission expires_____.

VERIFICATION

State of_____ :
: ss
County of_____ :

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He/she is the_____ (Officer/Affiant) of _____ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said corporation;

The Applicant understands that the making of a false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to all applicable sections of the District of Columbia Code as may be amended from time to time relating to perjury and falsification in official matters.

That the Applicant will supplement this Application in the event the Public Service Commission of the District of Columbia ("Commission") modifies the licensing requirements, or requests further information.

That the Applicant agrees that it will not present itself as a licensed retail supplier of electricity in the District of Columbia, sell or market electricity, accept deposits, prepayments, or contract with any end-use customers without a license from the Commission.

That the Applicant agrees that a license issued pursuant to this Application may not be transferred without prior approval by the Commission.

That the Applicant agrees to update information contained in this Application in accordance with the schedule set forth in the Application.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

_____
Signature of Affiant

Sworn and subscribed before me this _____ day of_____, 20__.

Signature of official administering oath

My commission expires_____.

APPLICANT'S GENERAL AUTHORIZATION FOR VERIFICATION OF FINANCIAL INFORMATION, ETC.

TO WHOM IT MAY CONCERN:

I/We have applied to the District of Columbia Public Service Commission (the "Commission") for a license to be an Electricity Supplier, or to provide certain Electricity Supply related services, and authorize you to release to the Staff of the Commission and its authorized representatives and agents any information or copies of records requested concerning:

> MY COMPANY OR BUSINESS AND ITS HISTORY, PERFORMANCE, OPERATIONS, CUSTOMER RELATIONS, FINANCIAL CONDITION, INCLUDING BANK ACCOUNT TRANSACTIONS AND BALANCES, PAYMENT HISTORY WITH SUPPLIERS AND OTHER CREDITORS, VERIFICATION OF NET WORTH AND OTHER INFORMATION AND RECORDS WHICH THE COMMISSION REQUIRES TO VERIFY OR MAKE INQUIRY CONCERNING MY/OUR FINANCIAL INTEGRITY AND THE INFORMATION CONTAINED IN MY/OUR LICENSE APPLICATION OR OTHER INFORMATION PROVIDED BY ME/US TO THE COMMISSION OR, STAFF OF THE COMMISSION OR ITS REPRESENTATIVES OR AGENTS.

This Authorization is continuing in nature and includes release of information following issuance of a license, for reverification, quality assurance, internal review, etc. The information is for the confidential use of the Commission and the Staff of the Commission in determining my/our financial integrity for being a licensee or to confirm information I/We have supplied and may not be released by order of the Commission or by order of a court of competent jurisdiction.

A photographic or fax copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original. The original signed form is maintained by the Staff of the Commission.

APPLICANT'S AUTHORIZATION TO RELEASE INFORMATION:

_____

APPLICANT (please print)

_____ _____

APPLICANT'S SIGNATURE **DATE**

_____

TITLE

ATTACHMENT B

FORM OF CUSTOMER PAYMENTS BOND-SURETY BOND

Bond No. _____

We,

_____
(Name of supplier)

_____
(Address of supplier)

as principal, and

_____
(Surety Company)

_____
(Address of surety)

as surety authorized to do business in the District of Columbia, are held and firmly bound to the Public Service Commission of the District of Columbia, as obligee for the use and benefit of all persons establishing legal rights hereunder, in the sum of FIFTY THOUSAND AND NO/100 ($50,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally, and firmly by this document.

WHEREAS, the Principal has applied to the Public Service Commission of the District of Columbia for a license to provide electric service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107, Section 105, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail electric service.

NOW, THEREFORE, if the Principal shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver retail electric services, and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the Public Service Commission of the District of Columbia or of any person or entity, who after entering into a service or product contract or third party supplier agreement for service in the District of Columbia with the above named Principal is damaged or suffers any loss of a deposit or prepayment (as such terms are defined in) (Sections 4604 and 4605 of Chapter 46 of Title 15 DCMR) by reason of failure of service or by other breach or bankruptcy by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning _____ and terminating _____, and may continue for an annual period by a Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Public Service Commission of the District of Columbia.

In order to draw funds on this Bond, the Secretary of the Public Service Commission of the District of Columbia shall present the following document to the Surety, and attach thereto documentation in support thereof:

Affidavit sworn to and signed by the Secretary of the Public Service Commission of the District of Columbia, stating that at the public hearing on, _____, the Public Service Commission of the District of Columbia determined that _____ has not satisfactorily performed its obligations to a person or entity, who has suffered actual and direct damages or loss of a deposit or prepayment (as such terms defined in Sections 4604 and 4605 of Chapter 46 of Title 15 DCMR) in a specific amount by means of failure, or by reason of

breach of contract or violation of the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107 and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this day of _____

Principal _____

By: _____
(Signatory)

Surety _____

Address of Surety: _____

_____

_____

_____

By: _____
(Signatory)

Notary Seal

ATTACHMENT C

FORM OF INTEGRITY BOND

FOR ELECTRICITY SUPPLIERS AND MARKETERS

INTEGRITY BOND-SURETY BOND

Bond No. _____

We,

_____

(Name of supplier)

_____

(Address of supplier)

as principal, and

_____

(Surety Company)

_____

(Address of surety)

as surety authorized to do business in the District of Columbia, are held and firmly bound to the Public Service Commission of the District of Columbia, as obligee for the use and benefit of all persons establishing legal rights hereunder, in the sum of FIFTY THOUSAND AND 00/100 ($50,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally, and firmly by this document.

WHEREAS, the Principal has applied to the Public Service Commission of the District of Columbia for a license to provide electric service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107, Section 105, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail electric service.

NOW, THEREFORE, if the Principal shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver retail electric services, and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the Public Service Commission of the District of Columbia or of any person or entity, who after entering a service or product contract or third party supplier agreement for service in the District of Columbia with the above named Principal is actually and directly damaged or suffers any actual or direct loss by reason of failure of service or by other breach or bankruptcy by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning _____ and terminating_____ , and may be continued for an annual period by a Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Public Service Commission of the District of Columbia.

In order to draw funds on this Bond, the Secretary of the Public Service Commission of the District of Columbia shall present the following document to the Surety, and attach thereto documentation in support thereof:

Affidavit sworn to and signed by the Secretary of the Public Service Commission of the District of Columbia, stating that at the public hearing on,, _____, the Public Service Commission of the District of Columbia determined that _____ has not satisfactorily performed its obligations to a person or entity, who has suffered actual and direct damages or loss in a specific amount by means of failure, or by reason of breach of contract or violation of the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107 and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of _____

Principal: _____

By: _____
(Signatory)

Surety:_____

Address of Surety: _____

_____

_____

_____

By: _____
(Signatory)

Notary Seal

ATTATCHMENT D

FORM OF INTEGRITY BOND
FOR AGGREGATORS AND BROKERS

INTEGRITY BOND-SURETY BOND

Bond No. _____

We,

_____
(Name of supplier)

_____
(Address of supplier)

as principal, and

_____
(Surety Company)

_____
(Address of surety)

as surety authorized to do business in the District of Columbia, are held and firmly bound to the Public Service Commission of the District of Columbia, as obligee for the use and benefit of all persons establishing legal rights hereunder, in the sum of TEN THOUSAND 00/100 ($ 10,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally, and firmly by this document.

WHEREAS, the Principal has applied to the Public Service Commission of the District of Columbia for a license to provide electric service to retail customers in the District of Columbia, and

WHEREAS, pursuant to the Retail Electric Competition and Consumer Protection Act of 1999, D.C. Law 13-107, Section 105, the Public Service Commission of the District of Columbia is authorized to require the Principal to maintain a bond in order to provide retail electric service.

NOW, THEREFORE, if the Principal shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver retail electric services, and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the Public Service Commission of the District of Columbia or of any person or entity, who after entering into a service or product contract or third party supplier agreement for service in the District of Columbia with the above named

Principal is actually and directly damaged or suffers any actual or direct loss by reason of failure of service or by other breach or bankruptcy by this Principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning _____and terminating _____, and may be continued for an annual period by Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Public Service Commission of the District of Columbia.

In order to draw funds on this Bond, the Secretary of the Public Service Commission of the District of Columbia shall present the following document to the Surety, and attach thereto documentation in support thereof:

Affidavit sworn to and signed by the Secretary of the Public Service Commission of the District of Columbia, stating that at the public hearing on, _____, the Public Service
Commission of the District of Columbia determined that _____ has not satisfactorily performed its obligations a person or entity; who has suffered actual and direct damages or loss a specific amount by means of failure, or by reason of breach of contract or violation of the Retail Competition and Consumer Protection Act of 1999, D.C. Law 13-107 and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of _____

Principal: _____

By: _____
(Signatory)

Surety: _____

Address of Surety: _____

_____

_____

_____

By: _____
(Signatory)

Notary Seal

DEPARTMENT OF PUBLIC WORKS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Public Works ("DPW"), in accordance with the authority set forth in the Sustainable Solid Waste Management Amendment Act of 2014, effective September 23, 2014 (D.C. Law 20-154; D.C. Official Code §§ 8-1031.01 *et seq*. (2013 Repl.)) and the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code §§ 8-801 *et seq.* (2013 Repl.)), and Mayor's Order 1986-160 and Mayor's Order 2017-116, hereby gives notice of the intent to amend Chapter 7 (Solid Waste Control) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), and the associated schedule of fines in Title 24 DCMR (Public Space and Safety), Chapter 13 (Civil Fines Under D.C. Law 6-100).

A solid waste collector registration and reporting process is established by these rules. Collectors of all types of solid waste are required to register and report annually with DPW. This registration is in addition to any license required by the Department of Consumer and Regulatory Affairs ("DCRA"). These rules identify which solid waste collectors are required to register and report with DPW and which are required to license with DCRA for solid waste collections.

These rules align requirements for recycling which previously were housed in Title 24, Chapter 10, Section 1031, which were repealed with the repeal of the provisions of the Solid Waste Management and Multi-Material Recycling Act of 1988 (D.C. Law 7-226; previously codified at D.C. Official Code §§ 8-1001 *et seq*.). The Mayor's List of Recyclables and Compostables is introduced in these rules. This list defines items as recyclable or compostable in the District. For clarity and consistency definitions were updated. The definition of solid waste was updated to align with the Sustainable Solid Waste Management Amendment Act of 2014 to mean all waste streams including refuse, recyclable materials, compostable materials, and reusable materials.

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

Chapter 7, SOLID WASTE CONTROL, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 700, GENERAL PROVISIONS, is amended by amending Subsection 700.10 to read as follows:

700.10 Designated officials within the District agencies enumerated in the governing regulations for the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Official Code §§ 8-801 *et seq.*), which are set forth in Title 24 DCMR, Chapter 13, § 1300.2, may issue the civil Notice of Violation to persons who violate a provision of this chapter.

New Subsections 700.12 and 700.13 are added to read as follows:

700.12 The Director or a designee shall be provided access to non-residential premises within the District of Columbia by the owner or occupant of the premises in accordance with the provisions of Section 4(b) of the Litter Control Administration Act of 1985, effective March 25,1986 (D.C. Law 6-100; D.C. Official Code § 8-803(b)) and Mayor's Order 1986-160.

700.13 All collectors are required to register and report to DPW in accordance with §§ 722 and 723. In addition, collectors who either collect refuse (trash) or operate a collection vehicle with a dumping mechanism must obtain a license with DCRA in accordance with §§ 710, 711, and 712.

Section 703, COLLECTION OF LEAVES, is amended by amending the section title to read as follows:

703 COLLECTION OF ORGANIC MATERIALS

Section 703 is also amended by amending Subsections 703.1 and 703.2 to read as follows:

703.1 Leaves shall be collected by the District on an announced schedule during the period of October through January.

703.2 Occupants of premises where leaves accumulate shall place their leaves at the point of collection.

New Subsection 703.4 is added to read as follows:

703.4 (a) Yard waste shall be set out for collection in either:

(1) Securely fastened paper bags; provided, that no such paper bag shall exceed fifty pounds (50 lbs.) in weight when filled; or

(2) Refuse (trash) collection containers that comply with the requirements of § 707.

(b) Notwithstanding paragraph (a) of this subsection, yard waste that consists of:

(1) Small branches and twigs may be set out for collection in separate, tied bundles that do not exceed four feet (4 ft.) in length; and

(2) Holiday trees and greenery may be set out for collection in a manner prescribed by the Director; provided, such trees and greenery shall be free of all nails, stands, bases, tinsel, and ornaments.

Section 705, COLLECTION OF SOLID WASTES, is amended by amending Subsections 705.1, 705.5, and 705.7 to read as follows:

705.1 Each premises or part of a premises where refuse are generated and where those wastes are not collected by the District shall be serviced by a licensed solid waste collector.

…

705.5 Residents of properties where solid wastes are collected by the District, excluding bulk wastes handled by special collection, shall do the following:

(a) Place the solid waste in legal containers, in a manner so as to prevent litter, at the point of collection no earlier than 6:30 p.m. on the day prior to the collection day and no later than the time of collection determined by the Director, on the collection day; and

(b) Return to private property by 8:00 p.m. of the collection day all emptied solid waste containers including Supercans.

…

705.7 Bundles of solid waste to be collected which are not placed in containers (when permissible under this chapter) shall be tied and shall not exceed four feet (4 ft.) in length.

New Subsections 705.8, 705.9, 705.10, 705.11, 705.12, 705.13, 705.14, 705.15, 705.16, 705.17, and 705.18 are added to read as follows:

705.8 All owners and occupants of private and public collection properties shall separate recyclable items for recycling collection. An owner may provide through a lease agreement for an occupant to be responsible for separating these materials for recycling, in which case the occupant shall also be responsible for meeting the requirements of this subsection and § 705.9. Notwithstanding the existence of such a lease agreement, the owner shall also be responsible for complying with this subsection and § 705.9 except where the Director determines that there are circumstances that warrant holding the occupant liable for compliance. The Director may issue a notice of violation to the occupant or to the owner.

705. 9 Materials that are separated for recycling shall be stored in bins, dumpsters, or other containers that are not used for the simultaneous storage of refuse (trash) and recyclable materials.

705.10 Each owner of a commercial property shall be responsible for the separate removal of recyclable materials by a registered solid waste collector or pursuant

to a self-implementation plan submitted to and approved by the Office of Waste Diversion.

705.11 Each owner of commercial property shall, at least once a year, provide written notice to any tenants or occupants of the property of the legal requirement that certain materials be separated for recycling, the types of materials to be separated, how and where recyclables shall be taken in order to be collected for recycling, and the name and contact information of any recycling coordinator for the property.

705.12 Each owner of commercial property shall post and maintain at least one (1) sign where solid waste is collected or stored that sets forth what materials are required to be source separated and states the collection procedures for such materials, and shall post at least one (1) sign at containers where recyclables are collected stating what materials may properly be placed in them. The owner may provide through the lease agreement that an occupant shall be responsible for posting and maintaining such signs, in which case the occupant shall also be responsible for meeting the requirements of this subsection. Notwithstanding the existence of such a lease agreement, the owner shall be responsible for complying with this subsection except where the Director determines that there are circumstances that warrant holding an occupant liable for compliance. The Director may issue a notice of violation to an occupant or to the owner.

705.13 A solid waste collector shall not simultaneously transport recyclables along with other materials for disposal in the same vehicle at the same time except pursuant to a written waiver of this requirement issued by the Director or designee.

705.14 A written waiver shall only be issued to a registered solid waste collector if the collector demonstrates to the Director that the recyclables will be transported in a vehicle that does not compress or compact its contents. The collector shall also demonstrate that the method used for simultaneously transporting the materials ensures that recyclables will not be commingled with non-recyclable materials and that the recyclables will not be disposed of in any way other than by recycling.

705.15 The Director may revoke a written waiver if the Director finds that the conditions for receiving a waiver are not being met.

705.16 The contents of vehicles hauling solid waste to any District of Columbia disposal facility shall be subject to visual inspection for evidence of recyclables, as defined in this chapter. If recyclables are detected, the driver of the vehicle shall be required to dump the load in an area away from regular dumping activities. Refuse (trash) loads shall not contain substantial amount of recyclables (approximately thirty percent (30%)).

705.17 No person shall remove recyclable materials that have been placed out in containers for collection by a solid waste collector, other than the solid waste collector or the person who placed out the recyclable materials.

705.18 (a) Newspaper, office paper, metals, glass, paperboard, cardboard, narrow necked plastic bottles, and other recyclables shall be recycled in accordance with this chapter.

(b) Beginning on January 1, 2018, the Mayor's List of Recyclables and Compostables shall prescribe the source separation requirements for all premises within the District of Columbia.

(c) Prior to January 1, 2018, items identified as recyclable on the Mayor's List of Recyclables and Compostables that are not listed in § 705.18 (a) may be considered recyclables or refuse (trash) for the purposes of source separation requirements.

(d) Beginning on January 1, 2018, items identified as recyclable on the Mayor's List of Recyclables and Compostables shall be source separated into dedicated receptacles for recycling.

Section 706, SPECIAL COLLECTIONS, is amended by amending Subsection 706.1 to read as follows:

706.1 (a) Persons occupying premises where solid waste collection service is provided by the District shall set out bulky wastes for collection in accordance with a scheduled appointment made by the person with the Mayor's citywide call center (311), and place at the point of collection no earlier than 6:30 p.m. on the day prior to the scheduled appointment.

(b) No person shall leave any bulky waste or cause any bulky waste to be left in or upon public space in the District of Columbia without a scheduled appointment.

(c) Mattresses must be wrapped in plastic before being placed out for collection for safe disposal.

Section 707, SOLID WASTE CONTAINERS, is amended by amending Subsections 707.3, 707.6, 707.9, and 707.11 to read as follows:

707.3 A sufficient number of containers shall be provided to store such solid wastes which may accumulate on the premises during the usual interval between collections.

…

707.6 In addition to the applicable requirements of this section, the provisions of § 708 shall apply to containers for solid wastes to be used at premises where solid waste collection service is provided by the District.

…

707.9 Grease held for recycling or disposal shall be stored in a tightly-sealed metal drum. The grease container and the area where the grease is stored shall be free of spilled grease. The grease container shall be stored not less than four feet (4 ft.) from any other vertical object such as a wall, shelving, or wood fuel stacks.

…

707.11 Commercial waste containers shall be constructed of heavy gauge metal, made of at least twelve (12) gauge steel with tightly-fitting lids constructed of at least sixteen (16) gauge steel. Waste container lids shall be kept closed at all times other than when the container is being filled or emptied. Waste container lids shall be free of gaps larger than one-quarter inch (1/4") between the lid (when closed) and the body of the waste container. Waste containers (including waste container lids) shall be free of any gaps, cracks, or holes larger than one-quarter inch (1/4"). The area where the waste container is stored shall be kept free of spilled waste at all times. If the waste container is equipped with a drain plug, the plug shall be constructed of heavy duty metal and shall be kept in the drain hole until the filled container is trans-ported to its ultimate destination for emptying and disposal of its contents.

New Subsection 707.13 is added to read as follows:

707.13 The following requirements regarding bin liners apply to private collection property owners:

(a) Recycling bin liners shall be clear, white, or non-pigmented.

(b) Composting bin liners shall meet requirements for compostable packaging as defined by the Mayor's List of Recyclables and Compostables.

Section 708, CONTAINERS FOR RESIDENTIAL MUNICIPAL REFUSE COLLECTION, is amended by amending the section title to read as follows:

708 CONTAINERS FOR RESIDENTIAL SOLID WASTE COLLECTION

Section 708 is amended by amending Subsection 708.1 to read as follows:

708.1 In addition to the applicable provisions of this chapter, all containers used by residents for solid waste collection shall conform to the requirements of this section.

Section 709, COLLECTION VEHICLES, is amended as follows:

Subsection 709.3 is repealed.

Section 710, LICENSING REQUIREMENTS, is amended by amending Subsection 710.1 to read as follows:

710.1 Except as provided in § 710.2 and § 710.3, no person shall engage in commercial collection and transportation of solid wastes by vehicle, in or through the District, without first having obtained a collector's license and a collection vehicle license for each vehicle so used.

New Subsections 710.3, 710.4, and 710.5 are added to read as follows:

710.3 Any collector who neither collects refuse (trash) nor operates a collection vehicle with a dumping mechanism shall be exempt from the requirement of having a collector's license issued by DCRA. This provision does not exempt such collectors from DPW registration requirements.

710.4 Any collection vehicle used in the collection of refuse (trash) shall be equipped with a dumping mechanism and shall have a valid collection vehicle license in accordance with § 710, § 711 and § 712.

710.5 Any solid waste collector who operates a vehicle used in the collection of refuse (trash) or operates a solid waste collection vehicle with a dumping mechanism shall have a valid solid waste collector license in accordance with § 710, § 711 and § 712.

Section 714, DISPOSAL AT DISTRICT INCINERATORS, is repealed.

Section 716, INSPECTIONS, is amended by adding a new Subsection 716.5 to read as follows:

716.5 The Director or a designee shall be provided access to premises within the District of Columbia in accordance with the provisions of section 4(b) of the Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100; D.C. Code § 8-803(b)), and Mayor’s Order 1986-160.

Section 721, PENALTIES, is amended by adding new Subsections 721.4, 721.5, 721.6, and 721.7 to read as follows:

721.4 If a person refuses to provide access to authorized DPW inspector pursuant to D.C. Official Code § 8–803, the Director may impose a fine of five hundred dollars ($500). Any person subject to a fine under this subsection may contest the

legality of the DPW inspectors' request for access at the administrative hearing adjudicating the proposed fine.

721.5 If the Director finds that any collector or an agent of a collector, violates any provision of this chapter, the Director may (in addition to any other remedy available) deny the collector or its agent access to the District of Columbia's solid waste facilities for a period not to exceed thirty (30) days for each violation.

721.6 If the Director finds that a solid waste collector has committed three (3) or more violations of this chapter within a twelve (12) month period, the Director may (in addition to any other remedy available) suspend the collector's registration for up to twelve (12) months.

721.7 If the Director finds that a solid waste collector has committed six (6) or more violations of this chapter within a twelve (12) month period, the Director may (in addition to any other remedy available) revoke the solid waste collector's registration.

A new Section 722 is added to read as follows:

722 SOLID WASTE COLLECTOR REGISTRATION

722.1 Each solid waste collector shall register annually with the Director. This registration is in addition to any license required by 21 DCMR § 710 with DCRA.

722.2 The fee for registration shall be fifty dollars fifty ($50) per collector plus fifty dollars fifty ($50) per collection vehicle.

722.3 Each solid waste collector shall provide a list of its solid waste collection vehicles to the Department in its collector registration submission and certify that the list which it provides is complete and accurate.

722.4 Solid waste collectors shall register annually by February 1 or within thirty (30) days of the collector beginning operation in the District.

722.5 Registration shall be valid February 1 through January 31 of the following year.

722.6 Beginning on January 1, 2019, the fee charged for registration of a solid waste collector by the Department may be adjusted annually based on the change in the Consumer Price Index value published by the U.S. Department of Labor.

722.7 All registered solid waste collectors shall have processes in place to ensure that source separated materials with accepted levels of contamination are delivered directly to a recycling or composting facility or dropped off as source separated materials at a transfer station.

722.8 All registered solid waste collectors shall submit reports as required by § 723.

722.9 Nothing in this section shall be construed to require an indigent person who collects recyclable materials to obtain a solid waste collector registration.

A new Section 723 is added to read as follows:

723 SOLID WASTE COLLECTOR ANNUAL REPORTING

723.1 Each solid waste collector shall submit to the Director each year an annual solid waste report stating the tonnages, material types, and delivery locations of solid waste collected in the District.

723.2 Each solid waste collector shall retain corresponding certified scale tickets and other records of solid waste collected and disposed for three (3) years and provide any waste records, documents, or data compilations requested by the Director.

723.3 Information submitted in a solid waste collector's reports shall not be distributed publicly by the Department except in aggregate by year, facility name, type, and waste type. Collector-specific information shall be designated as confidential. Except as otherwise provided by law or court order, collector-specific information may be used only by the Mayor, the Mayor's agents and employees, other District agencies, and the United States Environmental Protection Agency, as authorized by the Mayor.

723.4 Annual reports shall be due on February 1 for the previous calendar year or for the portion of the previous calendar year in which the collector was operating in the District.

723.5 A solid waste collector shall maintain a copy of each day's solid waste collection route and a list of customers served, and provide a copy to the Director within five (5) business days after the Director requests the list.

Section 799, DEFINITIONS, is amended by amending Subsection 799.1 to read as follows:

799.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

Approved - compliance with published standards specifically applicable to the device, method, thing, procedure, or facility under consideration and which standards have been approved by the Director or the Director's agent.

Abandoned vehicle - any motor vehicle, trailer, or semitrailer that is left, parked, or stored on public space for more than forty-eight (48) hours or on private

property for more than thirty (30) days, and to which at least two (2) of the following apply:

(a) The vehicle is extensively damaged, including fire damage;
(b) The vehicle is apparently inoperable, including a vehicle missing its transmission, motor, or one or more tires, and which is not undergoing emergency repair;
(c) The vehicle serves as harborage for rats, vermin, and other pests; or
(d) The vehicle does not display valid tags or a valid registration sticker.

Ashes - the residue from the burning of wood, coal, coke, or other combustible materials.

Baler - a machine used to compress and bind a quantity of solid waste or other material.

Bin Liner- a plastic bag used to protect a collection receptacle from residue which may also facilitate the transport of materials to a point of collection prior to final removal.

Bulk or bulky waste - the large items of solid waste such as appliances, furniture, and other materials too large to fit into a curbside bin.

Carry container - a container used to transfer solid wastes from premises to a collection vehicle.

Catch basin - an enlarged and trapped inlet to a sewer designed to capture debris and heavy solids carried by storm or surface water.

Clean condition - free of litter, debris, and weeds.

Collection vehicle – any vehicle whose primary purpose is the transportation or collection of solid waste or which is used over fifty percent (50%) of the time to transport or collect solid waste. (Also see licensed collection vehicle.)

Compost- a stable, organic substance produced by a controlled decomposition process that can be used as a soil additive, fertilizer, growth media, or other beneficial use.

Compostable – made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program.

Composting or composted - the series of activities, including separation, collection, and processing, through which materials are recovered or otherwise diverted from the solid waste stream for conversion into compost.

Construction and Demolition Wastes - the waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, commercial buildings, pavements, and other structures.

DCRA - The Department of Consumer and Regulatory Affairs

Debt reserves - the estimated cost of anticipated capital improvements and repairs to the District's solid waste disposal system including, but not limited to, landfill replacement costs, incinerator repairs, and the construction of any waste-handling facilities. (21 DCMR § 719)

Debt retirement - the sum of principal and interest estimated by the District to be paid in the current fiscal year for the purpose of reducing the long term debt related to the solid waste disposal system. (21 DCMR § 719)

Department - the Department of Public Works (or its successor agencies), except as provided in § 799.2.

Disposal area - any site, location, tract of land, area, building, structure or premises used or intended to be used for partial or total solid waste disposal.

Director- the Director of the Department of Public Works (or its successor agencies) or his or her designee, except as provided in § 799.2.

DPW - the Department of Public Works (or its successor agencies).

Enclosed collection vehicle - a vehicle that is specifically made or has been adapted for the collection of solid waste refuse (trash), having a watertight body, either entirely enclosed or having a cover made of metal or other rigid material, with only the loading hopper exposed. (24 DCMR § 6800)

Estimated material processing costs - the costs associated with the preparation, handling, and disposal of the various types of waste at the waste-handling facilities. These include prior fiscal year operating costs, estimated debt retirement or reserves, and other expenses attributable to operating the waste-handling facilities. (21 DCMR § 719)

Food waste - animal and vegetable waste resulting from the storage, handling, preparation, cooking, or serving of foods.

Food waste grinder - a device for pulverizing food waste (garbage) into the sanitary sewerage system.

Hazardous waste - as defined in Section 2(2A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-901(2A)), any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, as established by the Mayor, may:

(a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

(b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of the substances described as a hazardous waste.

Household hazardous waste - small quantities of hazardous wastes generated from homes and similar sources that are exempt from federal regulations, but exhibit dangerous characteristics such as ignitability, corrosivity, reactivity, or toxicity. (D.C. Law 7-38).

I-95 Complex Fee - the cost per ton that the District government pays to dispose of a specific waste type at the I-95 Resource Recovery, Land Reclamation, and Recreational Complex in Fairfax County, Virginia. (21 DCMR § 719)

Industrial waste - solid wastes which result from industrial processes and manufacturing operations such as factories, processing plants, repair and cleaning establishments, refineries and rendering plants.

Licensed collection vehicle - a solid waste collection vehicle licensed by DCRA in accordance with §§ 710,711, and 712 which either collects refuse (trash) and/or has a dumping mechanism.

Mayor's List of Recyclables and Compostables - a list updated regularly by DPW, which identifies items that are recyclable or compostable in the District of Columbia.

Occupant - any person who has a leasehold right, ownership interest, management responsibility, or direct or indirect control over the

maintenance or affairs of any space within a residential or commercial building.

Office of Waste Diversion - An office located in the Director's Office in the Department of Public Works.

Open dump - an area on which there is an accumulation of solid waste from one or more sources without proper cover materials.

Operating costs - any cost related to the daily operation of the waste-handling facilities, including but not limited to, the following:

(a) Personal services:
  (1) Salaries;
  (2) Additional gross pay; and
  (3) Fringe benefits; and

(b) Non-personal services:
  (1) Supplies and materials;
  (2) Utilities, communication and building rentals;
  (3) Other services and charges provided by external parties;
  (4) Equipment purchase and rental; and
  (5) Subsidies and transfers. (37 DCMR § 4243)

Person - any individual, firm, partnership, company, corporation, trustee, association, or any other private or public entity.

Premises - a building, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to that building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which the building is located.

Private collection property – any property that does not receive solid waste collection services from the District

Projected tonnage - the solid waste tonnage for the prior fiscal year, adjusted to reflect the estimated changes in tonnage for the current fiscal year as presented in the "Comprehensive Solid Waste Management Plan." (21 DCMR § 719)

Putrescible wastes - wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors, gases, and similar objectionable conditions. Kitchen wastes, offal, and dead animals are examples of putrescible components of solid waste.

Public collection property - a property that receives solid waste collection from the District either directly or through contract.

Recycle or Recycled or Recycling - the series of activities, including separation, collection, and processing, through which materials are recovered or otherwise diverted from the solid waste stream for use as raw materials or in the manufacture of products other than fuel.

Refuse - solid waste that is collected for disposal by incineration or at a landfill.

Solid waste - garbage, refuse, trash, or any other waste or waste product, including recyclable, compostable, or otherwise reusable material, whether in solid, liquid, semisolid, or contained gaseous state, resulting from an industrial, commercial, residential, or government operation or community activity; provided, that the following are not considered solid waste for the purposes of this chapter:

(a) Hazardous waste, as defined in Section 2(2A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-901(2A));

(b) Medical waste, as defined in Section 2(3A) of the Illegal Dumping Enforcement Amendment Act of 1994, effective May 20, 1994 (D.C. Law 10-117; D.C. Official Code § 8-901(3A)); and

(c) Construction and demolition waste subject to Sections 406 and 503 of Title 12-K of the District of Columbia Municipal Regulations

Solid waste collector - any business, non-profit, or government entity engaged in the collection or transportation of solid waste in the District including:

(a) Businesses or persons removing solid waste under an approved self-implementing plan, as provided in § 705.12
(b) Electronic collectors
(c) Fat, oil, and grease collectors
(d) Food waste collectors
(e) Recycling collectors
(f) Textile collectors
(g) Traditional refuse (trash) collectors
(h) Yard waste collectors
(i) Other collectors of any type of solid waste

Solid waste storage - the temporary on-site storage of solid waste.

Source separated - Waste that is separated at the point of discard into, recyclable materials, compostable materials, and refuse (trash).

Special handling costs - the extraordinary costs associated with the handling of a specific waste type at the waste-handling facilities. (37 DCMR § 4243)

Street refuse (trash) - material picked up by manual or mechanical sweeping of alleys, streets and sidewalks, litter from public litter receptacles, and dirt removed from catch basins.

Supercans - a mobile refuse (trash) container on wheels having a serial number beginning with a D.C. prefix provided by the District to eligible premises specifically for use in the storage and collection of household refuse (trash). (D.C. Law 5-20)

Trash - See Refuse.

Weeds - uncultivated or wild vegetation that is greater than four inches (4 in.) in height. (D.C. Law 8-31)

Yard waste - prunings, grass clippings, weeds, leaves, and general yard and garden wastes.

Chapter 13, CIVIL FINES UNDER D.C. LAW 6-100, of Title 24 DCMR, PUBLIC SPACE AND SAFETY is amended as follows:

Section 1380, SCHEDULE OF FINES FOR VIOLATIONS OF THE LITTER CONTROL ADMINISTRATION ACT, is amended by amending the title and Subsections 1380.1, 1380.2, and 1380.3 to read as follows:

1380 SCHEDULE OF SOLID WASTE VIOLATIONS

1380.1 The following civil infractions and their respective fines set forth in this subsection shall refer to residential violations:

Infraction (DCMR Citation)	Abatement Violation		Fine	Service Hours
Solid wastes not properly stored and contained for collection (21 DCMR § 700.3)	YES	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period.	$ 300	32
		4th violation within 60-day period	$ 1000	100
Failure to maintain abutting public space (21 DCMR § 702.1)	YES	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Failure to maintain	NO	lst violation within 60-day period	$ 75	8

abutting public space (buildings with no more than 3 dwelling units) (2 1 DCMR § 702.2)		2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 150 $ 300 $ 1000	16 32 100
Construction waste out for collection (21 DCMR § 702.3)	YES	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Improper placement of leaves (21 DCMR §703.2)	NO	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Leaves swept onto public space (21 DCMR § 703.3)	NO	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Improper placement of yard waste (21 DCMR § 703.4)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Solid waste container out at wrong time or place (21 DCMR § 705.5)	NO	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Household hazardous waste out for collection (21 DCMR § 705.6)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Improperly bundled solid waste (21 DCMR § 705.7)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Improper source separation of recyclable items (21 DCMR § 705.8)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100

Improper disposal of Bulk waste (21 DCMR § 706.1)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Insufficient number of solid waste containers (21 DCMR § 707.3)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Unclean or damaged containers (21 DCMR § 707.4)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Container without tight-fitting lid or not watertight (21 DCMR § 708.5)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Improper container-contents not removable (21 DCMR § 708.6)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Overweight container (21 DCMR § 708.7)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Overweight bags of yard waste (21 DCMR § 703.4)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Open solid waste container (21 DCMR § 708.9)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Improper solid waste	No	lst violation within 60-day period	$ 75	8

container (21 DCMR § 708.1)		2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 150 $ 300 $ 1000	16 32 100
Overweight supercan (21 DCMR § 708.8)	No	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Vehicle on public space without a permit (24 DCMR § 101.5)	No	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Failure to maintain the public parking (24 DCMR § 102.1)	No	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Improperly enclosing the public parking (24 DCMR § 103.1)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Enclosing the tree space (24 DCMR § 103.14)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Paving the public parking (24 DCMR § 104.1)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Illegal deposit in an alley (24 DCMR § 1000.1)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Dangerous Obstructions in public space without a permit (24 DCMR § 2000.4)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Obstructing public space	Yes	lst violation within 60-day period	$ 75	8

without a permit (24 DCMR § 2001.2)		2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 150 $ 300 $ 1000	16 32 100
Obstructing free use of public space - overgrowth of shrubs, trees, bushes (24 DCMR § 2001.3)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Failure to properly protect public space when travel is obstructed (24 DCMR § 2001.4)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100
Improper disposal of container capable of confining children (24 DCMR § 2010.1)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 75 $ 150 $ 300 $ 1000	8 16 32 100

1380.2 The following civil infractions and their respective fines set forth in this subsection shall refer to commercial violations:

Infraction (DCMR Citation)	Abatement Violation		Fine	Service Hours
Improper storage of solid waste (21 DCMR § 700.3)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 1000 $ 2000 $ 4000 $ 8000	16 32 24 200
Improper storage of solid waste (21 DCMR § 700.3)	No	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 1500 $ 300 $ 600 $ 2000	16 32 64 200
Failure to maintain the abutting public space & causing a nuisance (21 DCMR § 702.1)	Yes	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 150 $ 300 $ 600 $ 2000	16 32 64 200
Failure to maintain the abutting public space (21 DCMR § 702.1)	No	lst violation within 60-day period 2nd violation within 60-day period 3rd violation within 60-day period 4th violation within 60-day period	$ 150 $ 300 $ 600 $ 2000	16 32 64 200

Improper placement of leaves (21 DCMR § 703.2)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Leaves on public space (21 DCMR § 703.3)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Open food waste stored for collection (21 DCMR § 704.2)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
No licensed solid waste collector (21 DCMR § 705.1)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Insufficient number of solid waste collections (21 DCMR § 705.2)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Permitting spillage from solid waste container or collection vehicle (21 DCMR § 705.3)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Open-bodied Vehicles licensed after 2/29/1980 (21 DCMR § 705.4(a))	No	lst violation within 60-day period	$ 300	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 900	64
		4th violation within 60-day period	$ 2000	100
Unenclosed or uncovered solid waste collection vehicle (21 DCMR § 705.4)	No	lst violation within 60-day period	$ 300	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 900	64
		4th violation within 60-day period	$ 2000	200
Household hazardous waste out for collection (21 DCMR § 705.6)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200

Improper source separation of recyclable items (21 DCMR § 705.8)	Yes	lst violation within 60-day period	$ 200	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 1500	64
		4th violation within 60-day period	$ 3000	200
Failure to arrange for proper recyclables collection (21 DCMR § 705.10)	Yes	lst violation within 60-day period	$ 200	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 1500	64
		4th violation within 60-day period	$ 3000	200
Failure to notify of recycling requirements (21 DCMR § 705.11)	Yes	lst violation within 60-day period	$ 200	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 1500	64
		4th violation within 60-day period	$ 3000	200
Failure to post signs (21 DCMR § 705.12)	Yes	lst violation within 60-day period	$ 200	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 1500	64
		4th violation within 60-day period	$ 3000	200
Improper solid waste container (21 DCMR § 707.1)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Insufficient number of solid waste containers (21 DCMR § 707.3)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Unclean or damaged container (2 1 DCMR § 707.4)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Improper grease container or container placement (21 DCMR § 707.9)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Improper Bin Liners (21 DCMR § 707.13)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200

Improperly displaying solid waste collector vehicle (21 DCMR § 709.5)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Collecting refuse or a mechanized collection vehicle without a license (21 DCMR § 710.1)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 1500	64
		4th violation within 60-day period	$ 2000	200
Illegal disposal at DC facilities (21 DCMR § 713.1)	No	lst violation within 60-day period	$ 300	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 900	64
		4th violation within 60-day period	$ 2000	200
Operating an open dump (21 DCMR § 713.10)	Yes	lst violation within 60-day period	$ 300	16
		2nd violation within 60-day period	$ 600	32
		3rd violation within 60-day period	$ 900	64
		4th violation within 60-day period	$ 2000	200
Unsafe, unclean, or non-odor- free containerization (2 1 DCMR § 806.1)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Debris drained into storm sewer (21 DCMR § 806.5)	No	lst violation within 60-day period	$ 1000	16
		2nd violation within 60-day period	$ 2000	32
		3rd violation within 60-day period	$ 4000	64
		4th violation within 60-day period	$ 8000	200
Nuisance or unsightly space (21 DCMR § 806.10)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Container lacks collector's name phone number, capacity (21 DCMR § 806.24)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Vehicle on public space without a permit (24 DCMR § 101.5)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64

		4th violation within 60-day period	$ 2000	200
Failure to maintain the public parking (24 DCMR § 102.1)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Improperly enclosing the public parking (24 DCMR § 103.1)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Enclosing the tree space (24 DCMR § 103.14)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Advertising device on sidewalk (24 DCMR § 104.9)	No	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Simultaneously transporting recycling and refuse (24 DMCR § 705.13)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Delivering recyclables mixed with refuse to a District transfer station. (24 DMCR § 705.16)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Failure to have a valid solid waste collector registration 24 DMCR § 722.1)	Yes	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Failure to list all collection vehicles in registration (24 DMCR § 722.3)	Yes	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Failure to provide annual report by deadline (24 DMCR § 723.4)	Yes	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64

		4th violation within 60-day period	$ 4000	200
Failure to present records, documents, or date data (24 DMCR § 723.2)	Yes	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Failure to deliver source separated materials to proper facility 24 DMCR § 722.9)	No	lst violation within 60-day period	$ 500	16
		2nd violation within 60-day period	$ 1000	32
		3rd violation within 60-day period	$ 2000	64
		4th violation within 60-day period	$ 4000	200
Illegal deposits in alleys (24 DCMR § 1000.1)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Obstructing public space without a permit (24 DCMR § 2001.2)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Obstructing free use of space-overgrowth of shrubs, trees, bushes (24 DCMR § 2001.3)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Dangerous Obstruction in public space without a permit (24 DCMR § 2000.4)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Failure to properly protect public space when travel is obstructed (24 DCMR § 2001.4)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200
Improper disposal of container capable of confining children (24 DCMR § 2010.1)	Yes	lst violation within 60-day period	$ 150	16
		2nd violation within 60-day period	$ 300	32
		3rd violation within 60-day period	$ 600	64
		4th violation within 60-day period	$ 2000	200

1380.3 The following civil infractions and their respective fines set forth in this subsection shall refer to general violations:

Infraction (DCMR Citation)	Abatement Violation		Fine	Service Hours
Littering	No	lst violation within 60-day period	$ 75	8
(21 DCMR § 700.4)		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Failure to provide access	No	lst violation within 60-day period	$500	8
to authorized DPW		2nd violation within 60-day period	$500	16
(21 DCMR § 700.12)		3rd violation within 60-day period	$500	32
		4th violation within 60-day period	$500	100
Improper removal of	No	lst violation within 60-day period	$ 300	8
Recyclable materials		2nd violation within 60-day period	$ 600	16
(21 DCMR § 705.17)		3rd violation within 60-day period	$ 900	32
		4th violation within 60-day period	$ 2000	64
Posting notices on	Yes	lst violation within 60-day period	$ 150	8
public lampposts		2nd violation within 60-day period	$ 300	16
(24 DCMR § 108.1)		3rd violation within 60-day period	$ 600	32
		4th violation within 60-day period	$ 2000	100
Signs or posters on trees	Yes	lst violation within 60-day period	$ 150	8
in public space		2nd violation within 60-day period	$ 300	16
(24 DCMR § 108.2)		3rd violation within 60-day period	$ 600	32
		4th violation within 60-day period	$ 2000	100
Failure to remove animal	No	lst violation within 60-day period	$ 150	8
Excrement from public		2nd violation within 60-day period	$ 300	16
(24 DMCR § 900.7)		3rd violation within 60-day period	$ 600	32
		4th violation within 60-day period	$ 2000	100
Trailing mud, earth, rocks	No	lst violation within 60-day period	$ 300	8
onto public space		2nd violation within 60-day period	$ 600	16
(24 DCMR § 1000.1)		3rd violation within 60-day period	$ 900	32
		4th violation within 60-day period	$ 2000	64
Illegal Dumping	Yes	lst violation within 60-day period	$ 1000	
(24 DCMR § 1000.1)		2nd violation within 60-day period	$ 2000	
		3rd violation within 60-day period	$ 4000	
		4th violation within 60-day period	$ 8000	

Illegal Dumping (D.C. Official Code § 8-902)	Yes	lst violation within 60-day period	$ 5000	
		2nd violation within 60-day period	$ 5000	
		3rd violation within 60-day period	$ 5000	
		4th violation within 60-day period	$ 5000	
Nuisance Vacant Lot (24 DCMR § 1002.1)	Yes	lst violation within 60-day period	$ 300	
		2nd violation within 60-day period	$ 600	
		3rd violation within 60-day period	$ 900	
		4th violation within 60-day period	$ 2000	
Depositing handbills on public space (24 DCMR § 1008.1)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Improper use of litter receptacles (24 DCMR § 1009.1)	No	lst violation within 60-day period	$ 75	8
		2nd violation within 60-day period	$ 150	16
		3rd violation within 60-day period	$ 300	32
		4th violation within 60-day period	$ 1000	100
Damaging public litter receptacles (24 DCMR § 1009.2)	No	lst violation within 60-day period	$ 300	8
		2nd violation within 60-day period	$ 600	16
		3rd violation within 60-day period	$ 900	32
		4th violation within 60-day period	$ 2000	100
Graffiti (D.C. Law 13-309)	Yes	lst violation within 60-day period	$ 250	8
		2nd violation within 60-day period	$ 500	16
		3rd violation within 60-day period	$ 1000	32
		4th violation within 60-day period	$ 2000	100

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 Evann Sawyers-Rouse, Program Analyst, Department of Public Works, Office of Waste Diversion, 250 E Street, S.W., Suite 430, Washington, D.C. 20024, Evann.Sawyers-Rouse@DC.Gov, (202) 640-1427. Copies of the proposed rules may be obtained between the hours of 8:30 a.m. and 4:30 p.m. at the address listed above, or by contacting Evann Sawyers-Rouse.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF EMERGENCY AND PROPOSED 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 Repl.)); 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 Repl.)); 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 its intent to amend Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) 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 purpose of the amendment is to repeal 19 DCMR § 822 to avoid redundancy, as the section is now incorporated in 19 DCMR § 810.4 with an updated address. 19 DCMR § 810 became effective July 31, 2017.

Per D.C. Official Code § 2-505(c), emergency rulemakings are promulgated when the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals. There is an urgent need to adopt these emergency regulations to inform the public of the process to appeal barring notices issued by the agency and to avoid confusion and redundancy.

The Board of Library Trustees through D.C. Official Code § 39-105 (2012 Repl.) designated the Chief Librarian/Executive Director to establish rules and manage the day-to-day operations of the library. On July 26, 2017, the Executive Director of the District of Columbia Public Library ("DCPL") approved the adoption of these emergency regulations. These rules become effective immediately upon publication in the *D.C. Register* and shall remain in effect for up to one hundred twenty (120) days from the date of adoption, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The District of Columbia Public Library also gives notice of intent to take rulemaking action to adopt these proposed regulations as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is repealed and replaced by 19 DCMR § 810.4:

822 [REPEALED]

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, General Counsel, DCPL, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4th Floor, Washington, D.C. 20001, via telephone at (202) 727-1134, or via e-mail at general.counsel@dc.gov. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. Copies of the proposed rulemaking may be obtained by writing to the address stated above or at www.dcregs.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-180
August 4, 2017

SUBJECT: Appointment — Washington Metropolitan Area Transit Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Title I, Article III of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960, 74 Stat. 1031; Pub. L. 86-794; D.C. Official Code § 9-1103.01 (2013 Repl.), it is hereby **ORDERED** that:

1. **JEFFREY MAROOTIAN** is appointed as a member of the Washington Metropolitan Area Transit Commission, replacing Leif Dormsjo, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2015-137, dated May 18, 2015.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, AUGUST 16, 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.

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00041; NAI Saturn Eastern, LLC, t/a Safeway, 1701 Corcoran Street NW, License #105295, Retailer B, ANC 2B
Application for a New License

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00039; EMB International, LLC, t/a Café Georgetown, 3141 N Street NW, License #106108, Retailer D, 2E
Application for a New License

Show Cause Hearing (Status) **9:30 AM**
Case # 17-CMP-00240; PTK, Inc., t/a Night "N" Day 24 Hour Convenience Store, 5026 Benning Road SE, License #81343, Retailer B, ANC 7E
Transfer of Ownership Without Board's Approval (Two Counts), Failed to Take Steps Necessary to Ensure Property is Free of Litter, Advertisements Relating to Alcoholic Beverages Exceeded 25% of the Window Space (Two Counts)

Show Cause Hearing (Status) **9:30 AM**
Case # 17-CC-00020; Prospect Dining, LLC, t/a Chinese Disco, 3251 Prospect Street NW, License #78058, Retailer CR, ANC 2E
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Substantial Change in Operation Without Board Approval, Violation of Settlement Agreement

Show Cause Hearing (Status) **9:30 AM**
Case # 17-CMP-00205; Hudai Yavalar, t/a Le Petite Corner Store, 1643 34th Street NW, License #60593, Retailer B, 2E
Transfer of Ownership Without Board's Approval

Board's Calendar
August 16, 2017

Show Cause Hearing (Status) **9:30 AM**
Case # 16-AUD-00082; Justin's Café, LLC, t/a Justin's Café, 1025 First Street SE, License #83690, Retailer CR, ANC 6D
Failed to File Quarterly Statements

Show Cause Hearing* **11:00 AM**
Case # 17-CMP-00008; TMI International, Inc., t/a Sip, 1812 Hamlin Street NE License #95164, Retailer CT, ANC 5C
Noise Violation

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

Protest Hearing* **1:30 PM**
Case # 17-PRO-00035; DBG2, LLC, t/a Dacha Beer Garden, 1740 14th Street NW, License #105719, Retailer CT, ANC 2F
Application for a New License

Protest Hearing* **1:30 PM**
Case # 16-PRO-00118; La Kabah, LLC, t/a Marrakach/Aura Lounge, 2147-2149 P Street NW, License #90204, Retailer CT, ANC 2B
Application to Renew the License

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Offical Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, AUGUST 16, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, August 16, 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-CC-00068, Washington Wine & Liquors, 1200 E Street N.W., Retailer A, License # ABRA-015724

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2. Case# 17-251-00132, Black Whiskey, 1410 14th Street N.W., Retailer CT, License # ABRA-091434

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3. Case# 17-CMP-00432, Bravo Lounge, 2917 Georgia Avenue N.W., Retailer CT, License # ABRA-092059

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4. Case# 17-CC-00084, Hamilton Crowne Plaza, 1001 14th Street N.W., Retailer CH, License # ABRA-025161

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5. Case# 17-CMP-00458, Le Petite Corner Store, 1643 34th Street N.W., Retailer B, License # ABRA-060593

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6. Case# 17-251-00131, Nellie's Restaurant & Sports Bar, 900 U Street N.W., Retailer CT, License # ABRA-075240

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7. Case# 17-CMP-00459, Green Island Café/Heaven & Hell (The), 2327 18th Street N.W., Retailer CT, License # ABRA-074503

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, AUGUST 16, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Opera Ultra Lounge***, 1400 I Street NW, Retailer CN, License No. 084711.

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2. Review Application for Safekeeping of License – Original Request. ANC 1A. SMD 1A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***& Pizza***, 1375 Kenyon Street NW, Retailer CR, License No. 101679.

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3. Review Application for Class Change from Retailer D Restaurant to Retailer D Tavern. ANC 2B. SMD 2B02. No conflict with Settlement Agreement. ***DC Café***, 2035 P Street NW, Retailer DR, License No. 025007.

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4. Review Request for Change of Hours for Sidewalk Café (Friday and Saturday hours only). ***Approved Hours of Operation for Sidewalk Café:*** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 12am. ***Proposed Hours of Operation for Sidewalk Café:*** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 2am. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Nomad Hookah Bar***, 1200 H Street NE, Retailer CT, License No. 087558.

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5. Review Request for Personal Auction Permit pursuant to 23 DCMR 201, to auction a selection of rare and fine wines at a private auction to be held on Friday, October 27th and Saturday, October 28th, 2017, between the hours of 10am and 5pm on each day, at the Charlie Palmer Steakhouse (ABRA-060654) at 101 Constitution Avenue NW. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement

matters. No Settlement Agreement. ***Zachys Wine International***, 3521 V Street NE, Retailer A Liquor Store, License No. 106515.

***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.**

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL

INVITATION FOR BID

Licensed Psychologist and Physical Therapist

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECA) is currently seeking a licensed psychologist and physical therapist who are Department of Health certified to provide behavioral support services and physical therapy services to students who qualify. We are seeking candidates who can provide services to children from 3 years of age (pre-kindergarten) to third grade who have a confirmed disability, as defined by IDEA and Section 504 of the Rehabilitation Act of 1973.

ECA will receive bids until 4:00 pm on August 18, 2017 for the period September 2017 – June 2018. Send requests for full proposal package to bids@ecapcs.org. Bids will be opened Aug 21, 2017, and contract awarded Aug 25-28, 2017.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 6A04

Petition Circulation Period: **Monday, August 14, 2017 thru Tuesday, September 5, 2017**
Petition Challenge Period: **Friday, September 8, 2017 thru Thursday, September 14, 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**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

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

Maranda C. Ward
Single-Member District 7B03

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

AIR QUALITY TITLE V OPERATING PERMIT AND GENERAL PERMIT FOR JOINT BASE MYER-HENDERSON HALL (FORT LESLEY J. MCNAIR)

Notice is hereby given that Joint Base Myer-Henderson Hall (Fort Lesley J. McNair) has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following equipment at its facility located at 103 3rd Street SW, Washington DC:

- Two (2) natural gas fired boilers;
- Three (3) diesel fired emergency generators;
- One (1) diesel fired pump engine;
- Several natural gas-fired external combustion units with heat input ratings less than 5 million Btu/hour (MMBtu/hr);
- Three (3) 10,000-gallon underground storage tanks (UST) for gasoline
- A gasoline dispensing station with two (2) fuel dispensers, each with two (2) nozzles;
- Seven (7) cooling towers; and
- Several other insignificant units listed in Section IV of the permit.

The contact person for the facility is Mr. Richard LaFreniere, Chief, Environmental Management Division, Directorate of Public Works, at (703) 696-8055.

Joint Base Myer-Henderson Hall has the potential to emit (PTE) the following air pollutants:

FACILITY-WIDE EMISSIONS SUMMARY [TONS PER YEAR]	
Pollutants	**Potential Emissions**
Sulfur Dioxide (SO_2)	0.79
Oxides of Nitrogen (NO_x)	39.93
Total Particulate Matter (PM Total)	3.05
Volatile Organic Compounds (VOC)	4.69
Carbon Monoxide (CO)	28.93
Total Hazardous Air Pollutants (HAP)	0.73

The PTE of 39.93 tons per year (TPY) of oxides of nitrogen (NO_x) exceeds the major source threshold in the District of Columbia of 25 TPY of NO_x. No other major source thresholds are exceeded based on the above potential emissions. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft Title V Permit No. 001-R2 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at http://doee.dc.gov/service/public-notices-hearings.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after September 11, 2017 will be accepted.

For more information, please contact John C. Nwoke at (202) 724-7778 or john.nwoke@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#7155) to Jairadekrishna, LLC dba Jindal Andre Automotive Services to operate one (1) cross flow automotive paint spray booth and modify the exhaust stack at the facility located at 1636 Bladensburg Road NE, Washington, DC 20002. The contact person for the facility is Sanjay K. Jindal, Manager, at (202) 546-7905.

The proposed emission limits are as follows:

a. No chemical strippers containing methylene chloride (MeCl) shall be used for paint stripping at the facility. [20 DCMR 201.1]

b. The operator may not use or apply to a motor vehicle, mobile equipment, or associated parts and components, an automotive coating with a VOC regulatory content calculated in accordance with Condition II(e) of the permit that does not meet the VOC content requirements of Table I below. [20 DCMR 718.3]

Table I. Allowable VOC Content in Automotive Coatings for Motor Vehicle and Mobile Equipment Non-Assembly Line Refinishing and Recoating

Coating Category	VOC Regulatory Limit As Applied*	
	(Pounds per gallon)	(Grams per liter)
Adhesion promoter	4.5	540
Automotive pretreatment coating	5.5	660
Automotive primer	2.1	250
Clear coating	2.1	250
Color coating, including metallic/iridescent color coating	3.5	420
Multicolor coating	5.7	680
Other automotive coating type	2.1	250
Single-stage coating, including single-stage metallic/iridescent coating	2.8	340
Temporary protective coating	0.50	60
Truck bed liner coating	1.7	200
Underbody coating	3.6	430
Uniform finish coating	4.5	540

*VOC regulatory limit as applied = weight of VOC per volume of coating (prepared to manufacturer's recommended maximum VOC content, minus water and non-VOC solvents)

c. Each cleaning solvent present at the facility shall not exceed a VOC content of twenty-five (25) grams per liter (twenty-one one-hundredths (0.21) pound per gallon), calculated in accordance with the methods specified in this permit, except for [20 DCMR 718.4]:

1. Cleaning solvent used as bug and tar remover if the VOC content of the cleaning solvent does not exceed three hundred fifty (350) grams per liter (two and nine-tenths (2.9) pounds per gallon), where usage of cleaning solvent used as bug and tar remover is limited as follows:

A. Twenty (20) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with four hundred (400) gallons or more of coating usage during the preceding twelve (12) calendar months;

B. Fifteen (15) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with one hundred fifty (150) gallons or more of coating usage during the preceding twelve (12) calendar months; or

C. Ten (10) gallons in any consecutive twelve-month (12) period for an automotive refinishing facility and operations with less than one hundred fifty (150) gallons of coating usage during the preceding twelve (12) calendar months;

2. Cleaning solvents used to clean plastic parts just prior to coating or VOC-containing materials for the removal of wax and grease provided that non-aerosol, hand-held spray bottles are used with a maximum cleaning solvent VOC content of seven hundred eighty (780) grams per liter and the total volume of the cleaning solvent does not exceed twenty (20) gallons per consecutive twelve-month (12) period per automotive refinishing facility;

3. Aerosol cleaning solvents if one hundred sixty (160) ounces or less are used per day per automotive refinishing facility; or

4. Cleaning solvent with a VOC content no greater than three hundred fifty (350) grams per liter may be used at a volume equal to two-and-one-half percent (2.5%) of the preceding calendar year's annual coating usage up to a maximum of fifteen (15) gallons per calendar year of cleaning solvent.

d. The Permittee may not possess either of the following [20 DCMR 718.9]:

1. An automotive coating that is not in compliance with Condition (b) (relating to coating VOC content limits); and

2. A cleaning solvent that does not meet the requirements of Condition (c) (relating to cleaning solvent VOC content limits).

e. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the

public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited [20 DCMR 903.1]

f. Visible emissions shall not be emitted into the outdoor atmosphere from the paint booth. [20 DCMR 201.1, 20 DCMR 606, and 20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
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1200 First Street NE, 5th Floor
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Stephen.Ours@dc.gov

No comments or hearing requests submitted after September 11, 2017 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registrations for 2017 Filing Year *as of August 1, 2017*

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Accenture LLP		800 Connecticut Avenue NW Washington District of Columbia 20006	eric.sildon@stateandfed.com
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* Adams Investment Group, LLC		1228 31st Street, N.W., Second Floor Washington District of Columbia 20007	jholmes@adamsinvestment.com
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American Beverage Association	American Beverage Association	c/o 2350 Kerner Blvd., Ste. 250 San Rafael California 94901	aba@nmgovlaw.com
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American Civil Liberties Union of the District of Columbia	American Civil Liberties Union of the District of Columbia (Self)	4301 Connecticut Avenue, NW, Suite 434 Washington District of Columbia 20008	nmoshiree@acludc.org
American Coatings Association, Attn: Alison Keane		1500 Rhode Island Avenue, N.W Washington District of Columbia 20005	AKeane@paint.org
American Council of Life Insurers		101 Constitution Ave NW Suite 700 Washington District of Columbia 20001	JoannWaiters@acli.com
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* Carmen Group, Inc.	Providence Hospital	901 F Street, NW Washington District of Columbia 20004	cricksa@carmengroup.com
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Greenberg Traurig LLP	Unity Health Care	2101 L Street, NW Washington District of Columbia 20037	pessimac@gtlaw.com
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* Indicates that the registrant registered as a lobbyist in 2017 but subsequently filed a termination report.

- For current registration information please access:
  - https://efiling.bega-dc.gov/efs/LobbyistRegistrationSearch.aspx
- To review lobbyist activity reports please access:
  - https://efiling.bega-dc.gov/efs/lobbyistreportsearch.aspx

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE OF PROPOSED AMENDMENT TO THE DISTRICT OF COLUMBIA STATE PLAN FOR MEDICAL ASSISTANCE GOVERNING THE MY HEALTH GPS PROGRAM

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 (2012 Repl. & 2016 Supp.)) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)) hereby gives notice of the intent to submit an amendment to the District of Columbia State Plan for Medical Assistance (State Plan) to the federal Centers for Medicare and Medicaid Services (CMS) for review and approval, and to promulgate an accompanying rule.

The My Health GPS program, which launched on July 1, 2017, is a new Health Home program for District Medicaid beneficiaries who have multiple chronic conditions under the authority of Section 1945 of the Social Security Act. DHCF is planning to submit to CMS a State Plan Amendment (SPA) that provides a thirty (30) day extension for My Health GPS providers to receive a one-time incentive payment for developing a care plan and meeting other requirements for participating District beneficiaries under the My Health GPS program.

Under current law, My Health GPS providers are eligible for an incentive payment for any participating beneficiary for which the provider develops a care plan during the first ninety (90) days. The incentive payment helps providers with ramp up costs and has been instrumental in securing robust participation by providers. In fact, several of the My Health GPS provider applicants indicated they decided to participate because the incentive program enabled them to invest in innovative approaches to outreach, engagement and staffing.

To ensure that participating program providers are able to hire adequate staff and secure additional resources necessary to serve beneficiaries enrolled in the program, DHCF is proposing a SPA and rule that will extend the availability of this incentive payment for thirty (30) additional days. With this change, My Health GPS providers will have a total, subject to CMS approval of one hundred and twenty (120) days in which to develop care plans for participating beneficiaries to be eligible for the incentive payment. DHCF is able to fund the extension of this incentive payment through administrative savings identified within the My Health GPS program, and no additional District funds will be required for the extension. This policy change will take effect upon approval of the proposed SPA by CMS. DHCF also is amending the program rules to support this change.

For further information, please contact Joe Weissfeld, Project Manager, Health Care Reform and Innovation Administration, D.C. Department of Health Care Finance, at (202) 442-5839 or joe.weissfeld@dc.gov.

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 16-06: Twin Oaks Playground
4025 14th Street NW (Square 2823, Lot 803)
Designated July 27, 2017
Affected Advisory Neighborhood Commission: 4C

Designation Case No. 17-11: U.S. Department of State
2020 Pennsylvania Avenue NW (Square 84, Lots 807, 808 and 814)
Designated July 27, 2017
Affected Advisory Neighborhood Commission: 2A

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

NATIONAL COLLEGIATE PREPARATORY PUBLIC CHARTER HIGH SCHOOL

REQUEST FOR PROPOSALS

National Collegiate Preparatory Public Charter High School is requesting bids for various services for the 2017-18 school year. Services required include the following:

- Special Education Services
- Event Catering/Rental Supplies
- Food Service Manager
- Accounting Services
- Promotional Materials
- IT Services
- Communications and Publication services
- Student Transportation Services
- Instructional Materials & Supplies
- Public Relations Services
- Contracted legal advice and representation
- Part-time Sign Language Teacher
- Professional development and staffing consultant
- Travel Agent
- Social Worker

If you are a vendor/entrepreneur and are interested in offering any of these services to our school, please e-mail Glynda Brown, Business Manager, at gbrown@nationalprepdc.org for further information on what will be required to fulfill the contract. Please also note that all bids must include evidence of experience in the field, the qualifications of principles, and estimated fees, and ***three (3) copies*** of all proposals must be mailed or delivered to the following address **by 4 pm on Friday, August 18th, 2017**:

Ms. Glynda Brown
Business Manager
National Collegiate Prep
4600 Livingston Rd SE
Washington, DC 20032

Please include on the envelope the type of service you and/or your company is offering*

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after September 15, 2017.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on August 11, 2017. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

Agee	Josephine	Raffa, P.C. 1899 L Street, NW, Suite 850	20036
Ali	Rashidah	Lincoln Property Company 101 Constitution Avenue, NW	20001
Al-Kahlil-Bey	A.	Self 45 New York Avenue, NW	20001
Anderson	Jessica Mary	DC Government Office of Tax and Revenue, Real Property Tax Administration, Assessment Division 1101 4th Street, SW	20024
Anderson	Taji	Self 1541 First Street, NW	20001
Baker	Kellee	Self 29 Florida Avenue, NW	20001
Betancourt	Victor	Original Title & Escrow, LLC 1717 Pennsylvania Avenue, NW, Suite 1025	20006
Bonesteel	Alyssa	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20001
Borrazas	Meghan A.	District of Columbia Board on Professional Responsibility 430 E Street, NW, Suite 138	20001
Brown	Sylveta L.	Haynes and Boone, LLP 800 17th Street, NW, Suite 500	20006
Cantwell III	Grover Green	KVS Title, LLC 230 6th Street, NE	20002
Cypress	Lucinda	MedStar Georgetown University Hospital Center 3800 Reservoir Road, NW, Bles Building, Room 140	20007
Dang	Miranda	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20001

Daniels	Kittrell D.	Self 2700 Hamlin Street, NE	20018
DeHoyos Jr.	Baltazar	Reisman Karron Greene, LLP 1700 K Street, NW, Suite 200	20006
Desta	Asmamaw	Hyatt Brown, LLC 3715 Martin Luther King, Jr., Avenue, SE	20032
Dixon	Barbara B.	Self 3124 Cherry Road, NE	20018
Duval	Gale Elizabeth	Truth Initiative 900 G Street, NW	20001
Ediriweera	Satheendra Krishanth	Bank Fund Staff Federal Credit Union 1725 I Street NW, Suite 400	20006
Ekandem Jr.	Uyoata U.	Georgetown Visitation Preparatory School 1524 35th Street, NW	20007
Farrah	Natasha	Reisman Karron Greene, LLP 1700 K Street, NW, Suite 200	20006
Ferrington	Carter Phillip	Bar-Adon & Vogel, PLLC 1642 R Street, NW, Suite 200	20009
Gibson	Dovetta M.	Debevoise & Plimpton, LLP 801 Pennsylvania Avenue, Suite 500, NW	20004
Gider	Goldie Heidi	Alliance For Justice 11 Dupont Circle, NW, Suite 200	20036
Hacklander	Sharon	U.S. Department of Transportation/ Federal Motor Carrier Safety Administration 1200 New Jersey Avenue, SE	20590
Hanson	Margaret M.	The Brookings Institution 1775 Massachusetts Avenue, NW	20036

D.C. Office of the Secretary **Effective: September 15, 2017**
Recommendations for appointment as DC Notaries Public **Page 4**

Harkins	Lisa R.	National Retail Federation 1101 New York Avenue, NW	20005
Haywood	Lisa M.	The Leadership Conference on Civil and Human Rights /The Leadership Conference Education Fund 1620 L Street, NW	20036
Headley	Sean	Citibank, N.A. 3241 14th Street, NW	20010
Herrell	Jeffrey L.	ARCH Development Corporation 1227 Good Hope Road, SE	20020
Herriot	Jack L.	Self 333 Bryant Street, NE	20002
Heumann	Annika	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20001
Honl-Stuenkel	Linnaea	Citizens for Responsibility and Ethics in Washington 455 Massachusetts Avenue, NW	20001
Horrell	Patrick Christopher	Rosenau, LLP 1801 18th Street, NW	20009
Jabir	Darlene L.	United States Postal Service 475 L'Enfant Plaza, SW	20260
Jackson	Denise	Day Pitney, LLP 1100 New York Avenue, NW, Suite 300	20005
Jackson	Sheldon	Citibank 1060 Brentwood Road, NE	22018
Jernigan	Tanya M.	Self 3864 9th Street, SE #101	20032
Kallay	Memuna	Self 1733 Stanton Terrace, SE	20020
Koch	Betsy	Afiniti 1700 Pennsylvania Avenue, NW	20006

Konohia	Crystal	Lupus Foundation of America, Inc 2121 K Street, NW, Suite 200	20037
Long	Catherine M.	Wings Enterprises, Inc. 3212 7th Street, NE	20017
Maguire	Maureen T.	NCARB 1801 K Street, NW, Suite 700-K	20006
Mandell	Alda L.	Planet Depos 1100 Connecticut Avenue, NW	20036
Massey	Kenneth	Federal Bureau of Investigation 935 Pennsylvania Avenue, NW	20535
McKenzie	Bianca	Self 1150 4th Street, SW, Apartment 603	20024
McNeary	Vania	AFL-CIO Employees Federal Credit Union 555 New Jersey Avenue, NW	20001
Middleton	Beverly J.	Public Company Accounting Oversight Board 1666 K Street, NW	20006
Moran	Lucette J.	Quinn Emanuel Urquhart & Sullivan, LLP 777 6th Street, NW, 11th Floor	20001
Morris	Maria	West, Lane & Schlager Realty Advisors, LLC 1155 Connecticut Avenue, NW, Suite 700	20036
Mujacic	Lindsay	Brookfield 1250 Connecticut Avenue, NW	20036
Neubauer	David Robert	Self 1616 22nd Street, NW	20008
Nguyen	Tammy	Holistic Industries 300 Massachusetts Avenue, NE	20002
Norris	Kathryn Neff	Self (Dual) 2737 Devonshire Place, NW, Apartment 430	20008

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Recommendations for appointment as DC Notaries Public **Page 6**

Pasternak	Moshe Zev	Campaign Legal Center 1411 K Street, NW, Suite 1400	20005
Poellnitz	Leslie M.	BlackRock 1401 New York Avenue, NW	20005
Reaves	Deborah Vines	District of Columbia Retirement Board 900 7th Street, NW	20001
Reed	Patrick	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20001
Rhodes	Joyce A.	Edmund J. Flynn Company 5100 Wisconsin Avenue, NW, Suite 514	20016
Roach	Parker B.	Downtown Business Improvement District 1250 H Street, NW, Suite 1000	20005
Schaller	Elaine A.	St. Anthony of Padua Church 1029 Monroe Street, NE	20017
Segovia-Nawn	Gloria I.	Mary's Center 2333 Ontario Road, NW	20009
Shuler	Dreama	Self 323 U Street, NE	20002
Skipwith	Oscar	Transportation Federal Credit Union 800 Independence Avenue, SW, # 128	20591
Slater	Takoywa Lakeita	Self 124 Irvington Street, SW, #102	20032
Smalls	Taylor D.	H. E. P. Construction, Inc 1227 Good Hope Road, SE	20020
Staley	Dana Marie	Self (Dual) 1164 Neal Street, NE	20002
Stanecki	Andrew	50Can, Inc 1625 K Street, NW, Suite 400	20006

D.C. Office of the Secretary **Effective: September 15, 2017**
Recommendations for appointment as DC Notaries Public **Page 7**

Steinhilber	Astrid Mabry	Self (Dual) 460 New York Avenue, NW, Unit 1001	20006
Thompson	Darlene	Gould Property Company 1725 DeSales Street, NW, Suite 900	20036
Turley	Sara J	Bar-Adon & Vogel, PLLC 1642 R Street, NW, Suite 200	20009
Walker	Ronald E.	Self (Dual) 3503 Minnesota Avenue, SE, Apartment 3	20019
Williams	Najee	TD Bank 4849 Wisconsin Avenue, NW	20016
Wivell-Wagner	Danielle	Malala Fund 1875 Connecticut Avenue, NW, 10th Floor	20009

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 18987-A of Pierce Investments LLC, pursuant to 11 DCMR Subtitle Y, § 705.1, for a two-year time extension of BZA Order No. 18987 approving variances from the floor area ratio requirements under §771,[1] and the rear yard requirements under § 774, to allow construction of a five-story multi-family building containing 46 dwelling units in the C-2-A District (now MU-4) [2] at premises 1124 Florida Avenue N.E. (Square 4070, Lot 808).

HEARING DATE (Original Application):	June 9, 2015
DECISION DATES (Original Application):	June 16 and July 14, 2015
FINAL ORDER ISSUANCE DATE:	July 23, 2015
TIME EXTENSION DECISION DATE:	July 26, 2017

SUMMARY ORDER ON MOTION TO EXTEND THE VALIDITY OF BZA ORDER NO. 18987

The Underlying BZA Order

On July 14, 2015, the Board of Zoning Adjustment (the "Board") approved the Applicant's request pursuant to the Zoning Regulations of 1958 under 11 DCMR § 3103.2, for variances from the floor area ratio requirements under §771, and the rear yard requirements under § 774, to allow construction of a five-story multi-family building containing 46 dwelling units in the C-2-A District at premises 1124 Florida Avenue N.E. (Square 4070, Lot 808). The Board issued its written order ("Order") on July 23, 2015, and pursuant to 11 DCMR § 3125.9 (now Subtitle Y § 604.11 of the 2016 Regulations), the Order took effect 10 days later. Pursuant to 11 DCMR § 3130 (now Subtitle Y § 702.1), the Order was valid for two years from the time it was issued, until July 23, 2017.

Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

On June 22, 2017, the Applicant submitted an application for a time extension requesting that the Board grant a two-year extension of Order No. 18987. This request for extension is pursuant to

[1] This and all other references to the relief granted in Order No. 18987 are to provisions that were in effect the date the Application was heard and decided by the Board of Zoning Adjustment (the "1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text (the "2016 Regulations"). The repeal of the 1958 Regulations has no effect on the validity of the Board's original decision or the validity of Order No. 18987.

[2] The zone name has changed as a result of the update of the zoning regulations as described in footnote 1. New zone names went into effect on September 6, 2016. The zone name of the property was C-2-A at the time of the original approval and is now MU-4.

Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Board finds that the motion has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order. To meet the requirements of Subtitle Y § 705.1(a), the record reflects that the Applicant served the Office of Planning, ANC 5D, and Srours Florida Avenue LLC (the prior
Property Owner) and all parties were allowed at least 30 days to respond. (Exhibit 3.) The only parties to the case were the Applicant and ANC 5D. ANC 5D did not submit a report regarding the time extension request. The Office of Planning ("OP") submitted a timely report, dated July 14, 2017, recommending approval of the request for the time extension. (Exhibit 6.)

As required by Subtitle Y § 705(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18987. There have also been no substantive changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order that would affect the approval.

To meet the burden of proof for "good cause" required under Subtitle Y § 705.1(c), the Applicant provided a statement and other evidence regarding their efforts to secure the necessary government approvals in obtaining a building permit. Specifically, the Applicant provided evidence that it has obtained several permits – including a Raze Permit, Plumbing and Gas Permit, and Foundation Only Permit – and has undertaken other actions such as demolishing the existing building on the Subject Property and submitting plans for review to other D.C. government agencies. (Exhibit 3.)

Despite its efforts to move forward with the project, the Applicant has indicated that additional time is required in order to obtain a building permit. Accordingly, the Board finds that the delay in securing the necessary governmental approvals is beyond the Applicant's reasonable control and that the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order.

Having given OP's recommendation great weight, the Board concludes that extension of the approved relief is appropriate under the current circumstances and that the Applicant has met the burden of proof for a time extension under Subtitle Y § 705.1.

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.

Pursuant to 11 DCMR Subtitle Y § 702, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of a two-year time extension of Order No. 18987, which Order shall be valid until **July 23, 2019**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 4-0-1 (Frederick L. Hill, Anthony J. Hood, 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: August 1, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19122-A of 1600 I Street Corporation, pursuant to 11 DCMR Subtitle Y, § 705.1, for a two-year time extension of BZA Order No. 19122 approving variances from the roof structure requirements under § 411.1,[1] and the nonconforming structure requirements under § 2001.3, and a special exception from the office use requirements under § 508.1 to allow the renovation and expansion of an existing office building, in the SP-2 District (now D-2)[2] at premises 1600 I Street N.W. (Square 186, Lot 39).

HEARING DATE (Original Application):	November 24, 2015
DECISION DATE (Original Application):	November 24, 2015
FINAL ORDER ISSUANCE DATE:	December 3, 2015
TIME EXTENSION DECISION DATE:	July 19 and July 26, 2017

SUMMARY ORDER ON MOTION TO EXTEND THE VALIDITY OF BZA ORDER NO. 19122

The Underlying BZA Order

On November 24, 2015, the Board of Zoning Adjustment (the "Board") approved the Applicant's request pursuant to the Zoning Regulations of 1958 under 11 DCMR §§ 3103.2 and 3104.1, for variances from the roof structure requirements under § 411.1, and the nonconforming structure requirements under § 2001.3, and a special exception from the office use requirements under § 508.1 to allow the renovation and expansion of an existing office building, in the SP-2 District at premises 1600 I Street N.W. (Square 186, Lot 39). The Board issued its written order ("Order") on December 3, 2015, and pursuant to 11 DCMR § 3125.9 (now Subtitle Y § 604.11 of the 2016 Regulations), the Order took effect 10 days later. Pursuant to 11 DCMR § 3130 (now Subtitle Y § 702.1), the Order was valid for two years from the time it was issued -- until December 3, 2017.

Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

[1] This and all other references to the relief granted in Order No. 19122 are to provisions that were in effect the date the Application was heard and decided by the Board of Zoning Adjustment (the "1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text (the "2016 Regulations"). The repeal of the 1958 Regulations has no effect on the validity of the Board's original decision or the validity of Order No. 19122.

[2] The zone name has changed as a result of the update of the zoning regulations as described in footnote 1. New zone names went into effect on September 6, 2016. The zone name of the property was SP-2 at the time of the original approval and is now D-2.

On July 3, 2017, the Applicant submitted an application for a time extension requesting that the Board grant a two-year extension of Order No. 19122. This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Board finds that the motion has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order. Pursuant to Subtitle Y § 705.1(a), the record reflects that the Applicant served the only party to the original application, ANC 2B, as well as the Office of Planning. (Exhibit 3.) At its public meeting on July 19, 2017, the Board granted the Applicant's request to waive the requirement that parties be allowed 30 days to provide responses, as the ANC, the only other party to the underlying case, had already provided its response. (Exhibit 5.) ANC 2B submitted a report, dated July 18, 2017, in support of the time extension request. (Exhibit 6.) The Office of Planning ("OP") submitted a report, dated July 18, 2017, indicating that it has no objection to granting the request for a two-year time extension. (Exhibit 7.)

As required by Subtitle Y § 705(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 19122. There have also been no substantive changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order that would affect the approval.

To meet the burden of proof for good cause required under Subtitle Y § 705.1(c), the Applicant provided a statement and other evidence regarding factors causing the delay in obtaining a building permit. (Exhibit 3.) Specifically, the Applicant indicated that it has created a condominium plan on the property comprised of two condominium units, the "MPAA Unit" (Motion Picture Association of America) and the "Investor Unit." The Applicant has worked to sell the Investor Unit, and after extended negotiations and two failed attempts, the Applicant sold the Investor Unit to MPTC 888 Property LLC on June 15, 2017. Because the purchase agreement was reached nearly two years after the beginning of the bidding process, the Applicant does not have sufficient time to finalize its architectural plans and file a building permit application before the expiration of BZA Order No. 19122. The Board finds that the factors causing delay are

beyond the Applicant's reasonable control and that the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order.

Having given the written reports of ANC 2B and OP great weight, the Board concludes that extension of the approved relief is appropriate under the current circumstances and that the Applicant has met the burden of proof for a time extension under Subtitle Y § 705.1.

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.

Pursuant to 11 DCMR Subtitle Y § 702, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of a two-year time extension of Order No. 19122, which Order shall be valid until **December 3, 2019**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, 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: August 1, 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19313-B of Emmanuel Baptist Church, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved in BZA Order No. 19313 to reduce the off-street parking provided for a new 72-unit apartment building in the R-5-A Zone at premises 2409-2412 Ainger Place S.E. (Square 5740, Lots 8, 190, and 851).

The original application (No. 19313) was pursuant to 11 DCMR §§ 3103.2 and 3104.1[1], for a variance from the off-street parking requirements under § 2101.1, and a special exception from the residential development requirements under § 353, to construct a new 74-unit apartment building in the R-5-A District at premises 2409-2412 Ainger Place S.E. (Square 5740, Lots 8, 190, and 851).

HEARING DATES (Case No. 19313): July 12, 2016
DECISION DATE (Case No. 19313): July 12, 2016
ORDER ISSUANCE DATE
(Case No. 19313): July 19, 2016
MODIFICATON DECISION DATE: June 7, 2017

CORRECTED SUMMARY ORDER[2]
ON REQUEST FOR MODIFICATION OF CONSEQUENCE

BACKGROUND

On July 12, 2016, in Application No. 19313, the Board of Zoning Adjustment ("Board" or "BZA"), based on a self-certification, approved the request by Emmanuel Baptist Church (the "Applicant") for a variance from the off-street parking requirements under § 2101.1, and a special exception from the residential development requirements under § 353, to construct a new 74-unit apartment building in the R-5-A District at premises 2409-2412 Ainger Place S.E. (Square 5740, Lots 8, 190, and 851). In that approval, the Board approved variance relief for off-street parking under § 2101 (65 spaces, where 74 are required) and special exception relief under § 353 for the R-5-A residential development requirements.

The Board issued Order No. 19313 on July 19, 2016. (Exhibit 2A.) The approval in Case No. 19313 was subject to the approved plans at Exhibits 40A and 40B, as further revised by

[1] This 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 Regulations").

[2] The Corrected Order was issued to revise typographical errors in the caption of the case and with regard to the order issuance date. No further revisions were made to this Order.

Exhibit 41.

MOTION FOR MODIFICATION OF CONSEQUENCE

On May 3, 2017, the Applicant submitted a request for a modification of consequence to modify the plans and variance relief approved by the Board in Order No. 19313 (the "Order"). (Exhibits 1-5.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant requested to change the approved plans which also necessitated an increase in the parking variance being requested.

In the Order, the Board approved relief for a planned new affordable housing project which has been selected by the Department of Housing and Community Development ("DHCD") for city subsidies. (Exhibit 2B.) The approved plans in the Order incorporated 65 off-street parking spaces, which included 44 surface parking spaces and 21 spaces in a semi-basement "tuck-under" garage. A variance of nine spaces (or 13%) from the 1:1 parking requirement of 11 DCMR § 2101.1 was proposed and approved by the Board, with the support of both the Office of Planning ("OP") and the affected Advisory Neighborhood Commission ("ANC"), ANC 8B.

Since the Board's approval, the Applicant learned that the cost of the project would be significantly more than had been anticipated and thus is now seeking to make changes that would reduce the project's cost but remain generally consistent with the project the BZA approved. The Applicant indicated that due to substantial budget cuts from increased construction costs and equity market LIHTC pricing following the Presidential election and high expectation of changes for corporate tax rates, the developer and project architect had to reevaluate the project design to cut costs while maintaining the project's affordability. They determined that sufficient construction savings could be achieved by eliminating the partially below grade parking level and shifting the building 15 feet towards Ainger Place. The Applicant stated that this change will make the Project feasible without impacting the "integrity of the initial design." (Exhibits 2, 2C.)

According to the Office of Planning ("OP"), the principal changes: (1) would eliminate the underground parking level, which would also eliminate 29 of the earlier design's parking spaces; (2) shift the proposed building approximately 15 feet closer to Ainger Place in order to obviate the need for a retaining wall at the rear of the property; and (3) substitute Hardi-Plank for masonry on portions of the façade that do not face the street. OP noted that the change in the building's placement would also result in the building having a defined height 2.3 feet taller than what was approved. (Exhibit 6.)

The proposed change necessitates a larger parking variance than previously approved. However, although the elimination of the partially below grade parking requires a greater parking variance than previously approved under the 1958 Zoning Regulations, the reduced amount of parking is consistent with matter-of-right requirements under the 2016 Zoning Regulations.[3] The Applicant

[3] The requirement under the 1958 Zoning Regulations was one space per unit, but the 2016 Zoning Regulations reduced the requirement to one space per two units. With the requested reduction in required parking spaces, the proposed 36 spaces would comply with the requirements of Subtitle C, Chapter 7 of the 2016 Zoning Regulations of one space for every two units. (Exhibit 6.)

also asserted that the proposed adjustment to the placement of the building on the site would offer a collateral benefit by allowing for the elimination of a retaining wall structure up to 13 feet high along half of the site perimeter. (Exhibit 2.)

Due to the extenuating circumstances of substantial budget gaps making the project infeasible as previously designed, the Applicant is seeking a modification of consequence to include additional parking relief from 11 DCMR § 2101.1 and permission to update the site plan by eliminating the below grade parking level and shifting the proposed building toward Ainger Street. According to the Applicant, this request would not otherwise impact the approved special exception relief under § 353. (Exhibits 2 and 2D.)

According to the OP report, the number of affordable units would remain the same and the layout of the building and the landscaping would remain substantially unchanged or improved from what the Board previously approved. (Exhibit 6.)

The Merits of the Request for Modification of Consequence

The Applicant's request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board."

In the application herein, the Applicant is requesting a modification of consequence to the Order due to the need to cut construction costs so as to complete the affordable housing project that the Board approved in Case No. 19313. With this modification, the Applicant now seeks additional variance relief from 11 DCMR § 2101.1 and permission to update the site plan by eliminating the below grade parking level and shifting the proposed building toward Ainger Street. This request does not otherwise impact the approved special exception relief under § 353. (Exhibits 2, 2D, and 6.)

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence 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 modification of consequence to Advisory Neighborhood Commission ("ANC") 8B, the only other party to Application No. 19313. (Exhibit 1.) ANC 8B did not submit a report to the record. However, the Single Member District ("SMD") Commissioner, ANC 8B01, who is also the Chair of the ANC, did submit a letter of support for the modification request. In that letter, the SMD indicated that the Applicant made a presentation of the modification proposal to the ANC on April 18, 2017, at its regularly scheduled monthly meeting. (Exhibit 9.)

The Applicant also served its request on the Office of Planning ("OP"). OP submitted a report dated May 26, 2017 recommending approval of the requested modification, i.e. 74 spaces required; 65 spaces previously approved; and 36 spaces proposed.[4] (Exhibit 6.)

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 modification of consequence. Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a modification of consequence to the variance relief and plans approved in Case No. 19313, 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 modification of consequence of the Board's approval in Application No. 19313 is hereby **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 8A1-8A13.**

In all other respects, Order No. 19313 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON JULY 12, 2016: 4-0-1
(Marnique Y. Heath, Anita Butani D'Souza, Jeffrey L. Hinkle, and Peter G. May; one Board seat vacant.)

VOTE ON MODIFICATION OF CONSEQUENCE ON JUNE 7, 2017: 4-0-1
(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Peter A. Shapiro, 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: August 2, 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.

[4] Further, OP noted that the original BZA case was reviewed under the 1958 Zoning Regulations, but the modification request was processed pursuant to the 2016 Zoning Regulations.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19524 of Quincy Street Townhomes II, LLC, as amended[1], pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the requirements of Subtitle U § 320.2, and pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the parking space size requirements of Subtitle C § 712.5, to construct a rear addition to, and convert an existing one-family dwelling to a three-unit apartment house in the RF-1 zone at premises 429 Quincy Street, N.W. (Square 3236, Lot 87).

HEARING DATE: July 19, 2017
DECISION DATE: July 26, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 9 – original, Exhibit 57 – 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") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC submitted a report recommending approval of the requested relief related to conversion. The ANC report indicated that at a regularly scheduled, properly noticed public meeting on June 14, 2017, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 33.) In its report, the ANC stated that it neither supports nor opposes the rear addition as proposed under Subtitle U § 320.2(e). Further, the ANC raised the issue of

[1] The Applicant amended the application by adding to the original request a variance from Subtitle C § 712.5, based on the community's interest in having more parking at the site. (Exhibits 57 – Revised Zoning Self-Certification.) Per the Applicant's request, and with the ANC's support, the Board, by consensus, waived the 21-day filing requirement to allow the submission of the amendment within the filing deadline, and the Board waived the 40-day notice requirement to allow the addition of variance relief to the application. (See Exhibits 45 and 46.) The amended relief is reflected in the caption above, and the caption has been corrected to reflect relief under Subtitle U § 320.2 as opposed to § 320.1.

whether the waiver of Subtitle U § 320.2(e) was allowable, as it is a required criterion of the special exception relief. The Board addressed the ANC's concern by clarifying that Subtitle U § 320.2(l) allows the Board to modify or waive up to two of the requirements in Subtitle U §§ 320.2(e) through § 320.2(h), provided that the modification or waiver does not have a substantially adverse impact on adjacent properties. The Board credited Office of Planning's finding that waiver of the rear addition requirement would not have a substantial impact on the light, air, privacy, or enjoyment of adjacent properties based on the design and massing of the project. Accordingly, the Board found that the waiver was allowable and appropriate based on the facts of this application.

In testimony at the hearing, the ANC representative expressed an interest in having the Applicant contribute an affordable housing unit to the community, given that this application is essentially being processed in conjunction with the adjacent property, making Inclusionary Zoning ("IZ") applicable. (See BZA Application No. 19525.) The Board asked the Applicant to explore the possibility of an IZ contribution with the instant project, and to submit a post-hearing statement on the issue to the Board. The Board afforded the ANC an opportunity to reply. The Applicant explored the IZ component, but in lieu of IZ, offered to make a donation to the District Housing Trust Fund or N Street Village (Exhibit 56 – Applicant's Post-Hearing Statement). The ANC considered the offer to be inadequate. (Exhibit 59 – ANC 4C's response to Applicant's statement). Ultimately, upon deliberation, the Board determined that the ANC's position on IZ was not within the purview of the Board's review in this case.

The Office of Planning ("OP") submitted a timely report recommending approval of the application with one condition which was accepted by the Applicant. The condition was adopted by the Board and is reflected in this order. (Exhibit 47.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 48.)

Five neighbors submitted letters in support of the application. (Exhibits 39-43.) Two letters were filed in opposition to the application. (Exhibits 50 and 53.)

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 parking space size requirements of Subtitle C § 712.5, to construct a rear addition to, and convert an existing one-family dwelling to a three-unit apartment house in the RF-1 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 § 712.5, 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 U § 320.2. 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, and Subtitle U § 320.2, 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 55 - REVISED ARCHITECTURAL PLANS AND ELEVATIONS, AND SUBJECT TO THE FOLLOWING CONDITION:**

1. The Applicant shall create a vegetated “green wall” along the rear addition’s side wall that faces the adjacent neighbor to the east, as shown in Exhibit 36.

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 31, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19525 of Quincy Street Townhomes I, LLC, as amended[1], pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the requirements of Subtitle U § 320.2, and pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the parking space size requirements of Subtitle C § 712.5, to construct a rear addition to, and convert an existing one-family dwelling to a three-unit apartment house in the RF-1 zone at premises 431 Quincy Street, N.W. (Square 3236, Lot 88).

HEARING DATE: July 19, 2017
DECISION DATE: July 26, 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 – original, Exhibit 60 – 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") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC submitted a report recommending approval of the requested relief related to conversion. The ANC report indicated that at a regularly scheduled, properly noticed public meeting on June 14, 2017, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 35.) In its report, the ANC stated that it neither supports nor opposes the rear addition as proposed under Subtitle U § 320.2(e). Further, the ANC raised the issue of whether the waiver of Subtitle U § 320.2(e) was allowable, as it is a required criterion of the

[1] The Applicant amended the application by adding to the original request a variance from Subtitle C § 712.5, based on the community's interest in having more parking at the site. (Exhibits 60 – Revised Zoning Self-Certification.) Per the Applicant's request, and with the ANC's support, the Board, by consensus, waived the 21-day filing requirement to allow the submission of the amendment within the filing deadline, and the Board waived the 40-day notice requirement to allow the addition of variance relief to the application. (See Exhibits 47 and 48.) The amended relief is reflected in the caption above, and the caption has been corrected to reflect relief under Subtitle U § 320.2 as opposed to § 320.1.

special exception relief. The Board addressed the ANC's concern by clarifying that Subtitle U § 320.2(l) allows the Board to modify or waive up to two of the requirements in Subtitle U §§ 320.2(e) through § 320.2(h), provided that the modification or waiver does not have a substantially adverse impact on adjacent properties. The Board credited Office of Planning's finding that waiver of the rear addition requirement would not have a substantial impact on the light, air, privacy, or enjoyment of adjacent properties based on the design and massing of the project. Accordingly, the Board found that the waiver was allowable and appropriate based on the facts of this application.

In testimony at the hearing, the ANC representative expressed an interest in having the Applicant contribute an affordable housing unit to the community, given that this application is essentially being processed in conjunction with the adjacent property, making Inclusionary Zoning ("IZ") applicable. (See BZA Application No. 19524.) The Board asked the Applicant to explore the possibility of an IZ contribution with the instant project, and to submit a post-hearing statement on the issue to the Board. The Board afforded the ANC an opportunity to reply. The Applicant explored the IZ component, but in lieu of IZ, offered to make a donation to the District Housing Trust Fund or N Street Village (Exhibit 58 – Applicant's Post-Hearing Statement). The ANC considered the offer to be inadequate. (Exhibit 62 – ANC 4C's response to Applicant's statement). Ultimately, upon deliberation, the Board determined that the ANC's position on IZ was not within the purview of the Board's review in this case.

The Office of Planning ("OP") submitted a timely report recommending approval of the application with one condition which was accepted by the Applicant. The condition was adopted by the Board and is reflected in this order. (Exhibit 50.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 51.)

Six neighbors submitted letters in support of the application. (Exhibits 41-45 and 49.) Two letters were filed in opposition to the application. (Exhibits 53 and 56.)

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 parking space size requirements of Subtitle C § 712.5, to construct a rear addition to, and convert an existing one-family dwelling to a three-unit apartment house in the RF-1 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 § 712.5, 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 U § 320.2. 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, and Subtitle U § 320.2, 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 59 - REVISED ARCHITECTURAL PLANS AND ELEVATIONS, AND SUBJECT TO THE FOLLOWING CONDITION:**

1. The Applicant shall create a vegetated "green wall" along the rear addition's side wall that faces the adjacent neighbor to the west, as shown in Exhibit 59.

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: August 1, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19534 of Rock Creek Property Group, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exceptions under Subtitle G § 1200.4 from the side yard requirements of Subtitle G § 306.1, and from the use requirements of Subtitle U § 504.1(g) to construct an addition to an existing building for office use in the MU-2 Zone at premises 5 Thomas Circle, N.W. (Square 212, Lot 852).

HEARING DATE: July 26, 2017
DECISION DATE: July 26, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 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 report dated June 19, 2017 recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 7, 2017, at which a quorum was present, the ANC voted 6-1 to support the application. (Exhibit 29.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 34.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application, with the condition that the Applicant "implement the June 9, 2017 TDM plan for the entire property and for [the] life of the project, unless otherwise noted." (Exhibit 35.) At the hearing, the Applicant agreed to the condition with the "entire property" language being revised to reference only the project site. The Board adopted the condition as revised, as reflected in this order.

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 G § 1200.4 from the side yard requirements of Subtitle G § 306.1, and from the use requirements of Subtitle U § 504.1(g) to construct an addition to an existing building for office use in the MU-2 Zone. The only parties to the case were the ANC and the Applicant. The ANC expressed support and raised no issues or concerns to which great weight could be afforded. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle G §§ 1200.4 and 306.1, and Subtitle U § 504.1(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 EXHIBITS 32A1-32A2, AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall implement the June 9, 2017 Transportation Demand Management plan, under Exhibit 30, for the project site and for the life of the project, unless otherwise noted.

VOTE: **4-0-1** (Frederick L. Hill, Anthony J. Hood, 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: August 2, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO

SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19540 of Starbucks Corporation and PVS International, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 513.1(n) from the use requirements of Subtitle U § 512.1, to permit a 45-seat prepared food shop in the MU-4 Zone at premises 3347 M Street N.W. (Square 1205, Lot 810).

HEARING DATE: July 26, 2017
DECISION DATE: July 26, 2017

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 11.) 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 submitted a timely report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 29, 2017, at which a quorum was present, the ANC voted 7-0-0 to support the application with conditions. (Exhibits 31 and 36.) ANC Commissioner Gibbons testified in support of the application and read the ANC's conditions into the record.

The Office of Planning ("OP") submitted a timely report dated July 14, 2017, in support of the application. (Exhibit 32.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 33.)

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 U § 513.1(n) from the use requirements of Subtitle U § 512.1, to permit a 45-seat prepared food shop in the MU-4 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this

application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U §§ 513.1(n) and 512.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7 AND WITH THE FOLLOWING CONDITIONS:**

1. There shall be no deep fryer installed on the premises.

2. Any meats cooked shall be grilled only. The grill utilized shall have a hood that vents to the side of the building and terminates at the roof to prevent cooking/food smells to permeate the sidewalk and street frontage areas.

3. Pest control and maintenance services shall be performed monthly and more often if necessary.
4. Refuse shall not be stored on the sidewalk or within public view except after 8:00 pm on the day of collection. Empty trash cans shall not remain in public view after 8:00 am on the day of collection. The Applicant shall make commercially reasonable efforts to maintain the public space adjacent to and in front of the premises in a clean and orderly manner. The Applicant shall use sealable containers for trash, food, waste, and recycling designated to prevent intrusion by rodents, vermin, and other pests, and further agrees to keep the containers closed and sealed when waste is not being disposed. The Applicant shall store refuse securely at all times so that odors do not reach the residential district.

VOTE: **4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, 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 § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR

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. 19542 of Bluebell Massage, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 513.1(e), to permit a massage establishment in the MU-4 Zone at premises 3705 14th Street N.W., Unit 2. (Square 2826, Lot 12).

HEARING DATE: July 26, 2017
DECISION DATE: July 26, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC did not submit a report for this application. The Applicant testified at the hearing that it presented the application at the ANC and the ANC determined not to take a vote but expressed no opposition to the application. The ANC Commissioner for Single Member District 4C05 submitted an email as an individual in support of the application. (Exhibit 44.)

The Office of Planning ("OP") submitted a timely report, dated July 14, 2017, in support of the application. (Exhibit 41.) The District Department of Transportation ("DDOT") submitted a timely report, dated July 14, 2017, expressing no objection to the approval of the application. (Exhibit 42.)

Five letters of support for the application from nearby residents were submitted to the record. (Exhibits 14-17, and 39.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle U § 513.1(e), to permit a massage establishment in the MU-4 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle U § 513.1(e), 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.**

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 § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

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.

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING &
NOTICE OF FILING
BZA Application No. 19557

The Board of Zoning Adjustment for the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of its intention to not disapprove, or in the alternative, disapprove the following:

Application of Commonwealth of Australia, pursuant to 11 DCMR Subtitle X, Chapter 2, to replace an existing chancery use by demolishing the existing Australian chancery building and replacing it with a new chancery building in the MU-15 zone at premises 1601 Massachusetts Avenue N.W. (Square 181, Lot 162).

Notice of the public hearing date will be mailed to property owners within 200 feet of the subject property and the affected **Advisory Neighborhood Commission (ANC) 2B**. Additionally, it will be published in the *DC Register*, the public hearing calendar of the Office of Zoning (OZ) website at http://dcoz.dc.gov/bza/calendar.shtm, and on public hearing notices available at the OZ office. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the OZ website at www.dcoz.dc.gov
- Click on "Case Records" under "Services".
- Enter the BZA application number indicated above and click "Go".
- The search results should produce the case. Click "View Details".
- On the right-hand side, click "View Full Log".
- This list comprises the full record in the case. Simply click "View" on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

Members of the public may participate in a case by submitting a letter in support or opposition into the record or participating as a witness. Visit the Interactive Zoning Information System (IZIS) on our website at https://app.dcoz.dc.gov/Login.aspx to make a submission. Please note that party status is not permitted in Foreign Missions cases.

If you have any questions or require any additional information, please call OZ at 202-727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-46D
Z.C. Case No. 06-46D
Half Street Residential PJV, LLC
(Modification of Consequence to Capitol Gateway Overlay
Design Review Approval @ Square 701)
May 18, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on May 18, 2017. At that meeting, the Commission approved the application of Half Street Residential PJV, LLC ("Applicant") for a modification of consequence to a project approved pursuant to the Capitol Gateway Overlay District design review provisions ("CG Overlay provisions") set forth in § 1604 of the 1958 Zoning Regulations of the District of Columbia ("1958 Zoning Regulations")[1], Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The property that is the subject of this application consists of the southern portion of Record Lot 168 in Square 701, as more specifically known as Assessment and Taxation Lots 857, 858, and 859 ("Property"). The modification request was made pursuant to § 703 of the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations ("DCMR").

FINDINGS OF FACT

BACKGROUND INFORMATION

1. By Z.C. Order No. 06-46 (dated February 12, 2007, effective November 23, 2007), the Commission approved a new development for the property now designated as Record Lot 168 in Square 701, pursuant to the CG Overlay provisions. The Commission also approved a number of related variances and special exceptions for the project pursuant to 11 DCMR § 1604.9 (1958) ("Original Plans").

2. The Original Plans depicted a mixed-use development consisting of two buildings on a single lot of record ("North Building" and "South Building") consisting of 762,800 square foot of gross floor area ("GFA") of office, residential, hotel, and retail uses. The North Building was approved for office and retail use while the South Building was approved for hotel, residential, and retail use. The Original Plans were approved for 277,600 square feet of GFA of office use, 105,560 square feet of GFA of hotel use, 51,010 square feet of GFA of retail use, and 320,100 square feet of GFA of residential use. The Original Plans showed a maximum height of 110 feet, not including roof structures, and a maximum

[1] The project that is the subject of this modification of consequence was originally approved when the 1958 Zoning Regulations of the District of Columbia ("ZR58") were in effect (Z.C. Order No. 06-46). The Commission also approved three subsequent minor modifications to the project following the original approval which also occurred under ZR58 (Z.C. Order Nos. 06-46A, 06-46B, and 06-46C). On September 6, 2016, the provisions of ZR58 were repealed and replaced by the 2016 Zoning Regulations of the District of Columbia ("ZR16"). The repeal of ZR58 and replacement with ZR16 has no effect on the validity of the Commission's prior decisions and orders regarding the project.

density of 7.44 floor area ratio ("FAR"). To achieve the maximum permitted building height and FAR, the Original Plans included the transfer of residential density from Square 700 through combined lot development that also involved the ballpark site to the south.

3. By Z.C. Order No. 06-46A (dated January 28, 2008, effective December 12, 2008), the Commission approved minor modifications to the Original Plans. (See Z.C. Case No. 06-46A.) The minor modifications included a number of design changes and several changes to GFA, including a reduction in office use, and increases in hotel, retail, and residential uses. The minor modifications resulted in a reduction in the overall FAR from 7.44 to 7.35.

4. Following the Commission's approval of the Original Plans, and subsequent minor modification, the North Building was constructed. However, the South Building was never constructed and ownership of the Property transferred to the Applicant in the fall of 2014.

5. By Z.C. Order No. 06-46B (dated June 29, 2015, effective July 31, 2015), the Commission approved modifications to the previously approved plans for the South Building. The Commission also approved related variances and special exceptions pursuant to 11 DCMR § 1604.9 (1958) ("South Building Plans"). The South Building Plans are included as Exhibit ["Ex"] 22 of the record for Z.C. Case No. 06-46B.

6. According to Z.C. Order No. 06-46B, the South Building was approved for residential GFA ranging from approximately 318,400-402,800 square feet, retail GFA ranging from approximately 55,100-69,200 square feet, and hotel GFA ranging between zero to approximately 78,300 square feet. In addition, the South Building was approved with a maximum density of 6.83 FAR. (See Z.C. Order No. 06-46B, Conditions 3-4 at page 19.)

7. By Z.C. Order No. 06-46C (dated June 13, 2016, effective October 7, 2016), the Commission approved a minor modification to the South Building to permit the addition of penthouse habitable space, including related design modifications to the penthouse. The approved minor modification added approximately 9,369 square feet of GFA of penthouse habitable space to the South Building, of which approximately 3,360 square feet of GFA is devoted to communal recreation/amenity space. In addition, the South Building modified penthouse includes approximately 2,199 square feet of GFA of penthouse mechanical space, and approximately 3,044 square feet of GFA of unenclosed screened mechanical equipment. The approved minor modification also included changes to the South Building penthouse façades and materials, and changes to the outdoor rooftop amenity space and landscape plan.

CURRENT APPLICATION

8. By letter dated March 3, 2017, and pursuant to 11-Z DCMR § 703, the Applicant submitted a request for a modification of consequence to: (i) permit a bowling alley as part of an eating and drinking establishment use, (ii) make refinements to select building façades, and (iii) make refinements to the design of Monument Place, the pedestrian

thoroughfare located along the north side of the South Building between Half Street, S.E. and Cushing Place, S.E. (Ex. 1-2F.) In addition, pursuant to the criteria of 11-U DCMR § 518.1(c)(1) and (2), the Applicant requested a special exception to permit a bowling alley use in the CG-4 zone. In accordance with 11-X DCMR § 603.3, the Commission has the authority to grant the requested special exception simultaneously with the Applicant's modification of consequence request.

9. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service which noted that Advisory Neighborhood Commission ("ANC") 6D, the only party in the original proceeding, was served with the application. (Ex. 2F.)

10. By letter dated March 17, 2017, the Applicant submitted a request to amend its modification of consequence request to include refinements to the configuration of the South Building loading area, and to supplement the record with information regarding the South Building's mezzanine level and consistency with the previously approved GFA ranges and overall density. (Ex. 7-7B.) The Applicant served a copy of its request to amend the application on ANC 6D.

11. On March 16, 2017, the Office of Planning ("OP") submitted a report into the record recommending that the Commission approve the application. (Ex. 5.) In its report, OP finds that the application is appropriately considered as a modification of consequence, and that the proposed changes are consistent with the Commission's original approval and the intent of the CG-4 zone.

12. The Commission, at its March 27, 2017, public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant to Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 1703.17(c)(2) to establish a timeframe for ANC 6D to file a response in opposition to, or in support of the request, and for the Applicant to respond thereto; and schedule the request for deliberations. During its deliberations, the Commission requested additional information from the Applicant regarding the digital signage along the retail level of the South Building at the corner of Half and N Street, S.E., as depicted on Sheet A7 of Ex. 7A. The Commission requested that this additional information be submitted by April 17, 2017. The Commission allowed ANC 6D until April 13, 2017, to file it report on the application, and scheduled the application for deliberation on April 24, 2017.

13. ANC 6D did not submit a report on the application by the April 13, 2017, deadline established by the Commission.

14. On April 17, 2017, the Applicant submitted the additional information regarding the digital signage on the South Building at the corner of Half and N Street, S.E. (Ex. 8-8B). The Applicant described the digital signage as consisting of two digital LED signs that each measure approximately 8-10 feet high by approximately 18-20 feet wide. The Applicant stated that the digital signage is consistent with, and would be operated in accordance with the recently enacted "Nationals Park and Ballpark District Designated

Entertainment Area Signage Regulations Amendment Act of 2016" (the "Act"), which was passed by the D.C. Council on December 20, 2016, and went into effect on April 7, 2017.

15. At its April 24, 2017, public meeting, the Commission decided to withhold deliberation on the application to provide ANC 6D another opportunity to submit a report. The Commission rescheduled its deliberation on the application for May 8, 2017.

16. ANC 6D did not submit a report on the application by the May 8, 2017, public meeting.

17. At its May 8, 2017, public meeting, the Commission again decided to withhold deliberation on the application to provide ANC 6D another opportunity to submit a report. Noting the typical responsiveness of this ANC, the Commission stated that it remained interested in receiving a report from the ANC, particularly in regards to the digital signage along the retail level of the South Building at the corner of Half and N Streets, S.E. The Commission rescheduled its deliberation on the application for May 18, 2017.

18. On May 16, 2017, ANC 6D submitted a report into the record (the "ANC Report"). (Ex. 9.) In its report, the ANC expresses support for the addition of a bowling alley to the project, as well as the proposed building elevation and material changes. In addition, the ANC expressed support for the design refinements to Monument Place. With respect to the digital signage on the corner of the South Building at Half and N Streets, S.E., while acknowledging the Applicant's statement regarding the Act, the ANC stated that it objected to the signage on the basis that it believed the signage was "inconsistent with the principles of good design" and that it "significantly detracted from experience and engagement by the patrons on [the South Building second floor terrace] from fully integrating with [the] lively environment on the corner below overlooking the entrance to the Ballpark."

19. On May 18, 2017, the Applicant submitted a response to the ANC Report. (Ex. 10.)

20. On May 18, 2017, the Commission deliberated on the application. With respect to the Applicant's request for special exception relief to add a bowling alley as part of an eating and drinking establishment use in the CG-4 zone, and its requests to refine the design and materials of select façades refine the design of Monument Place, and reconfigure the loading area of the South Building, the Commission found these modifications to be consistent with the Commission's original approval of the South Building and the purposes of the CG-4 zone and thus voted to approve these requested modifications. With respect to the digital signage along the retail level of the South Building at the corner of Half and N Streets, S.E., the Commission was persuaded by the comments provided by ANC 6D, and decided not to include the digital signage in its vote to approve the application.

21. As a prerequisite to issuance of the final order for the application, the Commission required the Applicant to submit revised drawings without the digital signage shown on the corner of the South Building at Half and N Streets, S.E. as depicted on Sheet A7 of Ex. 7A. On June 13, 2017, the Applicant submitted the revised drawings. (Ex. 12.)

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence means "a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance." (11-Z DCMR § 703.3.) Examples of modifications of consequence "include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (11-Z DCMR § 703.4). The Commission concludes that the modifications depicted in Exhibit 12 of the case record, and as described in detail in the statements submitted by the Applicant (Ex. 2-2F, 7-7B), are modifications of consequence; and therefore, can be and granted without a public hearing.

One example of a modification of significance is "additional relief … from the zoning regulations not previously approved." (11-Z DCMR § 703.6.) Here, the Applicant is seeking a special exception that was not previously requested or granted. This request would therefore appear to a modification of significance, for which a hearing is required. However, as the Commission previously noted, "the Commission considers these standards to be flexible, with the principal distinction between modifications of significance and consequence being whether the Commission believes it would be helpful to have a hearing." (Z.C. Case No. 04-13A, Metropolitan Baptist Church (2017), request to change public benefit from church room to residential use not a modification of significance because relief was "straightforward"). The special exception requested here is similarly straightforward, and presented no factual issues that required a public hearing to resolve. Therefore, it was appropriate to consider the request for a special exception to add a bowling alley use to be a modification of consequence.

The Commission concludes that the proposed modifications of consequence related to design are entirely consistent with the Commission's previous design review approval of the South Building and with the purposes of the CG-4 zone. These modifications do not diminish or detract from the Commission's original approval.

As to the special exception, the CG-4 zone is subject to the use permissions applicable to MU Use Group G. (See 11-K DCMR § 507.2.) Those use permissions allow a bowling alley as a special exception subject to the general special exception provision stated at 11- DCMR X § 901.2 and subject to the following specific conditions:

(1) Bowling alley use shall not be within twenty-five feet (25 ft.) of a residential zone unless separated from such district by a street or alley; and

(2) Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required;

(11-G DCMR § 518.1 (c).)

Based upon the submissions of the Applicant and the OP report, the Commission finds that the bowling alley use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map; and will not tend to affect adversely, the use of neighboring property. The Commission further finds that the use will not be within 25 feet of a residential zone and that no soundproofing is necessary.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give "great weight" to the issues and concerns contained in the written report of an affected ANC. As is reflected in the Finding of Fact No. 11, ANC 6D submitted a report expressing concerns over the digital signage on the corner of the South Building at Half and N Streets, S.E. The Commission found ANC 6D's concerns over the digital signage to be persuasive and required the Applicant to remove the signage from its plans.

The Commission is also required to give great weight to the recommendation of OP. (See D.C. Official Code § 6-623.04 (2012 Repl.).) The Commission concurs with OP's recommendation to approve this modification of consequence application

The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for a modification of consequence to the plans approved pursuant to Z.C. Order No. 06-46B, as modified by Z.C. Order No. 06-46C, subject to the plans and elevations submitted at Exhibit 12 of this case.

On May 18, 2017, upon the motion of Vice Chairman Miller as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** this application by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 11, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-13F
Z.C. Case No. 07-13F
Lowe Enterprises
(Two-Year Time Extension for a Consolidated PUD
@ Square 643-S, Lot 801)
May 8, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on May 8, 2017. At that meeting, the Commission approved the request of Lowe Enterprises ("Applicant" or "Lowe") for a two-year time extension, until May 9, 2019, in which to file for a building permit and May 9, 2020 to start construction of a planned unit development ("PUD") as approved by Z.C. Order No. 07-13, as modified and extended by Z.C. Order No. 07-13D. The property (Lot 801 in Square 643S) that is the subject of this application has an address of 65 I Street, S.W. ("Property"). The time extension request was made pursuant to 11-Z DCMR § 705.2.

FINDINGS OF FACT

BACKGROUND INFORMATION

1. By Z.C. Order No. 07-13, effective March 21, 2008, the Commission approved a PUD and map amendment for Lot 801 in Square 643S. The Property is improved with the former Randall Junior High School, a District of Columbia historic landmark. The Commission approved a minor modification to allow phased construction of the PUD by Order No. 07-13A, effective September 27, 2008. Thereafter, the original developer abandoned the project.

2. In 2010, TR SW acquired the development rights to the Property and engaged architects Bing Thom and Beyer Blinder Belle to revise the development plan for the Property.

3. The PUD was extended three times, with the last extension being solely for the purpose of keeping the original PUD in place so that the Commission could consider a request for modification.

4. In Z.C. Order No. 07-13D, effective May 9, 2014, the Commission approved a PUD modification that included substantially revised architecture, different arts uses, a reduction in parking, relocation of the loading below grade, an increase in the height of the residential portion of the building, and an increase in the number of residential uses provided ("Modified PUD"). The Modified PUD includes the proposed museum, reuse of an existing historic landmark, housing, and affordable housing.

5. The order approving the Modified PUD was valid until May 9, 2016, by which time the Property's owner had to file for a building permit, with construction starting no later than May 9, 2017.

CURRENT APPLICATION

6. On March 27, 2017, the Applicant requested a two-year time extension of the period of approval for the modified PUD project. The Applicant requested that the Commission extend the time period in which it is required to file a building permit application until May 9, 2019 with construction to begin by May 9, 2020.

7. This is the fourth extension requested for the PUD, and the first extension requested for the Modified PUD. The Applicant, therefore, requested a waiver of 11-Z DCMR §705.5, which limits to two the total number of time extension for a PUD, with the second extension limited to one year.

8. The Applicant provided a certificate of service which noted that the time extension application was served on Advisory Neighborhood Commission ('ANC") 6D, the sole party to the PUD case

9. Since early 2016, Lowe has worked with TR SW to review the complex series of approvals that govern development of the Property and reach the necessary agreements that would allow the Modified PUD to move forward. These efforts include the following affirmative actions:

- Based upon Lowe's extensive review of the prior approved plans, Lowe advised that the Modified PUD requires further modifications to make it viable. Consequently, Lowe, TR SW, and the project architect (Beyer Blinder Belle) worked through 2016 on these modifications. During the due diligence, Lowe met with various stakeholders, including the D.C. Historic Preservation Office ("HPO"), Office of Planning ("OP), the ANC, and others to get community buy-in. Initial feedback from these stakeholders was that the modifications were improvements to the plan and would result in a better project for the community;
- Lowe also met with representatives of the District, through the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") to review the status of an existing Covenant with the District that governs development of the Property and related agreements, and determined what additional measures are necessary to implement the PUD; and
- Lowe and TR SW worked together to establish the appropriate financial and development collaboration that would allow the PUD to proceed.

10. After approximately a year of due diligence, discussions with key city representatives and community stakeholders, and internal discussions, Lowe and TR SW reached agreement on March 6, 2017 to designate Lowe as the lead entity in the development of the PUD.

11. There has been no substantial change of material facts since the Commission's approval of the Modified PUD in 2014 that undermine the Commission's justification for approving the PUD application. There are no changes to the Zoning Regulations or the

Comprehensive Plan that would impact the material facts upon which the Commission based its original approval. The development of the PUD will also further the goals and policies of the recently adopted Southwest Small Area Plan, which anticipates additional arts and culture within the proposed art museum, affordable housing within the residential component of the PUD, and the development of I Street in front of the Property as a "cultural corridor."

12. ANC 6D submitted a report, dated April 6, 2017, into the record. (Exhibit ["Ex."] 4.) In its report, the ANC requested that the Commission impose conditions on this time extension or the anticipated PUD modification to require that the Applicant:

    a. Commenting demolition and abatement work on the site no later than the 4th quarter of 2018;

    b. File for permits required to construct the project within one year of the approval of the forthcoming PUD modification;

    c. Commit to a regular schedule of care;

    d. Maintain the property prior to the start of construction: and

    e. Post visible signage within the next three months identifying Lowe Enterprises' role in the development of the apartment and museum complex and anticipated commencement of construction.

13. OP submitted a report on April 16, 2017. The OP report stated that OP supported the approval of the time extension and had no objection to the waiver of the limit on time extensions under Subtitle Z § 705.5. (Ex. 5A.)

CONCLUSIONS OF LAW

The Commission may extend the time period of an approved PUD provided the requirements of 11-Z DCMR § 705.2 are satisfied. Subsection 705.2(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. ANC 6D, the only party to the case, was served with this time extension request and as noted filed a report in the record expressing issues and concerns that will be discussed below. (Ex. 4.)

Subsection 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD. Based on the information provided by the Applicant and OP, the Commission concludes that extending the time period of approval for the consolidated PUD is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original consolidated PUD application.

Subsection 705.2(c) requires that an applicant demonstrate with substantial evidence one or more of the following criteria:

(a) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;

(b) An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

(c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

The Commission finds that there is good cause shown to extend the period of time in which the Applicant is required to file the building permit application and subsequently to start construction. Both TR SW and the Applicant have worked diligently and in good faith to bring the project to fruition but the project requires additional changes. Lowe plans to proceed rapidly to file an application for the Commission to approve the modified project soon after approval of this extension.

Granting the two-year time extension to file the building permit until May 9, 2019 (with construction to start by May 9, 2020) for the PUD will be sufficient to allow Lowe as the new Applicant to prepare the new application for further modification of the PUD, and if such approval is given, obtain approvals, prepare building permit plans, and file for permit for this project to meet the extended deadline for filing for a building permit. Although the extension request is premised upon the Commission's approval of the modification, the Commission obviously makes no such presumption. The extension is granted simply to permit the Applicant to continue its efforts to create a viable project. Further, pursuant to 11 DCMR § 704.5, the filing of any such modification application does not toll the extended timeframes granted by this order.

In regards to the Applicant's request for a waiver from 11-Z DCMR § 705.5, the Commission may, for good cause shown, waive any of the provisions of Subtitle Z if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. (See 11-Z DCMR § 101.9.) The Commission concludes that although there have been prior extensions; this is in reality the first request to extend the PUD as modified. The extension limit was adopted in part to incentivize the prompt delivery of PUDs. Here, the developer is actively engaged in trying to bring this stage of the project to fruition and no public purpose is served by killing the entire project in these circumstances.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC. As noted above, ANC 6D requested the Commission to impose several conditions on the grant of this time extension and the anticipated further modification. A time extension merely continues an approval, and makes no change to it. It is, therefore, not appropriate to add conditions to a time extension that would modify the approval. It is also premature for the Commission to

consider what conditions it should impose on a modification request it has yet to see. For these reasons, the Commission does not find the ANC's advice to be persuasive.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations. OP supported the time extension request and had no objection to the granting a waiver for an additional time extension.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of Z.C. Case No. 07-13F until May 9, 2019; within such time the Applicant will file for a building permit for the Modified PUD. Prior to May 9, 2020, the Applicant will begin construction of the Modified PUD. As noted, these same timeframes will apply to any further modification of the PUD, unless the Commission determines that new timeframes should be established.

On May 8, 2017, upon the motion of Commissioner Shapiro, as seconded by Chairman Hood, the Zoning Commission took **FINAL ACTION** to **APPROVE** this application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to approve; Robert E. Miller, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 11, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-29(1)
Z.C. Case No. 15-29
Jemal's Gateway DC, LLC
(Consolidated PUD and Related Map Amendment @ Square 2960, Lot 17)
ORDER DENYING MOTION FOR LEAVE TO FILE
MOTION FOR RECONSIDERATION
March 13, 2017

By Z.C. Order No. 15-29, the Zoning Commission for the District of Columbia ("Commission") granted the application of Jemal's Gateway DC, LLC ("Applicant") for approval of a consolidated planned unit development ("PUD") and a related Zoning Map amendment from the C-2-A and R-1-B Zone Districts to the C-2-B Zone District for Lot 17 and a portion of a public alley to be closed in Square 2960 ("PUD Site").[1]

The parties to Z.C. Case No. 15-29 were the Applicant and Advisory Neighborhood Commission ("ANC") 4A.

On February 17, 2017, Z.C. Order No. 15-29 was published in the *DC Register* and became final and effective upon publication. (11-Z DCMR § 604.9.)

Subsection § 700.3 of the Zoning Commission's Rules of Practice and Procedure (Title 11-Z DCMR) provides:

> A motion for reconsideration, rehearing, or re-argument of a final order in a contested case under Subtitle Z § 201.2 *may be filed by a party* within ten (10) days of the order having become final. The motion shall be served upon all other parties.

(Emphasis added.)

Subsection 101.9 of those rules provides that the Commission may, for good cause shown, waive any of the provisions of Title 11-Z if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.

Pursuant to § 101.9, on February 21, 2017, the Reverend David L. Jefferson and Naima Jefferson ("Jeffersons"), who were not parties to the case, filed a Motion for Leave to File and Motion to Reconsider Z.C. Order 15-29 (Exhibit ["Ex."] 64.) The Commission must first consider that portion of the filing that seeks leave to file ("Motion for Leave to File"). Since the reconsideration motion would have been timely filed, the Commission treats the Motion for Leave to File as requesting a waiver of the requirement that a motion for reconsideration be filed by a party ("Party Status Requirement"). In support of the requested waiver, the Jeffersons cite their discovery of a well construction application dated May 6, 2013, in which the Applicant

[1] These zone districts were renamed as of September 6, 2016, but these re-designations did not impact the Commission's analysis of the motion that is the subject of this Order.

checked "yes" to the question "is the site potentially or known to be contaminated." The Motion argues that the need to protect the public against this potential contamination constitutes good cause to waive the Party Status Requirement.

By letter dated February 28, 2017, the Applicant submitted a request for the Commission to deny the Motion for Leave to File ("Request for Denial.") (Ex. 65.) The Request for Denial did not address the Motion's assertion of good cause, but instead argued that a waiver would prejudice the Applicant by reopening the record to a non-party to file documents after the application was reviewed by the D.C. Office of Planning, the District Department of Transportation, Advisory Neighborhood Commissions 4A and 4B, and the Zoning Commission.

The Motion for Leave to File is denied. The Commission has repeatedly stated the importance of the Party Status Requirement. (*See, e.g.* Z.C. Order No. 11-24, p. 3, denying a motion for reconsideration filed by a non-party and reiterating that "only the existence of 'extraordinary circumstances' would justify the waiver of the requirement that only a party may file a motion for reconsideration, such as when no notice of a hearing is given.") Although the need to apprise the Commission of a hitherto unknown and real health risk could constitute such circumstances, this is not what has been presented here. There is no evidence that the site was in fact contaminated, and even if it were, the District's environmental laws would require remediation. The Commission, thus, concludes that this speculative assertion of remediable contamination does not furnish good cause for waiving the Party Status Requirement or, for that matter, granting a motion for reconsideration. Having found no evidence of good cause to grant the waiver, the Commission makes no finding as to whether granting the waiver would prejudice the right of a party or is prohibited by law.

For the reasons stated above, the Motion for Leave to file is hereby **DENIED**.

On March 13, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **DENIED** the Motion for Leave to File at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to deny, Peter A. Shapiro not participating in the hearing, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 11, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 16-09
Z.C. Case No. 16-09
1200 3rd Street, LLC
(Consolidated PUD and PUD-Related Map Amendment @ Square 747)
December 12, 2016

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on November 3, 2016, to consider an application from 1200 3rd Street, LLC ("Applicant") for review and approval of a consolidated planned unit development ("PUD") and PUD-related map amendment for Lot 8 in Square 747 ("Property"). The application proposes a mixed-use development consisting of retail, residential, and lodging uses ("Project"). The Commission considered the application pursuant to Chapters 24 and 30 and § 102 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").[1] The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application with conditions.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The Project site consists of Lot 8 in Square 747 and contains approximately 106,139 square feet of land area. (Exhibit ["Ex."] 2.)

2. The Property immediately abuts the railroad tracks to its west and is currently improved with a large warehouse and surface parking lot. The Property is located within the boundaries of Advisory Neighborhood Commission ("ANC") 6C and is zoned C-M-3. (Ex. 2.)

3. On April 19, 2016, the Applicant submitted an application to the Commission for the review and approval of a PUD and PUD-related map amendment to rezone property located in the C-M-3 Zone District to the C-3-C Zone District. (Ex. 2.)

4. On June 2, 2016, the Office of Planning ("OP") submitted a setdown report recommending that a public hearing be held on the application. It requested the Applicant to submit additional information as follows prior to the public hearing: (Ex. 12.)

    - Demonstrate, through a commitment to PDR or related uses on the ground floor, that the proposed development would further the PDR related objectives and land use direction of the Comprehensive Plan and the NoMA Vision Plan;

    - Refine the proposal for inclusionary zoning to warrant the request for a concentration of IZ units; and

[1] Chapter 24 and all other provisions of Title 11 DCMR were repealed on September 6, 2016. Chapter 24 was replaced by Chapter 3 of Subtitle 11-X. However, because this application was set down for hearing prior to that date, the Commission's approval was based upon the standards set forth in Chapter 24.

- The design should achieve a greater LEED equivalent rating.

5. On June 13, 2016, the Commission set the application down for a public hearing, supporting OP's request for additional information prior to the public hearing.

6. The Applicant filed its pre-hearing statement on July 27, 2016, including responses to OP's and the Commission's comments above. (Ex. 14, 15-15A9.)

7. Notice of the public hearing was published in the *D.C. Registe*r on September 2, 2016 and was mailed to ANCs 6C and 5D and to owners within 200 feet of the Property on August 25, 2016. (Ex. 17, 18, 19.)

8. OP referred the application to the Department of Energy and the Environment ("DOEE"), District Department of Transportation ("DDOT"), Department of Housing and Community Development ("DHCD"), Department of Employment Services ("DOES"), Department of Parks and Recreation ("DPR"), Department of Public Works ("DPW"), DC Public Schools, Fire and Emergency Medical Services Department ("FEMS"), Metropolitan Police Department ("MPD"), and DC Water. (Ex. 12.)

9. OP hosted an interagency meeting for the aforementioned agencies on August 4, 2016, to provide each agency an opportunity to discuss the Project with the Applicant.

10. A public hearing was held on November 3, 2016, during which the Applicant gave its presentation and responded to questions. The Applicant proffered, and the Commission accepted, Shalom Baranes, as an expert in architecture, Daniel Van Pelt as an expert in transportation engineering, and Trini Rodriguez as an expert in landscape architecture. (November 3, 2016 Transcript ["Tr."], p. 8.)

11. Union Market Neighbors ("UMN") filed a request for party status citing concerns over the impact of the Project on quality of life. Union Market Neighbors' request was deficient: it did not authorize anyone to speak on its behalf, did not provide information on the structure of the organization, did not specify the property affected, and it did not distinguish how its members would be more uniquely affected by the development than the general public. (*Id*., at 6-7; Ex. 25.)

12. The Commission took up UMN's request for party status as a preliminary issue. UMN did not attend the hearing and was not available to clarify its submission. The Commission denied UMN's request for party status on the grounds that it chose not to participate in the hearing and on the basis that the request was deficient. (November 3, 2016 Tr., p. 7.)

13. UMN rescinded its request for party status while the public hearing was underway. (Ex. 43.)

14. Tony Goodman, the Single Member District representative with ANC 6C, testified in support of the application on behalf of the ANC. (November 3, 2016 Tr., pp. 106-110.)

15. No parties, other than the ANC, spoke in support or opposition to the application.

16. Cheryl Cort of the Coalition for Smarter Growth, testified in support of the application. (*Id*., at 111-113.)

17. ANC 6C voted in support of the application and testified in support of the application at the public hearing. (Ex. 23.)

18. Over 100 letters in support of the application were submitted into the record. (Ex. 30-32.)

19. At the conclusion of the public hearing, the Commission closed the record except for the Applicant's post-hearing submission and proposed order, as well as responses to the Applicant's post-hearing submission from OP, DDOT, and both ANCs. The Commission took proposed action to approve the application and requested additional information prior to taking final action on the application. The Commission requested additional information regarding:

    a. Additional penthouse details;

    b. Signage plan;

    c. Additional information on the affordable housing proffer;

    d. Additional information on the proposed phasing plan;

    e. Additional information on the proposed materials; and

    f. First Source agreement.

20. At the close of the public hearing on November 3, 2016, the Commission took proposed action to approve the application. (November 3, 2016 Tr., pp. 116-117.)

21. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") as required by the District of Columbia Home Rule Act on November 7, 2016. (Ex. 44.) NCPC, by delegated action dated November 23, 2016, found that the proposed PUD would not adversely affect the federal establishment or other identified federal interests in the National Capital and would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. (Ex. 49.)

22. On November 23, the Applicant submitted its list of final proffered public benefits of the PUD and draft conditions, pursuant to 11 DCMR § 2403.16 through 2403.18.

THE MERITS OF THE APPLICATION

Description of Property and Surrounding Areas

23. The PUD Site is located in the northeast quadrant of the District of Columbia. It is bounded by M Street, N.E. to the south, Florida Avenue, N.E. to the north, 3rd Street, N.E. to the east, and railroad tracks to the west. The Property is triangular in shape, with its narrowest frontage along Florida Avenue. (Ex. 2.)

24. It is in Single Member District 6C06 of ANC 6C in Ward 6. It is considered a part of the NoMA neighborhood and is located just south of the Union Market neighborhood, which is north of Florida Avenue. The NoMA-Gallaudet U Metro station is directly to the west, across the railroad tracks. (Ex. 2.)

25. The Property is located directly to the north of the redevelopment of the Uline Arena, a mixed-use retail and office development; to the west of mixed-use development projects approved as PUDs in Z.C. Case Nos. 14-19, 15-22, and 15-28, with maximum heights of 110 feet, 101 feet, and 120 feet, respectively; to the south of high-density redevelopment of the Union Market, and to the east of the Amtrak railroad tracks. The Property is largely surrounded by properties that have been rezoned to the C-3-C Zone District through the PUD-related map amendment process. (Ex. 2, 22.)

26. The Property is currently improved with an approximately 40-foot-tall warehouse and a surface parking lot used by the Central Armature Works. The warehouse does not have windows for the first 20 feet of building height and incorporates windows only at the roofline. For pedestrians walking along 3rd Street, there is no view into the building, only a view of sheet metal and a cinder block façade; the pedestrian experience is further degraded by a barbed wire fence lining a portion of 3rd Street. The sidewalk does not extend for the length of 3rd Street between M Street and Florida Avenue; it is cut off by a dirt road used by Amtrak to access their railroad tracks. The west side of the Property is dedicated to surface parking and truck storage. In sum, the Property does not currently engage pedestrian traffic or encourage interaction with the community. (Ex. 2.)

27. The Property is located in the C-M-3 Zone District. The C-M-3 Zone District allows medium-high-density development, allowing a maximum density of 6.0 floor area ratio ("FAR") and a maximum height of 90 feet.

28. The C-M-3 Zone District does not allow residential uses; no residential uses are currently located on the Property. As such, no residents will be displaced by the Project.

29. Other challenging features of the Property include the easements that encumber it. Amtrak and D.C. Water both have easements across the Property, which must be accommodated in any future development. Amtrak maintains a number of high voltage electrical cables along its tracks that necessitate a 15-foot setback for the entire length of

the western façade.[2] Amtrak also has a permanent easement across the site (east-west) to access the rail bed, which must be accommodated in the Project. D.C. Water has a below grade easement in the former N Street right-of-way that requires a clearance of at least 25 feet and must be at least 25 feet wide. These are significant features and greatly complicate the building design. (Ex. 2.)

30. The surrounding area is mostly a mix of industrial, commercial, and institutional uses. To the north of Florida Avenue is the Union Market neighborhood, which is historically industrial but is currently in different stages of redevelopment. To the south of the Project is the former Uline Arena, which has been converted to a REI retailer and office space. Directly east of the Project, between N Street and Florida Avenue, a mixed-use residential building is planned.[3] Across 3rd Street to the east and just south of N Street is another planned mixed-use development with hotel, office, retail, and residential uses.[4] Finally, another mixed-use residential development was approved for the parcel of land to the east of 3rd Street and just north of M Street.[5] (*Id*.)

31. The immediately surrounding blocks contain primarily a mix of industrial and commercial uses, but new developments are planned throughout, particularly in the Union Market neighborhood, where several new projects are pending. To the west, across the railroad tracks, is the heart of NoMA, which includes high-rise office buildings, apartment buildings, hotels, and the NoMA-Gallaudet U. Metrorail station. Further to the east, the neighborhood is primarily residential with two- and three-story townhouses and flats. Gallaudet University, a large institutional anchor in the community, is located to the northeast of the Property. Further to the south and southeast of the Property, the neighborhood is primarily residential with two- and three-story townhouses and flats. (*Id*.)

32. The immediate neighborhood includes a mixture of zones. The properties immediately surrounding the Property are located in the C-M-1 or C-M-3 Zone Districts. The Properties to the east and north, which are going through an entitlement process, have either been rezoned or the property owners are seeking to rezone their properties to the C-3-C Zone District. The Uline Arena redevelopment was pursued as a matter of right, retaining the existing C-M-3 and C-M-1 zoning. The NoMA neighborhood west of the railroad tracks is located in the C-3-C Zone District. Residential properties further from the Property are zoned primarily R-4. (*Id*.)

The Project

33. The Project is comprised of five primary parts: the podium, the northern residential building, the southern residential building, the hotel, and open spaces, each of which is described in more detail below. (Ex. 2.)

[2] A 10-foot setback is required from the power lines, per OSHA and an additional five feet is required for new construction.
[3] ZC Case No. 15-22
[4] ZC Case No. 15-28
[5] ZC Case No. 14-19

34. **Podium**: Given the physical challenges of the site, including its proximity to the railroad tracks, its triangular shape and its grade changes, the podium affords design opportunities that would not otherwise exist at the ground floor. The podium, including covered but pedestrian accessible space, covers approximately 96% of the lot and is 14-22 feet in height, which provides the base of the building the height needed to elevate bedroom and hotel windows above the retaining wall required alongside the railroad tracks. (*Id*.)

35. The podium includes over approximately 700 linear feet of retail frontage along both M and 3rd Streets. The retail frontage is broken intermittently by residential or hotel entrances, service exitways and the Metro plaza, described in more detail below. The retail façades are broken down into "frames" that vary in material, fenestration and articulation. Multiple retailers may be located within each frame or a single retailer may occupy more than one frame. The frames exhibit a unique design based on the retailer, which will customize it for its own purposes. (*Id*.)

36. The Project includes a Metro plaza above the former N Street right-of-way. The plaza is 30 feet tall and 70 feet wide and consists of 6,000 square feet of gross floor area. The plaza cuts through the entire width of the site before terminating at the train tracks' retaining wall, allowing access between 3rd Street and the future Metro tunnel, which will stretch below the railroad tracks to the NoMA-Gallaudet U Station to the west. The plaza affords direct access for the neighboring community to the Metro tunnel, via the Applicant's private property. Not only is the plaza a convenience for the community but it is also a visual point of interest for passersby. The Project incorporates artwork throughout the plaza to create a visually exciting and comfortable space. An acrylic sound guard at the western edge of the plaza will buffer the space from noise and to allow views of train activity. The sound guard runs for the length of the building; however, only the portion at the face of the plaza is clear. (*Id*.)

37. A portion of the Metro plaza is used periodically for Amtrak vehicles to access the tracks. Amtrak will cross the plaza to access a ramp located on the western edge of the podium, adjacent to the planned Metro tunnel for access. It is expected that Amtrak will utilize this ramp approximately four times per day. Visual cues (either bollards, a change in material or pattern, or the use of a curb) are incorporated into the design to alert pedestrians that it is a shared space. In addition, no backing-up vehicular maneuvers take place in the Metro plaza, which further minimizes the potential for vehicular/pedestrian conflicts. (*Id*.)

38. Access to loading and parking for the Project is made via the podium. The Project utilizes a single curbcut for its parking and loading that is located in the southwestern corner of the Property at a signalized intersection. All passenger vehicles enter the garage and proceed to the two lower levels of the garage, where approximately 300 spaces are reserved. (*Id*.)

39. Loading for the entire Project occurs from the single curbcut on M Street. Loading is on the first level of the garage, where three berths at 30 feet deep are provided. Service corridors serving each of the three buildings are easily accessible from the loading area,

making it an ideal location for loading. Finally, all truck maneuvers are accommodated within the garage space and do not require any back-in maneuvers from M Street. As a part of this Project, the Applicant will reconfigure the traffic signal at the curb cut, as well as install a separate bike signal for the cycle track that will be located on the south side of M Street. The Applicant will continue to coordinate with DDOT regarding the final design of the curbcut and the driveway to the Project. (Ex. 2, 22, 34, 37.)

40. **Northern Residential Building:** The northern residential building is the largest of the three buildings. In addition to the retail uses in the podium, the northern residential building consists of approximately 450 residential units. The building is 120 feet tall and includes approximately 410,000 square feet of residential use. The mass of the building occupies the entirety of the northern portion of the Property, from 3rd Street to the railroad tracks. The break at the southern end of the building coincides with the view corridor of Patterson Street to the west, which creates a visual connection with the NoMA neighborhood west of the railroad tracks, while also visually establishing open space consistent with the street grid through the site. (Ex. 2.)

41. The residential building is bifurcated on the first three levels by the Metro plaza. The parcel to the north of the Metro plaza has its own separate entrance that can be used to access the lower floors of the building. There are two levels of retail uses, one potentially below grade and one at grade, which give the building a strong presence on Florida Avenue. The building is set back 15 feet from Florida Avenue for a height of approximately 33 feet in order to improve the retail experience. This expands the sidewalk space, making for more comfortable pedestrian maneuvers along Florida Avenue, which would otherwise be limited to the existing width of the sidewalk at six feet. The two parts of the floor plate will unite at the fourth level. (*Id*.)

42. The building's exterior is approximately 50% glass and 50% solid wall surface. The majority of the solid wall surfaces are brick – light gray blended brick at levels four and up and dark gray blended brick below level four. The N Street right-of-way, which previously bisected the northern end of the site, is formally expressed by the Metro plaza's open space at the lower three levels. Above that space, a change of color and pattern in the building's exterior marks the width of the former N Street right-of-way. On 3rd Street, a light gray metal and glazed armature flanks the right-of-way. The inset zone between the darker and lighter metal and glass armatures is clad in an orange brick and modulated with overscaled openings and stacked/paired balconies. (*Id*.)

43. **Southern Residential Building**: The southern residential building is located in the southeast corner of the Project and abuts 3rd Street to the east, the hotel to the west, the northern residential building to the north and M Street to the south. The building is 120 feet tall and includes approximately 175,000 square feet of residential use. The building's exterior is approximately 60% glass and 40% solid wall surface. The primary solid wall surfaces are made up of vertically corrugated metal panels in varying shades of dark gray. Smooth, lighter gray panels are employed in the recesses. The building's aesthetic plays with the proportions of the traditional industrial window, which features a grid-like array of horizontal and vertical mullions and small glass panes. By scaling up

this traditional window to contemporary residential dimensions, the southern residential building recalls industrial style but exemplifies modern architecture. (*Id*.)

44. **Hotel:** The hotel is located to the west of the southern residential building, north of M Street, east of the railroad tracks and south of the northern residential building. It includes approximately 200 rooms and 130,000 square feet of space. Similar to the other two buildings, the hotel is 120 feet tall. The building's exterior is approximately 50% glass and 50% solid wall surface. The solid wall surfaces on the west (track) façade are marked by composite concrete panels in varying shades of brown and gray. From a distance, these subtle color variations produce an abstract patchwork of vertically stacked panels. The solid wall surfaces of the east (courtyard) façade are constituted by a precast concrete framework infilled with composite wood panels tiered in three level assemblies. Again, these subtle color and texture variations produce an abstract patchwork enhancing this building's interior facade. (*Id*.)

45. **Open Spaces**: The industrial history of the site is reflected in the landscape through repetition, pattern, conveyance, graphics, style, and a muted industrial color palette. The Project provides a significant amount of attention to its open spaces. Open spaces of varying sizes, shapes and purposes are incorporated throughout the site. The most significant open space is the Metro plaza, included in the design of the northern residential building (also discussed above in relation to the podium). The Metro plaza will provide access for residents east of the railroad tracks to the NoMA-Gallaudet U Metrorail station via a planned tunnel connection to be constructed by WMATA. This will facilitate use of the Metrorail station for residents in the community, as well as those wishing to visit the community. The plaza space will not be "dead" space; but rather, at 30 feet tall, it will be open, dramatic, and vibrant. The space will include works of art to provide visual interest and will even incorporate the railroad tracks themselves as a point of interest through the use of an acrylic sound screen. The space is meant to be a passive gathering space that can be enjoyed by more than just those utilizing Metro. (*Id*.)

46. The Metro plaza is a mostly covered hardscape plaza that is flanked on the north and south sides by retail and on the west by the elevated railway system. The plaza is designed to accommodate extended outdoor retail opportunities such as outdoor dining adjacent to the retail spaces. An access drive for Amtrak maintenance vehicles is embedded into the plaza design through a change in paving materials in the covered plaza and through the use of a mountable curb on 3rd Street with a creative installation of linear pavers and planting bands within the tree amenity zone and the tenant zone to discourage other vehicular traffic from entering the plaza. Accommodations for the potential future Metro pedestrian tunnel connection under the train tracks to the New York Avenue Metro Station are being provided. The path to the tunnel is defined by special paving and paving patterns and includes an accessible path. (*Id*.)

47. The interim condition plan for the period before the Metro tunnel is constructed includes pop-up retail spaces and movable furniture located at the western end of the plaza that will activate and draw people into the space. (*Id*.)

48. The open space plans incorporate DeafSpace principles to pair deaf experiences with the built environment through the thoughtful analysis of space and proximity, sensory reach, mobility and proximity, light and color, and acoustics. (*Id.*)

49. The Project creates open spaces through building setbacks. On the southern edge of the Property, the podium is set back to create a triangle plaza, or M Street Plaza, that corresponds with the open space provided in connection with the REI project to the south of M Street. The M Street Plaza is a unique urban pocket park where people meet, mingle and connect with each other. This plaza blurs the lines between what is public and what is private. Terraced levels defined by monumental stairs allow for free flowing circulation through the space while points for access are provided to each level for individuals with disabilities. The prominent staircases allow for seating and gathering opportunities in the plaza. A focal feature in the form of a water scrim will begin in a linear water trough cantilevered from the second level terrace ending in a pool, or scrim, of water in the plaza. The scrim, water trough, and a gantry crane element on the second level visually connect the plaza and the second level open spaces. The plaza is animated by the retail on the northern edge, the entrance to the hotel and restaurant, and all of the outdoor dining associated with those establishments. The edges of the plaza are lined with large timber benches. (*Id.*)

50. The M Street Plaza wraps around the building to the corner of 3rd Street via open space provided by pulling back the corner of the southern residential building from the property line. Widening the sidewalk space at this location creates a more pedestrian friendly experience and encourages walking along the retail uses on 3rd Street. The Project widens the sidewalk in the middle of its 3rd Street frontage between M Street and the proposed Metro plaza to create visual interest in the street level façade by introducing movement to it, as well as to create more opportunities for retail uses to engage with pedestrians and the public realm to make the entire Project more open and inviting to the public. (*Id.*)

51. In coordination with properties currently being developed on the east side of 3rd Street, the west side of the street has a distribution that will include a two-foot transition zone including curb, a six-foot tree amenity zone, a 10-foot sidewalk zone, and a 10-foot tenant zone. Trees, low impact development basins, permeable pavers, and city standard streetlights, trash receptacles, and bike racks are integrated along the length of the street. The tenant zone is activated by plantings and opportunities for interactive sculpture. (*Id.*)

52. Finally, the Project sets back from the lot line a distance of 15 feet along Florida Avenue for a height of approximately 33 feet. Again, this was done to improve the safety and experience of the pedestrian. The existing sidewalk on Florida Avenue is narrow (six feet wide), creating discomfort with pedestrians as they are pushed close to a busy roadway. Widening the sidewalk provides a more comfortable space for pedestrians, which eases the current path between the Property and the NoMA-Gallaudet U. Metrorail Station. (*Id.*)

53. The Project incorporates a significant amount of open private space, including its second story terrace and its rooftop amenity space. The second level terrace delicately balances the needs, functions, and levels of access for the three different uses adjacent to the courtyard, which are the hotel, the southern residential building, and the northern residential building. A restaurant dining area or outdoor function area on the southwest corner of the terrace provides activity and vibrancy to both the second level and the plaza below. Located at the eastern edge of the dining area or function area is the main focal feature of the design, a gantry crane that ties the second level terrace to the M Street Plaza at street level below. A gantry crane that currently operates inside the Central Armature Works was the inspiration for this feature. (*Id*.)

54. The southern residential building features a great lawn and grilling stations. The great lawn is separated from the restaurant dining area or outdoor function space by the gantry crane water feature. The northern residential building has outdoor amenity spaces on this level. They include a multi-purpose lawn, seating areas, grilling stations, and a video screen. The lush landscape lush features groves of trees providing buffers and visual separation between the buildings and the amenity spaces. (*Id*.)

55. Each building offers rooftop amenities as well. It is anticipated that the hotel will have a small pool for guests, various seating areas and a restaurant/bar with views of the city. The southern residential building has lounge seating, a grilling bar, and an outdoor fireplace all in an intimate setting. The northern residential building takes advantage of the views to the south to showcase a generous pool and outdoor amenity terrace with strong connections to the indoor amenity space. Features that may be included in this amenity terrace are grilling stations, pergolas, televisions, and fire elements. (*Id*.)

56. A composite of extensive and intensive green roof systems will be created for the roof and penthouse levels of each building. These green roof systems reduce storm water runoff; conserve water; mitigate the urban heat island effect; reduce noise; create habitat for birds, insects, and butterflies; provide great aesthetic value, and even aid in fire protection. The planting design will utilize native and adaptive plants throughout the Project. In storm water filtration and bio-retention planters, plants will be specifically selected to thrive in those locations and to perform the filtration function. (*Id*.)

PUD Flexibility Requested

57. Section 411.4(c): The Applicant seeks special exception relief to allow a restaurant in the hotel penthouse. (Ex. 22.)

58. Section 411.9: The Applicant seeks relief to allow varying heights for the habitable penthouse space. (*Id.*)

59. Section 775.5: Though no side yard is required, the Applicant is providing a 15-foot side yard along the railroad tracks. If a side yard is provided, it must be a minimum of 20 feet wide; accordingly, the Applicant seeks relief from this requirement. (*Id*.)

60. Section 2115.9: The Applicant is providing 60 valet parking spaces for the hotel use; however, the Project as a whole is not considered a "commercial" project and is not permitted to include valet parking spaces in its parking supply. The Applicant seeks relief from this section so that the hotel valet parking spaces are included in the proposed parking supply. (*Id*.)

61. Section 2201.1: The Applicant seeks variance relief from the requirement to provide a 55-foot loading berth for the residential uses. (*Id*.)

62. Section 2605: The Applicant is exploring the potential for establishing the southern residential building as a condominium building. In the event it does so, it seeks flexibility to locate all of the affordable units available to households with an annual income no greater than 50% AMI in the northern (rental) residential building. (*Id*.)

63. In addition to the relief required from the Zoning Regulations, the Applicant seeks flexibility in the implementation of the Project, including: (*Id*.)

    a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure (22C.);

    b. To vary final selection of the exterior materials within the color ranges and general material types approved, based on availability at the time of construction (22C.);

    c. To vary the location of the affordable units so long as their location is generally consistent with the locations noted in Exhibit 46, in that they must remain consistent with the requirements of § 2605.6. The proffered levels of affordable housing shall not be modified (22C.);

    d. To make minor refinements to exterior details, dimensions, and locations, including belt courses, sills, bases, cornices, railings, balconies, trim, frames, mullions, spandrels, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems (22C.);

    e. To vary the exterior design of the retail space per the specifications of the retailer;

    f. To vary the proposed residential unit range and hotel room range by 10%;

    g. To vary the number of proposed parking spaces by 10% and to refine the parking layout in an effort to create a more efficient plan;

h. To extend the footprint of the garage toward the southern lot line so long as it remains within the lot lines and below grade along both M and 3rd Streets. The extension of the garage will not increase the proposed parking beyond the flexibility noted above;

i. To provide approximately 10,000 square feet of additional retail space below grade in the northern residential building along Florida Avenue and approximately 7,000 square feet on the second floor of the northern residential building along Florida Avenue. It also seeks flexibility to provide potential mezzanine space within retail spaces, per tenant specifications;

j. To adjust details of the 3rd Street streetscape after coordination with other stakeholders and relevant District agencies;

k. To modify the penthouse design for the hotel per specifications of the final operator. The parameters of the massing (height, density and set back) will not change and no additional relief is permitted as a part of this flexibility;

l. To reduce or eliminate the Florida Avenue projection in the event the sidewalk is not widened, per current DDOT plans (Ex. 22C.);

m. To modify the location of the structural wall supporting the Amtrak track bed and the design of the area immediately adjacent, based on the final engineering of the foundation system developed in coordination with Amtrak (Ex. 22C.);

n. To provide interim, "pop-up" retailers and movable fixtures in the Metro plaza; and

o. Phasing: The Applicant anticipates constructing the Project in one phase; however, it would like the flexibility to construct it in two phases should market conditions change. The proposed phasing would allow the Applicant to apply for a building permit for the northern residential building, and corresponding portion of the podium, within two years of approval of this PUD and to apply for a building permit for the southern residential building, hotel, and corresponding podium within four years of the approval of this PUD.

Project Amenities and Public Benefits

64. As detailed in the Applicant's testimony and written submissions, the proposed PUD will provide the following project amenities and public benefits: (Ex. 2, 22, 37A1-37A3, 46-46B.)

a. Exemplary Urban Design, Architecture, and Open Spaces.

(i) The Project effectively incorporates public spaces into the site plan: whether it is through building setbacks, a Metro plaza or an enhanced streetscape, the site plan has been thoughtfully crafted. The Applicant will

coordinate with other stakeholders to establish a uniform and pedestrian-friendly streetscape along 3rd Street. In addition to these improvements, the retail spaces that are proposed establish a rhythmic pattern along 3rd Street that varies with each façade. The streetwall is not monotonous and uniform; rather it incorporates varying materials and unique articulations to create an active pedestrian experience. It also opens view corridors along both N and Patterson Streets that do not currently exist and emphasizes the openness of the site. In addition to the public spaces, the Project includes generous courtyards on the second level to be enjoyed by residents, guests and patrons of the hotel;

(ii) The overall massing of the Project was designed with specific thought to its context. It utilizes a podium to address the challenges posed by the neighboring railroad tracks. It also utilizes a soundwall along the western façade and double-glazed windows to minimize the impacts of sound from the railroad. The height of the building helps to establish the uses adjacent to the railroad tracks, which might otherwise compete with the site. Each building was designed as an independent building and incorporates its own unique design and materials, all of which are of high quality; and

(iii) Finally, the Project incorporates several pieces of art, including a mural wall in the Metro plaza and a water feature in the southern plaza. The art engages visitors and creates an inviting and attractive environment;

b. Site Planning and Efficient Land Utilization. The Project transforms an underutilized warehouse and surface parking lot into a mixed-use development that brings numerous advantages to the community, including access to a future Metrorail pedestrian tunnel, connecting the east and west sides of the railroad tracks. Its location helps infill sites that bridge the gap between NoMA and the Florida Avenue Market, creating a continuous community comprised of a true mix of uses;

c. Housing and Affordable Housing. The Project will create approximately 650 new residential units, including 50 affordable units, on a site where no residential use currently exists. Approximately half of these units are reserved for households with an annual income no greater than 50% of the Area Median Income;

d. Effective and Safe Vehicular and Pedestrian Access and Transportation Demand Management ("TDM") Measures.

(i) The Project utilizes a single curbcut for access to its parking and loading. All vehicular maneuvers take place within the garage and do not require any back-up maneuvers over public space. By limiting all vehicular access to a single curbcut and by eliminating back-up maneuvers, the Project reduces significantly the likelihood of a pedestrian/vehicle conflict. The Project also incorporates a new traffic signal at the south

side of the M Street and Delaware intersection to ensure that there are no vehicle/bicycle conflicts as bikes cross over to the cycle track on the southern side of M Street; and

(ii) One of the more prominent features of the Project is the Metro plaza, which facilitates connections with the NoMA-Gallaudet U. Metrorail Station. The plaza directly responds to this objective as it facilitates a direct connection with the Metrorail Station, whereas, the community east of the railroad tracks is otherwise forced to use Florida Avenue or M Street for Metro access;

e. Environmental Benefits. The Project is designed to achieve a minimum of 56 LEED points. In addition, the Applicant integrates at least 6,000 square feet of solar panels onsite;

f. Employment and Training Opportunities. The Applicant has entered into a First Source Agreement with the Department of Employment Services; and

g. Uses of Special Value. The Applicant is offering the following benefits and amenities as uses of special value, in addition to those items referenced above:

(i) The Project incorporates several art features throughout the site for public enjoyment. The art engages visitors and helps to create an inviting environment. Several of the art installations will meet the community's expressed interest for playable/active art for children. The Applicant shall design and install, to a cost of up to $250,000, the following art:

- A gantry crane/industrial art element in the M Street Plaza inspired by the family-run business that is currently operating on the site and has been based in the District for 101 years;

- An artistic water feature that complements the gantry crane/industrial art element describe above and actives the M Street Plaza; and

- At least three pieces of playable or interactive art in the public space along the 3rd Street side of the Project, to be maintained by the Applicant on an ongoing basis;

(ii) The Applicant will contribute $100,000 to an endowment fund, managed by the Project's owners' association in partnership with the NoMA BID, to finance rotating art and murals in the Metro plaza. The $100,000 fund contemplates an average of $20,000 spent every three years on a new mural either on the WMATA wall at the back of the Metro Plaza or on the ceiling of the Metro plaza or sculpture in the Metro plaza, resulting in rotating artwork for 15 years after completion of the Project. The type,

location, and design of artwork will be determined by a five-person panel comprised of the property owners' association (three members), the NoMA BID (one member) and ANC 6C (one member); and

(iii) The Applicant will set aside a minimum of 7,000 square feet of space for maker uses within the Project. Maker uses are defined as "Production, distribution, or repair of goods, including accessory sale of related product; uses encompassed within the Arts, Design, and Creation Use Category as currently defined in 11 DCMR Subtitle B § 200.2, including an Art Incubator and Artist Live Work Space, as currently defined in 11 DCMR Subtitle B § 100.2, but not including a museum, theatre, or gallery as a principal use; production and/or distribution of food or beverages and the accessory sale or on-site consumption of the related food and beverage; design related uses as defined in 11 DCMR Subtitle U Section 700.6(e)." These spaces shall secure a certificate of occupancy specifying a PDR use and the square footage allocated to such use. Prior to issuance of any certificate of occupancy for the building, the Applicant shall provide an update on the status of fulfilling its commitment to provide maker space. If the commitment has not yet been fulfilled, the Applicant shall demonstrate where the balance of the commitment may be accommodated within the building.

Compliance with PUD Standards

65. In evaluating a PUD application, the Commission must "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects." The Commission finds that the development incentives for the height, density, use, and flexibility are appropriate and fully justified by the additional public benefits and project amenities proffered by the Applicant. The Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations regarding the requested flexibility from the Zoning Regulations and satisfaction of the PUD standards and guidelines set forth in the Applicant's statement, the DDOT report, and the OP report.

66. The Commission credits the testimony of the Applicant and its experts as well as OP, the ANC, and DDOT, and finds that the superior design, site planning, including the Metro plaza and other public spaces, streetscape improvements, housing and affordable housing, are uses of special value, and all constitute acceptable project amenities and public benefits.

67. The Commission finds that the PUD as a whole is acceptable in all proffered categories of public benefits and project amenities. The proposed benefits and amenities are superior as they relate to urban design, landscaping, housing and affordable housing, effective and safe transportation access, and uses of special value to the neighborhood and the District as a whole.

68. The Commission finds that the character, scale, massing, mix of uses, and design of the PUD are appropriate, and finds that the site plan is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits. Specifically, the Commission credits the testimony of the Applicant and the Applicant's architectural and transportation planning witnesses that the PUD represents an efficient and economical redevelopment of a strategic and transit-oriented parcel neighboring a Metrorail station.

69. The Commission credits the testimony of OP and DDOT, and accepts the ANCs' report and testimony, noting that the PUD will provide benefits and amenities of substantial value to the community and the District commensurate with the additional height, density, and mix of uses sought through the PUD process. The Commission notes that the proposed massing and mix of uses is consistent with the NoMA Vision Plan.

70. The Commission credits OP and DDOT's testimony that the impact of the PUD on the level of services will not be unacceptable:

a. DDOT assessed the potential safety and capacity impacts of the proposed action on the District's transportation network and proposed mitigations commensurate with the action; (Ex. 27.)

b. DDOT concluded that the Applicant's CTR utilized sound methodology; existing transit service should have capacity to accommodate future demand; the Applicant demonstrated that two intersections with deficient levels of service under the Future with Development scenario can be mitigated by restriping to include an exclusive left-turn lane on at least one approach: 1st and M Street, N.W. (southbound 1st Street, N.E. approach) and 2nd Street and L Street, N.E. (westbound L Street, N.E. approach); and that the Applicant's TDM plan is sufficient for the development and the Applicant has provided additional TDM elements to offset impacts to intersections throughout the study area that cannot be directly mitigated; and (Ex. 27.)

c. OP noted that the Project is in keeping with the development magnitude envisioned by the Comprehensive Plan. (Ex. 26.)

71. The Applicant's CTR confirmed that the PUD would not have a detrimental impact on the surrounding transportation network. This is due in large part to the site's proximity to the Metrorail and the proposed TDM plan. The CTR concluded that the Property is surrounded by an expansive local transportation network that allows for efficient transportation options via transit, bicycle, walking or vehicular modes:

- The site is served by a local vehicular network that includes several minor arterials such as M Street and 4th Street, N.E., as well as an existing network of connector and local roadways that provide access to the site;

- The Metrobus system provides local transit service in the vicinity of the site, with three lines that service to the site;

- There are existing bicycle facilities, including the Metropolitan Branch Trail, 4th Street bike lanes and the M Street Cycle Track; and

- Most roadways provide sidewalks with crosswalks and anticipated pedestrian routes provide acceptable facilities. (Ex. 22-22A.)

72. The Project reduces the number of curb cuts on the site. There are currently four curb cuts located along 3rd Street. The Project eliminates each of those, with the exception of Amtrak access to the tracks. Instead, all vehicular access to the site will be via a single curb cut on M Street. (*Id*.)

73. This curb cut will serve all of the loading facilities. The Project will provide three loading berths, which the CTR deemed sufficient to serve the anticipated number of deliveries and associated loading activity. The transportation report assumed three shared deliveries per day, up to three residential deliveries per day, 18 retail deliveries per day and two hotel deliveries per day. Twenty-six deliveries can be accommodated by the proposed loading facilities. (*Id.*)

74. The curb cut will also provide access to the parking facilities. The Project will include approximately 356 parking spaces, which exceeds the parking requirement. The Project will also provide approximately 220 secure long-term bicycle spaces, which exceeds the bike parking requirement. In light of these facilities, the PUD-generated parking will not need to use on-street parking. (*Id*.)

75. The elimination of the three curbcuts on 3rd Street creates approximately seven on-street parking spaces. *(Id*.)

76. The capacity analysis of the CTR took into consideration ten developments that have been approved and are located within the vehicular study area of the CTR as well as nine developments that were either going through the entitlement process or were outside the vehicular study area. This was done to better assess the impacts of the Project. (*Id*.)

77. The analysis concluded that the Project would have impacts on six intersections and that those impacts can be mitigated:

- 3rd Street and Florida Avenue – this intersection can be improved by adjusting signal timings so that the northbound and southbound approaches receive more green time;

- First Street and M Street, N.W. – The Applicant studied this intersection and DDOT will continue to monitor the intersection to determine if an exclusive left turn lane for the southbound approach is warranted. Otherwise, signal timing changes to reduce the delay along northbound and southbound travel will mitigate any impacts;

- North Capitol Street and M Street – This intersection falls under the NoMA two-way conversion plan, which will result in a westbound approach where one does

not exist today. DDOT studied operations at this intersection; the Applicant's report explored short-term operational mitigations that could be implemented prior to issuance of DDOT's full study;

- First Street and M Street, N.E. – Similar to above, DDOT studied the impact of the NoMA two-way conversion plan; the Applicant's report explored short-term operational mitigations that could be implemented prior to issuance of DDOT's full study;

- 2nd Street and L Street, N.E. – The westbound approach of the intersection can be modified to allow a westbound left turning land by restricting parking along the north side of L Street, which allows the intersection to operate at acceptable conditions; and

- 2nd Street and K Street, N.E. – Signal timing adjustments were made to allow more green time for the northbound and southbound approach.

78. The Project is well served by Metrobus and Metrorail. The NoMa-Gallaudet U Metrorail Station is located less than one-tenth of a mile from the Property. The site is also serviced by Metrobus with stops located in the vicinity of the Property.

79. DDOT has developed a plan to identify transit challenges and opportunities and to recommend investments, in response to population growth that challenges District transit infrastructure, as outlined in *Transit Future System Plan*. This report marks Florida Avenue as the site for a future streetcar line running from Woodley Park/Adams Morgan to Congress Heights. It also identifies Florida Avenue as a corridor in need of a Metro Express.

80. The Commission credits the testimony of the Applicant's traffic consultant, who submitted a comprehensive transportation review that concluded that the PUD would not have adverse effects due to traffic, parking, or loading impacts. The Applicant is providing a substantial TDM package, that DDOT supports, which will not only mitigate impacts from the Project, but also will generally improve existing conditions. Specifically, the Applicant will improve pedestrian circulation around the Property, encourage use of alternative modes of transportation, and minimize vehicular conflicts by reducing the number of curbcuts onsite. Any traffic, parking, or other transportation impacts of the PUD on the surrounding area are capable of being mitigated through the measures proposed by the Applicant and are acceptable given the quality of the public benefits of the PUD, particularly in light of the connection to Metro being proffered. (Ex. *Id*.)

81. The Commission acknowledges one of the environmental features of this Project is that it will involve remediating an existing brownfield and that the Applicant will remediate the contamination currently on the site and safeguard against future contamination. DOEE has granted conditional approval of the Applicant's Voluntary Remediation Action Plan. The Commission supports efforts to remediate contaminated properties. (Ex. 22.)

82. The water and sanitary service usage resulting from the Project will have an inconsequential effect on the District's delivery systems. The site is currently served by all major utilities. The Project's proposed storm water management and erosion control plans will minimize impact on the adjacent properties and existing storm water systems. (Ex. 2.)

83. The Project will satisfy all District stormwater requirements. BMP facilities will be strategically located downstream of surface flow to capture and retain stormwater per DOEE regulation. The approved stormwater facilities mark a major improvement beyond the current facilities onsite. (Ex. 22C, Sheet 6.09.)

84. The Project incorporates bioretention facilities that will facilitate retaining and using water on-site

85. The development plans included detailed provisions controlling dust and pollutants during construction. (Ex. 22C, Sheet 6.07.)

Compliance with the Comprehensive Plan

86. The Project furthers the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element: (Ex. 12.)

a. Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness; (217.1)

b. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs; (217.6.)

c. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality; (217.7.)

d. The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively; and (218.3.)

e. Increased mobility can no longer be achieved simply by building more roads. The priority must be on investment in other forms of transportation, particularly transit. Mobility can be enhanced further by improving the connections between different transportation modes, improving traveler safety and security, and increasing system efficiency. (220.1.)

87. The PUD process is an avenue to transform the Property to a higher and better use that contributes to the surrounding community. Whereas the existing industrial use on-site is insular and detached from the community, the Project will integrate the parcel with the neighborhood and will facilitate connections with the broader community that do not currently exist. The PUD is aligned with many goals and objectives of the District of Columbia Comprehensive Plan, namely providing residential uses within the Central Washington Area Element and adjacent to Metro stations.

88. The Future Land Use Map ("FLUM") includes the Property in the mixed-use Medium Density Residential/Production, Distribution and Repair land use category. The proposed rezoning is consistent with this as it facilitates the construction of a high-quality mixed-use project. The C-3-C Zone District allows for a mix of uses, including residential uses, which would not be feasible under the existing zoning designation. The Project consists of a 5.25 FAR of residential uses, which is consistent with the medium-density residential designation; and 1.4 FAR of hotel and retail uses, which is consistent with the PDR designation. The proposed height, density, and uses of the PUD is not inconsistent with this designation.

89. The context of the Project also speaks to the appropriateness of the proposed height and density. The Property immediately abuts railroad tracks to its west, which creates obvious challenges and necessitates raising the residential level above the railroad tracks. The podium allows for a vertical buffer between the residential use and the railroad tracks. The Project includes a podium that varies in height from 14 feet to 22 feet in order to create this differentiation. The entirety of the podium counts against the gross floor area of the site; yet, it functions as a new "grade" for the base of the Project. Whereas some of the podium uses would typically be located below grade and would not have an FAR consequence, they do in this instance because it is located above grade.

90. OP testified that reserving 7,000 square feet of area for PDR uses is consistent with the PDR designation of the site. The PDR designation also calls for tourism support uses, such as a hotel, which is reflected in the Project. (November 3, 2016 Tr., p. 98.)

91. The Generalized Policy Map ("GPM") includes the Property in the Land Use Change Area category. This GPM category is described as follows: "Land Use Change Areas are areas where change to a different land use from what exists today is anticipated." The Project converts an underutilized industrial site to a mixed-use development that engages and contributes to the community and is consistent with its GPM designation.

92. The Commission credits the testimony of the Applicant and OP regarding the compliance of the PUD with the District of Columbia Comprehensive Plan. The development is consistent with and furthers the goals and policies in the map, citywide, and area

elements of the plan. The Commission has weighed the elements of the Comprehensive Plan and finds that the elements listed below are priorities for the District and are promoted by the Project: (Ex. 2, 22, 37A1-37A3, 46-46B.)

a. The Commission finds that the proposed PUD is not inconsistent with the written elements of the Comprehensive Plan and promotes the policies of its Land Use, Transportation, Environmental, Housing, and Urban Design Citywide Elements and its Central Washington Area Element;

b. The Project implements Land Use Element policies that encourage growth and revitalization on an underutilized site adjacent to a Metrorail station. Providing residential uses near a Metrorail station is not inconsistent with the Comprehensive Plan. The Property is also located in the Central Employment Area, which is appropriate for the greatest concentration of the city's private office development and higher density mixed land uses, including commercial/retail, hotel, residential, and entertainment uses; (See land use elements 1.1.3, 1.3.1, 1.3.2, 1.3.3, 1.41., 2.1.3, 2.2.4, 2.4.1, 2.4.5, 3.1.4.)

c. The Project implements Transportation Element policies that promote transit-oriented development and urban design improvements and discourages auto-centric practices. The PUD provides direct access to the Metrorail Station through the construction of the Metro plaza. Such a portal is a significant benefit to the community; (See transportation elements 1.1.4, 1.2.3.)

d. The Project implements Housing Element policies that encourage expansion of the city's supply of high-quality market-rate and affordable housing, including affordable housing units that provide deeper affordability limits. The expansion of residential uses is especially supported in the Central Washington Area; (See housing elements 1.1, 1.1.1, 1.1.3, 1.1.4, 1.1.6.)

e. The Project implements Urban Design Element policies that call for enhancing the aesthetic appeal and visual character of areas around major thoroughfares. The PUD significantly improves an underutilized parcel of land along a key entrance to the City, the Amtrak railroad tracks. The PUD also enhances the streetscape along M and 3rd Streets and Florida Avenue; and (See urban design elements 2.2.1, 2.2.3, 2.2.5, 3.1.7.)

f. The Project advances several objectives of the Central Washington Area Element, including the development of residential uses, provision of hotel and hospitality services and the introduction of an overall mix of uses to create activity and interest. (See Central Washington Area elements 1.1.1, 1.1.4, 1.1.10, 2.8.1, 2.8.3.)

93. The Commission credits the submissions of the Applicant and OP that the PUD is consistent with and furthers the goals of the NoMA Vision Plan. The NoMa plan lists a number of recommendations for this sub-area. Those relevant to this Project include:

- Locating the greatest height and density near the NoMa Metro station;

- Enhance connections to the Florida Avenue Market and strive for a synergy of uses in new project plans;

- Work with DC Commission on the Arts and Humanities to ensure a strong art presence in streets and public spaces, to include visual artists in preliminary phases of projects, and to fund artist/underpass projects;

- Encourage diversity of housing types, including live-work and flexible space for artists and artisans;

- Work with WMATA to study connections to New York Avenue Metro Station, including pedestrian links between the Florida Avenue Market and the metro station; and

- Encourage public art in streetscape design as part of the proposed public realm plan and in individual projects. (Ex. 2, 12, 26.)

94. Specifically regarding uses, the plan states that potential uses could include:

- Arts and design-oriented businesses and creative industries that can be broadly defined around the goal of creating job diversity. Potential tenants could include: technology companies, furniture manufacturers and designers, architects, engineers, electronics distributors, sign-makers, metal fabricators, jewelers, artists/sculptors, graphic designers, software engineers, video, radio and television production, motion picture and sound recording, broadcasting, publishing industries, internet-related services, in addition to other uses;

- Non-profit office uses;

- Retail, in particular at ground floor, neighborhood-serving, smaller scale, such as coffee shops, dry cleaners, restaurant/café/bar/club; including design-related retail, showroom component of live-work uses, and uses that reinforce the connection between the Florida Avenue Market and the Metrorail Station entrance at M Street." (Ex. 2, 12, 26.)

95. The Project meets the plan guidance of concentrating height and density near Metro, and greatly enhances the streetscape at the edge of this site. The building allows for improved connections to Metro by reserving a pass-through to a potential future pedestrian tunnel to the station. The application also meets the Plan's goals to provide a diversity of housing types. The application also provides a strong arts and creative economy presence, with the dedication of at least 7,000 square feet of space to maker uses. (Ex. 2, 12, 26.)

Agency Reports

96. By report dated October 24, 2016, OP recommended approval of the application. OP confirmed that the Project supports the written elements of the Comprehensive Plan and is not inconsistent with the Future Land Use and Generalized Policy maps of the Comprehensive Plan. OP also noted that the Project is consistent with the NoMA Vision Plan with its proposed height and density and mix of uses. (Ex. 26.)

97. OP concluded that the benefits and amenities were commensurate given the flexibility requested. (Ex. 26.)

98. OP recommended approval of the application subject to the following: (Ex. 26; November 3, 2016 Tr., pp. 97-100.)

a. Provide a greater commitment to PDR, maker or related uses.
   - At the public hearing, however, OP testified that the proffered 7,000 square feet of PDR uses was adequate and consistent with the PDR designation; (*Id*.)

b. OP does not support the requested flexibility in the location of the PDR or maker uses.
   - At the public hearing, however, OP testified that it supported the requested flexibility, understanding that flexibility was necessary to accommodate different maker uses; (*Id*.)

c. The design should achieve a greater LEED-equivalent rating.
   - At the public hearing, however, OP testified that it believed the proposed sustainability features were appropriate despite the fact the Applicant was not seeking certification at the LEED-Gold level. It acknowledged that the Project incorporates other green features that are not adequately accounted for in the LEED scoring system; (*Id*.)

d. The Applicant is proposing some significant art features for the Project. Additional detail is needed to ensure that the community fully realizes this Project benefit.
   - OP was satisfied with the level of information provided by the Applicant at the public hearing, understanding that the Applicant would be responsible for maintenance of the artwork; (*Id*.)

e. The Applicant should commit to LSDBE and First Source agreements, or provide a rationale for the lack of a commitment.
   - OP was satisfied that the Applicant agreed to enter into a First Source agreement with the Department of Employment Services; and (*Id*.)

f. Provide details about the location and size of signage.
- OP was satisfied with the details that were provided at the public hearing in the Applicant's post-hearing submission.

99. By report dated October 24, 2016, DDOT noted its support of the application. DDOT noted that it had no objections to the PUD though it did expect continued coordination with the Applicant on public space issues, the final design of the curbcut on M Street, proposed loading, the final location of the Capital Bikeshare, and proposed restriping on 1st and L Streets. (Ex. 27.)

100. The Applicant will continue to coordinate with DDOT with respect to the following items: (Ex. 27.)

a. Traffic signal and geometric modifications at M Street/Delaware Avenue/Site driveway;

b. Final design of public space;

c. Loading Management Plan will limit truck size to 40 feet or less;

d. Re-striping at 1st Street/M Street, N.W. and 2nd Street/L Street, N.E.;

e. The location of the Capitol Bikeshare station; and

f. The final location of the Florida Avenue curb line.

Advisory Neighborhood Commission Reports

101. ANC 6C submitted a letter in support of the application, authorizing Tony Goodman to testify at the hearing. The ANC voted unanimously, 4:0, to support the application and its proposed amenities, including affordable housing with reduced AMI requirements; a public plaza along M Street facing the Uline Arena; and creation of an accessway at N Street under the train racks providing better access to the Metro station. (Ex. 23)

102. Mr. Goodman testified at the hearing that the application was a model case demonstrating how the PUD process can be done successfully. He further testified that this Project responded to community needs and desires. (November 3, 2016 Tr., pp. 107-110.)

103. Mr. Goodman noted that the Applicant undertook extensive public outreach and reached out to long-term neighbors in the immediate vicinity of the Project. (*Id*.)

104. Mr. Goodman testified that the UMN neither attended any public meetings on the Project nor reached out to him to discuss the Project or to voice any concerns. (*Id*.)

Parties in Support and in Opposition

105. Other than the ANC, which was automatically a party to this application, there were no additional parties to this application, either in support or in opposition.

Persons and Organizations in Support or Opposition

106. The Coalition for Smarter Growth submitted a letter in support of the application. The Coalition noted that it supported the Applicant's sustainability program and agreed that the LEED program does not accurately reflect the sustainable benefits of the Project. It noted that LEED does not appropriately value other Sustainable DC commitments, such as the goal to shift to a 75% non-driving mode share for individual trips. Unfortunately, LEED is not designed to give appropriate credit to the environmental benefits of the vehicle trip reduction features of transit-oriented development. The provision of the Metro station entrance provides significant transportation benefits for the greater community and the cost associated with accommodating this entrance on private property for the good of a larger area, and overall improved transit accessibility should be considered. Shortening the walk to the NoMa Metro station is a significant measure to make riding transit more convenient for the rapidly growing east side of the railroad tracks. This walk connection will increase transit use and bicycling, and reduce the desire to use a private motor vehicle. This link is critically important to fulfill both the community's desire for this shortened access to the Metro station, and to achieve a higher level of environmental performance for the area. (Ex. 24.)

107. Cheryl Cort testified in support of the application at the public hearing on behalf of the Coalition. She noted that the Project proposed a favorable parking ratio and incorporated TDM strategies that mitigate the proposed density of the Project. (November 3, 2016 Tr., pp. 111-113.)

108. Over 100 residents submitted letters in support of the application: 37 letters in support were submitted by immediate neighbors of the Project; 59 letters in support were submitted by neighbors living in the 20002 zip code; and six letters in support were provided by others who live farther away from the Project. The letters detailed support for the introduction of residential uses on the Property, including affordable housing. The neighbors also noted support for the public open spaces and artwork incorporated into the Project. The residents concluded that the PUD would enhance the neighborhood, improve pedestrian circulation and bring new residents to the community. (Ex. 30-32.)

CONCLUSIONS OF LAW

1. Pursuant to Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number of quality of public benefits, and that it protects and advances the public health, welfare, and convenience." (11 DCMR § 2400.2.)

2. The Commission used the PUD process to ensure that impacts on neighborhood stability, traffic, parking and environmental quality were assessed and adequately mitigated.

3. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider the application as a consolidated PUD and it has the authority to approve a PUD-related map amendment. The Commission may impose development guidelines, conditions, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts.

4. The Property meets the minimum area requirements of Chapter 24 of the Zoning Regulations.

5. Proper notice of the proposed PUD was provided in accordance with the requirements of the Zoning Regulations and as approved by the Commission.

6. The development of the PUD will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a mix of uses with more attractive and efficient overall planning and design not achievable under matter-of-right standards. Here, the height, character, scale, massing, mix of uses, and design of the proposed PUD is appropriate. The proposed redevelopment of the Property, with a mix of residential, retail, and lodging uses, capitalizes on the Property's transit-oriented location and is compatible with citywide and area plans of the District of Columbia, including the NoMA Vision Plan, which was adopted by the Council.

7. The Commission has judged, balanced, and reconciled the relative value of the Project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval is warranted for the reasons detailed below. It has specifically studied the impacts of this Project has determined that the benefits far exceed the impacts of the Project; nevertheless, impacts of the Project can be mitigated.

8. The PUD complies with the applicable height and bulk standards of the Zoning Regulations and will not cause a significant adverse effect on any nearby properties. The residential, lodging and retail uses for this PUD are appropriate for the Property's location. The Project's height, bulk, and uses are consistent with the District's planning goals for the surrounding neighborhood.

9. The Commission notes that the Property is surrounded by medium- and high-density developments, which underscores the appropriateness of the proposed development. It also underscores that the Project will not adversely affect neighboring properties; it will not adversely affect light and air of neighboring properties.

10. The PUD provides superior features that benefit the surrounding neighborhood to a significantly greater extent than the matter-of-right development on the Property provides. The Commission finds that the urban design, site planning, public space improvements, efficient and safe transportation features and measures, housing and affordable housing, ground-floor retail uses, and uses of special value are all significant public benefits. A primary benefit of this Project is the Metro plaza, which will benefit the community significantly. The impact of the PUD is acceptable given the exceptional quality of the public benefits of the PUD.

11. The Commission notes that the impact of the PUD on the surrounding area and the operation of city services is not unacceptable. The Commission agrees with the conclusions of the Applicant's traffic expert and DDOT that the proposed PUD will not create adverse traffic, parking, loading or pedestrian impacts on the surrounding community nor will it create adverse impacts on the capacity of the road network. The application will be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

12. Approval of the PUD is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP and finds that the proposed PUD is consistent with the Property's Medium-Density Residential and PDR designations on the Future Land Use Map and furthers numerous goals and policies of the written elements of the Comprehensive Plan as well as other District planning goals for the immediate area, including the NoMA Vision Plan.

13. The Commission notes that the Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly. The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block—there may be individual buildings that are higher or lower than these ranges within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through planned unit developments) may result in heights that exceed the typical ranges cited in the Comprehensive Plan. It is also appropriate to allow greater residential building heights where those buildings are surrounded by permanent open space, as is the case in the instant case. Accordingly, the Commission finds that the proposed heights and densities is appropriate given the extensive open space incorporated into the Project. Moreover, the Project is located adjacent to railroad tracks and high-rise developments; as such, its context further supports the massing of the development.

14. The Property is located in the PDR and medium-density designations of the Future Land Use Map. The two designations are mapped in concert, accordingly, when one delves into what is being proposed for the Property with more specificity, it is clear that the proposal fits squarely within its Comprehensive Plan designation: the Project includes approximately 5.2 FAR of residential use, 1.1 FAR of hotel use and 0.3 FAR of retail use. The residential proposal fits squarely within a medium density residential project and the hotel and retail uses fit squarely within the PDR designation.

15. The Commission concludes that the proposed PUD is appropriate given the superior features of the PUD, the benefits and amenities provided through the PUD, the goals and policies of the Comprehensive Plan, and other District of Columbia policies and objectives.

16. The PUD will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.

17. The Commission notes that the inclusionary zoning program approved by this order shall serve as the affordable housing requirement for this Project, regardless of whether inclusionary zoning requirements should be amended in the future.

18. The Applicant proposed improvements for the public space immediately abutting its property and while the Commission does not have jurisdiction over the development of public space, it supports the proposed improvements. It understands the Applicant will work with DDOT regarding the specific improvements to the public space.

19. The proposed phasing of the Project mitigates the impact of construction on the community. It allows only two phases of construction and establishes a clear timeframe within which construction must commence for each phase. The time period put forth is reasonable in light of the size and complexity of the Project. The Project will also minimize the presence of dust during construction, minimizing impacts on neighboring properties.

20. The Commission notes UMN's submission into the record and states the following:

    a. DDOT and the Applicant analyzed the impacts of this Project and determined that any impacts of the Project can be mitigated; indeed, many will be mitigated by the Applicant's TDM strategies or modifications to intersection operations;

    b. Hotel use is consistent with the goals and objectives of the Central Washington Area Element and is not inconsistent with the PDR designation on the FLUM;

    c. The Applicant is coordinating with DOEE in the remediation of the site, which will improve present conditions on the site;

    d. LEED is not the only benchmark by which to measure the environmental sustainability of a site. The Project will provide access for an entire community to a Metro station, which promotes many principles of sustainability; it will voluntarily remediate a contaminated site and it will incorporate solar panels, all of which is above and beyond what is required;

    e. The Applicant is voluntarily remediating an existing brownfield for the construction of the PUD, which improves the environmental condition of the site considerably and is not otherwise required; and

    f. The Project is not displacing residential use and, thus, is not displacing existing residents. Moreover, the Project will provide residential uses where none currently exist or are even permitted. The Project will also provide affordable housing; but for this Project, no affordable housing would otherwise be permitted or provided.

21. The Commission concludes that there were no material issues of contested fact.

22. The Commission concludes that based on the transportation network improvements provided by the Project, including the reduction in curbcuts, access to a future Metro tunnel connection, and provision of alternative modes of transportation, including a Capital Bikeshare station that the transportation network is strengthened by the Project. It further concludes based on the Findings of Fact that any transportation impacts of the Project can be mitigated.

23. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP in all zoning cases. The Commission carefully considered the OP reports and found OP's reasoning persuasive in recommending approval of the application.

24. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC. The Commission carefully considered the positions of ANC 6C in support of approving the application and concur in its recommendation of approval. The Commission credits the ANC with understanding the needs and wants of the community and give weight to its testimony that the PUD responds to those needs and wants.

25. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for the review and approval of a consolidated planned unit development and PUD-related map amendment from the C-M-3 Zone District to the C-3-C Zone District for the Property for the mixed-use development described herein, subject to the following conditions:

A. Project Development

1. The Project shall be developed in accordance with the architectural drawings submitted into the record as Exhibit 22, as modified by Exhibits 37 and 46 and the guidelines, conditions, and standards herein (collectively, the "Plans"). The Plans will incorporate:

    a. Approximately 6,000 square feet of space in the Metro plaza;

    b. The Applicant will record an easement in the land records **prior to the issuance of a residential certificate of occupancy** for the northern building to provide public access to the Metro plaza and to accommodate a

connection to a future pedestrian tunnel to the NoMA-Gallaudet U Metro station;

c. Approximately 3,000 square feet of space for the M Street plaza; and

d. Approximately 500 square feet of space for the Florida Avenue plaza.

2. The Project will have flexibility from the following zoning requirements:

a. Section 411.4(c): special exception relief to allow a restaurant in the hotel penthouse;

b. Section 411.9: relief to allow varying heights for the habitable penthouse space;

c. Section 775.5: relief from the side yard requirement;

d. Section 2115.9: relief to allow include valet parking spaces in the proposed parking supply;

e. Section 2201.1: relief from the requirement to provide a 55-foot loading berth for the residential uses; and

f. Section 2605: The Applicant is exploring the potential for establishing the southern residential building as a condominium building. In the event it does so, it seeks flexibility to locate all of the affordable units available to households with an annual income no greater than 50% AMI in the northern (rental) residential building.

3. The Applicant will have flexibility with the design of the PUD in the following areas:

a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;

b. To vary final selection of the exterior materials within the color ranges and general material types approved, based on availability at the time of construction;

c. The Applicant requests flexibility to shift the location of the affordable units as the floor plans are refined so long as the proportion of affordable units to market rate units along the western property line remains the same and otherwise complies with the requirements of § 2605. The proffered levels of affordable housing shall not be modified;

d. To make minor refinements to exterior details, dimensions, and locations, including belt courses, sills, bases, cornices, railings, balconies, trim, frames, mullions, spandrels, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems;

e. To vary the exterior design of the retail space per the specifications of the retailer;

f. To vary the proposed residential unit range and hotel room range by 10%;

g. To vary the number of proposed parking spaces by 10% and to refine the parking layout in an effort to create a more efficient plan;

h. To extend the footprint of the garage toward the southern lot line so long as it remains within the lot lines and below grade along both M and 3rd Streets. The extension of the garage will not increase the proposed parking beyond the flexibility noted above;

i. To provide approximately 10,000 square feet of additional retail space below grade in the northern residential building along Florida Avenue and approximately 7,000 square feet on the second floor of the northern residential building along Florida Avenue. It also seeks flexibility to provide potential mezzanine space within retail spaces, per tenant specifications;

j. To adjust details of the 3rd Street streetscape upon coordination coordinate with other stakeholders and relevant District agencies;

k. To provide interim, "pop-up" retailers and movable fixtures in the Metro plaza;

l. To modify the penthouse design for the hotel per specifications of the final operator. The parameters of the massing (height, density, and setback) will not change and no additional relief is permitted as a part of this flexibility;

m. To reduce or eliminate the Florida Avenue projection in the event the sidewalk is not widened, per current DDOT plans; and

n. To modify the location of the structural wall supporting the Amtrak track bed and the design of the area immediately adjacent, based on the final engineering of the foundation system developed in coordination with Amtrak.

B. Transportation

1. The Applicant shall abide by the terms of the loading management plan **for the life of the Project**, which requires compliance with the following:

   a. Loading dock manager will be designated by the building management;

   b. All loading, delivery, and trash collection operations will be required to use 40-foot trucks or less in length, and will be required to use the loading facilities internal to the Project;

   c. All loading, delivery, and trash collection activity will be required to utilize the building's internal service corridors to access the loading facilities, remaining on private property;

   d. All residential move ins/move outs will be required to be scheduled in a manner that coordinates with retail tenant deliveries;

   e. Trucks using the loading facilities will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;

   f. The dock manager will be responsible for disseminating DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT's truck routes. The dock manager will also post these documents in a prominent location within the service area; and

   g. Local to the site, service vehicle activity will be directed to use the routing shown in Exhibit 34 in the record. The goal is to minimize truck traffic in the neighborhood by having it utilize the shortest paths to/from Florida Avenue, a DDOT designated truck route.

2. The Applicant shall abide by the terms of the TDM management plan, which requires compliance with the following:

   a. The Applicant will exceed minimum zoning requirements for bicycle parking/storage facilities at the proposed development. This includes secure parking located on-site and short-term bicycle parking around the perimeter of the site that exceed zoning requirements, as well as a bike service area;

b. The Applicant will unbundle the cost of residential parking from the cost of lease or purchase and charge a market rate for the area;

c. The Applicant will identify a TDM Leader (for planning, construction, and operations). There will be one TDM leader who will coordinate with the managers of the retail, residential, and hotel components of the development. The contact information for the TDM leader will be shared with goDCgo and DDOT. The TDM leader will work with goDCgo to receive free TDM marketing materials and guidance, as well as to enforce TDM measures within the development;

d. The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials. At a minimum, this package will include a Get Around Guide from goDCgo and info about bikesharing and carsharing;

e. The Applicant will install Transportation Information Center Displays (electronic screens) within the residential, hotel, and office lobbies, containing real-time information related to local transportation alternatives;

f. The Applicant will fund the installation of a new Capital Bikeshare station and one year of maintenance for the neighborhood;

g. The Applicant will purchase 10 electric bikes and install 10 electric bike charging stations to be shared by residents and guests. Additionally, the Applicant will install eight publically accessible electric bike charging stations;

h. The Applicant will devote six parking spaces for electric car charging stations; and

i. The Applicant will purchase 20 shopping carts for tenants to run daily errands and grocery shopping.

C. Benefits and Amenities

1. **Affordable Housing.** The Applicant shall construct approximately 550,000 square feet of residential gross floor area. It shall reserve eight percent of the residential gross floor area, approximately 44,550 square feet, as affordable housing. At least 50% (approximately 22,275 square feet) of this set aside shall be reserved for households with a median income no greater than 50% of the Area Median Income. The remainder of the affordable units shall be reserved for households with an annual income no greater than 80% of the Area Median Income. The units reserved for households with an annual income no greater than 50% AMI may be located entirely in the Northern building if the Southern building is delivered as a condominium building. If the Southern building is

delivered as a rental building, the Applicant shall reserve four percent of the residential gross floor area for 50% AMI units and four percent of the residential gross floor area for 80% AMI units. More specifically, the affordable housing shall be provided as follows:

a. The affordable housing shall be provided in accordance with the following charts:

Northern Building (if southern building is delivered as a condominium)

Residential Unit Type	Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*
Total	392,185 sf/100%		Life of Project	Rental
Market Rate	360,810 sf/92%	Market	Life of Project	Rental
IZ	9,099 sf/2.3%	80% AMI	Life of Project	Rental
IZ	22,275 sf/5.7%	50% AMI	Life of Project	Rental

Southern Building (if delivered as a condominium)

Residential Unit Type	Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type
Total	164,689 sf/100%		Life of Project	Condo
Market Rate	151,514 sf/92%	Market	Life of Project	Condo
IZ	13,175 sf/8%	80% AMI	Life of Project	Condo

Northern Building (if southern building is delivered as rental)

Residential Unit Type	Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*
Total	392,185 sf/100%		Life of Project	Rental
Market Rate	360,810 sf/92%	Market	Life of Project	Rental
IZ	15,687 sf/4%	80% AMI	Life of Project	Rental
IZ	15,687 sf/4%	50% AMI	Life of Project	Rental

Southern Building (if delivered as rental)

Residential Unit Type	Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*
Total	164,689 sf/100%		Life of Project	Rental
Market Rate	151,514 sf/92%	Market	Life of Project	Rental
IZ	6,588 sf/4%	80% AMI	Life of Project	Rental
IZ	6,588 sf/4%	50% AMI	Life of Project	Rental

b. The affordable housing required as a result of providing specified habitable space in the penthouse shall trigger affordable housing in accordance with the following chart:

Penthouse Requirements

Penthouse	Residential GFA	Income Type	Affordable Control Period	Affordable Unit Type*	Notes
Hotel					
Habitable space triggering affordable requirement	3,575 sf				IZ units will be located in northern residential building
Affordable, (non-IZ requirement)	894 sf	50% AMI	20 years	Rental	
Northern Building					
Habitable space triggering IZ	5,161 sf				IZ units will be located in northern residential building
IZ requirement	413 sf	50% AMI	Life of project	Rental	
Southern Building					
Habitable space triggering IZ	3,805 sf				IZ units will be located in northern residential building, if southern building is a condominium
IZ requirement	304 sf	50% AMI	Life of project	Rental	

2. **Sustainability.** The Applicant shall demonstrate that the Project has been designed to achieve at least 56 LEED (v. 2009) points **prior to the issuance of a certificate of occupancy for each structure**. Evidence of satisfying this requirement will be provided in the form of an architect's certification provided to the Zoning Administrator.

3. The Applicant shall provide 6,000 square feet of solar panels on the Property. Evidence of satisfying this requirement will be provided **prior to issuance of the final residential certificate of occupancy for the Project**.

4. **PDR Uses.** The Applicant shall set aside a minimum of 7,000 square feet of space for PDR or maker uses ("Required Uses") within the Project. Required Uses are defined as " Production, distribution, or repair of goods, including accessory sale of related product; uses encompassed within the Arts, Design, and Creation Use Category as currently defined in 11 DCMR Subtitle B § 200.2, including an Art Incubator and Artist Live Work Space, as currently defined in 11 DCMR Subtitle B § 100.2, but not including a museum, theatre, or gallery as a principal use; production and/or distribution of food or beverages and the accessory sale or on-site consumption of the related food and beverage; design related uses as defined in 11 DCMR Subtitle U Section 700.6(e)." These spaces shall secure a certificate of occupancy specifying a PDR use and the square footage allocated to such use. **Prior to issuance of any certificate of occupancy for the building**, the Applicant shall provide an update on the status of fulfilling its commitment to provide maker space. If the commitment has not yet been fulfilled, the Applicant shall demonstrate where the balance of the commitment may be accommodated within the building.

5. **Art. Prior to issuance of the final residential certificate of occupancy for the Project**, the Applicant shall install art in the public spaces of the Project, at a cost of approximately $250,000. The Applicant shall be responsible for maintenance of the art pieces **for the life of the Project**. The art pieces will include the following:

   a. A gantry crane or similar industrial art element in the M Street Plaza, including an artistic water feature; and

   b. At least three pieces of playable or interactive art in the public space along 3rd Street side of the Project.

6. The Applicant shall contribute $100,000 to an endowment fund, managed by the Project's owners' association in partnership with the NoMA BID, to finance rotating art and murals in the Metro plaza. The contribution shall be made **prior to issuance of a certificate of occupancy for the Northern building**. The endowment will fund artwork, including murals and sculptures, which will rotate every two to three years for approximately 15 years upon issuance of a residential certificate of occupancy for the Project. The type, location, and design of artwork will be determined by a five-person panel comprised of the property owners' association (three members), the NoMA BID (one member), and ANC 6C (one member). The Applicant shall provide proof of funding an escrow account **prior to issuance of the final residential certificate of occupancy for the Project**.

7. **First Source.** The Applicant shall execute a First Source Agreement with the Department of Employment Services. A copy of the agreement shall be entered into the record prior to issuance of the final Order.

8. **Transit Incentives.** The Applicant shall provide the following transit incentives, some of which are simultaneously considered mitigation features of the Project, as described above in Conditions B.2. (d)-(i):

   a. The Applicant shall install a transit screen that is viewable by the public in the Metro plaza **prior to the issuance of a residential certificate of occupancy for the Northern building**;

   b. **Prior to the issuance of a residential certificate of occupancy for the Northern building**, the Applicant shall install a Capital Bikeshare station and maintain it for a period of one year, to the cost of up to $100,000;

   c. **Prior to the issuance of a residential certificate of occupancy for the Northern building**, the Applicant shall devote six parking spaces for electric car charging stations, at an estimated cost of $60,000;

   d. **Prior to issuance of the residential certificate of occupancy for the Northern building**, the Applicant shall purchase 10 electric bikes from

Riide, or similar company, and install ten electric bike charging stations for residents and hotel guests;

e. **Prior to issuance of the residential certificate of occupancy for the Northern building**, the Applicant shall install eight publically accessible electric bike charging stations;

f. **Prior to issuance of a residential certificate of occupancy for the Northern building**, the Applicant will purchase 20 shopping carts for tenants to run daily errands and grocery shopping; and

g. **Prior to issuance of a residential certificate of occupancy for the Northern building**, the Applicant shall install a new traffic signal at the garage entrance located at the intersection of Delaware Avenue and M Street.

D. Miscellaneous

1. No building permit shall be issued for the Project until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.

2. The approval shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit for the Northern Residential Building. Construction of the Northern Residential Building must begin within three years of the effective date of this Order. An application for the building permit for the Southern Residential Building and Hotel must be filed within four years of the effective date of this Order. Construction on the Southern Residential Building and Hotel must begin within five years of the effective date of this Order.

3. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code§§ 2-1401 01 et al (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, familial 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.

For the reasons stated above, the Commission concludes that the Applicant has met its burden, and it is hereby **ORDERED** that the application be **GRANTED.**

On November 3, 2016, upon the motion of Vice Chairman Miller, as seconded by Chairman Hood, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the application at the conclusion of its public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Third Mayoral Appointee position vacant, not voting).

On December 12, 2016, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **4-0-0** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on August 11, 2017.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 17-15
(806 Rhode Island Avenue, LLC – Map Amendment @ Square 3846)
July 31, 2017

THIS CASE IS OF INTEREST TO ANCs 5B and 5C

On July 24, 2017, the Office of Zoning received an application from 806 Rhode Island Avenue, LLC (the "Petitioner") for approval of a map amendment for the above-referenced property.

The property that is the subject of this petition consists of Lot 85 in Square 3846 in northeast Washington, D.C. (Ward 5), on properties located at 802-810 Rhode Island Avenue, N.E. The property is currently zoned PDR-2. The Petitioner is proposing a map amendment to rezone the property to MU-6. The Petitioner seeks to rezone the property in order to redevelop it with a mix of residential and commercial uses.

The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. The PDR-2 zone allows a maximum height of 60 feet and a maximum density of 4.5 FAR[1].

The MU-6 zone is intended to: 1) permit medium- to high-density mixed-use development with a focus on residential use; and 2) provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core. The MU-6 zone allows a maximum height of 90 feet; maximum lot occupancy of 80%; and a maximum density of 6.0 FAR (7.2 with IZ).

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

[1] In the PDR-2 zone the maximum FAR is only permitted for the following uses: basic utilities; large-scale government; production, distribution, and repair; and waste-related services. All other permitted, conditional, or special exception use categories are limited to a maximum density of 3.0 FAR.

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