

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 22-0250, Vital Records Modernization Act of 2017
- D.C. Council schedules a public hearing on Bill 22-0171, Senior Dental Services Program Act of 2017
- D.C. Council schedules a public hearing on Bill 22-0172, Maternal Health Task Force Act of 2017
- D.C. Council schedules a public oversight roundtable on the “Condition of the District’s Roadways”
- Board of Elections schedules a public hearing to consider the proposed initiative “District of Columbia Drug Price Relief Act of 2018”
- Department of Energy and Environment announces funding availability for the study of geothermal resource potential for ground source heat pump technologies
- Department of Health’s Medical Marijuana Program solicits applications for one dispensary in Ward 7 and another in Ward 8

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-146**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 10, 2017**

To amend, on an emergency basis, the Student Access to Treatment Act of 2007 to authorize employees and agents of public schools certified under the Office of the State Superintendent of Education's epinephrine administration training program to administer a designated epinephrine auto-injector to a student to whom it is prescribed.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Access to Emergency Epinephrine in Schools Clarification Emergency Amendment Act of 2017".

Sec. 2. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) 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) "Designated epinephrine auto-injector" means a disposable drug delivery system with a spring-activated needle, which is obtained with a prescription for a particular person that is designed for the emergency administration of epinephrine to a person suffering an episode of anaphylaxis."

(b) Section 5a (D.C. Official Code § 38-651.04a) is amended as follows:

(1) Subsection (b)(2) is amended by striking the phrase "an undesignated" and inserting the phrase "a designated or undesignated" in its place.

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

"(e) An employee or agent of a public school who is certified pursuant to this section may administer a designated epinephrine auto-injector to the student to whom it is prescribed, who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode."

Sec. 3. Applicability.

This act shall apply as of October 1, 2017.

## ENROLLED ORIGINAL

## Sec. 4. Fiscal impact statement.

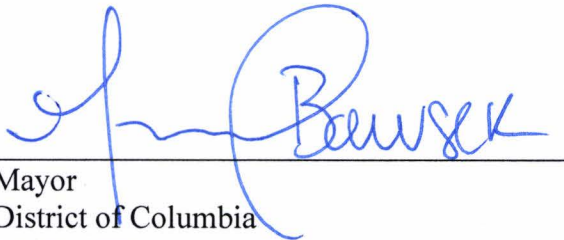
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

## Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
October 10, 2017



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-147**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 10, 2017**

To amend, on an emergency basis, the District of Columbia Public School Nurse Assignment Act of 1987 to require that any public school currently receiving school nurse services above 20 hours per week as of October 25, 2016, continue at that existing level of service, or the level recommended by the Department of Health's risk-based assessment, whichever is greater, for school year 2017-2018.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public School Nurse Assignment Emergency Amendment Act of 2017".

Sec. 2. Section 2 of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-601 *et seq.*), is amended as follows:

(a) Subsection (c) is repealed.

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

"(c-1) Any school that, on October 25, 2016, received school nursing services pursuant to this section that exceeded the hours per week prescribed by subsection (b) of this section shall continue the level of service existing on that date, or the level recommended by the Department of Health's risk-based assessment, whichever is greater, for school year 2017-2018."

Sec. 3. Applicability.

This act shall apply as of August 14, 2017.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
October 10, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-148**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 10, 2017**

To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency 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

## ENROLLED ORIGINAL

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”.

(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 September 3, 2017.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Inclusionary Zoning Consistency Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-128; 64 DCR 7647), 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), 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  
October 10, 2017

ENROLLED ORIGINAL

A RESOLUTION

21-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 20, 2016

To approve the disposition of District-owned real property located at 113 H Street, N.W., and known for tax and assessment purposes as Lots 0002, 0003, 0004, 0005, 0006, 0800, 0801, 0802, 0803, 0804, and 0805 in Square 0563N.

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

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the Small 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.*) (“CBE Act”).

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

(3) “Property” means the real property located at 113 H Street, N.W., and known for tax and assessment purposes as Lots 0002, 0003, 0004, 0005, 0006, 0800, 0801, 0802, 0803, 0804, and 0805 in Square 0563N.

Sec. 3. Findings.

(a) The developer of the Property shall be Capitol Vista Community Partners LLC, with a business address of 701 Lamont Street, N.W., #11, Washington, D.C. 20010, comprised of Dantes Partners, LLC, with a business address of 701 Lamont Street, N.W., # 11, Washington, D.C. 20010, or its successor, or one of its affiliates or assignees approved by the Mayor, the Aroli Group, LLC, with a business address of 3401 8th Street, N.E., Washington, D.C. 20017, or its successor, or one of its affiliates or assignees approved by the Mayor, Spectrum Development, LLC, with a business address of 1229 Pennsylvania Avenue, S.E., Washington, D.C. 20003, or its successor, or one of its affiliates or assignees approved by the Mayor, and Bailey Real Estate Holdings, LLC, with a business address of 1926 Benning Road, N.E.,

## ENROLLED ORIGINAL

Washington, D.C. 20002, or its successor, or one of its affiliates or assignees approved by the Mayor (collectively, the “Developer”).

(b) The Property consists of an approximately 9,653 square-foot parcel that is triangular in shape and has frontage on 2nd Street, N.W., New Jersey Avenue, N.W., and H Street, N.W., and is currently used as a temporary parking lot.

(c) The intended use of the Property is as a mixed-use development that provides affordable housing, commercial space, and any ancillary uses allowed under applicable law, as further described in the term sheet submitted to the Council for consideration with this resolution (the “Project”).

(d) The Developer shall comply with the requirements of section 1(a-3) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-3)), including dedicating at least 30% of all multi-family units in the Project as affordable housing units.

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

(f) The Developer shall enter into a First Source Agreement.

(g) Pursuant to 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.*) (“Act”), the proposed method of disposition is a lease of greater than 20 years under section 1(b)(8)(C) of the Act, as further described in the documents submitted to the Council for consideration with this resolution.

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

#### Sec. 4. Approval of disposition.

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

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

#### Sec. 5. Transmittal.

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

**ENROLLED ORIGINAL**

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.



ENROLLED ORIGINAL

A RESOLUTION

21-721

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 20, 2016

To approve the disposition of District-owned real property located at 3012 Georgia Avenue, N.W., and known for tax and assessment purposes as Lot 0849 in Square 2890, a portion of the site of the former Bruce Monroe School.

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

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Bruce Monroe Site” means the site of the former Bruce Monroe School, located at 3012 Georgia Avenue, N.W., and known for taxation and assessment purposes as Lot 0849 in Square 2890.

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to 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.*) (“CBE Act”).

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

(4) “Property” means that portion of the Bruce Monroe Site that consists of approximately 77,421 square feet and is planned for future development, as may be further defined by the Mayor.

Sec. 3. Findings.

(a) The developer of the Property shall be Park View Community Partners, LLC, with a business address c/o The Community Builders, Inc., 1003 K Street, N.W., Suite 700, Washington, D.C. 20001, comprised of The Community Builders, Inc., with a business address of 1003 K Street, N.W., Suite 700, Washington, D.C. 20001, its successor, or one of its affiliates or assignees approved by the Mayor, and Dantes Partners, LLC, 701 Lamont Street, N.W., # 11, Washington, D.C. 20010, its successor, or one of its affiliates or assignees approved by the Mayor (collectively, the “Developer”).

## ENROLLED ORIGINAL

(b) The Bruce Monroe Site consists of the following:

- (1) An interim use public park, improved with recreational amenities; and
- (2) Surface parking spaces located in the northwest corner.

(c) The intended use of the Property is as a mixed-use development that provides affordable housing, residential market rate housing, commercial or community amenities space, and any ancillary uses allowed under applicable law, as further described in the term sheet submitted to the Council for consideration with this resolution (the "Project"). Additionally, a portion of the Bruce Monroe Site will be retained by the District of Columbia, as determined by the Mayor, and the proposed uses will include approximately 44,404 square feet of land area devoted to a park or other public uses.

(d) The Developer shall comply with the requirements of section 1(a-3) of An Act Authorizing the sale of certain real estate no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-3)), dedicating 30% of all multi-family units as affordable housing units.

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

(f) The Developer shall enter into a First Source Agreement.

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

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

#### Sec. 4. Approval of disposition.

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

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

#### Sec. 5. Transmittal.

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

**ENROLLED ORIGINAL**

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

## A RESOLUTION

22-220

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2017

To reappoint Dr. David P. Milzman to the District of Columbia Commission on Judicial Disabilities and Tenure.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Commission on Judicial Disabilities and Tenure David P. Milzman Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia reappoints:

Dr. David P. Milzman  
4529 Westhall Drive, N.W.  
Washington, D.C. 20007  
(Ward 3)

as a nonlawyer member of the District of Columbia Commission on Judicial Disabilities and Tenure, established by section 431(d) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.31(d)), for a term to end May 5, 2023.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the Commission on Judicial Disabilities and Tenure, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

22-236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the existence of an emergency with respect to the need to approve Modification Nos. 4, 5, 6, and 7 to Contract No. CW41201 with Consumer Direct District of Columbia, LLC, to provide vendor fiscal agent support broker services to the District and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract. No. CW41201 with Consumer Direct District of Columbia, LLC, Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification Nos. 4, 5, 6, and 7 to Contract No. CW41201 with Consumer Direct District of Columbia, LLC, to provide vendor fiscal agent support broker services to the District and to authorize payment for the services to be received under the contract.

(b) On January 20, 2017, by Modification No. 4, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Health Care Finance (“DHCF”) exercised Option Year 1 of Contract No. CW41201 to provide vendor fiscal agent support broker services for the period from January 20, 2017 through January 19, 2018 in the not-to-exceed amount of \$790,341.60.

(c) Modification No. 5 was an administrative modification that added no money.

(d) On August 22, 2017, by Modification No. 6, the OCP, on behalf of DHCF, increased the not-to-exceed amount of Option Year 1 of Contract No. CW41201 by \$195,000 bringing the total not-to-exceed amount for the period from January 20, 2017 through January 19, 2018 to \$985,341.68.

(e) Modification No. 7 is now necessary to increase the total not-to-exceed amount of Option Year 1 by an additional \$120,365.97 to \$1,105,707.57 for the period from January 20, 2017 through January 19, 2018.

(f) Council approval is necessary since these modifications increase the contract by more than \$1 million during a 12-month period.

**ENROLLED ORIGINAL**

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Consumer Direct District of Columbia, LLC, cannot be paid for services provided in excess of \$1 million for the contract period January 20, 2017 through January 19, 2018.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW41201 with Consumer Direct District of Columbia, LLC, Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-238

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the existence of an emergency with respect to the need to approve Contract No. CW51849 and Modification No. MOD 002 to Contract No. CW51849 with Huron Consulting Services, LLC, to provide advice to the City Administrator on an optimal plan for the design, financing, and operating structure of a comprehensive health care delivery system in the East End of the District and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW51849 and Modification to Contract No. CW51849 with Huron Consulting Services, LLC, Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Contract No. CW51849 and Modification No. MOD 002 to Contract No. CW51849 with Huron Consulting Services, LLC, to provide advice to the City Administrator on an optimal plan for the design, financing, and operating structure of a comprehensive health care delivery system in the East End of the District, and to authorize payment for the goods and services received and to be received under the contract and Modification No. MOD 002.

(b) On May 15, 2017, the Office of Contracting and Procurement, on behalf of the Department of Health Care Finance, awarded Contract No. CW51849 to provide advice to the City Administrator on an optimal plan for the design, financing, and operating structure of a comprehensive health care delivery system in the East End of the District for the period from May 15, 2017 through November 14, 2017 in the fixed-price amount of \$995,815.

(c) Modification No. MOD 002 is now necessary to increase the contract amount by \$300,000 to the new fixed-price amount of \$1,295,815.

(d) Council approval is necessary because Contract No. CW51849 and Modification MOD 002 cumulatively increase the contract by more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Huron Consulting Services, LLC cannot be paid for services provided in excess of \$1 million for the contract period May 15, 2017 through November 14, 2017.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW51849 and Modification to Contract No. CW51849 with Huron Consulting Services, LLC, Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



ENROLLED ORIGINAL

## A RESOLUTION

22-246

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the existence of an emergency with respect to the need to restrict a credit reporting agency's authority to charge consumers for security freeze services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Credit Protection Fee Waiver Emergency Declaration Resolution of 2017".

Sec. 2. (a) There exists an immediate need to restrict the authority of credit reporting agencies to charge consumers for security freeze services.

(b) The Equifax data breach exposed, according to Equifax, the personal information of 143 million people, including 351,589 District residents.

(c) The compromised data included social security numbers, the personal data most sought by identity thieves.

(d) Consumers are ordinarily advised to freeze their credit following a data breach, because freezing one's credit is one of a consumer's most potent defenses against identity theft.

(e) Consumers may be less willing to freeze their credit if credit reporting agencies are permitted to charge them for doing so.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Credit Protection Fee Waiver Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-249

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the existence of an emergency with respect to the need to provide that it shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, for a person to park, leave unattended, or store a vehicle in violation of parking restrictions posted by the District, Wharf District Master Developer LLC (“Developer”), or the Developer’s designee in Lots 926, 922, and 86 in Square 473, and to authorize the Department of Public Works to issue notices of infraction for any such parking violations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Southwest Waterfront Parking Enforcement Emergency Declaration Resolution of 2017”.

Sec. 2. (a) On October 12, 2017, the first phase of a major redevelopment project (“the Wharf”) will open on the Southwest waterfront, including streets and rights-of-ways on District-owned land improved by Wharf District Master Developer LLC (“Developer”).

(b) The Wharf will include a 6,000 person music venue, dozens of restaurants, hundreds of new residential units, and thousands of square feet of office space, drawing thousands of new residents, workers, and tourists to the Southwest waterfront every day.

(c) The Developer expects an especially large influx of visitors when the Wharf first opens, including as many as 20,000 visitors on each of the 4 days of the opening weekend, many of whom will travel by car.

(d) There currently is no agreement between the Developer and the Department of Public Works that will allow for enforcement of parking violations in Lots 926, 922, and 86 in Square 473, and the Department of Public Works has asserted it may not have the authority to enter and issue notices of infraction in this area because the legal status of the property is unclear.

(e) An absence of parking enforcement within Lots 926, 922, and 86 in Square 473 will encourage illegal parking, exacerbate traffic in an already congested area of the District, and negatively impact public safety.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Southwest Waterfront Parking Enforcement Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the existence of an emergency with respect to the need to approve the negotiated compensation and working conditions collective bargaining agreement for employees of District of Columbia Public Schools covered by the Collective Bargaining Agreement Between the Washington Teachers' Union, Local #6 of the American Federation of Teachers and the District Of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Collective Bargaining Agreement between the Washington Teachers' Union, Local #6 of the American Federation of Teachers and the District of Columbia Public Schools Emergency Declaration Resolution of 2017".

Sec. 2. (a) There exists an immediate need to approve the negotiated compensation and working conditions collective bargaining agreement submitted by the Mayor for the District of Columbia Public Schools ("DCPS") employees who are represented by the Washington Teachers' Union Local #6 of the American Federation of Teachers ("WTU").

(b) The District of Columbia negotiated a compensation and working conditions agreement ("negotiated agreement") for DCPS employees represented by WTU that requires certain compensation increases over a period of 3 years. The negotiated agreement provides for a 4% wage increase for Fiscal Year 2017, which shall be paid retroactively to all DCPS employees who are members of the WTU bargaining unit, all WTU bargaining unit members who retired during Fiscal Year 2017, and to the estates of all WTU bargaining unit members who died during Fiscal Year 2017. The negotiated agreement also provides for a 3% wage increase, effective beginning the first full pay period commencing on or after October 1, 2018, and a 2% wage increase, effective beginning the first full pay period commencing on or after October 1, 2019.

(c) District of Columbia Public Schools employees who are represented by the WTU have worked for 5 years without a contract in place and without an increase in compensation. This agreement, which significantly increases compensation for teachers in DCPS, values a positive work environment and opportunities for educators' professional growth. The contract builds on DCPS' strong system of educator support by providing teachers with additional professional compensation and benefits. The contract also cements the District's national leadership around advances in teacher pay and represents a promising new era of collaboration

**ENROLLED ORIGINAL**

between DCPS and its educators for the benefit of the educators and their families, as well as DCPS students.

(d) Failure to immediately effectuate the terms of the negotiated agreement may result in undermining the confidence of union members in the District government and its leadership and jeopardize the future relationship between labor and management who have united in the belief that their collaboration is the fastest path to guaranteeing that DCPS students achieve at high levels and reach their full potential.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Collective Bargaining Agreement between the Washington Teachers' Union, Local #6 of the American Federation of Teachers and the District Of Columbia Public Schools Emergency Approval Resolution of 2017 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-251

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To approve, on an emergency basis, the collective bargaining agreement submitted by the Mayor for certain employees of District of Columbia Public Schools represented by the Washington Teachers' Union, Local #6 of the American Federation of Teachers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Collective Bargaining Agreement between the Washington Teachers' Union, Local #6 of the American Federation of Teachers and the District of Columbia Public Schools Emergency Approval Resolution of 2017".

Sec. 2. Pursuant to section 1717(j) 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 § 1-617.17(j)), the Council approves the compensation agreement, which applies to bargaining unit employees of the District of Columbia Public Schools and represented by the Washington Teachers' Union, Local #6 of the American Federation of Teachers, and the related salary schedules, which were transmitted to the Council by the Mayor.

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. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and to the Washington Teachers' Union.

Sec. 5. Effective date.

This resolution shall take effect upon the effective date of the Fiscal Year 2018 Budget Support Clarification Emergency Amendment Act of 2017, passed on emergency basis on October 3, 2017 (Enrolled version of Bill 22-491), or the Fiscal Year 2018 Budget Support Congressional Review Emergency Act of 2017, passed on emergency basis on October 3, 2017 (Enrolled version of Bill 22-493), whichever becomes effective later.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2017

To declare September 22, 2017, as “Car Free Day” in the District of Columbia.

WHEREAS, the District of Columbia offers good biking and walking infrastructure as well as an accessible multi-modal public transportation regional network;

WHEREAS, multi-modal systems enhance mobility, build community, and reduce smog and carbon pollution;

WHEREAS, a special day to rediscover the District without a car and to reconnect with fellow community members can educate people about transportation options, environmental impacts, and other quality-of-life issues that are within an individual’s control;

WHEREAS, Car Free Day is celebrated during the month of September in 1,500 cities in 40 countries around the globe;

WHEREAS, participation in Car Free Day invites District residents to telework or try alternative forms of transportation, such as transit, bicycling, and walking, as well as “car lite” options, such as carpools and vanpools;

WHEREAS, Car Free Day benefits the District of Columbia and the National Capital Region through improved air quality, reduced traffic congestion and parking demand, and energy conservation;

WHEREAS, another goal of Car Free Day is to spread the experience of alternative transportation modes and thereby, over the long term, lessen automobile use; and

WHEREAS, Car Free Day has successfully reduced the number of vehicles on roads, encouraged alternate modes of transportation, and celebrated the District’s multi-modal diversity.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Car Free Day Recognition Resolution of 2017".

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia declares September 22, 2017, as “Car Free 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

22-155

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2017

To recognize and honor Natalina Koropoulos, owner of La Tomate Restaurant, on the occasion of the celebration of La Tomate's 30<sup>th</sup> anniversary, and to declare August 17, 2017, as "La Tomate Day" in the District of Columbia.

WHEREAS, in 1987, the nation's capital welcomed La Tomate Restaurant to Dupont Circle as a breath of fresh air;

WHEREAS, the restaurant became an immediate sensation, and earned its status as an institution in historic Dupont Circle;

WHEREAS, Natalina Koropoulos is the owner of La Tomate;

WHEREAS, the restaurant has become a favorite among Washingtonians and tourists alike as it helped to lead the transformation of Dupont Circle to the thriving business and nightlife hub it is today;

WHEREAS, La Tomate's menu has evolved from strictly Italian into more of a Mediterranean menu;

WHEREAS, La Tomate keeps its menu fresh by changing its offerings and has incorporated some of the most popular dishes from its recently closed sister restaurant Maurayo; and

WHEREAS, recently, *The Washington Post* covered La Tomate as a great restaurant, after all these years, citing consistent service, great food, and local atmosphere.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "La Tomate Restaurant 30<sup>th</sup> Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Natalina Koropoulos and La Tomate for their many contributions to the citizens and city of Washington, D.C. and declares August 17, 2017, as "La Tomate 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

22-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2017

To recognize and celebrate the 30th anniversary of WMMJ Majic 102.3.

WHEREAS, Cathy Hughes is motivated by her ambition to empower African-Americans with information and to tell stories from their perspective, in keeping with her “Information is Power” motto;

WHEREAS, Cathy Hughes is a dynamic media pioneer with an unprecedented career that has spawned a multi-media conglomerate that generates original content across the spectrums of radio, television, and digital media;

WHEREAS, Cathy Hughes has earned hundreds of prestigious awards and recognitions including: the naming of the Cathy Hughes School of Communications at Howard University, the ADCOLOR Lifetime Achievement Award, the Congressional Black Caucus Foundation Chair’s Phoenix Award, the NAACP Chairman’s Award, the Giant of Broadcasting Award, the Uncommon Height of Excellence Award, the Essence Women Shaping the World Award, the Ida B. Wells Living Legacy Award, and induction into the American Advertising Federation Hall of Fame;

WHEREAS, Cathy Hughes began her radio career in her hometown of Omaha, Nebraska, at KOWH (AM), a station owned by a group of African-American professionals;

WHEREAS, Cathy Hughes moved to Washington, D.C. in 1971 and became a lecturer in the newly established School of Communications at Howard University, where she served as General Sales Manager at WHUR, Howard University Radio, increasing the station’s revenue from \$250,000 to \$3 million in her first year;

WHEREAS, at WHUR, Cathy Hughes became the first woman Vice President and General Manager of a radio station in the nation’s capital and created the format known as the “Quiet Storm,” which revolutionized urban radio and was aired on over 480 stations nationwide;

## ENROLLED ORIGINAL

WHEREAS, Cathy Hughes left Howard University in 1981 to become the General Manager of WYCB-AM in order to have more control and to start the process of acquiring a station of her own;

WHEREAS, Cathy Hughes is the Founder and Chairperson of Radio One, Inc., the largest African-American owned and operated, broadcast company in the nation, which as of May 5, 2017, became Urban One, Inc., the largest African-American owned multimedia conglomerate in the country, with brands such as TV One, Radio One, Reach Media, iOne Digital, and One Solution;

WHEREAS, Radio One was the first African-American company in radio history to dominate several major markets simultaneously and the first woman-owned radio station to rank No. 1 in any major market;

WHEREAS, in 1999, Cathy Hughes became the first African-American woman to chair a publicly held corporation when Radio One became a publicly traded company following the sale of more than 7 million shares of common stock to the public;

WHEREAS, Alfred C. Liggins, III, the son and business partner of Cathy Hughes, became the President of Radio One in 1989 and Chief Executive Officer in 1997;

WHEREAS, Cathy Hughes and Alfred Liggins, III grew Radio One, Inc. into a multimedia company that is an urban radio market leader with 56 stations comprised of hip hop, R&B, gospel, and talk radio formats;

WHEREAS, in 1987, WMMJ in Washington, D.C. became the first FM station that Radio One purchased and the first station in the country with an Urban Adult Contemporary format;

WHEREAS, Radio One added WWXT 92.7 FM to its Washington, D.C. cluster, and as of May 1, 2017, WWXT 92.7 FM began simulcasting WMMJ Majic 102.3 FM, further expanding WMMJ's "Real Sound of the DMV" brand;

WHEREAS, the on-air personalities of WMMJ Majic 102.3 include Russ Parr of the The Russ Parr Morning Show with Alfredas, Supaken, Albert AKA "Sumbody Trippin," DJ Sixth Sense and Vic Jagger, who is on "VJ In The Middy;" Donnie Simpson of The Donnie Simpson Show and Donnie Simpson "Rewind;" Tom Joyner of Tom Joyner's Right Back At Cha; Asia of Afternoons with Asia; Denise Hill; Teresa Marie; Lamar Robinson, affectionately known as "The LBD" or "The Lilbigdaddy;" and John Monds of Love and R&B; and

**ENROLLED ORIGINAL**

WHEREAS, WMMJ Majic 102.3 celebrates its 30th anniversary with events that include the Diamonds & Pearls 30th Anniversary Party and the Majic 102.3 30th Anniversary Concert series.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “WMMJ Majic 102.3 30th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia congratulates Cathy Hughes, Alfred Liggins, III, Urban One, Inc., Radio One, and WMMJ Majic 102.3 on the 30th anniversary of WMMJ Majic 102.3 and recognizes the inspiring and tremendous positive impact that each has had on the Washington, D.C. community.

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

22-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2017

To recognize and celebrate Theodore Roosevelt High School’s Class of 1967 on the occasion of its 50<sup>th</sup> year class reunion celebration.

WHEREAS, Theodore Roosevelt High School has been educating students and serving the District of Columbia since 1932;

WHEREAS, Theodore Roosevelt High School continues to educate and serve the Ward 4 community under the leadership of Principal Aqueelha James;

WHEREAS, the 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, the Class of 1967 built lifelong memories that would last beyond their days at Theodore Roosevelt High School;

WHEREAS, the Class of 1967 is comprised of distinguished alumni, including, but not limited to, educators, military, government, private industry, ministers, judges, doctors, and lawyers whom contribute greatly to the Ward 4 community, the District of Columbia, and the United States;

WHEREAS, the Class of 1967 received a terrific education with the help of dedicated teachers and staff, including Floretta McKenzie, the guidance counselor for the class from 9th through 12th grade, who would later serve as the Superintendent of the District of Columbia Public Schools;

**ENROLLED ORIGINAL**

WHEREAS, the Alumni Association for the Class of 1967 has remained tight-knit thanks to the leadership of President James “Pete” Miller, and the many presidents who served before him; and

WHEREAS, Theodore Roosevelt High School’s Class of 1967 will be celebrating its 50th class reunion on June 17, 2017 at Martin’s Crosswinds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Theodore Roosevelt High School Class of 1967 Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors Theodore Roosevelt High School’s 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.

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

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

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

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**COUNCIL OF THE DISTRICT OF COLUMBIA**

**PROPOSED LEGISLATION**

**BILLS**

B22-517	<p>First Source Amendment Act of 2017</p> <p>Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development with comments from the Committee on Business and Economic Development</p>
B22-518	<p>Ernest Everett Just Court Designation Act of 2017</p> <p>Intro. 10-10-17 by Councilmember Nadeau and referred to the Committee of the Whole</p>
B22-519	<p>Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2017</p> <p>Intro. 10-11-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety</p>
B22-521	<p>National Community Reinvestment Coalition Real Property Tax Exemption Act of 2017</p> <p>Intro. 10-13-17 by Councilmember Evans and referred to the Committee on Finance and Revenue</p>

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B22-522	District Waterways Management Act of 2017  Intro. 10-17-17 by Councilmembers Allen, Gray, McDuffie, Bonds, Evans, Grosso, and R. White and referred to the Committee on Government Operations with comments from the Committee of the Whole and the Committee on Transportation and the Environment
B22-523	Removing Barriers to Occupational Licenses Amendment Act of 2017  Intro. 10-17-17 by Councilmembers Allen, Grosso, R. White, Bonds, Evans, Gray, and McDuffie and referred to the Committee on Health
B22-524	Maternal Mortality Review Committee Establishment Act of 2017  Intro. 10-17-17 by Councilmembers Allen, Gray, McDuffie, R. White, Bonds, Evans, Grosso, Silverman, and T. White and referred to the Committee on Judiciary and Public Safety
B22-525	Micro-Business Startup Fee Relief Amendment Act of 2017  Intro. 10-17-17 by Councilmembers R. White, Grosso, Nadeau, Todd, T. White, Cheh, Bonds, Silverman, Allen, and Gray and referred to the Committee of the Whole
B22-526	Police Officer Family College Tuition Voucher Act of 2017  Intro. 10-17-17 by Councilmembers Gray and R. White and referred to the Committee of the Whole
B22-527	Executive Branch Budget Implementation Flexibility Amendment Act of 2017  Intro. 10-17-17 by Councilmembers Gray and Bonds and referred to the Committee of the Whole

**PROPOSED RESOLUTIONS**

- PR22-531      Compensation Collective Bargaining Agreement between the District of Columbia Government Department of Behavioral Health and 1199 Service Employees International Union, United Healthcare Workers East MD/DC Region (1199 SEIU), FY 2016-FY 2019 Approval Resolution of 2017
- Intro. 10-11-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
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- PR22-532      The Thomas B. Fordham Foundation, Inc., Refunding Revenue Bonds Project Approval Resolution of 2017
- Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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- PR22-533      Not-For-Profit Hospital Corporation Board of Directors Velma J. Speight Confirmation Resolution of 2017
- Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-534      Commission on African Affairs Omar Arouna Confirmation Resolution of 2017
- Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-535      Commission on African Affairs Johanna Leblanc Confirmation Resolution of 2017
- Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-536      Commission on African Affairs Margaret Kamara Confirmation Resolution of 2017
- Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-537 Board of Zoning Adjustment Lorna John Confirmation Resolution of 2017  
Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- PR22-538 Commission on Human Rights Michael Ward Confirmation Resolution of 2017  
Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-539 District of Columbia State Athletics Commission Mr. Benjamin Watkins Confirmation Resolution of 2017  
Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR22-540 Board of Professional Counseling Victoria Sherk Confirmation Resolution of 2017  
Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-541 Commission on Fashion Arts and Events Mariessa Terrell Confirmation Resolution of 2017  
Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR22-542 Commission on Out of School Time Grants and Youth Outcomes Anisah Rasheed Confirmation Resolution of 2017  
Intro. 10-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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- PR22-543 Historic Preservation Review Board Dr. Sandra Jowers-Barber Confirmation Resolution of 2017  
Intro. 10-11-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- PR22-544 Foster Parent Statements of Rights and Responsibilities Rules Approval Resolution of 2017  
Intro. 10-11-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
- 
- PR22-546 Commission on African-American Affairs Dr. Niambi M. Carter Confirmation Resolution of 2017  
Intro. 10-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-547 Commission on African-American Affairs Ryan L. Jones Confirmation Resolution of 2017  
Intro. 10-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-548 Science Advisory Board Peter Marone Confirmation Resolution of 2017  
Intro. 10-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-549 Science Advisory Board Robert Thompson Confirmation Resolution of 2017  
Intro. 10-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-550 Science Advisory Board Michael Pentella Confirmation Resolution of 2017  
Intro. 10-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR22-551 District of Columbia State Athletics Commission Rosalyn Overstreet-Gonzalez Confirmation Resolution of 2017  
Intro. 10-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
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PR22-552      Sense of the Council in Opposition to Concealed Carry Reciprocity Resolution  
of 2017

Intro. 10-17-17 by Councilmembers R. White, Cheh, Bonds, Silverman, Allen,  
Gray, T. White, Evans, McDuffie, Grosso, Nadeau, Todd, and Chairman  
Mendelson and referred to the Committee on Judiciary and Public Safety

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**Bill 22-60, Grocery Store Restrictive Covenant Prohibition Act of 2017**

**Bill 22-182, Vacant and Abandoned Residential Property Foreclosure Amendment Act of 2017**

**Bill 22-185, Consumer Protection Clarification and Enhancement Act of 2017**

on

**Tuesday, November 28, 2017**

**10:30 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 22-60**, the “Grocery Store Restrictive Covenant Prohibition Act of 2017,” **Bill 22-182**, the “Vacant and Abandoned Residential Property Foreclosure Amendment Act of 2017,” and **Bill 22-185**, the “Consumer Protection Clarification and Enhancement Act of 2017.” The hearing will be held at 10:30 a.m. on Tuesday, November 28, 2017 in Hearing Room 412, of the John A. Wilson Building.

The stated purpose of **Bill 22-60** is to prohibit restrictive land covenants or prohibitive contracts, on grocery store sites, that disallow the subsequent use of the real property as a grocery store. The bill provides an exception to an owner of a grocery store that relocates the grocery store within one-half mile of the previous site. For the exception to apply, relocation to the new site must occur within 2 years of the sale, transfer, or lease of the prior site and the restrictive covenant imposed on the prior site cannot exceed 3 years. The stated purpose of **Bill 22-182** is to permit a lender seeking to foreclose on an abandoned or vacant property to obtain a summary judgment after filing a foreclosure action. The bill requires the lender to provide two notices through a process server of the action, notices that are at least 72 hours apart and are at different times of the day. If the court finds that the property is vacant and abandoned, the property shall be sold within 60 days of the court's filing. The stated purpose of **Bill 22-185** is to update key portions of the District's Consumer Protection Procedures Act to make it consistent with similar statutes in other states and Federal Trade Commission law. Among other things, it establishes what is an "unfair" business practice and raises the amount of civil penalties that the District can assess per violation.

Those who wish to testify must email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Randi Powell, Legislative Policy Advisor, at 202-724-8196, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, November 24, 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 Monday, November 27, 2017 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 12, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON HEALTH

## NOTICE OF PUBLIC HEARING

1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004

ABBREVIATED/REVISED

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COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH

## ANNOUNCES A PUBLIC HEARING ON

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

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

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

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

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

**WEDNESDAY, OCTOBER 25, 2017  
11 A.M., ROOM 412, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0171, the “Senior Dental Services Program Act of 2017”, Bill 22-0201, the “Prescription Drug Donation Pilot Program Act of 2017”, Bill 22-0250, the “Vital Records Modernization Act of 2017”, Bill 22-0354, the “Hearing Aid Assistance Program Act of 2017”, and Bill 22-0366, the “Health Care Reporting Amendment Act of 2017.” The hearing will be held on Wednesday, October 25, 2017, at 11 a.m., in Room 412 of the John A. Wilson Building. **This hearing notice is revised to reflect a change in the hearing room, from Room 500 to Room 412.**

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

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

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

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

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

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

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, October 23, 2017.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

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

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

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

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

**BILL 22-0424, THE “NURSE STAFFING AGENCY AMENDMENT ACT OF 2017”**

**BILL 22-0481, THE “MEDICAL ASSISTANCE PROGRAM MODERNIZATION  
AMENDMENT ACT OF 2017”**

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

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0172, the “Maternal Health Task Force Act of 2017”, Bill 22-0195, the “Study of Mental Health and Substance Abuse in Immigrant Communities Act of 2017”, Bill 22-0424, the “Nurse Staffing Agency Amendment Act of 2017”, and Bill 22-0481, the “Medical Assistance Program Modernization Amendment Act of 2017.” The hearing will be held on Wednesday, November 15, 2017, at 2 p.m., in Room 500 of the John A. Wilson Building. **This hearing notice has been revised to reflect a change in time from 11:00AM to 2:00PM, as well as the addition of Bill 22-0424 and Bill 22-0481 to the agenda.**

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

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

Bill 22-042, the “Nurse Staffing Agency Amendment Act of 2017” amends the Nurse Staffing Agency Act of 2003 to clarify the Department of Health does not require a nurse staffing agency license for businesses that only offer an employee nurse staffing registry. It preserves the status of businesses that operate in the District without a nurse staffing agency license that offer only a hiring registry.

Bill 22-0481, the “Medical Assistance Program Modernization Amendment Act of 2017” would amend 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 to remove the requirement that the Department of Health Care Finance submit every plan, modification, or waiver to the State Plan to the Council of the District of Columbia for passive review prior to submission to the Centers for Medicare and Medicaid Services.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, November 13, 2017.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.



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

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

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

**BILL 22-0405, THE “EAST END FEDERALLY QUALIFIED HEALTH CENTER  
CERTIFICATE OF NEED MAXIMUM FEE ESTABLISHMENT AMENDMENT ACT OF  
2017”**

**BILL 22-0446, THE “MEDICAL MARIJUANA IMPROVEMENT AMENDMENT ACT OF  
2017”**

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

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0233, the “Telehealth Medicaid Expansion Act of 2017”, Bill 22-0405, the “East End Federally Qualified Health Center Certificate of Need Maximum Fee Establishment Amendment Act of 2017”, and Bill 22-0446, the “Medical Marijuana Improvement Amendment Act of 2017.” The hearing will be held on Thursday, November 9, 2017, at 11 a.m., in Room 412 of the John A. Wilson Building. **This hearing notice is revised to reflect the addition of Bill 22-0446 to the agenda.**

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

Bill 22-0405, the “East End Federally Qualified Health Center Certificate of Need Maximum Fee Establishment Amendment Act of 2017” establishes the maximum fee for filing a certificate of need application by a federally qualified health center for projects located in Wards 7 and 8.

Bill 22-0446, the “Medical Marijuana Improvement Amendment Act of 2017” establishes Safe-Use Treatment Facilities operated by registered dispensaries where a qualifying patient can purchase and consume medical marijuana provided for on-site use. It establishes guidelines under

which a qualifying patient may possess and use medical marijuana and paraphernalia. It establishes same-day registration and also allows patients to qualify without a doctor's referral. Among other things, it allows dispensaries and cultivation centers to relocate and expand operations to meet patient demand.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Tuesday, November 7, 2017.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

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

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

**AND**

**COUNCILMEMBER VINCENT GRAY, CHAIRPERSON  
 COMMITTEE ON HEALTH**

**ANNOUNCE A JOINT PUBLIC HEARING TO CONSIDER**

**BILL 22-0458, THE “OPIOID OVERDOSE PREVENTION ACT OF 2017”**

**AND**

**BILL 22-0459, THE “OPIOID ABUSE TREATMENT ACT OF 2017”**

**Tuesday, December 12, 2017, 12:00 p.m.  
 Room 412, John A. Wilson Building  
 1350 Pennsylvania Avenue, N.W.  
 Washington, D.C. 20004**

On Tuesday, December 12, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, and Councilmember Vincent Gray, Chairperson of the Committee on Health, will hold a joint public hearing to consider Bill 22-0458, the “Opioid Overdose Prevention Act of 2017”, and Bill 22-0459, and the “Opioid Abuse Treatment Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 12:00 p.m. *Please note that this notice has been revised to reflect a change in date from December 14 to December 12 and a change in time from 1:00 p.m. to noon.*

The stated purpose of Bill 22-0458, the “Opioid Overdose Prevention Act of 2017”, is to require the Metropolitan Police Department to provide opioid antagonist rescue kits for sworn personnel in order to prevent potential overdose deaths; to require the Metropolitan Police Department to provide training for all sworn personnel; and to allow for the voluntary surrender of opiates and drug paraphernalia at Metropolitan Police Department stations.

The stated purpose of Bill 22-0459, the “Opioid Abuse Treatment Act of 2017”, is to improve treatment for substance use disorders by requiring every health plan to transmit upon request a list of all in-network providers that treat opiate use disorders, along with their contact information; requiring the Department of Health Care Finance to determine the feasibility of expanding opioid use disorder medication offerings in methadone clinics; requiring a study on appropriate reimbursement levels for substance abuse treatment; requiring that all currently approved forms of medication-assisted therapies prescribed for substance abuse disorders are covered without any utilization control such as a prior authorization or step therapy; requiring high-rate opioid prescribers to participate in training; requiring the Department of Corrections’ Medical Director to have experience with opioid treatment; requiring that the Department of Corrections ensure individuals receiving treatment for opioid addiction prior to entering a Department of Corrections facility continue to receive that treatment; establishing a fatality review team at the Department of Behavioral Health to review all overdose deaths in the District; requiring health care facilities to make the services of at least one health care provider who is trained and authorized under federal law to prescribe opioid addiction treatment medications; and requiring hospitals to establish discharge protocols for individuals identified as having a substance abuse disorder.

The Committees invite the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on the Judiciary & Public Safety via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, December 7.** Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us).

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on the Judiciary & Public Safety at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on December 26.**

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

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

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 22-0480, THE "VULNERABLE POPULATION AND EMPLOYER PROTECTION  
AMENDMENT ACT OF 2017"**

**BILL 22-0482, THE "LONG-TERM CARE OMBUDSMAN PROGRAM AMENDMENT  
ACT OF 2017"**

**MONDAY, DECEMBER 18, 2017  
11 A.M., ROOM 412, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0480, the "Vulnerable Population and Employer Protection Amendment Act of 2017" and Bill 22-0482, the "Long-Term Care Ombudsman Program Amendment Act of 2017." The hearing will be held on Monday, December 18, 2017, at 11 a.m., in Room 412 of the John A. Wilson Building.

Bill 22-0480, the "Vulnerable Population and Employer Protection Amendment Act of 2017" would amend the District of Columbia Health Occupations Revision Act of 1985 to authorize a health occupations board to take disciplinary against a health professional who engages in the financial exploitation of a patient, client, or employer; provide for the summary suspension or restriction, without a hearing, of the license, registration or certification of a health professional who engages in the financial exploitation of a patient, client, or employer, as determined by the Mayor following an investigation; and define the term "financial exploitation."

Bill 22-0482, the "Long-Term Care Ombudsman Program Amendment Act of 2017" would amend the District of Columbia Long-Term Care Ombudsman Program Act of 1988 to provide the Long-Term Care Ombudsman with authority to lead the Long-Term Care Ombudsman Program in coordination with the Director of the Office on Aging; provide authority for the Long-Term Care Ombudsman to make determinations and recommendations pertaining to residents' health, safety, welfare or rights; to clarify the responsibilities of the Long-Term Care Ombudsman; prohibit certain individuals from serving as the Long-Term Care Ombudsman; align provisions of District law with C.F.R. § 1324 *et seq.*; and align the abuse-reporting provisions for the Long-Term Care Ombudsman representatives of the Office

of the Long-Term Care Ombudsman with federal law.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Friday, December 14, 2017.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

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

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

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 22-0510, THE “DINING WITH DOGS ACT OF 2017”**

**BILL 22-0511, THE “POOLS WITHOUT PENALTIES ACT OF 2017”**

**BILL 22-0523, THE “REMOVING BARRIERS TO OCCUPATIONAL LICENSES  
AMENDMENT ACT OF 2017”**

**TUESDAY, NOVEMBER 28, 2017  
11 A.M., ROOM 500, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0510, the “Dining with Dogs Act of 2017”, Bill 22-0511, the “Pools without Penalties Act of 2017”, and Bill 22-0523, the “Removing Barriers to Occupational Licenses Amendment Act of 2017.” The hearing will be held on Tuesday, November 28, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

Bill 22-0510, the “Dining with Dogs Act of 2017” establishes the conditions under which dogs are permitted in outdoor dining areas and unenclosed sidewalk cafés.

Bill 22-0511, the “Pools without Penalties Act of 2017” establishes when a lifeguard is not required for a swimming pool. It also establishes when shower, toilet and dressing room facilities are not required at certain facilities and also establishes certain exemptions for pools at condominium and apartment buildings.

Bill 22-0523, the “Removing Barriers to Occupational Licenses Amendment Act of 2017” would amend the District of Columbia Health Occupations Revision Act of 1985 and Subchapter 1-B of Chapter 28 of Title 47 of the District of Columbia Official Code to remove barriers obtaining occupational licenses for individuals with criminal histories, to allow a licensing board to consider an applicant 's pending criminal accusation or prior conviction only if the pending criminal accusation or prior conviction is directly related to the occupation for which the license is sought, and to provide applicants, licensees, registrants, or persons certified whose applications or licenses, registrations, or certifications are denied , suspended , or revoked based on a pending criminal accusation or conviction with notice of the basis of the decision and an opportunity to provide mitigating evidence.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Friday, November 24, 2017.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.



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

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

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

**ANNOUNCES A PUBLIC HEARING ON:**

**PR 22-532, “The Thomas B. Fordham Foundation, Inc. Refunding Revenue Bonds Project Approval Resolution of 2017”**

**Bill 22-521, the “National Community Reinvestment Coalition Real Property Tax Exemption Act of 2017”**

**Wednesday, November 8, 2017**

**9:30 a.m.**

**Room 120 - John A. Wilson Building**

**1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Wednesday, November 8, 2017 at 9:30 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22-532, “The Thomas B. Fordham Foundation, Inc. Refunding Revenue Bonds Project Approval Resolution of 2017” would authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$8 million of District of Columbia revenue bonds to assist The Thomas B. Fordham Foundation in the financing, refinancing, or reimbursing of costs incurred for an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The Thomas B. Fordham Foundation will use the proceeds of the bond issuance to pay off existing debt from a 2007 bond issuance, which was used to purchase and renovate property located at 1016 16<sup>th</sup> Street, N.W.

Bill 22-521, the “National Community Reinvestment Coalition Real Property Tax Exemption Act of 2017” will amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation portions of property located at 727 and 740 15<sup>th</sup> Street, N.W.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 9:30 a.m. on Tuesday, November 7, 2017. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

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

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

**ANNOUNCES A PUBLIC OVERSIGHT HEARING ON**

**“OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES”**

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

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Oversight Hearing on the “Office of the Deputy Mayor for Health and Human Services.” The hearing will be held on Wednesday, November 15, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

The purpose of this hearing to receive an update about the multitude of important issues the Deputy Mayor oversees within the Health and Human Services Cluster, including outstanding concerns about Executive agency performance that were raised during the performance and budget oversight hearings. The hearing will also explore the status and results of the District’s first pay-for-success contract that was overseen by the Deputy Mayor for Health and Human Services. This innovative contract was approved in 2014 and sought to improve outcomes in teen pregnancy and school suspensions.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, November 13, 2017.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

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

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**NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON**

**The Condition of the District's Roadways**

October 31, 2017, at 11:00 AM  
in Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On October 31, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public oversight roundtable on the condition of the District's roadways. The public roundtable will begin at 11:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to discuss and to hear testimony regarding the District Department of Transportation's (DDOT) road rehabilitation efforts, examine the feasibility of using alternative construction materials to facilitate the preservation of infrastructure assets, ascertain whether there are other resources that the agency needs to more effectively meet its obligations to conduct maintenance and rehabilitation activities, and obtain a specific plan of action to improve roadway conditions.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on November 14, 2017.

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

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

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

**“THE PROPOSED CONTRACT WITH VERITAS OF WASHINGTON, LLC (CA22-0286)”**

**MONDAY, OCTOBER 30, 2017  
11 A.M., ROOM 500, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Oversight Roundtable on “The Proposed Contract with Veritas of Washington, LLC (CA2200286). The hearing will be held on Monday, October 30, 2017, at 11 a.m., in Room 500 of the John A. Wilson Building.

On August 7, 2017, the Director of the Department of Health, Dr. LaQuandra Nesbitt ordered the shutdown of obstetrical (OB) services for up to 90 days because of patient safety concerns. On September 22, 2017 the Committee on Health held a public hearing on the status of OB care at United Medical Center to attempt to learn what systemic improvements had been made to resolve patient care issues that led to the suspension of services. The proposed Veritas of Washington, LLC contract of \$4,173,951.80, for hospital management and operator services at the United Medical Center, was submitted by the Not-for-Profit Hospital Corporation on October 6, 2017. The purpose of this oversight roundtable is to hear from the Executive Office of the Mayor, the UMC Board, and Veritas’ executive leadership of the hospital as to how Veritas’ performance in managing and operating the United Medical Center since March 2016 justifies extending its contract.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Friday, October 26, 2017. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

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

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

on

- **PR22-457, Commission on Out of School Time Grants and Youth Outcomes Tacharna Crump Confirmation Resolution of 2017;**
- **PR22-458, Commission on Out of School Time Grants and Youth Outcomes Mark Hecker Confirmation Resolution of 2017;**
- **PR22-459, Commission on Out of School Time Grants and Youth Outcomes Margaret Siegel Confirmation Resolution of 2017;**
- **PR22-460, Commission on Out of School Time Grants and Youth Outcomes Margaret Riden Confirmation Resolution of 2017;**
- **PR22-461, Commission on Out of School Time Grants and Youth Outcomes Dr. Jeanette Kowalik Confirmation Resolution of 2017;**
- **PR22-462, Commission on Out of School Time Grants and Youth Outcomes Heather Peeler Confirmation Resolution of 2017;**
- **PR22-463, Commission on Out of School Time Grants and Youth Outcomes Christine Brooks Confirmation Resolution of 2017;**
- **PR22-464, Commission on Out of School Time Grants and Youth Outcomes Burnell Holland Confirmation Resolution of 2017;**
- **PR22-503 District of Columbia State Athletics Commission Ms. Diana Parente Confirmation Resolution of 2017;**
- **PR22-504, District of Columbia State Athletics Commission Mr. Michael Hunter Confirmation Resolution of 2017;**
- **PR22-505, District of Columbia State Athletics Commission Mr. Terrence Lynch Confirmation Resolution of 2017;**
- **PR22-506, District of Columbia State Athletics Commission Mr. Kevin Wills Confirmation Resolution of 2017;**
- **PR22-507, District of Columbia State Athletics Commission Rev. Karen Curry Confirmation Resolution of 2017;**
- **PR22-508 District of Columbia State Athletics Commission Mr. John Koczela Confirmation Resolution of 2017;**
- **PR22-509, District of Columbia State Athletics Commission Mr. Don Calloway Confirmation Resolution of 2017; and**
- **PR22-510 District of Columbia State Athletics Commission Mr. Dwight Franklin Confirmation Resolution of 2017**

on

**Monday, October 16, 2017 at 2:00 p.m., Hearing Room 412 and Tuesday, October 24, 2017  
at 2:00 pm in Hearing Room 120  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public roundtable of the Committee on Education on the nominations for the Athletics Commission and the Put of School Time Commission. The roundtable will begin on October 16, 2017 and will recess and reconvene on October 24, 2017.

The purpose of this public roundtable is to hear testimony from the nominees for the Athletics Commission and the Out of School Time Commission for their confirmations.

The Committee invites the public to testify or submit written testimony. Those who wish to testify may sign-up online at <http://bit.do/CommunityForum> or call the Committee on Education at (202) 724-8061 by 5:00pm Friday, October 13. Persons wishing to testify are encouraged to bring 10 copies of their written testimony.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to by email to [astrange@dccouncil.us](mailto:astrange@dccouncil.us) or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 27, 2016.

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

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC ROUNDTABLE

on

**PR22-465, District of Columbia Commemorative Works Committee Joe Coleman  
Confirmation Resolution of 2017**

**PR22-466, District of Columbia Commemorative Works Committee Jarvis DuBois  
Confirmation Resolution of 2017**

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**PR22-473, Board of Zoning Adjustment Fred Hill Confirmation Resolution of 2017**

on

**Thursday, October 26, 2017  
10:30 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR22-465**, the “District of Columbia Commemorative Works Committee Joe Coleman Confirmation Resolution of 2017”; **PR22-466**, the “District of Columbia Commemorative Works Committee Jarvis DuBois Confirmation Resolution of 2017”; and **PR22-473**, the “Board of Zoning Adjustment Fred Hill Confirmation Resolution of 2017.” The roundtable will be held at 10:30 a.m. on **Thursday, October 26, 2017** in **Hearing Room 412** of the John A. Wilson Building.

The stated purpose of **PR22-465** is to confirm the appointment of Joe Coleman as a citizen member of the District of Columbia Commemorative Works Committee (“CWC”). The stated purpose of **PR22-466** is to confirm the appointment of Jarvis DuBois as a citizen member of the CWC. The CWC advises the Council on each application to place a commemorative work on public space in the District of Columbia. The CWC is made up of three citizens nominated by the Mayor and confirmed by the Council, plus nine ex-officio government officials. The purpose of this roundtable is to receive testimony from public witnesses as to the fitness of Mr. Coleman and Mr. DuBois for the CWC.

The stated purpose of **PR22-473** is to confirm the reappointment of Fred Hill to the Board of Zoning Adjustment (“Board”). The Board is an independent, quasi-judicial body with the ability to grant relief from the strict application of the District’s zoning regulations in the form of variances, to grant special exceptions pursuant to the zoning regulations, and to hear appeals from actions taken by the Zoning Administrator of the Department of Consumer and Regulatory Affairs. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of Mr. Hill for the Board.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or to call Sydney Hawthorne at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **October 24, 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 25, 2017 the testimony will be

distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 9, 2017.



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

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**COUNCILMEMBER VINCENT C. GRAY, CHAIR  
COMMITTEE ON HEALTH**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PR 22-533, THE “NOT-FOR-PROFIT HOSPITAL CORPORATION BOARD OF  
DIRECTORS VELMA J. SPEIGHT CONFIRMATION RESOLUTION OF 2017”**

**TUESDAY, OCTOBER 31, 2017  
2:00 P.M., ROOM 120, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairman of the Committee on Health, announces a public roundtable on PR 22-533, the “Not-For-Profit Hospital Corporation Board of Directors Velma J. Speight Confirmation Resolution of 2017”, to be held on Tuesday, October 31, 2017 at 2:00 p.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

The purpose of Proposed Resolution 22-533 is to confirm the appointment of Ms. Velma J. Speight to the Not-For-Profit Hospital Corporation Board of Directors.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Friday, October 27, 2017. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**The Wilson Building**

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**NOTICE OF CONTRACT DISAPPROVAL RESOLUTION**

The Council of the District of Columbia gives notice that the resolution listed below to disapprove CA 22-286, proposed contract with Veritas of Washington LLC in the amount of \$4,173,951.80 for the provision of Hospital Management and Operator services was filed in the Office of the Secretary on October 6, 2017.

A copy of the approval resolution or the proposed contract is available in the Council's Legislative Services, Room 10, John A. Wilson Building. Telephone: 724-8050. Comments on the proposed contract can be addressed to the Secretary to the Council, Room 5.

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PR 22-553: Veritas of Washington LLC Disapproval Resolution of 2017

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

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

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

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

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**Reprog. 22-84**

Request to reprogram \$200,000 of Fiscal Year 2017 Local funds budget authority from the Department of Forensic Sciences (DFS) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 11, 2017. This reprogramming ensures that DFS has adequate funding to support facility updates and renovations.

RECEIVED: 14 day review begins October 11, 2017

**Reprog. 22-85**

Request to reprogram \$2,700,000 of Fiscal Year 2017 Special Purpose Revenue Funds budget authority from the District Department of Transportation (DDOT) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 11, 2017. This reprogramming ensures that DDOT completes alley construction, repairs and renovations throughout the District.

RECEIVED: 14 day review begins October 11, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 20, 2017
Protest Petition Deadline: December 4, 2017
Roll Call Hearing Date: December 18, 2017

License No.: ABRA-102904
Licensee: Boeey of Georgetown Corporation
Trade Name: Boeeymonger
License Class: Retailer's Class "D" Restaurant
Address: 3265 Prospect Street, N.W.
Contact: Rummana Choudhury: (202) 333-4810

WARD 2 ANC 2E SMD 2E03

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on December 18, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to Add a Summer Garden with 11 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES

Sunday - Thursday 7:30 am - 12:00 am
Friday - Saturday 8:00 am - 12:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday 10:00 am - 12:00 am
Monday - Saturday 8:00 am - 12:00 am

PROPOSED HOURS OF OPERATION FOR SUMMER GARDEN

Sunday 7:30 am - 11:00 pm
Monday - Wednesday 7:00 am - 11:00 pm
Thursday - Friday 7:00 am - 12:00 am
Saturday 7:30am - 12:00 am

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

Sunday - Wednesday 10:00 am - 10:00 pm
Thursday - Saturday 10:00 am - 11:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-104594

License Class/Type: C Restaurant

Applicant: Alley Cats Hospitality, LLC

Trade Name: Calico

ANC: 2F06

Has applied for the renewal of an alcoholic beverage license at the premises:

50 Blagden AL NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
12/4/2017

A HEARING WILL BE  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of
Sunday:	7 am - 1 am	8 am - 1 am	-
Monday:	7 am - 1 am	8 am - 1 am	-
Tuesday:	7 am - 1 am	8 am - 1 am	-
Wednesday:	7 am - 1 am	8 am - 1 am	-
Thursday:	7 am - 1 am	8 am - 1 am	-
Friday:	7 am - 2 am	8 am - 2 am	-
Saturday:	7 am - 2 am	8 am - 2 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	8 am - 10:30 pm	8 am - 10:30 pm
Monday:	8 am - 10:30 pm	8 am - 10:30 pm
Tuesday:	8 am - 10:30 pm	8 am - 10:30 pm
Wednesday:	8 am - 10:30 pm	8 am - 10:30 pm
Thursday:	8 am - 10:30 pm	8 am - 10:30 pm
Friday:	8 am - 12:30 pm	8 am - 12:30 pm
Saturday:	8 am - 12:30 pm	8 am - 12:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 20, 2017
Protest Petition Deadline: December 4, 2017
Roll Call Hearing Date: December 18, 2017
Protest Hearing Date: February 14, 2018

License No.: ABRA-107865
Licensee: Relish Food 2, LLC
Trade Name: Carving Room Kitchen & Bar
License Class: Retailer's Class C Restaurant
Address: 130 M Street, N.E.
Contact: Oded Weizmann: (202) 689-9544

WARD 6 ANC 6C SMD 6C06

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 December 18, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on February 14, 2018, at 1:30 p.m.

NATURE OF OPERATION

New Class "C" Restaurant serving house cured & roasted meats, brunch, hummus, sandwiches, and flat breads, with a seating capacity of 80 inside, a Total Occupancy Load of 100 inside, and a Sidewalk Café with 15 seats outside.

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

Sunday – Saturday 8:00 am – 2:00 am

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

Placard Posting Date: October 20, 2017  
Protest Petition Deadline: December 4, 2017  
Roll Call Hearing Date: December 18, 2017  
Protest Hearing Date: February 14, 2018

License No.: ABRA-108078  
Licensee: Fork & Knife, LLC  
Trade Name: Chef Brian's Comfort Kitchen  
License Class: Retailer's Class C Restaurant  
Address: 1020 19<sup>th</sup> Street, N.W.  
Contact: Brian Hill: (202) 999-9024

WARD 2

ANC 2B

SMD 2B06

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 December 18, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 February 14, 2018, at 4:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Restaurant serving fast, casual comfort cuisine, with a seating capacity of 30, a Total Occupancy Load of 30, and a Sidewalk Café with 12 seats.

**PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/ CONSUMPTION (INSIDE PREMISES)**

Sunday – Thursday 8:00 am – 2:00 am

Friday – Saturday 8:00 am – 3:00 am

**PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/ AND CONSUMPTION (SIDEWALK CAFÉ)**

Sunday – Saturday 11:00 am – 6:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-095880

License Class/Type: B / Retail - Class B

Applicant: New Seven Market Inc

Trade Name: New Seven Market

ANC: 8A05

Has applied for the renewal of an alcoholic beverage license at the premises:

1406 GOOD HOPE RD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-102043

License Class/Type: B / Retail - Grocery

Applicant: John, LLC

Trade Name: Toni's Market

ANC: 7E07

Has applied for the renewal of an alcoholic beverage license at the premises:

5319 EAST CAPITOL ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 9 pm	9 am - 9 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 9 pm	9 am - 9 pm
Saturday:	9 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-105191

License Class/Type: B / Retail - Grocery

Applicant: JLAA, Inc.

Trade Name: Menick's Market

ANC: 7C01

Has applied for the renewal of an alcoholic beverage license at the premises:

4401 NANNIE HELEN BURROUGHS AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 9 pm	9 am - 9 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-075678

License Class/Type: B / Retail - Grocery

Applicant: Yes Organic Four, Inc.

Trade Name: Yes Organic Market

ANC: 5B05

Has applied for the renewal of an alcoholic beverage license at the premises:

3809 12TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10pm	7 am - 10 pm
Wednesday:	7 am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-094098

License Class/Type: B / Retail - Full Service  
Grocery

Applicant: Aldi, Inc.

Trade Name: Aldi Inc.

ANC: 5D05

Has applied for the renewal of an alcoholic beverage license at the premises:

901 17TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9am - 9pm	9am - 9pm
Monday:	9am - 9pm	9am - 9pm
Tuesday:	9am - 9pm	9am - 9pm
Wednesday:	9am - 9pm	9am - 9pm
Thursday:	9am - 9pm	9am - 9pm
Friday:	9am - 9pm	9am - 9pm
Saturday:	9am - 9pm	9am - 9pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-088835

License Class/Type: B / Retail - Grocery

Applicant: Aki & Muller Corporation

Trade Name: Wheeler Market

ANC: 8E06

Has applied for the renewal of an alcoholic beverage license at the premises:

4135 WHEELER RD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 10 pm	7 am - 10 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7am - 10 pm	7 am - 10 pm
Thursday:	7 am - 10 pm	7 am - 10 pm
Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-074162

License Class/Type: B / Retail - Grocery

Applicant: ZG Market, Inc.

Trade Name: Jubilee Market

ANC: 5E10

Has applied for the renewal of an alcoholic beverage license at the premises:

2316 4TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 11 pm	9:30 am - 10 pm
Monday:	9 am - 11 pm	9:30 am - 10 pm
Tuesday:	9 am - 11 pm	9:30 am - 10 pm
Wednesday:	9 am - 11 pm	9:30 am - 10 pm
Thursday:	9 am - 11 pm	9:30 am - 10 pm
Friday:	9 am - 11 pm	9:30 am - 10 pm
Saturday:	9 am - 11 pm	9:30 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/20/2017

Notice is hereby given that:

License Number: ABRA-089932

License Class/Type: B / Retail - Grocery

Applicant: Addis Incorporated

Trade Name: King Convenience Store

ANC: 8A05

Has applied for the renewal of an alcoholic beverage license at the premises:

1535 U ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/4/2017

A HEARING WILL BE HELD ON:  
12/18/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 12am	7am - 12am
Monday:	7am - 12am	7am - 12am
Tuesday:	7am - 12am	7am - 12am
Wednesday:	7am - 12am	7am - 12am
Thursday:	7am - 12am	7am - 12am
Friday:	7am - 12am	7am - 12am
Saturday:	7am - 12am	7am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/13/2017

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-022045

License Class/Type: B / Retail - Grocery

Applicant: Whole Foods Market Group Inc

Trade Name: Fresh Fields Whole Foods Market

ANC: 3B02

Has applied for the renewal of an alcoholic beverage license at the premises:

2323 WISCONSIN AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
11/27/2017

A HEARING WILL BE HELD ON:  
12/11/2017

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423



**D.C. BOARD OF ELECTIONS****NOTICE OF PUBLIC HEARING  
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections shall consider in a public hearing whether the proposed measure “The District of Columbia Drug Price Relief Act of 2018” is a proper subject matter for initiative, and, if so, to formulate the Short Title, Summary Statement and Legislative Text of the measure at the Board’s regular meeting on Wednesday, December 6, 2017 at 10:30am., One Judiciary Square, 441 4<sup>th</sup> Street, N.W., Suite 280, Washington DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, November 30, 2017 to the Board of Elections, General Counsel’s Office, One Judiciary Square, 441 4<sup>th</sup> Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel’s office at 727-2194 no later than Friday, , 2017 at 4:00p.m.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

**SHORT TITLE****THE DISTRICT OF COLUMBIA DRUG PRICE RELIEF ACT OF 2018****SUMMARY STATEMENT**

The District of Columbia Drug Price Relief Act of 2018 (the “Act”) will limit the price paid by the District of Columbia government for prescription medications. The initiative requires that the District pay the same price for these drugs as the United States Department of Veterans Affairs, which is widely recognized as receiving the lowest prices for prescription medications. The Act would apply to all District health programs, including the Medicaid program, and the intent of the Act is to lower drug prices and save taxpayer money.

**LEGISLATIVE TEXT**

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA,  
THAT this Act shall be known as "The District of Columbia Drug Price Relief Act of 2018" (the "Act").

**(A) Drug Pricing.**

(1) Notwithstanding any other provision of law and insofar as may be permissible under federal law, neither the District of Columbia, nor any District department, agency or other District entity, shall enter into any agreement with the manufacturer of any drug for the purchase of a prescribed drug or agree to pay, directly or indirectly, for a prescribed drug, unless the net cost of the drug is the same as or less than the lowest price paid for the same drug by the United States Department of Veterans Affairs, inclusive of cash discounts, free goods, volume discounts, rebates, or any other discounts or credits, as determined by the purchasing department, agency or entity,.

(2) The price ceiling described in subsection (1) above also shall apply to all programs where the District of Columbia or any District department, agency or other District entity is the ultimate payer for the drug, even if it did not purchase the drug directly.

(3) All District departments, agencies and other District entities that enter into one or more agreements with the manufacturer of any drug for the purchase of prescribed drugs or agreement to pay directly or indirectly for prescribed drugs shall implement this section no later than July 1, 2019.

(4) Each such department, agency or other District entity may adopt administrative rules to implement the provisions of this section and may seek any waivers of federal law, rule, or regulation necessary to implement the provisions of this section.

(5) The Council of the District of Columbia shall enact any additional laws and the Mayor shall take any additional actions required to promptly carry out the provisions of this section.

**(B) Liberal Construction.**

This Act shall be liberally construed to effectuate its purpose.

**(C) Severability.**

If any provision of this Act, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this Act are severable. If this Act and another law are approved by the voters at the same election with one or more conflicting provisions and this Act receives fewer votes, the non-conflicting provisions of this Act shall go into effect.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, DECEMBER 6, 2017  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.**

**WARD SIX**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 8, 2017 TO DECEMBER 6, 2017.**

19616            **Application of Thomas Jefferson Real Estate, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle H § 1200 from the lot occupancy requirements of Subtitle H § 704.1, and from the ground floor designated use requirements of Subtitle H § 1101.1, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(c)(4), to construct a new, 46-unit apartment house in the NC-6 Zone at premises 818 Potomac Avenue S.E. (Square 930, Lots 10, 14, 800, 801, 816, 817, 828, and 829).  
ANC 6B

**WARD ONE**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 8, 2017 TO DECEMBER 6, 2017.**

19617            **Application of Aaron Cobet**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 753 Morton Street N.W. (Square 2894, Lot 49)  
ANC 1A

**WARD FIVE**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 8, 2017 TO DECEMBER 6, 2017.**

19623            **Application of Creative Grounds DC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 254.14, to permit a corner store containing an art gallery and accessory prepared food shop in the RF-1 Zone at premises 1822 North Capitol Street N.W. (Square 3106, Lot 84).  
ANC 5E

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**WARD FIVE****ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 8, 2017 TO DECEMBER 6, 2017.**

19625            **Application of 61 Rhode Island Avenue NE, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the density requirements of Subtitle E § 201.4, to add 2 units to an existing 2-unit apartment house in the RF-1 Zone at premises 61 Rhode Island Avenue N.E. (Square 3535, Lot 58).  
ANC 5E

**WARD FIVE****ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 8, 2017 TO DECEMBER 6, 2017.**

19626            **Application of Fort Lincoln Retail 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 § 513, to permit a fast food restaurant with a drive-thru in the MU-5A Zone at premises Fort Lincoln Drive N.E. (Square 4327, Lot 1161).  
ANC 5C

**WARD ONE****ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 8, 2017 TO DECEMBER 6, 2017.**

19629            **Application of Timothy and Charlotte Lawrence**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5204 from the rear yard requirements of Subtitle E § 5104.1, and the side yard requirements of Subtitle E § 5105.1, and pursuant to Subtitle X, Chapter 10, for variances from the alley centerline setback requirements of Subtitle E § 5106.1, and from pervious surface requirements of Subtitle E § 5107.1, to construct a one-family dwelling on an alley lot in the RF-1 zone at premises 1665 Harvard Street N.W. (Rear). (Square 2588, Lot 827).  
ANC 1D

**WARD SIX****ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 15, 2017 TO DECEMBER 6, 2017.**

19618            **Application of Gillette Wing**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 601.1(c), to permit a one-family dwelling unit in an existing structure on an alley lot in the RF-3 Zone at premises 19 4<sup>th</sup> Street Rear N.E. (Square 816, Lot 18).  
ANC 6C

**WARD TWO****ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 15, 2017 TO DECEMBER 6, 2017.**

19621            **Application of Richard Hilton**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201.3 from the non-conforming structure requirements of Subtitle C § 202.2, to construct a fourth story rear addition to an existing one-family dwelling in the R-1-B Zone at premises 2318 California Street N.W. (Square 2519, Lot 284).  
ANC 2D

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**WARD SIX**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 15, 2017 TO DECEMBER 6, 2017.**

19622            **Application of Mark Rivetti**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to add a third floor and construct a four-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1121 Abbey Place N.E. (Square 773, Lot 184).  
ANC 6C

**WARD FIVE**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 15, 2017 TO DECEMBER 6, 2017.**

19624            **Application of Kerameddine Dris**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5203 from the rooftop architectural element requirements of Subtitle E § 206.1(a) , to construct a new mansard roof on an existing flat in the RF-1 Zone at premises 137 S Street N.W. (Square 3107, Lot 800).  
ANC 5E

**WARD TWO**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 15, 2017 TO DECEMBER 6, 2017.**

19633            **Application of VI 3629 T Street, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 306.4, to construct a three-story rear addition to an existing one-family dwelling in the R-20 Zone at premises 3629 T Street N.W. (Square 1296, Lot 804).  
ANC 2E

**WARD SIX**

**ADMINISTRATIVELY RESCHEDULED FROM NOVEMBER 15, 2017 TO DECEMBER 6, 2017.**

19634            **Application of Jonathan and Kate Grabill**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and from the side-yard setback requirements of Subtitle E § 307.3, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a new three-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 517 7<sup>th</sup> Street S.E. (Square 877, Lot 854).  
ANC 6B

**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

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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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> 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

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 በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ 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](mailto: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](mailto: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](mailto:Zelalem.Hill@dc.gov) 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

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*Spanish*

¿Necesita ayuda para participar?

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

*Vietnamese*

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

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto: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**



## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code § 1-307.02 (2016 Repl.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Chapter 50 (Medicaid Reimbursement for Personal Care Services), of Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

Personal Care Aide (PCA) services are health-related services that are provided to individuals who are unable to perform one or more activities of daily living such as bathing, dressing, toileting, ambulation, or feeding oneself, as a result of a medical condition or cognitive impairment causing a substantial disability.

These final rules will allow DHCF to: (1) provide reimbursement for safety monitoring tasks performed by PCAs in connection with assisting beneficiaries with activities of daily living; (2) align re-assessment requirements for beneficiaries receiving PCA services under the District of Columbia State Plan for Medical Assistance (State Plan) with requirements for beneficiaries receiving PCA services under the Home and Community-Based Services Waiver for the Elderly and Individuals with Physical Disabilities (EPD Waiver); and (3) impose alternative sanctions for providers of State Plan PCA services that mirror those for EPD Waiver providers.

These rules correlate to a proposed amendment to the State Plan. The corresponding State Plan Amendment (SPA) requires approval by the Council of the District of Columbia (Council) and the Centers for Medicare and Medicaid Services (CMS). The Council approved the corresponding SPA through the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775 (August 26, 2016)). CMS approved the corresponding SPA on August 7, 2017 with an effective date of July 1, 2017.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 9, 2017 at 64 DCR 005457. DHCF received one set of comments on the emergency and proposed rules from Legal Counsel for the Elderly (LCE). These comments raised concerns related to: (1) conforming requirements to account for services offered to beneficiaries in the EPD Waiver; (2) PCA service authorization requests and submissions; (3) program requirements; and (4) alternative sanctions. DHCF carefully considered the comments received. For the reasons noted below, DHCF determined that no substantive changes were necessary and none have been made for these final rules. DHCF has made three (3) minor technical corrections in response to the comments received, as described below.

**Conforming Requirements for EPD Waiver Beneficiaries**

LCE initially recommended that these rules be revised to mirror the requirements set forth in Chapter 42 of Title 29, which governs the District's Medicaid Home and Community-Based Services (HCBS) Waiver for the Elderly and Persons with Physical Disabilities (EPD Waiver). PCA services are offered to EPD Waiver beneficiaries, who must have a nursing facility level of care, in addition to the PCA services that are offered under the State Plan to Medicaid beneficiaries who are unable to perform one or more activities of daily living, as determined by the face-to-face assessment described in these rules. EPD Waiver beneficiaries are provided a case manager through the waiver, who is responsible for creating a Person-Centered Service Plan (PCSP) in collaboration with the beneficiary. LCE specifically recommended that references to the PCSP and the EPD Waiver case manager be incorporated into these rules. DHCF respectfully disagrees with this recommendation, as these rules address PCA services provided under the State Plan, and requirements specific to PCA services provided under the EPD Waiver are addressed in Chapter 42.

PCA services offered through the EPD Waiver are described in Sections 4226 through 4228 of Chapter 42, and Section 4228 specifically requires that the plan of care created by the Registered Nurse (R.N.) employed by the PCA provider is consistent with the goals of the PCSP. As noted above, these rules govern the provision of PCA services under the State Plan benefit, not under the EPD Waiver. Although the scope of PCA services is the same under the State Plan benefit and the EPD Waiver, Medicaid beneficiaries who receive PCA services solely through the State Plan benefit do not have a PCSP created by a case manager. As there is neither a case manager nor a PCSP for State Plan PCA services, DHCF does not believe these State Plan rules should refer to either a PCSP or a case manager. The role of the EPD Waiver case manager with regard to all EPD Waiver services, including PCA services, is clearly delineated in Chapter 42 (see Section 4224). Furthermore, as noted above, the PCSP is clearly referenced in the Chapter 42 rules governing the provision of PCA services under the EPD Waiver and is therefore not relevant or needed for state plan PCS services, which are addressed in Chapter 50 and amended through the requirements included herein.

**PCA Service Authorization Requests and Submissions**

With regard to PCA service authorization requests and submissions, LCE requested that Subsection 5003.3 be revised to include language requiring that the face-to-face assessment is conducted in keeping with a beneficiary's cultural needs and preferred language. DHCF trains all nurses conducting the face-to-face assessment to ensure that assessments are administered in accordance with a beneficiary's wishes, including his or her preferred language. DHCF agrees that these existing requirements should be reflected in these rules, and has incorporated LCE's suggested language in Subsection 5003.3.

LCE also requested clarification of the language in Subsection 5003.3(c) referring to a beneficiary's unmet needs and informal supports. LCE expressed concerns that an assessor could incorporate supports occasionally provided by friends or family members to incorrectly assess the number of hours of PCA services a beneficiary requires on a regular basis. DHCF

notes that the training of assessment nurses includes guidelines for quantifying the amount and type of natural supports provided on a continuous basis.

LCE also raised concerns regarding Subsection 5003.8, which discusses DHCF's ability to limit or deny PCA services on a prospective basis when the cost of a beneficiary's PCA services, in addition to any other home care services being delivered, over a six (6) month period exceeds the cost of institutional services. DHCF first notes that this section does not require that PCA services be limited or denied under these circumstances; it simply establishes authority to do so. CMS required the addition of this language to the corresponding SPA in order to receive federal approval, and therefore the provision is reflected in these rules to provide the public with adequate notice of the language. DHCF intends to evaluate cases in which the cost of PCA and other home care services exceed the cost of institutional care over a six (6) month period on an individual basis to determine whether a prospective limitation of PCA services is appropriate. In response to LCE's concern, DHCF has added specific notice and appeal language to this section to clarify that such appeal rights are available when a decision on whether home care services will exceed the cost of institutional care results in a reduction or denial of services.

### **Program Requirements**

LCE raised concerns regarding the Subsection 5006.1 requirement that the medical professional ordering PCA services for a beneficiary must have a prior professional relationship with the beneficiary that included an examination(s) provided in a hospital, primary care physician's office, nursing facility, or at the beneficiary's home prior to the order for the PCA services. LCE agreed that the ordering provider should be required to meet and examine the beneficiary prior to issuing an order for PCA services, but asserted that the language could imply that an ongoing relationship between the beneficiary and ordering provider is required. DHCF does not agree that the language in this section implies that the relationship between the beneficiary and the ordering provider must meet any criteria other than those stated in this section, and therefore does not believe any changes to this section are necessary.

LCE requested that Subsection 5006.7 be revised to include medication management and respiratory care as an allowable task for PCAs. DHCF has previously received similar requests from LCE. As noted previously, while DHCF acknowledges the commenters' concerns regarding the allowable tasks, DHCF cannot allow PCAs to perform any tasks outside of the tasks set forth by DOH in its regulations. Under Subsection 5009.1(a), each PCA providing Medicaid-reimbursed PCA services must be certified as a home health aide in accordance with the relevant Department of Health (DOH) rules.

With respect to medication management, DOH rules at 17 DCMR § 9315.1(g) allow PCAs to "[a]ssist[] the patient with self-administration of medication." In addition, 17 DCMR § 9315.2(h) currently includes the following among tasks that may be performed by home health aides: "Administering medications, provided that the HHA is certified as a medication aide." However, the current DOH regulation regarding trained medication employees, found

in Chapter 61 of Title 17 of the DCMR, only addresses the administration of medications to individuals with developmental disabilities participating in specific programs. Therefore, until DOH issues final amended or separate regulations governing the administration of medications by home health aides to other populations, DHCF can allow PCAs providing services under the State Plan who are certified as home health aides may assist Medicaid beneficiaries self-administer medications, but cannot allow PCAs to administer medications.

Regarding respiratory care, DOH rules at 17 DCMR § 9315.1(h) allow PCAs to “[r]ead[] and record[]... respiration” and 17 DCMR § 9315.2(g) allow HHAs to “administer[] oxygen therapy.” Therefore, PCAs providing services under the State Plan who are certified as home health aides may monitor and record Medicaid beneficiaries’ respiration and administer oxygen therapy, but are not permitted to provide other respiratory care. Although DHCF is interested in learning more about whether additional services should be provided by PCAs, the agency’s authority is limited to services certified under the DOH rules, which are under review by DOH.

LCE requested revisions to Subsection 5006.8(b) regarding tasks that may not be performed by PCAs, including shopping for items not related to promoting a beneficiary’s nutritional status and other health needs. Specifically, LCE would like language creating an exception to this requirement if such a task is indicated in a beneficiary’s plan of care. DHCF notes LCE’s concern that the beneficiary’s needs indicated on the plan of care are reflected in the tasks performed by PCAs. The tasks that are allowable for PCAs to perform are established in the State Plan and cannot be altered in these corresponding rules. Therefore, DHCF is not able to alter this language or create any exceptions to non-allowable tasks. If LCE has observed any issues with regard to PCAs failing to promote a beneficiary’s nutritional status or other health needs, DHCF is open to providing additional provider training on how providers are expected to meet these needs.

LCE requested the addition of language to Subsection 5006.9 regarding the provision of PCA services in clinical settings such as hospital emergency departments and urgent care centers. Federal regulations found at 42 CFR § 440.167 prohibit the provision of PCA services in an inpatient hospital setting. Therefore, if a beneficiary has been admitted, DHCF cannot use federal Medicaid funds to reimburse for PCA services in that setting. States have authority to further define the settings in which PCA services may be offered under the State Plan. As reflected in Subsection 5006.7, under the District’s State Plan PCAs may accompany a beneficiary to medical or dental appointments, places of employment, or recreational activities if approved in the beneficiary’s plan of care. Assistance with activities of daily living may be provided before a beneficiary is seen by clinical personnel in an emergency department or urgent care setting. DHCF may not duplicate available resources so if clinical personnel are attending to a beneficiary, a PCA should not be required to provide assistance with activities of daily living while a beneficiary is being treated. While DHCF believes the current regulatory language regarding settings in which PCA services may not be provided adequately reflects the service limitations, DHCF is adding clarifying language in Subsection

5006.9 to ensure the language limiting PCA services in hospital and nursing facility settings only applies in cases where beneficiaries have been admitted for care.

LCE requested modification of the language in Subsection 5006.14 regarding a provider's immediate termination of a PCA when the PCA may be endangering the beneficiary's physical or mental well-being or the beneficiary's property is at risk. Specifically, LCE requested that this section be revised to indicate that such action must also be taken if a beneficiary believes he or she is at risk. DHCF notes that this section is related to the provider's responsibility to identify any risks to the beneficiary posed by the PCA and take immediate action. DHCF believes that existing language in Subsection 5007.4, which is not being amended for this rulemaking, addresses LCE's concern regarding a beneficiary feeling threatened by a PCA or provider staff: "Consistent with Subsection 5014.3(g), if the PCA or PCA provider staff poses an immediate threat to the safety or well-being of the beneficiary, the provider must immediately review the threat, initiate an investigation, and provide alternate staff to the beneficiary." LCE also requested the inclusion of language establishing the provider's responsibility to replace a PCA removed under these circumstances to ensure continuity of care in this section. DHCF believes the existing language in this provision, which reads as follows, is sufficient to address LCE's concern: "The Provider is responsible for assigning a new PCA and ensuring that the beneficiary's needs continue to be met." As this existing language addresses LCE's concern, no changes to the language in Subsection 5006.14 have been made.

LCE suggested that in addition to the performance reviews described in Subsection 5006.15, each provider should be required to conduct quality assurance visits by evaluating individual PCAs in the field. DHCF notes and shares LCE's concern regarding monitoring the quality of services being delivered by PCAs. All providers of Medicaid-funded PCA services in the District are subject to the DOH requirements for home care agencies providing PCA services at 22-B DCMR § 3915, which include on-site supervision of each PCA at least once every sixty-two (62) calendar days. DHCF believes the existing DOH monitoring requirements are sufficient to address LCE's concern. Therefore, no changes have been made to this language.

### **Alternative Sanctions**

LCE requested that Subsection 5018.1 specify the parties and organizations from which complaints or incident reports may originate. It appears from the comment that LCE is concerned that the current language limits the entities that can submit complaints to DHCF's Division of Program Integrity and Long-Term Care Administration, respectively. DHCF believes that the current language, which does not specify or limit the entities able to submit complaints, is sufficient to address LCE's concern. The current language reads as follows: "DHCF may impose alternative sanctions against a Provider in response to receiving complaints or incident reports or upon a recommendation by the Department's Division of Program Integrity or the Long Term Care Administration." Furthermore, DHCF is concerned that by identifying specific parties or organizations that may submit complaints, the specific language could be construed as limiting the entities from which DHCF will accept complaints

to those specified. DHCF does not want to prohibit the submission of complaints from any organization or individual, and therefore believes no changes to the current language are needed.

LCE suggested the inclusion of “complaints” in addition to “violations” in Subsection 5018.2. This section addresses the factors used to determine whether the imposition of alternative sanctions is appropriate. While DHCF accepts complaints from any organization or individual, as noted above, DHCF must conduct an investigation to substantiate the complaint and determine whether a violation occurred. In order to meet District and federal due process requirements, the imposition of alternative sanctions must be based on the number and nature of objective violations, rather than subjective complaints. Therefore, DHCF declines to modify this language to include “complaints.”

LCE suggested that if sanctions such as withholding payment or temporary suspension from the Medicaid program are imposed on a provider, beneficiaries served by the provider should be provided as much notice of the sanction as possible to ensure safety and continuity of care. DHCF shares LCE’s concern regarding safety and continuity of care for beneficiaries served by providers under sanctions. Under 29 DCMR § 1312, if a Medicaid provider is suspended, DHCF provides notice of the suspension to affected beneficiaries. Furthermore, if a PCA provider under sanction intends to suspend services or discharge beneficiaries as a result of sanctions imposed by DHCF, the provider is required under Subsection 5007.2 to provide notice to affected beneficiaries at least thirty (30) days prior to taking the proposed action. If a PCA provider intends to discontinue services for any Medicaid beneficiary, DHCF works with the provider to ensure that affected beneficiaries are transferred timely to another provider so that continuity of care is preserved. Under Subsection 5007.9, PCA providers are also responsible for ensuring that the beneficiary's health, safety, and welfare are not threatened during a period of suspension or during the period after the beneficiary has been discharged and before transfer to another provider. DHCF believes that all of the provisions cited above are sufficient to ensure that beneficiaries receive adequate notice of an intended service suspension or transfer and that continuity of care is achieved. Therefore, no changes have been made to this section.

For the reasons described above, DHCF has not made any substantive changes for these final rules. Three (3) minor technical corrections have been made to clarify existing requirements and practices: (1) Subsection 5003.3(b) has been modified to reflect that the face-to-face assessment is conducted in accordance with a beneficiary’s preferred language; (2) Subsection 5003.8 has been modified to clarify that if DHCF limits or denies prospective PCA services for a beneficiary on the basis that the services are no longer cost-neutral, a notice and appeal rights meeting all requirements of Subsection 5003.14 will be provided to the beneficiary; and (3) Subsection 5006.9 has been modified to clarify that PCA services may not be provided in a hospital, nursing facility, intermediate care facility, or other living arrangement that includes PCA services in cases where the beneficiary has been admitted for care, but services can be provided until the beneficiary is admitted, in transition, or being discharged to a home care setting if there is no duplication of PCA services.

The Director adopted these rules on October 10, 2017 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 50, MEDICAID REIMBURSEMENT FOR PERSONAL CARE SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**The title for Chapter 50 is amended to read as follows: MEDICAID REIMBURSEMENTS FOR PERSONAL CARE AIDE SERVICES**

**Section 5000, GENERAL PROVISIONS, is amended as follows:**

**5000 GENERAL PROVISIONS\***

- 5000.1 These rules establish the standards and conditions of participation for home care agencies providing Medicaid reimbursable personal care aide (PCA) services under the District of Columbia Medicaid Program's State Plan for Medical Assistance (Medicaid State Plan).
- 5000.2 Medicaid reimbursable PCA services support and promote the following goals:
- (a) To provide cueing, hands-on assistance, and safety monitoring related to activities of daily living to beneficiaries who are unable to perform one or more activities of daily living; and
  - (b) To encourage home and community-based care as a preferred and cost-effective alternative to institutional care.

**Section 5003, PCA SERVICE AUTHORIZATION REQUEST AND SUBMISSION, is amended as follows:**

**5003 PCA SERVICE AUTHORIZATION REQUEST AND SUBMISSION**

- 5003.1 Except as provided in Subsection 5003.11, in order to be reimbursed by Medicaid, PCA services shall not be initiated or provided on a continuing basis by a Provider without a PCA Service Authorization from DHCF or its designated agent that, for each beneficiary, identifies the amount, duration and scope of PCA services authorized and the number of hours authorized.
- 5003.2 A Medicaid beneficiary who is seeking PCA services for the first time shall submit a request for a PCA Service Authorization to DHCF or its designated agent in writing, accompanied by a copy of the physician's or Advanced Practice Registered Nurse's (APRN) written order for PCA services that complies with the requirements set forth under this chapter. The request may

be submitted by the beneficiary, the beneficiary's representative, family member, physician or APRN.

- 5003.3 DHCF or its designated agent shall be responsible for conducting a face-to-face assessment of each beneficiary using a standardized assessment tool to determine each beneficiary's need for assistance with activities of daily living that the beneficiary is unable to perform. The assessment shall:
- (a) Confirm and document the beneficiary's functional limitations and personal goals with respect to long-term care services and supports;
  - (b) Be conducted in consultation with the beneficiary or the beneficiary's representative and in accordance with the beneficiary's preferred language;
  - (c) Document the beneficiary's unmet need for services, taking into account the contribution of informal supports and other resources in meeting the beneficiary's needs for assistance; and
  - (d) Document the amount, frequency, duration, and scope of PCA services needed.
- 5003.4 Based upon the results of the face-to-face assessment conducted in accordance with Subsection 5003.3, DHCF or its authorized agent shall issue to the beneficiary a PCA Service Authorization that specifies the amount, duration, and scope of PCA services authorized to be provided to the beneficiary.
- 5003.5 Payment shall not exceed the maximum authorized units specified in the PCA Service Authorization and must be consistent with the plan of care in accordance with Section 5015.
- 5003.6 If authorized, PCA services may be provided up to eight (8) hours per day seven (7) days per week. Additional hours may be authorized if a person is deemed eligible under the Elderly or Individuals with Physical Disabilities (EPD Waiver) or Individuals with Intellectual and Developmental Disabilities Waiver (IDD Waiver).
- 5003.7 PCA services shall be provided in a manner consistent with the requirements of the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit. A beneficiary under the age of twenty-one (21) shall have access to all medically necessary Medicaid services, including PCA services, provided by any willing and qualified Medicaid provider of the beneficiary's choice.



- 5003.8 When total DHCF reimbursement for PCA services, in addition to other home care services, for a beneficiary exceeds the cost of institutional care over a six (6) month period, DHCF may limit or deny PCA services for the beneficiary on a prospective basis. If DHCF limits or denies prospective PCA services for a beneficiary on this basis, a notice meeting all requirements of Subsection 5003.14 shall be issued to the beneficiary and the beneficiary will have the rights of appeal outlined in Subsection 5003.14.
- 5003.9 The supervisory nurse employed by the home health agency shall conduct an evaluation of each beneficiary's need for the continued receipt of State Plan PCA services at least once every twelve (12) months or upon a significant change in the beneficiary's health status, as follows:
- (a) The evaluation shall determine whether there is a significant change in the beneficiary's health status;
  - (b) If the evaluation results in a determination that there is no significant change, the supervisory nurse shall take the following actions:
    - (1) The supervisory nurse shall complete the form provided by DHCF or its agent attesting that the beneficiary has had no significant change in health status and that a face-to-face re-assessment is not required; and
    - (2) The supervisory nurse shall obtain a new PCA Service Authorization for the beneficiary;
  - (c) If the evaluation results in a determination that there is a significant change, the supervisory nurse shall take the following actions:
    - (1) The supervisory nurse shall refer the beneficiary for a face-to-face re-assessment conducted in accordance with § 5003.3; and
    - (2) The supervisory nurse shall obtain a new physician's or APRN's written order in order to obtain a new PCA Service Authorization for the beneficiary.
- 5003.10 Requests to conduct a face-to-face re-assessment based upon a significant change in the beneficiary's health status may be made at any time by the beneficiary, the beneficiary's representative, family member, physician or APRN and shall be made in accordance with the requirements of Subsection 5003.2.

- 5003.11 An R.N. employed by DHCF or its agent shall conduct a face-to-face re-assessment in accordance with the requirements of Subsection 5003.3 of each beneficiary referred by the supervisory nurse as described in Subsection 5003.9 and for whom a re-assessment is requested pursuant to Subsection 5003.10 to determine PCA service needs.
- 5003.12 Through December 31, 2017, DHCF may authorize the face-to-face reassessment for a period not to exceed eighteen (18) months, if necessary, to align the assessment date with the Medicaid renewal date.
- 5003.13 If, based upon the assessment conducted pursuant to this section, a beneficiary is found to be eligible for PCA services, DHCF or its agent shall issue a Beneficiary Approval Letter informing the beneficiary of the assessment score, the amount, duration and scope of authorized PCA services, and the dates of the authorization period, as well as confirming the provider selected by the beneficiary during the assessment.
- 5003.14 If, based upon the assessment conducted pursuant to this section or due to a determination made under Subsection 5003.8 that six-month cost of home care services may exceed the cost of institutional care, a beneficiary is found to be ineligible for PCA services, or the amount, duration or scope of PCA services is reduced or limited, DHCF or its agent shall issue a Beneficiary Denial, Termination or Reduction of Services Letter informing the beneficiary of the reasons for the intended action, the specific law and regulations supporting the action, his or her right to appeal the denial, termination, or reduction of services in accordance with federal and District law and regulations, and the circumstances under which PCA services will be continued if a hearing is requested (See 42 CFR §§ 431.200 *et seq.*, D.C. Official Code § 4-205.55).

**Section 5006, PROGRAM REQUIREMENTS, is amended as follows:**

**5006 PROGRAM REQUIREMENTS**

- 5006.1 PCA services shall be ordered, in writing, by a physician or APRN who is enrolled in the D.C. Medicaid program and has had a prior professional relationship with the beneficiary that included an examination(s) provided in a hospital, primary care physician's office, nursing facility, or at the beneficiary's home prior to the order for the PCA services. A written order for PCA services constitutes a certification that the beneficiary is unable to perform one (1) or more activities of daily living for which PCA services are needed.
- 5006.2 A written order for PCA services issued in accordance with § 5006.1 shall be renewed every twelve (12) months, with the exception of beneficiaries for

whom the supervisory nurse attests that there has been no significant change in health status, in accordance with § 5003.9.

- 5006.3 Each written order for PCA services under this section shall include the prescriber's NPI number obtained from NPPES.
- 5006.4 A Provider has an ongoing responsibility to verify that each beneficiary that receives PCA services from the Provider has current eligibility for the District of Columbia Medicaid program and is eligible for and authorized to receive PCA services.
- 5006.5 An individual or family member other than a spouse, parent of a minor child, any other legally responsible relative, or court-appointed guardian may provide PCA services. Legally responsible relatives shall not include parents of adult children. Each family member providing PCA services shall comply with the requirements set forth in these rules.
- 5006.6 The Provider shall initiate services no later than twenty-four (24) hours after completing the plan of care unless the beneficiary's health or safety warrants the need for more immediate service initiation or the beneficiary or beneficiary's representatives agree to begin the services at a later date.
- 5006.7 PCA services shall include the following:
- (a) Cueing or hands-on assistance with performance of routine activities of daily living (such as, bathing, transferring, toileting, dressing, feeding, and maintaining bowel and bladder control);
  - (b) Assisting with incontinence, including bed pan use, changing urinary drainage bags, changing protective underwear, and monitoring urine input and output;
  - (c) Assisting beneficiaries with transfer, ambulation and range of motion exercises;
  - (d) Assisting beneficiaries with self-administered medications;
  - (e) Reading and recording temperature, pulse, blood pressure and respiration;
  - (f) Measuring and recording height and weight;

- (g) Observing, documenting and reporting to the supervisory health professional, changes in the beneficiary's physical condition, behavior, and appearance and reporting all services provided on a daily basis;
- (h) Preparing meals in accordance with dietary guidelines and assistance with eating;
- (i) Performing tasks related to keeping areas occupied by the beneficiary in a condition that promotes the beneficiary's safety;
- (j) Implementing universal precautions to ensure infection control;
- (k) Accompanying the beneficiary to medical or dental appointments or place of employment and recreational activities if approved in the beneficiary's plan of care;
- (l) Shopping for items that are related to promoting a beneficiary's nutritional status in accordance with dietary guidelines and other health needs;
- (m) Providing safety monitoring related to assisting the beneficiary with routine activities of daily living by performing tasks to prevent accidents and injuries to the beneficiary during these activities; and
- (n) Assistance with telephone use.

5006.8 PCA services shall not include:

- (a) Services that require the skills of a licensed professional as defined by the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*);
- (b) Tasks usually performed by chore workers or homemakers, such as cleaning of areas not occupied by the beneficiary, shopping for items not related to promoting the beneficiary's nutritional status and other health needs, and shopping for items not used by the beneficiary; and
- (c) Money management.

5006.9 PCA services shall not be provided in a hospital, nursing facility, intermediate care facility, or other living arrangement which includes personal care as part of the reimbursed service if the beneficiary has been admitted for care. For outpatient hospital services, emergent care, or circumstances where the

beneficiary is being discharged or transitioning to a home-based setting, PCA services may be provided to an eligible beneficiary in circumstances where there is no duplication of PCA services until the time that a beneficiary is admitted for care.

- 5006.10 PCA services may be provided at the beneficiary's place of employment.
- 5006.11 A PCA is not authorized to make decisions on behalf of a beneficiary.
- 5006.12 In accordance with Subsection 5006.7(g), a PCA shall immediately report to the R.N. any significant change in the beneficiary's health status in the case of emergency, or within four (4) hours for other situations, unless indicated otherwise in the beneficiary's plan of care.
- 5006.13 If the beneficiary seeks to change his or her Provider, the Provider shall assist the beneficiary in transferring to the new Provider. Until the beneficiary is transferred to a new PCA services Provider, the Provider shall continue providing PCA services to the beneficiary until the transfer has been completed successfully and the beneficiary is receiving PCA services from the new Provider.
- 5006.14 Each Provider shall immediately terminate the services of a PCA and instruct the PCA to discontinue all services to the beneficiary, in any case where the Provider believes that the beneficiary's physical or mental well-being is endangered by the care or lack of care provided by the PCA, or that the beneficiary's property is at risk. The Provider is responsible for assigning a new PCA and ensuring that the beneficiary's needs continue to be met.
- 5006.15 Each Provider shall conduct annual performance assessments of all PCAs who deliver services to beneficiaries served by the Provider, regardless of whether the PCA is an employee or is secured through another staffing agency. The initial performance assessment shall be conducted no later than three (3) months after the PCA first provides services to any beneficiary served by the Provider.
- 5006.16 Each Provider shall develop contingency staffing plans to provide coverage for each beneficiary in the event the assigned PCA cannot provide the services or is terminated.

**A new Section 5018, ALTERNATIVE SANCTIONS, is added as follows:**

**5018 ALTERNATIVE SANCTIONS**

- 5018.1 DHCF may impose alternative sanctions against a Provider in response to receiving complaints or incident reports or upon a recommendation by the Department's Division of Program Integrity or the Long Term Care Administration.
- 5018.2 DHCF shall determine the appropriateness of alternative sanctions against a Provider based on the following factors:
- (a) Seriousness of the violation(s);
  - (b) Number and nature of the violation(s);
  - (c) Potential for immediate and serious threat(s) to beneficiaries;
  - (d) Potential for serious harm to beneficiaries;
  - (e) Any history of prior violation(s) or sanction(s);
  - (f) Actions or recommendations by the Department's Division of Program Integrity or the Long Term Care Administration; and
  - (g) Other relevant factors.
- 5018.3 DHCF may impose one (1) or more alternative sanctions against a Provider, if the violation does not place the beneficiary's health or safety in immediate jeopardy, as set forth below:
- (a) Impose a corrective action plan (CAP);
  - (b) Prohibit new admissions or place a cap on enrollment;
  - (c) Place the Provider on an enhanced monitoring plan;
  - (d) Withhold payments; or
  - (e) Temporarily suspend the Provider from the DC Medicaid program.
- 5018.4 A Provider that also provides EPD Waiver services shall be subject to all alternative sanctions set forth in Chapter 42 of Title 29 DCMR.
- 5018.5 DHCF shall publicize the imposition of an alternative sanction on its website.

- 5018.6 A CAP may include actions such as publicizing information during regular provider meetings and posting provider performance cards on DHCF's website.
- 5018.7 DHCF shall issue a written notice of provider termination if DHCF determines that the sanctions listed under Subsection 5018.3 are not appropriate to address the incident(s) and/or complaint(s). DHCF shall reserve the right to terminate a Medicaid provider agreement without a sanction depending on the severity of the violations.
- 5018.8 If DHCF initiates an action to terminate a provider agreement, DHCF shall follow the procedures set forth in Chapter 13 of Title 29 DCMR governing termination of the Medicaid provider agreement.
- 5018.9 DHCF may also take actions in lieu of or in addition to an alternative sanction when appropriate. These include the following:
- (a) Referral of the incident to another entity, including but not limited to the Medicaid Fraud Control Unit of the Office of the Inspector General for investigation; or
  - (b) Referral to Adult Protective Services (APS).
- 5018.10 If DHCF initiates an action to impose an alternative sanction, DHCF shall issue a written notice to the Provider notifying the Provider of the imposition of an alternative sanction.
- 5018.11 The notice shall include the following:
- (a) The basis for the proposed action;
  - (b) The specific alternative sanction that DHCF intends to take;
  - (c) The Provider's right to dispute the allegations and to submit evidence to support his or her position; and
  - (d) Specific reference to the particular sections of the statutes, rules, provider's manual, and/or provider agreements involved in the sanction.
- 5018.12 The Provider may submit documentary evidence to DHCF's Long Term Care Administration, 441 4<sup>th</sup> St. N.W., Ste. 1000, Washington D.C. 20001 to refute DHCF's argument for imposition of an alternative sanction within thirty (30) days of the date of the notice described in Subsections 5018.10 and 5018.11.

- 5018.13 DHCF may extend the thirty (30) day period prescribed in Subsection 5018.12 for good cause on a case-by-case basis.
- 5018.14 If DHCF decides to impose an alternative sanction against the Provider after the Provider has submitted documentary evidence in accordance with Subsection 5018.12, DHCF shall send a written notice to the Provider at least fifteen (15) days before the imposition of the alternative sanction. The notice shall include the following:
- (a) The reason for the decision;
  - (b) The effective date of the sanction; and
  - (c) The Provider's right to request a hearing by filing a notice of appeal with the District of Columbia Office of Administrative Hearings.
- 5018.15 If the Provider files a notice of appeal within fifteen (15) days of the date of the notice of the alternative sanction under Subsection 5018.14, then the effective date of the proposed action shall be stayed until the D.C. Office of Administrative Hearings has rendered a final decision.
- 5018.16 The Director of DHCF may consider modifying the alternative sanction upon occurrence of one of the following:
- (a) Circumstances have changed and resulted in changes to the programmatic requirement violation(s) in such a manner as to immediately jeopardize a beneficiary's health, safety, and welfare; or
  - (b) The Provider makes significant progress in achieving compliance with the programmatic requirements through good faith efforts.
- 5018.17 A Provider shall be prohibited from submitting an application for participation in the DC Medicaid program for two (2) consecutive years from the date of receipt of the final notice of termination of a Medicaid Provider Agreement.
- 5018.18 A Provider that has been terminated from the DC Medicaid program shall not be paid for claims submitted for dates of service on or after the effective date of the termination decision after the provider exhausts all appeal rights and an official decision of termination has been made.

**Section 5099, DEFINITIONS, is amended as follows:**

**5099 DEFINITIONS**



5099.1 When used in this chapter, the following terms and conditions shall have the following meanings:

**Activities of Daily Living** - The ability to bathe, transfer, dress, eat and feed self, engage in toileting, and maintain bowel and bladder control (continence).

**Advanced Practice Registered Nurse** - A person who is licensed or authorized to practice as an advanced practice registered nurse pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

**Authorized representative** – Any person other than a provider:

- (a) Who is knowledgeable about a beneficiary's circumstances and has been designated by that beneficiary to represent him or her; or
- (b) Who is legally authorized either to administer a beneficiary's financial or personal affairs or to protect and advocate for his/her rights.

**Cueing** - Using verbal prompts in the form of instructions or reminders to assist persons with activities of daily living and instrumental activities of daily living.

**Department of Health Care Finance** – The executive agency of the government responsible for administering the Medicaid program within the District of Columbia, effective October 1, 2008.

**Family** - Any person related to the client or beneficiary by blood, marriage, or adoption.

**Limited English Proficient**- Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

**Order** – A formal, written instruction signed by a physician or APRN in the form of the Prescription Order Form or any successor document supplied by DHCF or its agent.

**PCA Service Authorization Form** – A form that has been developed or approved by DHCF that identifies the amount, duration and scope of PCA services and the number of hours authorized based upon a face-to-face assessment in accordance with § 5003.

**Primary care physician** - A person who is licensed or authorized to practice medicine pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

**Registered Nurse** - A person who is licensed or authorized to practice registered nursing pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

**Significant change** - Changes in a beneficiary's health status that warrants an increase or decrease of supports/services outlined in their plan of care.

**Staffing Agency** – Shall have the same meaning as set forth in the Nurse Staffing Agency Act of 2003, effective March 10, 2004 (D.C. Law 15-74; D.C. Official Code §§ 44-1051.01 *et seq.*).

**Start of Care** – The first date upon which a beneficiary receives or is scheduled to receive PCA services.

## OFFICE OF LOTTERY AND CHARITABLE GAMES

NOTICE OF FINAL RULEMAKING

The Interim Executive Director of the Office of Lottery and Charitable Games, pursuant to the authority set forth in Section 424a of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198; D.C. Official Code § 1-204.24(a) (2016 Repl.)), as amended by the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. No. 109-356, § 201; D.C. Official Code §§ 1-204.24a(c)(6) (2016 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a) and 3-1321 (2016 Repl.)); and Office of the Chief Financial Officer Financial Management Control Order No. 15-11, issued April 14, 2015 (appointing Tracey Cohen Interim Executive Director), hereby gives notice of the adoption of amendments to Chapters 6 (Claims and Prize Payments), 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking makes amendments to implement the changes to the MEGA MILLIONS® game pursuant to the Multi-State Lottery Association (“MUSL”) MEGA MILLIONS® Game Group Agreement and to make administrative edits to Title 30. The MEGA MILLIONS® game start on October 28, 2017.

A Notice of Proposed Rulemaking was published on September 8, 2017 at 64 DCR 8932. No comments were received, and no changes have been made from the proposed rulemaking.

This rulemaking was adopted as final on October 11, 2017, and will become effective on October 28, 2017.

**Chapter 6, CLAIMS AND PRIZE PAYMENTS, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:**

**Section 606, ANNUITIZED PRIZES, is amended to read as follows:**

**606 ANNUITIZED PRIZES**

- 606.1 Unless annuitized payments are authorized by this title, prizes shall be paid in a single cash payment.
- 606.2 The Agency may elect to fund annuitized prize payments directly, through purchase of annuities or by other means.
- 606.3 Except as otherwise provide in Chapters 6 or 9 of this title, annuitized prizes shall be paid annually in thirty (30) payments with the initial payment being made in cash or check, to be followed by twenty-nine (29) payments funded by the

annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) by a rate as determined by the Executive Director. Prize payments may be rounded down to the nearest one thousand dollars (\$ 1,000).

- 606.4 In the event of a MEGA MILLIONS® prize winner selects the cash value option, the prize winner's share shall be paid in a single payment upon completion of internal validation procedures. The cash value option shall be determined by the Mega Millions Lotteries.
- 606.5 The MEGA MILLIONS® annuitized prize shall be paid in thirty (30) graduated annual installments upon completion of internal validation procedures. The initial payment shall be paid upon completion of internal validation procedures. The subsequent twenty-nine (29) payments shall be paid graduated annually to coincide with the month of the Federal auction date at which the bonds were purchased to fund the annuity with graduated annual installments defined in the Mega Millions Lotteries' Finance and Operations Procedures. Payments shall escalate by a factor of five percent (5%) annually, and annual payments shall be rounded down to the nearest even one thousand dollar (\$1,000.00) increment. All such payments shall be made within seven (7) days of the anniversary of the annual auction date.
- 606.6 If individual shares of the cash held to fund an annuity is less than two hundred fifty-thousand dollars (\$250,000.00) the Mega Millions Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the Grand Prize Pool.

**Subsections 606.7 - 606.10 are reserved.**

**Chapter 9, DESCRIPTION OF ON-LINE GAMES, is amended as follows:**

**Sections 917, DESCRIPTION OF THE MEGA MILLIONS® GAME, and 918, MEGA MILLIONS® FIXED PRIZE STRUCTURE AND PROBABILITY, are amended as follows:**

**917 DESCRIPTION OF THE MEGA MILLIONS® GAME**

- 917.1 MEGA MILLIONS® is a five (5) out of seventy (70) plus one (1) out of twenty – five (25) online lottery game, drawn on the day(s) time(s) and location(s) as determined by the MEGA MILLIONS® Lotteries, and which pays the Grand Prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on a graduated annuitized annual pari-mutuel basis or as a cash value option using a rate determined by the Mega Millions Finance Committee on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a single payment basis.

- 917.2 To play MEGA MILLIONS®, a player shall select or Quick Pick five (5) different numbers, between one (1) and seventy (70) and one additional number between one (1) out of twenty-five (25) for input into a terminal. The additional number may be the same as one of the first five numbers selected by the player or terminal.
- 917.3 The price of each MEGA MILLIONS® game ticket shall be one (1) play for two dollars (\$2.00). A player may purchase up to five (5) plays on one (1) ticket. Multiple draws are available for up to ten (10) consecutive draws beginning with the current draw. From time to time, the Executive Director may authorize the sale of MEGA MILLIONS® tickets at a discount for promotional purposes. Additionally, MEGA MILLIONS® Promotions MEGAPLIER® and Just the Jackpot™ are offered as follows:
- (a) MEGAPLIER® ticket, a multiplier feature, is available for an additional one dollar (\$1.00) per play.
  - (b) Just the Jackpot™ ticket, a Just the Jackpot™ play only allow player chances to win the Grand Prize but none of the other set prizes, is available for three dollars (\$3.00) for two (2) Just the Jackpot™ plays.
  - (c) Each play and the respective prize payouts are listed in Section 918 and 919 of this chapter.
- 917.4 MEGA MILLIONS® tickets may be purchased in the District of Columbia only at a licensed location from the D.C. Lottery Agent. No MEGA MILLIONS® ticket purchased outside of the District of Columbia may be presented to a D.C. Lottery Agent for payment within the District of Columbia.
- 917.5 MEGA MILLIONS® drawings shall be held at the time(s) and location set out in the MUSL MEGA MILLIONS Game Group Agreement. During the drawing event, five (5) numbers shall be drawn from the first set of seventy (70) numbers, and one (1) number shall be drawn from the second set of twenty-five (25) numbers, which shall constitute the winning numbers.
- 917.6 In a single drawing, a player may win in only one (1) prize category per single MEGA MILLIONS® play in connection with MEGA MILLIONS® winning numbers, and shall be entitled only to the highest prize.
- 917.7 For purpose of prize calculation with respect to any MEGA MILLIONS® pari-mutuel prize, the calculation shall be rounded down so that prizes shall be paid in multiples of one dollar.

- 917.8 With respect to the MEGA MILLIONS® Grand Prize, the prize amount paid shall be the advertised Grand Prize amount. However, the advertised Grand Prize amount is subject to change based on sales forecasts and/or actual sales. Additionally, this prize amount may be rounded up to the next highest affordable multiple of one million dollars, at the discretion of the party lotteries.
- 917.9 If, in any MEGA MILLIONS® drawing there are no MEGA MILLIONS® or Just the Jackpot™ plays that qualify for the Grand Prize category, the portion of the prize fund allocated to such Grand Prize category shall remain in the Grand Prize category and be added to the amount allocated for the Grand Prize category in the next consecutive MEGA MILLIONS® drawing.
- 917.10 Subject to the laws and rules governing each party lottery, the number of prize categories and the allocation of the prize fund among the prize categories may be changed at the discretion of the directors, for promotional purposes. Such change shall be announced by public notice.
- 917.11 A subscription sales program may be offered, at the discretion of the Executive Director.
- 917.12 MEGA MILLIONS® tickets shall show the player's selection of numbers or Quick Pick numbers, election of the multiplier feature, MEGAPLIER®, or Just the Jackpot™, boards played, drawing date, jackpot payment option, and validation and reference numbers.
- 917.13 It shall be the exclusive responsibility of the player to verify the accuracy of the player's selection(s) and other data printed on the ticket. A ticket is a bearer instrument until signed. Neither a party lottery nor its sales agents shall be responsible for lost or stolen tickets.
- 917.14 In purchasing a ticket issued for MEGA MILLIONS®, the player agrees to comply with and be bound by all applicable statutes, administrative rules and regulations, and procedures of the party lottery of the Jurisdiction in which the MEGA MILLIONS® ticket is issued, and by directives and determinations of the Executive Director of that party lottery. Additionally, the player shall be bound to all applicable provisions in the MEGA MILLIONS Finance and Operations Procedures. The player agrees, as its sole and exclusive remedy that claims arising out of a MEGA MILLIONS® ticket can only be pursued against the party lottery of ticket purchase. Litigation, if any, shall only be maintained within the state in which the MEGA MILLIONS® ticket was purchased and only against the party lottery that issued the ticket. Nothing in this rule shall be construed as a waiver of any defense or claim the D.C. Lottery may have in the event a player pursues litigation against the D.C. Lottery, its officers, or employees.

- 917.15 A ticket subject to the validations requirements of this title shall be the only proof of a wager.
- 917.16 Each drawing shall determine, at random, the six (6) winning numbers in accordance with the MEGA MILLIONS® drawing procedures. Any numbers drawn are not declared winning numbers until the drawing is certified by the commission in accordance with the drawing procedures. The winning numbers shall be used in determining all MEGA MILLIONS® winners for that drawing.
- 917.17 For winning MEGA MILLIONS® tickets for which no claim or redemption is made within the specified claim period for each respective party lottery, the corresponding prize monies shall be returned to the other party lotteries in accordance with procedures for the reconciliation of prize liability pursuant to the MUSL MEGA MILLIONS Game Group Agreement and as may be agreed to from time to time by the directors of the party lotteries.
- 917.18 The Executive Director shall announce each incentive or bonus program prior to its commencement. The announcement shall specify the beginning and ending time, if applicable, of the incentive or bonus program and the value for the award(s).
- 917.19 The Prize Pool shall consist of up to fifty-five percent (55%) of each drawing period's sales, inclusive of any specific statutorily-mandated tax of a Party Lottery to be included in the price of a lottery MEGA MILLIONS® play and inclusive of contributions to the prize pool accounts and prize reserve accounts, but may be higher or lower based upon the number of winners at each prize level , as well as the funding required to meet a guaranteed Annuity Grand Prize as may be required by Subsection 917.20.
- 917.20 The prize money allocated from the current MEGA MILLIONS® prize pool for the Grand Prize, plus any pervious portions of prize money allocated to the Grand Prize category in which no matching MEGA MILLIONS® plays or Just the Jackpot™ plays were sold will be divided equally among all Grand Prize winning MEGA MILLIONS® plays and Just the Jackpot™ plays in all participating Lotteries.
- 917.21 The annuity Grand Prize amount will be paid in thirty (30) graduated annual installments. Grand Prizes won shall be funded by the Selling Lotteries in accordance with the formula set by the MEGA MILLIONS® lotteries. MEGA MILLIONS® lotteries may set a minimum guaranteed annuity Grand Prize amount that shall be advertised by the selling lotteries as the starting guaranteed annuity Grand Prize amount.

917.22 The MEGA MILLIONS® Product Group shall set the contribution rates to the prize pool and prize reserve accounts for the MEGA MILLIONS® Prize Reserve Account, the Grand Prize Pool, and the Set-Aside Pool.

**918 MEGA MILLIONS® FIXED PRIZE STRUCTURE AND PROBABILITY DISTRIBUTION**

918.1 Except as otherwise provided in these rules, all other prizes awarded shall be paid as single payment prizes.

918.2 The Grand Prize payout shall be determined on a pari-mutuel basis. Provided the prize pools are fully funded, the fixed prize payments for MEGA MILLIONS® based on a two dollar (\$2.00) play are as follows:

<u>Number of Matches Per MEGA MILLIONS® Play</u>	<u>Prize</u>
All five (5) of the first set and Mega Ball	Grand Prize
All five (5) of the first set and no Mega Ball	\$ 1,000,000.00
Any four (4) of the first set plus the Mega Ball	\$ 10,000.00
Any four (4) of the first set and no Mega Ball	\$ 500.00
Any three (3) of the first set plus the Mega Ball	\$ 200.00
Any three (3) of the first set and no Mega ball	\$10.00
Any two (2) of the first set plus the Mega Ball	\$ 10.00
Any one (1) of the first set plus the Mega Ball	\$ 4.00
None of the first set plus the Mega Ball	\$ 2.00

918.3 The Grand Prize amount shall be divided equally by the number of MEGA MILLION® and Just the Jackpot™ plays winning the Grand Prize.



918.4 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in MEGA MILLIONS®

**Mega Millions® Probability Distribution**

**PROBABILITY DISTRIBUTION**

<u>Number of Matches Per Mega Millions Play</u>	<u>Winners</u>	<u>Probability</u>	<u>Probable Set Prize Amount</u>
All five (5) of first set plus the Mega Ball	1	1: 302,575,350	GRAND PRIZE*
All five (5) of the first set and no Mega Ball	24	1:12,607,306	\$1,000,000.00*
Any four (4) of the first set plus the Mega Ball	325	1: 931,001	\$10,000.00
Any four (4) of the first set and no Mega Ball	7,800	1:38,792	\$500.00
Any three (3) of the first set plus the Mega Ball	20,800	1:14,547	\$200.00*
Any two (2) of the first set plus the Mega Ball	499,200	1: 606	\$10.00
Any three (3) of the first set plus no Mega Ball	436,800	1: 693	\$10.00
Any one (1) of the first set plus the Mega Ball	3,385,200	1: 89	\$4.00
None of the first set plus the Mega Ball	8,259,888	1: 37	\$2.00
<b>Overall Odds</b>	<b>12,610,038</b>	<b>1:24.0</b>	

Section 919, [RESERVED], is amended to read as follows:

**919 PROMOTIONS THE MEGA MILLIONS® MEGAPLIER® AND JUST THE JACKPOT™**

- 919.1 The Executive Director may offer the MEGA MILLIONS® MEGAPLIER® Promotion. The MEGAPLIER® is a limited extension of the MEGA MILLIONS® game and is conducted in accordance with the MEGA MILLIONS® game rules and other lottery rules applicable to the MEGA MILLIONS® game except as may be amended herein. The promotion will begin at a time announced by the lottery and will continue until discontinued by the lottery. The Promotion will offer to the owners of a qualifying MEGAPLIER® play a chance to multiply or increase the amount of any of the set prizes (the prizes normally paying two dollars (\$2.00) to one million dollars (\$1,000,000.00)) won in a drawing held during the Promotion. The Grand Prize is not a set prize and will not be multiplied or increased by means of the MEGAPLIER® Promotion or the Just the Jackpot promotion.
  
- 919.2 A qualifying MEGAPLIER® play is any single MEGA MILLIONS® play for which the player pays an extra one dollar (\$1.00) for the MEGAPLIER® option and that is recorded on the Party Lottery’s computer gaming system as a qualifying MEGAPLIER® play. The purchase of Just the Jackpot™ plays do not qualify to purchase a MEGAPLIER® play.
  
- 919.3 Except as provided in these rules, a qualifying MEGAPLIER® play that wins one of the set prizes will be multiplied by the number drawn, either two, three, four, or five (2, 3, 4, or 5), in a separate random MEGAPLIER® drawing announced in a manner approved by the Product Group.
  
- 919.4 Except as provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the MEGA MILLIONS® set prize amounts, qualifying MEGAPLIER® plays will pay the amounts shown below when matched with the MEGAPLIER® number drawn:

Prize Levels	Standard	With MEGAPLIER® Purchase			
<b>Prize Levels with MEGAPLIER® Purchase &amp; Multiplier.</b>					
	Standard	2x	3X	4X	5X
Match 5+0	\$1,000,000.00	\$2,000,000.00	\$3,000,000.00	\$4,000,000.00	\$5,000,000.00
Match 4+1	\$10,000.00	\$20,000.00	\$30,000.00	\$40,000.00	\$50,000.00
Match 4+0	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00	\$2,500.00
Match 3+1	\$200.00	\$400.00	\$600.00	\$800.00	\$1,000.00
Match 3+0	\$10.00	\$20.00	\$30.00	\$40.00	\$50.00
Match 2+1	\$10.00	\$20.00	\$30.00	\$40.00	\$50.00
Match 1+1	\$4.00	\$8.00	\$12.00	\$16.00	\$20.00
Match 0+1	\$2.00	\$4.00	\$6.00	\$8.00	\$10.00
<b>The MEGAPLIER® Promotion and multiplier numbers do not apply to the Mega Millions Grand Prize.</b>					

919.5 In certain rare instances, the MEGA MILLIONS® set prize amount may be less than the amount shown. In such case, the MEGAPLIER® prizes will be a multiple of the changed MEGA MILLIONS® prize amount announced after the draw. For example, if the Match 4+1 Mega Millions set prize amount of ten thousand dollars (\$10,000.00) becomes two thousand dollars (\$2,000.00) under the rules of the MEGA MILLIONS® game, then a MEGAPLIER® player winning that prize amount with a 4X multiplier would win eight thousand dollars (\$8,000): two thousand dollars multiplied by four (\$2,000.00 x 4).

919.6 The following table sets forth the probability of the various MEGAPLIER® numbers being drawn during a single MEGA MILLIONS® drawing. The MEGA MILLIONS® Products Group may elect to run limited promotions that may increase the multiplier numbers features.

<u>MEGAPLIER®</u>		<u>Probability of Prize Increase</u>
5X	- Prize Won Times 5	1 in 15
4X	- Prize Won Times 4	3 in 15
3X	- Prize Won Times 3	6 in 15
2X	- Prize Won Times 2	5 in 15

MEGAPLIER® Promotion and Multiplier numbers do not apply to the MEGA MILLIONS® Grand Prize.

919.7 The Executive Director may offer the MEGA MILLIONS® Just the Jackpot™ Promotion which is a limited extension of the MEGA MILLIONS® game and is conducted in accordance with the MEGA MILLIONS® game rules and other lottery rules applicable to the MEGA MILLIONS® game except as may be amended herein, and any other lottery rules applicable to this Promotion. All rules applicable to the MEGA MILLIONS® Game are applicable to the Just the Jackpot™ Promotion (“JJ”) unless otherwise indicated.

919.8 The Promotion will begin at a time announced by the party lottery and will continue until discontinued by the lottery.

(a) The Promotion will offer to players a chance to purchase two (2) Just the Jackpot™ plays (“JJ play(s)”) for three dollars (\$3.00); each JJ play purchased will qualify the player for a chance to win the Grand Prize, and no other prize levels.

(b) A JJ play must match exactly all of the MEGA MILLIONS® Grand Prize winning numbers in order to win the MEGA MILLIONS® Grand Prize. A JJ Play is not eligible to win non-Grand Prizes / non-Jackpot prizes in the Just the Jackpot™ Promotion.

919.9 Just the Jackpot™ winning tickets will be paid the MEGA MILLIONS® Grand

Prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on a graduated annuitized annual pari-mutuel basis or as a cash value option using a rate determined by the Mega Millions Finance Committee on a pari-mutuel basis. All provisions of these rules regarding payment of the MEGA MILLIONS® Grand Prize are applicable to Just the Jackpot™ winning ticket(s). The Grand Prize amount shall be divided equally by the number of MM tickets / plays and JJ tickets / plays winning the Grand Prize.

- 919.10 The winning numbers for Just the Jackpot™ Promotion shall be the winning numbers for the Grand Prize drawn in the MEGA MILLIONS® drawing.
- 919.11 To play Just the Jackpot™, a player shall select (or Quick Pick) two (2) sets of five (5) different numbers, from one (1) through seventy (70) and one (1) additional number from one (1) through twenty-five (25). The additional number may be the same as one of the first five numbers selected by the player. Each set of numbers shall constitute a single lettered selection, or single “Play” as that term is defined by the MUSL Board. The two (2) sets of numbers selected or Plays cost three dollar (\$3.00) JJ Plays purchase may be the same between the Plays. The two (2) Plays for each three dollar (\$3.00) JJ Plays purchase shall be for the same drawing, although a lottery may sell multi-draw JJ Plays as well.
- 919.12 The purchase price of JJ Plays shall be three dollars (\$3.00) for two (2) single lettered selection of JJ Plays, including any specific statutorily-mandated tax of a party lottery to be included in the price of lottery JJ Plays. JJ Plays must be printed on separate tickets from MEGA MILLIONS® plays and must clearly indicate the plays are for the Just the Jackpot™ Promotion. Each JJ Play is played separately in determining matches to winning numbers and prize amounts.
- 919.13 The Grand Prize will not be multiplied or increased by means of the **MEGAPLIER®** Promotion.
- 919.14 The prize pool for JJ Plays shall consist of up to fifty-five percent (55%) of each drawing period's sales, inclusive of any specific statutorily-mandated tax of a Party Lottery to be included in the price of a lottery's JJ Play, and inclusive of contributions to the prize pool accounts and prize reserve accounts, but may be higher or lower based on the funding required to meet a guaranteed annuity Grand Prize as may be required by Subsection 917.20 of this chapter.
- 919.15 The Mega Millions Grand Prize payout shall be determined on a pari-mutuel basis. All prize payouts are made with the following expected prize payout percentages, which does not include any additional amount contributed to or held in prize reserves:

<u>Number of Matches Per JJ Play</u>	<u>Prize Payment</u>	<u>JJ Prize Pool Percentage Allocated to Prize</u>	<u>JJ Sales Percentage Allocated to Prize</u>
All five (5) of first set plus one (1) of second set.	Grand Prize	100%*	50.2012%
All other matching combinations	No Prize	0%	0%

\* JJ Prize Pool percentage allocated to the Grand Prize shall be combined with MEGA MILLIONS® Prize Pool percentage allocated to the Grand Prize.

- (a) The Grand Prize amount shall be divided equally by the number of MEGA MILLIONS® tickets / plays and JJ tickets /plays winning MEGA MILLIONS® Grand Prize.

**Chapter 99, DEFINITIONS, is amended as follows:**

**Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding the following:**

**Just The Jackpot** - A Mega Millions Promotion game feature by which a player, for a wager of three dollars (\$3.00) for two plays , will qualify the player for two (2) chances to win the MEGA MILLIONS® Grand Prize if that Just the Jackpot™ (“JJ”) ticket matches exactly all of the MEGA MILLIONS® Grand Prize winning numbers for that drawing. Just The Jackpot does not qualify for any other prize levels.

**Just the Jackpot™ Plays** - “JJ Plays” shall refer to a \$3.00 wager which includes two (2) JJ Plays as part of the Just the Jackpot™ promotion game feature.

**MEGAPLIER** - A MEGA MILLIONS® Promotion game feature by which a player, for an additional wager of \$1 per play, can increase the guaranteed prize amount or pari-mutuel prize amount, as applicable, excluding the Grand / Jackpot Prize by a factor of two, three, four and five times depending upon the multiplier number that is drawn prior to the MEGA MILLIONS® drawing.

**OFFICE OF TAX AND REVENUE****NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-2023 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the adoption of amendments to Chapter 4 (Sales and Use Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The newly amended regulations provide updated guidance regarding administration, collection, and enforcement of the prepaid wireless E911 charge. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with the collection and remittance of the District's prepaid wireless E911 charge.

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on September 8, 2017 at 64 DCR 8945. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on October 12, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

**Chapter 4, SALES AND USE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 497, [RESERVED] is amended to read as follows:**

**497            PREPAID WIRELESS E911 CHARGE COLLECTION AND REMITTANCE**

- 497.1            These regulations are established to govern the collection, remittance, and other administrative provisions under the authority granted to The Office of Tax and Revenue under
- 497.2            Under the authority of D.C. Official Code § 34-1803.02(a)(1), the District shall collect the prepaid wireless E911 charge of two percent (2.0%) of the sales price per transaction for the sale of prepaid wireless communications services, as defined in D.C. Official Code § 34-1801(6B).
- 497.3            The same provisions of Title 47 of the District of Columbia Official Code that are applicable to the gross sales tax shall govern the administration, collection, and enforcement of the charge set forth in D.C. Official Code § 34-1803.02(a)(1).

**DISTRICT OF COLUMBIA BOARD OF ETHICS  
AND GOVERNMENT ACCOUNTABILITY**

**NOTICE OF PROPOSED RULEMAKING**

The Board of Ethics and Government Accountability (Board), pursuant to the authority set forth in Sections 209 and 221(a)(3) 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 §§ 1-1162.09 and 1162.21(a)(3) (2016 Repl.)), hereby gives notice of its intent to amend Chapter 57 (Financial Disclosures and Honoraria), of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rulemaking will make conforming changes to ensure that the Board’s rules are consistent with the Council Financial Disclosure Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-240; 64 DCR 1598 (February 17, 2017)), that requires the Chairman and each member of the Council to file a public financial disclosure statement semiannually no later than 11:59 p.m. on May 15 and November 15 of each year.

The Board authorized the publication of this proposed rulemaking at its meeting on September 7, 2017. The Board hereby gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

**Chapter 57, FINANCIAL DISCLOSURES AND HONORARIA, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Section 5700, APPLICABILITY, is amended as follows:**

**Paragraphs (h) and (i) of Subsection 5700.2 are amended to read as follows:**

- (h) A District of Columbia Excepted Service employee, except an employee of the Council, paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest.
- (i) An employee of the Council paid at a rate equal to or above the midpoint rate of pay for Excepted Service 9.

**Subsection 5702.1 and 5702.7 of Section 5702, FILING AND PUBLICATION REQUIREMENTS, is amended to read as follows:**

5702.1 The FDS shall be filed electronically at the Board of Ethics and Government Accountability (Board) website. The FDS shall be deemed timely filed electronically as follows:

- (a) For public officials, except the Chairman and each member of the Council, no later than 11:59 pm May 15<sup>th</sup> of each year for the prior calendar year in which the public official served.
- (b) Reports required by this section for the Chairman and each member of the Council of the District of Columbia shall be filed semiannually no later than 11:59 pm on May 15<sup>th</sup> and November 15<sup>th</sup> of each year.

...

5702.7 The Ethics Board shall publish, in the District of Columbia Register, before December 15th of each year, the name of each member of the Council who has:

- (a) Filed a report under this section;
- (b) Sought and received an extension of the deadline filing requirement and the reason for the extension; and
- (c) Not filed a report and the reason for not filing, if known.

**Subsections 5704.1, 5704.2, and 5704.3 of Section 5704, CONFIDENTIAL FINANCIAL DISCLOSURE FILINGS BY EMPLOYEES, are amended to read as follows:**

5704.1 Confidential Financial Disclosure statements shall be filed as follows:

- (a) Any employee, other than a public official or Council employee, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interests, as determined by the appropriate agency head, shall file, before May 15th of each year, with the agency head a report containing a full and complete statement of the information required by Section 5701.
- (b) Each Council employee who acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by that employee's personnel authority, shall file a confidential report containing a full and complete statement of the information required by Section 5701 of the Ethics Act with the General Counsel to the Council no later than May 15 of each year.



- 5704.2 Each personnel authority shall compile a list of all employees required to submit a confidential financial disclosure statement within its agency or the Council and shall supply the list to the Ethics Board by 1 1:59 p.m. on March 1 of each year. The list required by this subsection shall include the name, title, position, and grade level for each employee. Notice to and designation of required FDS filing employees shall be done in a manner consistent with 6 DCMR § 1810.
- 5704.3 Upon review of the confidential report, a personnel authority shall immediately forward to the Ethics Board any violation of the Code of Conduct whenever there is reason to believe that such a violation has occurred.

...

All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [bega@dc.gov](mailto:bega@dc.gov) or by mail to the Board of Ethics and Government Accountability, 441-4<sup>th</sup> Street N.W., Washington, D.C. 20001, Attn: Brian K. Flowers, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*. Copies of the proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting the Board of Ethics and Government Accountability at the address below.

## 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. & 2017 Supp.)); 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. & 2017 Supp.)); Sections 2(12) and 2(b) of the Medical Marijuana Omnibus Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-209; D.C. Official Code §§ 7-1671.01(19) and 7-1671.02(c)(2) (2017 Supp.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the intent to adopt the following amendments to Chapters 5 (Qualifying Patients) and 99 (Definitions) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations ("DCMR"), in final, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon completion of the thirty (30) day Council period of review if the Council does not act earlier to adopt a resolution approving the rules.

The purpose of this rulemaking is to implement regulations governing the participation of nonresident qualifying patients in the District's Medical Marijuana Program.

**Chapter 5, QUALIFYING PATIENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:**

**A new Section 503, NONRESIDENT QUALIFYING PATIENTS, is added to read as follows:**

**503 NONRESIDENT QUALIFYING PATIENTS**

503.1 Before dispensing medical marijuana to a nonresident qualifying patient, a registered dispensary shall:

- (a) Verify the nonresident qualifying patient's identity through comparison of his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card; and
- (b) Confirm through the electronic records data system that the nonresident qualifying patient has not reached the allowable limit for the thirty (30) day period.

503.2 A registered dispensary shall not dispense medical marijuana to a nonresident qualifying patient who is unable to present his/her unexpired government-issued identification card and his/her valid, unexpired nonresident card.

- 503.3 A registered dispensary shall not dispense medical marijuana to a nonresident qualifying patient who has received four (4) ounces of medical marijuana within thirty (30) days.
- 503.4 A registered dispensary shall not dispense medical marijuana to a nonresident qualifying patient if the Department has determined that there is a shortage of medical marijuana, or the real-time electronic records system is inactive.
- 503.5 The dispensary shall retain a copy of the nonresident card and a copy of the government-issued identification card.

**Chapter 99, DEFINITIONS, is amended as follows:**

**Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding the following new definitions to appear in alphabetical order:**

**Nonresident Card-** a medical marijuana patient card issued by a state that has an active medical marijuana program that offers full reciprocity to the District's qualifying patients and is the functional equivalent of the District of Columbia medical marijuana program, as determined by the Mayor.

**Nonresident Qualifying Patient-** a person that is not a resident of the District of Columbia who is enrolled in another jurisdiction's medical marijuana program, unless the Department has determined that there is a shortage of medical marijuana or the real-time electronic records system referenced in the Act is inactive.

**Reciprocity-** recognition of a District of Columbia qualifying patient granting legal protection and authorization for the qualifying patient's possession, use, and purchase of medical marijuana in that state.

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., 6<sup>th</sup> 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](mailto:Angli.Black@dc.gov), (202) 442-5977.

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl. & 2017 Supp.)), hereby gives notice of its intent to amend Chapter 11 (General Personnel Policies) of Title 8 (Higher Education), Subtitle B (University of the District of Columbia) 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 proposed rule is to amend the University's Probationary Period to clarify that the provisions do not apply to the faculty, employees with temporary or time-limited appointments, or University Administration.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 11, GENERAL PERSONNEL POLICIES, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:**

**Section 1110, PROBATIONARY PERIOD, is amended as follows:**

**1110 PROBATIONARY PERIOD**

- 1110.1 The purpose of this chapter is to set forth rules that apply to the University's employees who are required to serve a one (1) year probationary period upon appointment to any position within the University.
- 1110.2 The provisions of this chapter apply to all University employees except as follows:
- (a) Faculty;
  - (b) Employees with a temporary or time-limited appointment; and
  - (c) The University Administration (President's Cabinet)
- 1110.3 Upon request by the appropriate University Administrator, the Vice President for Human Resources, or a designee, may waive the probationary period for any person who has previously completed a probationary period in the field of specialty for which that person is being hired at the University.
- 1110.4 The probationary period will be used to evaluate the performance of the employee and determine whether the employee is suited for successful job performance.

The supervisor will provide appropriate instruction for the employee to function satisfactorily.

- 1110.5 An employee serving a probationary period shall be subject to the provisions of the UDC performance management system only to the extent that a Performance Plan shall be provided to the probationary employee and their performance shall be evaluated against the standards set forth in that Performance Plan.
- 1110.6 At least one progress discussion should occur for probationary employees. The mid-year progress discussion will not preclude a recommendation to nonetheless terminate the probationary employee during his or her probationary period. Likewise, an acceptable performance rating during the probationary period in and of itself does not ensure automatic passing of the probationary period or automatic movement to a permanent appointment.
- 1110.7 The University shall terminate a probationary employee if, at any point during the probationary period, the employee's work performance or conduct fails to demonstrate suitability and qualifications for continued employment.
- 1110.8 Neither the mid-year progress discussion nor the annual performance evaluation is appealable by a probationary employee.
- 1110.9 If an employee serves under a temporary or part-time appointment in the same position for twelve (12) consecutive months or longer, and is subsequently assigned regular full-time status in that position, he or she should be deemed to have fulfilled the requirement to serve a probationary period.

All persons desiring to comment on the subject matter of the 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*. Comments should be filed with the Office of General Counsel, Building 39-Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to [karen.hardwick@udc.edu](mailto:karen.hardwick@udc.edu). Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Probationary Period" in the subject line.

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED RULEMAKING**

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl. & 2017 Supp.)), and under the District of Columbia Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code, §§ 1-601.1 *et seq.* (2016 Repl.)), hereby gives notice of its intent to amend Chapter 15 (Adverse Actions) of Title 8 (Higher Education), Subtitle B (University of the District of Columbia), 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 proposed rule is to amend the University's Adverse Actions regulations in order to establish more comprehensive Progressive Discipline regulations for Non-Faculty employees.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 15, ADVERSE ACTIONS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:**

**The title of Chapter 15 is renamed PROGRESSIVE DISCIPLINE.**

- 1500 GENERAL PROVISIONS**
- 1501 POLICY**
- 1502 EMPLOYEE RIGHTS**
- 1503 MISCONDUCT & PERFORMANCE DEFICIENCIES**
- 1504 ESTABLISHING APPROPRIATE ACTION**
- 1505 MEMORANDUM OF COUNSELING**
- 1506 CORRECTIVE ACTION: WRITTEN REPRIMAND**
- 1507 CORRECTIVE ACTIONS: SUSPENSION OF LESS THAN TEN (10) DAYS**
- 1508 ADVERSE ACTIONS: SUSPENSIONS OF 10 DAYS OR MORE, DEMOTIONS, AND TERMINATIONS**
- 1509 ADMINISTRATIVE LEAVE DURING NOTICE PERIODS**
- 1510 SUMMARY DISCIPLINARY ACTIONS**
- 1511 CORRECTIVE & ADVERSE ACTIONS: FINAL ADMINISTRATIVE DECISION**
- 1512 APPEAL RIGHTS**
- 1513 GRIEVANCES**
- 1514 MEDIATION**
- 1599 DEFINITIONS**

**Section 1500, GENERAL PROVISIONS, is amended as follows:**

**1500 GENERAL PROVISIONS**

1500.1 This chapter establishes a progressive approach for addressing employee performance and conduct deficiencies at the University of the District of Columbia.

1500.2 The provisions of this chapter shall apply to all University employees, except the following:

- (a) Faculty to the extent that their terms and conditions of employment regarding discipline are covered by a labor agreement;
- (b) Employees serving in a probationary period;
- (c) Employees serving in temporary, at-will or time-limited appointments; and
- (d) The University Administration (President’s Cabinet).

1500.3 The provisions of this chapter do not apply to:

- (a) Reductions in force;
- (b) Reassignments; and
- (c) Memoranda of Counseling, except to the extent specified herein.

**Section 1501, [RESERVED], is amended as follows:**

**1501 POLICY**

1501.1 The policies outlined in this section apply to employees and their supervisors, and form the basis for the standards governing this chapter.

1501.2 Each supervisor has a duty and responsibility to ensure that employees are aware of the established performance and conduct standards (“standards”) applicable to their roles and functions and the consequences of not meeting those standards. Whenever such standards are not met, a supervisor has an affirmative obligation to provide the employee with the necessary guidance and training to meet these standards and when appropriate, to take disciplinary action pursuant to this chapter.

1501.3 Each employee has the duty and the responsibility to be aware of and abide by the existing rules and policies. Each employee also has the responsibility to perform

his or her duties to the best of his or her ability and to the standards established by management and his or her job description.

- 1501.4 The University takes a positive approach toward workforce management to achieve organizational effectiveness by using a progressive system of discipline to address performance and conduct issues.
- 1501.5 The University employs a progressive disciplinary system to address performance and conduct issues, and it includes:
- (a) Oral Admonishment/Warning and Memorandum of Counseling;
  - (b) Written Reprimand;
  - (c) Suspension;
  - (d) Demotion; and
  - (e) Termination.
- 1501.6 Strict application of the progressive steps in § 1501.5 may not be appropriate in every situation. Therefore, the University retains the right to evaluate each situation on its own merits and may skip any or all of the progressive steps. However, deviation from the progressive disciplinary system is only appropriate when consistent with § 1504.
- 1501.7 University officials have the obligation to ensure that disciplinary actions are taken only when an employee does not meet or violates established performance or conduct standards.

**Section 1502, [RESERVED], is amended as follows:**

**1502 EMPLOYEE RIGHTS**

- 1502.1 Employees enjoy the protections established in this chapter. No employee subject to this chapter may be reprimanded, suspended, demoted, or removed without cause, as defined in this chapter.
- 1502.2 Employees who are subject to a recognized labor agreement enjoy the benefits of their collective bargaining agreement. Conflicts between such agreements and this chapter will be resolved as follows:
- (a) The provisions of any labor agreement shall be construed to give effect to the provisions of this chapter;



- (b) Where a specific provision of a labor agreement cannot be reconciled with a specific provision of this chapter, the labor agreement shall control with respect to that provisions.

1502.3 Disciplinary actions taken against employees are subject to the following limitations:

- (a) A disciplinary action must be commenced no more than ninety (90) days after the agency or personnel authority knew or should have known of the performance or conduct supporting the action;
- (b) When there is an investigation involving facts or circumstances germane to the performance or conduct supporting a disciplinary action, the time limit established in paragraph (a) will be delayed or suspended pending:
  - (1) Any criminal investigation by the Metropolitan Police Department or any other law enforcement agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General; or
  - (2) Any investigation by the Office of the Inspector General, the Office of the District of Columbia Auditor, the Office of Police Complaints, or the University Office of the General Counsel.
- (c) The time limits imposed in paragraph (a) may be suspended by the Vice President of Human Resources or designee for good cause and will be suspended pending any related investigation by the Board of Ethics and Government Accountability.

**Section 1503, [RESERVED], is amended as follows:**

**1503 MISCONDUCT & PERFORMANCE DEFICIENCIES**

1503.1 University employees are expected to demonstrate high standards of integrity, both on and off the job, guided by established standards of conduct, and other Federal and District laws, rules, and regulations. When established standards of conduct are violated or performance measures are not met, or the rules of the workplace are disregarded, disciplinary action is warranted to encourage conformity with acceptable behavior and performance standards or to protect operational integrity.

1503.2 Taking a disciplinary action against an employee is appropriate when the employee fails to or cannot meet identifiable conduct or performance standards, which adversely affect the efficiency or integrity of University service. Before initiating such action, the University will conduct an inquiry into any apparent misconduct or performance deficiency (collecting sufficient information from

available sources, including, when appropriate, the subject employee) to ensure the objective consideration of all relevant facts and aspects of the situation.

1503.3 Whether an employee fails to meet performance standards will be determined by application of the provisions set forth in Chapter 19 of this Title.

1503.4 Though not exhaustive, the following classes of conduct and performance deficiencies constitute cause and warrant disciplinary action:

- (a) Conduct prejudicial to the University of the District of Columbia and/or the District of Columbia Government, including:
  - (1) Conviction of any felony;
  - (2) Conviction of any criminal offense that is related to the employee's duties or the University's mission;
  - (3) Conduct that an employee should reasonably know is a violation of law or regulation; and
  - (4) Off-duty conduct that adversely affects the employee's job performance or trustworthiness, or adversely affects the University's mission or has an otherwise identifiable nexus to the employee's position;
- (b) False Statements, including:
  - (1) Deliberate falsification of an application for employment or other personal history record by omission of a material fact or by making a false entry;
  - (2) Misrepresentation, falsification, or concealment of material facts or records in connection with an official matter;
  - (3) Knowingly and willfully making an incorrect entry on an official record or approving an incorrect official record; and
  - (4) Knowingly and willfully reporting false or misleading information or purposely omitting material facts, to any supervisor;
- (c) Fiscal irregularities which include actions that impinge on the financial viability and/or accountability of the University;
- (d) Failure or refusal to follow instructions;
- (e) Neglect of duty;

- (f) Attendance-related offenses, including:
  - (1) Unexcused tardiness;
  - (2) Unauthorized absence; and
  - (3) Falsification of official records concerning attendance (*i.e.*, timesheets, overtime requests, etc.);
- (g) Using or being influenced by intoxicants while on duty;
- (h) Unlawful possession of controlled substances and paraphernalia;
- (i) Safety and health violations;
- (j) Discriminatory practices;
- (k) Sexual misconduct;
- (l) Prohibited personnel practices, such as:
  - (1) Deceitful obstruction of a person's right to compete for employment;
  - (2) Granting preference or an advantage to an applicant; and
  - (3) Discriminating for or against an applicant;
- (m) Failure to meet performance standards; and
- (n) Inability to carry out assigned responsibilities or duties.

1503.5

An employee of the University's Office of Public Safety and Emergency Management who is authorized to carry a firearm while on-duty, and/or who is a commissioned police officer, is held to a higher standard of conduct and therefore, will be deemed to have engaged in conduct prejudicial to the University if:

- (a) The police officer engages in any act or omission that constitutes a criminal offense; or
- (b) There is any credible evidence that the police officer unlawfully used a controlled substance.

Section 1504, [RESERVED], is amended as follows:

**1504 ESTABLISHING APPROPRIATE ACTION**

1504.1 After establishing a sufficient basis for taking action (*i.e.*, evidence to support the allegation(s) and a nexus between the conduct or performance at issue and the employee's job or the University's mission), a supervisor must determine the appropriate action to address the employee's conduct or performance deficiencies based on the totality of circumstances.

1504.2 For all disciplinary actions, supervisors must be prepared to demonstrate that the following factors were considered:

- (a) The nature and seriousness of the misconduct or performance deficiency, and its relationship to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical or inadvertent; was committed maliciously or for gain; or was frequently repeated;
- (b) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
- (c) The employee's past disciplinary record;
- (d) The employee's past work record, including length of service, performance on the job; ability to get along with fellow workers, and dependability;
- (e) The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect on the supervisor's confidence in the employee's ability to perform assigned duties;
- (f) The consistency of the penalty with those imposed upon other employees for the same or similar offenses;
- (g) The consistency of the penalty with any table of disciplinary and adverse actions the University may decide to issue;
- (h) The notoriety of the offense or its impact upon the reputation of the University or the District Government;
- (i) The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
- (j) The potential for the employee's rehabilitation;

- (k) The mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, bad faith, malice, or provocation on the part of those involved in the matter; and
- (l) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

1504.3 These factors should be considered and balanced to arrive at the appropriate remedy. While not all of these factors may be relevant, consideration should be given to each factor based upon the circumstances.

1504.4 An analysis of the factors above will be included in any final agency decision on an adverse action.

**Section 1505, ADVERSE ACTIONS: NON-FACULTY, is amended as follows:**

**1505 MEMORANDUM OF COUNSELING**

1505.1 As an employer, the University, through its managerial staff, has an obligation to create a fair, supportive, and transparent work environment that prevents the need for disciplinary action. However, when an employee engages in misconduct or fails to meet performance standards, steps will be taken to gather the relevant facts, correctly identify the problem(s), and then determine whether further action is warranted.

1505.2 As a first step on the continuum of progressive discipline, management will attempt to correct misconduct and performance deficiencies.

- (a) When appropriate to the circumstances, employees will first be counseled concerning misconduct.
- (b) Performance matters will initially be addressed as set forth in Chapter 19 of this title.

1505.3 When counseling (admonishing or warning) the employee is deemed appropriate to the circumstances, the supervisor or manager must:

- (a) Articulate the relevant conduct standard;
- (b) Explain how the employee has failed to meet those standards;
- (c) Explain management's conduct expectations; and
- (d) Explain the potential consequences if those expectations are not met prospectively.

- 1505.4 The supervisor will follow-up the verbal counseling (admonishment or warning) with a Memorandum of Counseling to the employee. The memorandum will establish the date, time, and content of the verbal counsel and will include the information required by § 1505.3. Supervisors will retain a copy of the correspondence for a period of no less than two years, but the Memorandum of Counseling will not be made a part of the Official Personnel File.
- 1505.5 While verbal counseling is a means of addressing performance and conduct deficiencies as a first step within the Progressive Disciplinary Model, it is neither a corrective nor an adverse action for purposes of this chapter.

**Section 1506, NOTICE OF ADVERSE ACTION: NON-FACULTY, is amended as follows:**

**1506 CORRECTIVE ACTION: WRITTEN REPRIMAND**

- 1506.1 A Corrective Action is a Written Reprimand or a Suspension of less than ten (10) days.
- 1506.2 When counseling (admonishing or warning) fails to correct conduct or performance issues, or where such counseling is an inadequate disciplinary response to address the conduct or performance that fails to meet expectations, a more formal response may be required. Within the Progressive Disciplinary Model, one formal response is a Written Reprimand, and it represents a corrective action.
- 1506.3 A Written Reprimand is a document issued by the Proposing Official that identifies specific conduct and/or performance deficiencies by an employee. At a minimum, a Written Reprimand includes:
- (a) A short narrative concerning the factual circumstances warranting the action;
  - (b) A description of the conduct standards at issue and how these standards were not met;
  - (c) A brief narrative describing how the employee should conduct himself or herself prospectively to correct the conduct and/or performance deficiency;
  - (d) The potential consequences if the conduct and/or performance requirements are not met;
  - (e) A notice informing the employee that he or she may submit a written response to the Written Reprimand; and

- (f) Notification to the employee of his or her right to grieve the Final Administrative Decision pursuant to the provisions of this chapter or any applicable labor agreement, but not both.

1506.4 The employee to whom a Written Reprimand is issued will be asked to acknowledge its receipt in writing. If the employee refuses to acknowledge receipt in writing, a witness to the refusal will provide a brief written statement that the employee refused to acknowledge receipt in writing, and that statement will be signed and dated by the witness.

1506.5 Within fifteen (15) days of receipt of the Written Reprimand, an employee may elect to submit a written response to the Deciding Official.

- (a) An employee's written response may clarify, expand on, or take exception to the statements or conclusions made in the Written Reprimand. Once submitted, the response will be maintained and treated as an attachment to the Written Reprimand.

1506.6 The Deciding Official will consider any written response submitted by the employee. The Deciding Official may sustain, modify, or rescind the Written Reprimand, based on the employee's response, and will issue a written determination within fourteen (14) days of receipt of the employee's response.

1506.7 If the Written Reprimand is modified, it will be served on the employee, who will be provided an opportunity to submit a supplemental response consistent with § 1506.4.

1506.8 Unless modified or rescinded pursuant to § 1506.5, a Written Reprimand will constitute the Final Administrative Decision upon either the issuance of the Deciding Official's final determination, or the expiration of the fifteen (15) day employee response period as specified in § 1506.4, whichever is later.

1506.9 A Written Reprimand may be considered in determining whether additional and/or more severe disciplinary action is warranted in any subsequent instances of conduct or performance deficiencies when such disciplinary action is initiated within three (3) years of the Written Reprimand.

**Section 1507, APPEAL OF ADVERSE ACTION: NON-FACULTY, is amended as follows:**

**1507 CORRECTIVE ACTIONS: SUSPENSION OF LESS THAN TEN (10) DAYS**

1507.1 When counseling or a Written Reprimand fail to correct conduct or performance issues, or where counseling or a Written Reprimand is an inadequate disciplinary response to address the conduct or performance that fails to meet expectations, a more substantial response may be required. Within the Progressive Disciplinary

Model, one more substantial response is a suspension of less than ten (10) days, and it represents a corrective action.

- 1507.2 Except in the case of a Written Reprimand in accordance with § 1506 or a summary disciplinary action in accordance with § 1510, the Proposing Official shall issue a Notice of Proposed Corrective Action, which will inform the employee of the following:
- (a) The type of proposed corrective action (suspension of less than ten (10) days);
  - (b) The nature of the proposed corrective action (days of suspension);
  - (c) The specific performance or conduct at issue;
  - (d) The ways in which the employee's performance or conduct fails to meet appropriate standards;
  - (e) The name and contact information of the Deciding Official; and
  - (f) The employee's right to:
    - (1) Review material upon which the proposed corrective action is based;
    - (2) Prepare a written response to the notice, and
    - (3) Be represented by an attorney or other representative.
- 1507.4 The Notice of Proposed Corrective Action will be approved and signed by the Proposing Official.
- 1507.5 The employee to whom a Notice of Proposed Corrective Action is issued will be asked to acknowledge its receipt in writing. If the employee refuses to acknowledge receipt in writing, a witness to the refusal will provide a brief written statement that the employee refused to acknowledge receipt in writing, and that statement will be signed and dated by the witness.
- 1507.6 The material upon which the Notice of Proposed Corrective Action is based, and which is necessary to support the reasons given in the Notice, will be assembled and provided to the employee along with the Notice, unless impractical. If the materials cannot be provided at the time of Notice, they will be made available to the employee for his or her review, upon request.
- 1507.7 Within fifteen (15) days of receipt of the Notice of Proposed Corrective Action, an employee may elect to submit a written response to the Deciding Official.



1507.8 An employee's written response may clarify, expand on, or take exception to the statements or conclusions made in the Notice of Proposed Corrective Action. Once submitted, the response will be maintained and treated as an attachment to the Notice of Proposed Corrective Action.

1507.8 Except in the case of summary disciplinary action in accordance with §1510, an employee will remain in an active duty status pending issuance of a final determination of the proposed corrective action.

**Section 1508, EMPLOYEE STATUS DURING NOTICE PERIOD: NON-FACULTY, is amended as follows:**

**1508 ADVERSE ACTIONS: SUSPENSIONS OF 10 DAYS OR MORE, DEMOTIONS, AND TERMINATIONS**

1508.1 Whenever a corrective action fails to improve a performance or conduct problem or is an inadequate disciplinary response to address the conduct or performance that fails to meet expectations, or in the case when an employee cannot perform an essential duty of his or her employment, an adverse action may be warranted.

1508.2 An adverse action is a suspension of ten (10) days or more, a demotion, or a termination.

1508.3 Except in the case of summary disciplinary actions in accordance with §1510, the Proposing Official will issue a Notice of Proposed Adverse Action, which will inform the employee of the following:

- (a) The type of proposed adverse action (suspension of ten (10) days or more, demotion, or termination);
- (b) The nature of the proposed adverse action (days of suspension, demotion, or removal);
- (c) The specific performance or conduct at issue;
- (d) The ways in which the employee's performance or conduct fails to meet appropriate standards;
- (e) The name and contact information of the Deciding Official; and
- (f) The employee's right to:
  - (1) Review material upon which the proposed adverse action is based;
  - (2) Prepare a written response to the notice, and

- (3) Be represented by an attorney or other representative.
- 1508.4 The Notice of Proposed Adverse Action will be approved and signed by the Proposing Official.
- 1508.5 The employee to whom a Notice of Proposed Adverse Action is issued will be asked to acknowledge its receipt in writing. If the employee refuses to acknowledge receipt in writing, a witness to the refusal will provide a brief written statement that the employee refused to acknowledge receipt in writing, and that statement will be signed and dated by the witness.
- 1508.6 The material upon which the Notice of Proposed Adverse Action is based, and which is necessary to support the reasons given in the Notice, will be assembled and provided to the employee along with the Notice, unless impractical. If the materials cannot be provided at the time of Notice, they will be made available to the employee for his or her review, upon request.
- 1508.7 Within fifteen (15) days of receipt of the Notice of Proposed Adverse Action, an employee may elect to submit a written response to the Deciding Official.
- (a) An employee's written response may clarify, expand on, or take exception to the statements or conclusions made in the Notice of Proposed Adverse Action. Once submitted, the response will be maintained and treated as an attachment to the Notice of Proposed Adverse Action.
- 1508.8 Except in the case of summary disciplinary action in accordance with § 1510, an employee will remain in a pay status pending issuance of a final determination of the proposed adverse action.

**Section 1509, [RESERVED], is amended as follows:**

**1509 ADMINISTRATIVE LEAVE DURING NOTICE PERIODS**

- 1509.1 Following the issuance of a Notice of Proposed Adverse Action or a Notice of Proposed Corrective Action, the Vice President for Human Resources or designee may, at his or her discretion, place the employee on administrative leave pending a final determination in accordance with this section.
- 1509.2 The Vice President for Human Resources may place an employee on administrative leave for no more than ninety (90) days.
- 1509.3 The Vice President for Human Resources may extend the period of administrative leave in increments of no more than thirty (30) calendar days when:

- (a) Returning the employee to duty would undermine the integrity of University operations, threaten the safety of employees, or threaten the health, safety, or welfare of the public; or
- (b) The University has been diligently pursuing a final decision and the delay is due to circumstances beyond the University's control.

1509.5 When the time limits prescribed by this section are exhausted, the employee will be returned to full duty pending a Final Administrative Decision.

**Section 1510, [RESERVED], is amended as follows:**

**1510 SUMMARY DISCIPLINARY ACTIONS**

1510.1 An employee may be summarily suspended or terminated, notwithstanding the processes described in §§ 1507-1508 of this chapter.

1510.2 An employee may be suspended or terminated summarily when his or her conduct:

- (a) Threatens the integrity of University operations;
- (b) Constitutes an immediate hazard to the University, to other University employees or students, or to the employee; or
- (c) Is detrimental to public health, safety, or welfare.

1510.3 Any decision to take a summary disciplinary action under this section must be approved in writing by the Vice President for Human Resources, or designee. All such approvals must identify:

- (a) Sufficient facts relied upon by the Vice President for Human Resources to support the actions;
- (b) The specific paragraph(s) of § 1510.2 justifying the summary action; and
- (c) The specific misconduct, consistent with § 1504, warranting suspension or termination.

1510.4 When the Vice President for Human Resources is satisfied that the conditions of § 1510.2 are present, the University may order the employee to immediately leave his or her duty station. Additionally, the University may order the employee to stay away from any University owned or occupied properties to the extent reasonably necessary to ensure the safety of University employees and property; the integrity of University operations; and the public health, safety, and welfare.

- 1510.5 When summary action is warranted, the University will:
- (a) Provide the employee with a Notice of Summary Disciplinary Action;
  - (b) Provide the employee with an opportunity to respond in writing within fifteen (15) days of receipt;
  - (c) Provide the employee with a Final Administrative Decision if the employee submits a written response; and
  - (d) Advise the employee of his or her applicable appeal rights.
- 1510.6 Whenever the University summarily removes or suspends an employee, the Proposing Official will serve the employee with a Notice of Summary Disciplinary Action within five (5) days. The notice will inform the employee of the following:
- (a) The nature of the summary action;
  - (b) The effective date of the summary action;
  - (c) The specific conduct at issue;
  - (d) The ways in which the employee's conduct fails to meet appropriate standards;
  - (e) The specific paragraph(s) of § 1510.2 warranting summary action;
  - (f) The right to review material upon which the summary action is based;
  - (g) The right to be represented by an attorney or other representative.
  - (h) The right to prepare a written response to the notice of the proposed summary action;
  - (i) The name and contact information of the Deciding Official.
- 1510.7 Within fifteen (15) days of receipt of the Notice of Summary Disciplinary Action, an employee may elect to submit a written response to the Deciding Official.

**Section 1511, [RESERVED], is amended as follows:**

**1511 CORRECTIVE & ADVERSE ACTIONS: FINAL ADMINISTRATIVE DECISION**

- 1511.1 The Final Administrative Decision relating to a corrective, adverse or summary disciplinary action will constitute the University's final determination on the matter and will be made by the Deciding Official.
- 1511.2 In making the Final Administrative Decision, the Deciding Official will consider the Notice of Proposed Corrective Action, Notice of Proposed Adverse Action, or Notice of Summary Disciplinary Action and supporting materials, the employee's response (if any), and any report of investigation, if applicable.
- 1511.3 The Final Administrative Decision will be issued within fourteen (14) days of receipt of the employee's response to the Notice of Proposed Corrective Action, Notice of Proposed Adverse Action or Notice of Summary Disciplinary Action.
- 1511.4 The Deciding Official may:
- (a) Sustain the Notice of Proposed Corrective Action, Notice of Proposed Adverse Action, or Notice of Summary Disciplinary Action;
  - (b) Reduce the Notice of Proposed Corrective Action, Notice of Proposed Adverse Action or Notice of Summary Disciplinary Action;
  - (c) Remand the Notice of Proposed Corrective Action, Notice of Proposed Adverse Action, or Notice of Summary Disciplinary Action to the Proposing Official with instructions for further consideration; or
  - (d) Dismiss the Notice of Proposed Corrective Action, Notice of Proposed Adverse Action, or Notice of Summary Disciplinary Action.
- 1511.5 The Final Administrative Decision must be in writing, dated, and signed by the Deciding Official, and will:
- (a) Provide a concise summary of the action(s) being taken and the effective date of the action(s);
  - (b) Succinctly enumerate each independent cause for which the corrective or adverse action is being taken;
  - (c) Set forth a penalty for each enumerated cause;
  - (d) Demonstrate reasoned consideration of the relevant factors set forth in § 1504.2 for each independent action; and
  - (e) Articulate the employee's appeal rights, if any.
- 1511.6 In addition to the information specified in § 1511.5, each Final Administrative Decision will be accompanied by:

- (a) Copies of materials relied upon by the University in rendering its decision;
- (b) A notice of the employee's appeal rights, if any.

1511.7 The Notice of Proposed Corrective Action, Notice of Proposed Adverse Action or Notice of Summary Disciplinary Action will become final upon either the issuance of the Deciding Official's Final Administrative Decision, or the expiration of the fifteen (15)-day employee response period, whichever is later.

1511.8 The Final Administrative Decision will be served on the employee by electronic mail and by first class mail, postage prepaid, to the employee's address of record.

1511.9 A copy of the Final Administrative Decision, and all documents it incorporates, will be placed in the employee's Official Personnel File.

**Section 1512, [RESERVED], is amended as follows:**

**1512 APPEAL RIGHTS**

1512.1 An employee who disputes a Final Administrative Decision on a corrective or adverse action under this chapter may seek one (1) of the following remedies:

- (a) If the matter is covered by a grievance procedure negotiated between the University and a collective bargaining unit, the employee may elect to pursue a negotiated grievance in accordance with the applicable collective bargaining agreement;
- (b) For corrective actions, the employee may elect to pursue an administrative grievance pursuant to the provisions of this chapter within ten (10) days from the issuance date of the Final Administrative Decision;
- (c) For adverse actions, the employee may elect to appeal the Final Administrative Decision to the Office of Employee Appeals (OEA) within thirty (30) days of the effective date of the Final Administrative Decision; and

1512.2 An employee may elect only one (1) of the remedies specified in § 1512.1. Whenever a labor organization acts on behalf of the employee, the employee shall be deemed to have made his or her election of remedy, irrespective of whether the employee consented to the election.

1512.3 Neither administrative grievances nor mediation pursuant to the provisions of this chapter nor appeals to OEA shall delay implementation of any Final Administrative Decision under this chapter.

Section 1513, [RESERVED], is amended as follows:

**1513 GRIEVANCES**

- 1513.1 An employee may grieve a corrective action to modify, reverse, or dismiss a Final Administrative Decision if:
- (a) A provision of this chapter has been violated such that the Final Administrative Decision is arbitrary or capricious; and
  - (b) The employee has suffered or will suffer harm as a result of that violation, which is neither trivial nor speculative.
- 1513.2 Notwithstanding § 1512.1, no employee may submit a grievance to a Final Administrative Decision under this chapter if the action is:
- (a) Not subject to a grievance or appeal as set forth in this chapter;
  - (b) Taken to implement the lawful order of a court or other tribunal recognized by law; or
  - (c) Agreed to by the employee.
- 1513.3 For purposes of this chapter, an administrative grievance will be initiated with the Grievance Official.
- 1513.4 Grievances of corrective actions will be submitted to the Grievance Official within ten (10) days of the issuance of the Final Administrative Decision.
- 1513.5 A grievance will be deemed to have been filed when actually received by the Grievance Official. The burden of establishing the date of receipt will rest with the employee.
- 1513.6 Grievances may be filed with the Grievance Official by one of the following means:
- (a) By first class mail, postage prepaid, to the official's principal business address;
  - (b) By electronic mail; or
  - (c) By hand delivery to the official's principal business addresses.
- 1513.7 Each grievance must include the following:

- (a) The name, e-mail address, and phone number of the employee seeking the relief;
- (b) The name, e-mail address, phone number, and mailing address of the employee’s immediate supervisor;
- (c) A copy of the Final Administrative Decision that is the subject of the grievance;
- (d) A concise written statement of facts, including dates, that establishes why the Final Administrative Decision on the challenged corrective action should be reversed, modified or dismissed;
  - (1) The statement may include as supporting evidence written statements of witnesses, affidavits, or documents or any other form or depiction of information.
  - (2) The statement should include all information the employee deems relevant to the grievance, including information of which the employee has knowledge or reasonably should have knowledge.
- (e) The relief sought by the employee.

1513.8 Upon receipt, the Grievance Official will make a preliminary determination as to whether the grievance meets the criteria set forth in § 1513.7 above.

1513.9 The Grievance Official will make arrangement to interview the grievant and to review the record. Within twenty (20) working days of receipt of the grievance, the Grievance Official will issue a grievance decision and report based upon the totality of the facts that sustains, modifies or reverses the Final Administrative Decision.

**Section 1514, [RESERVED], is amended as follows:**

**1514 MEDIATION**

1514.1 A grievant may request mediation of their challenge to their corrective action, in writing, when presenting their grievance to the Grievance Official.

1514.2 The Grievance Official will forward the request for mediation to the Vice President for Human Resources who will designate an individual to serve as the mediator. The mediator will either be an attorney licensed to practice law in the District of Columbia or an individual trained in conducting mediation.

1514.3 The mediator will schedule the mediation and conduct the mediation proceedings in such a manner as to ensure a fair and equitable result. However, the mediation



process must be concluded within thirty (30) days from the date the mediator was designated by the Vice President for Human Resources

- 1514.4 If an amicable resolution of the grievance is reached through mediation, the terms of the resolution will be reduced to writing and signed by all parties, including the mediator. The written resolution will be binding on all parties and is not subject to review by any administrative body, court, or other tribunal.
- 1514.5 If the parties are unable to resolve the grievance through the mediation process, the grievance will be returned to the Grievance Officer to resume the grievance review. Grievances will be returned to the Grievance Officer by the mediator on either the date the mediator determines that no resolution can be reached or thirty (30) days from the date the mediator was designated by the Vice President for Human Resources, whichever is earlier.

**Sections 1515 – 1525 are repealed.**

**Section 1599, DEFINITIONS, is amended as follows:**

**1599 DEFINITIONS**

1599.1 As used in this chapter the following meanings apply:

**Adverse action** – a suspension of ten (10) work days or more, or demotion, or a termination.

**Cause** – a reason that is neither arbitrary nor capricious, such as misconduct or performance deficits, that warrants administrative action, including corrective and adverse actions. The classes of conduct and performance deficits outlined in § 1503 of this chapter constitute cause for corrective and adverse actions.

**Conduct** – the act, manner or process taken by an employee to carry out duties and responsibilities. This can include the failure to act when required to do so.

**Corrective action** – a written reprimand or a suspension of less than ten (10) workdays.

**Days** – calendar days unless otherwise specified.

**Deciding Official** – an employee’s 2<sup>nd</sup> level manager, or a management official within the employee’s chain of command who is designated by the Vice President for Human Resources, who issues a final decision on the proposed corrective action, proposed adverse action, or notice of summary disciplinary action.

**Disciplinary action** – a corrective or adverse action taken for cause to address an employee’s conduct or performance deficiencies.

**Final Administrative Decision** – a decision rendered by the Deciding Official on a proposed corrective or adverse action or on a summary disciplinary action.

**Grievance Official** — the Cabinet member to whom the Deciding Official reports, except if the Cabinet member is the Deciding Official, in which case the Grievance Official is the President..

**Progressive Discipline Model** – refers to the incremental steps to correct either misconduct or systemic performance deficits. Typically, the process may include verbal counseling, corrective action (to include written reprimands and suspensions of less than 10 days) and adverse action (suspensions of ten (10) days or more, demotions and terminations).

**Proposing Official** – an employee’s immediate supervisor, or a management official in the employee’s chain of command who is designated by the Vice President for Human Resources, who issues a written Notice of Proposed Corrective Action, Notice of Proposed Adverse Action or Notice of Summary Disciplinary Action.

**Demotion** – an involuntary adverse action that changes an employee to a lower grade level, typically with lower pay.

**Removal or Termination** – the involuntary separation of an employee from University service.

**Supervisor** – an individual who supervises another employee or his or her activities.

**Summary disciplinary action** – an action taken to immediately suspend or separate an employee pursuant to § 1510.

**Suspension** – the temporary placing of an employee in a non-duty, non-pay status.

**Written Reprimand** – a written, official censure of an employee that is placed in the employee’s Official Personnel Folder.

All persons desiring to comment on the subject matter of the 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*. Comments should be filed with the Office of General Counsel, Building 39-

Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to [karen.hardwick@udc.edu](mailto:karen.hardwick@udc.edu). Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: Probationary Period” in the subject line.

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl. & 2017 Supp.)), and under the District of Columbia Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, §§ 1-601.1 *et seq.* (2016 Repl.)), hereby gives notice of its intent to adopt a new Chapter 19 (University of the District of Columbia Performance Management Program) of Title 8 (Higher Education), Subtitle B (University of the District of Columbia), 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 proposed rule is to create a regulatory framework for the University's new Performance Management Program.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 19, UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE MANAGEMENT PROGRAM, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is proposed as follows:**

**CHAPTER 19 UNIVERSITY OF THE DISTRICT OF COLUMBIA  
PERFORMANCE MANAGEMENT PROGRAM**

- 1900 UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE  
MANAGEMENT PROGRAM**
- 1901 PERFORMANCE APPRAISAL PERIOD**
- 1902 PERFORMANCE PLANS**
- 1903 CRITICAL PERFORMANCE ELEMENTS**
- 1904 S.M.A.R.T. GOALS**
- 1905 INDIVIDUAL DEVELOPMENT PLAN**
- 1906 PERFORMANCE RATINGS**
- 1907 PERFORMANCE-BASED DISCUSSIONS: INITIAL PLANNING DISCUSSION  
TO DRAFT THE PERFORMANCE PLAN**
- 1908 PERFORMANCE-BASED DISCUSSION: MID-POINT PROGRESS  
DISCUSSION**
- 1909 PERFORMANCE-BASED DISCUSSION: ANNUAL PERFORMANCE  
EVALUATION**
- 1910 PERFORMANCE IMPROVEMENT PLAN**
- 1999 DEFINITIONS**
- 1900 UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE  
MANAGEMENT PROGRAM**

- 1900.1 The purpose of this chapter is to set forth rules for the University's Performance Management Program.
- 1900.2 The provisions of this chapter apply to all University employees, except as follows:
- (a) Faculty (including Academic Chairs);
  - (b) Employees serving a probationary period;
  - (c) Employees serving on temporary, or time-limited appointments; and
  - (d) The University Administration (President's Cabinet).
- 1900.3 Performance Management integrates the processes the University uses to:
- (a) Communicate and clarify institutional and individual work goals to employees;
  - (b) Identify individual, and where applicable, team responsibilities and accountability for accomplishing work unit and institutional goals;
  - (c) Identify and address developmental needs for individuals and, where applicable, teams;
  - (d) Provide feedback to employees about performance expectations and work accountability;
  - (e) Assess and improve individual, team, and institutional performance;
  - (f) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
  - (g) Use the results of the Annual Performance Evaluation as a basis for appropriate personnel actions, including training, promotion, demotion, administrative action, or other types of personnel actions.
- 1900.4 The Performance Management Program implemented by this chapter will accomplish the following:
- (a) Establish work expectations in relation to institutional strategic goals;
  - (b) Hold supervisors and employees accountable for performance, which will include a direct relationship between the performance evaluations received pursuant to this chapter and the receipt of any periodic salary increases;

- (c) Objectively evaluate an employee’s work performance based upon articulated criteria that have been made known to the employee prior to the performance evaluation;
- (d) Improve employee performance through developmental plans and continuous employee skill development;
- (e) Recognize an employee’s accomplishments and identify an employee’s deficiencies so that appropriate rewards or assistance can be provided; and
- (f) Tie employee performance to work unit and University outcomes.

**1901 PERFORMANCE APPRAISAL PERIOD**

1901.1 The Performance Appraisal Period begins October 1 and ends September 30 of the following year.

**1902 PERFORMANCE PLANS**

1902.1 A Performance Plan sets forth the performance expectations and development objectives that each employee is expected to accomplish during the Performance Appraisal Period.

1902.2 A Performance Plan includes the following:

- (a) Critical Performance Elements (Key Competencies);
- (b) S.M.A.R.T. Goals (Specific, Measurable, Attainable, Realistic, and Time Related); and
- (c) An Individual Development Plan.

1902.3 Modifications to the Performance Plan generally cannot be made during the final ninety (90) days before the end of the Performance Appraisal Period. However, if such a modification is necessary, the appraisal period can be extended to provide the employee with 90 days to demonstrate satisfactory performance. The employee must be advised of any extension of the appraisal period.

1902.4 Each supervisor must complete a Performance Plan outlining what is expected of each employee, as follows:

- (a) Within thirty (30) days of the beginning of each Performance Appraisal Period;

- (b) Within thirty (30) days of the effective date of an official detail if the detail is for a period of more than ninety (90) days;
- (c) Within thirty (30) days of the effective date of an appointment, reassignment, transfer, promotion or demotion to a new position or to a position with significantly different duties and responsibilities. Provided, however:
  - (i) If the appointment, reassignment, transfer, promotion or demotion takes effect more than ninety (90) days prior to the end of the Performance Appraisal Period, the new Performance Plan will take effect during the same Performance Appraisal Period;
  - (ii) If the appointment, reassignment, transfer, promotion or demotion takes effect within ninety (90) days of the end of the Performance Appraisal Period, the new Performance Plan will take effect at the beginning of the next Performance Appraisal Period, unless the performance appraisal period has been extended in accordance with §1902.3.

1902.5 A Performance Plan must be in place for at least ninety (90) days before an employee's performance is subject to an Annual Performance Evaluation.

1902.6 If an employee is reassigned, transferred, promoted, or demoted within ninety (90) days of the end of a Performance Appraisal Period, the employee's previous supervisor will perform the Annual Performance Evaluation for the portion of the Performance Appraisal Period during which the employee reported to the supervisor.

### **1903 CRITICAL PERFORMANCE ELEMENTS**

1903.1 Critical Performance Elements identify key competencies or the necessary knowledge, abilities, skills and personal characteristics that must be demonstrated for satisfactory performance. These key competencies are so necessary for successful performance that failure to accomplish a Critical Performance Element will result in an Overall Performance Rating of Unsatisfactory performance.

1903.2 At the beginning of each Performance Appraisal Period, a supervisor will discuss with the employee how each Critical Performance Element relates to the employee's job.

1903.3 At the end of the Performance Appraisal Period, the supervisor will evaluate the employee's performance of each Critical Performance Element during the period.

1903.4 There are four (4) Critical Performance Elements applicable to non-supervisory employees:

- (a) **Job Knowledge** – the employee exhibits an understanding and knowledge of their profession and works to improve job knowledge through professional development or other related activities, approved by the supervisor if applicable, that benefit the University and are related to the employee’s job;
- (b) **Accountability** – the employee demonstrates personal responsibility for ensuring the efficient and accurate completion of work assignments;
- (c) **Customer Service** – the employee provides quality service; demonstrates consistent and continual adherence to prescribed University customer service goals/standards and treats all customers in a professional and courteous manner; and
- (d) **Communication** – the employee presents ideas and information verbally and in writing, in a clear, concise, and timely manner.

1903.5 There are four (4) Critical Performance Elements applicable to supervisors:

- (a) **Leadership** – the supervisor creates and nurtures a performance-based culture that supports efforts to realize the University’s missions and accomplish its goals; inspires, motivates and guides others; and partners with others to ensure goals are met.
- (b) **Strategic Planning and Operational Efficiency** – the supervisor contributes to the development, execution, and evaluation of the University’s strategic plan, and displays a keen awareness of and attention to short- and long-term goals, stakeholder interests, and opportunities for work process improvement.
- (c) **Management of Others** – the supervisor identifies potential in others and provides ongoing feedback to improve performance; encourages meaningful career development opportunities for their staff and conducts the full scope of performance management responsibilities to ensure a well-functioning team.
- (d) **Job Knowledge** – the employee exhibits an understanding and knowledge of their profession and works to improve job knowledge through professional development or other related activities, approved by the supervisor if applicable, that benefit the University and are related to the employee’s job.

1903.6 Up to two (2) additional non-supervisory Critical Performance Elements may be added for supervisors, if appropriate.



**1904 S.M.A.R.T. GOALS**

- 1904.1 S.M.A.R.T. Goals set forth performance expectations, results, expected outcomes, and deliverables with objective standards that are “Specific, Measurable, Attainable, Realistic, and Time-Related.” S.M.A.R.T. Goals are to be established for and accomplished during a Performance Appraisal Period.
- 1904.2 A Performance Plan includes a S.M.A.R.T. Goal for each Critical Performance Element that sets forth the specific expectations and responsibilities to be accomplished by the employee, with objective standards for measuring the quality, quantity, and/or timeliness of the work.
- 1904.3 At the beginning of each Performance Appraisal Period, a supervisor will discuss with the employee how each Critical Performance Element and associated S.M.A.R.T. Goal relates to the employee’s position.
- 1904.4 At the end of the Performance Appraisal Period, the supervisor will evaluate the employee’s performance of each Critical Performance Element as measured against the associated S.M.A.R.T. Goal.

**1905 INDIVIDUAL DEVELOPMENT PLAN**

- 1905.1 An individual development plan (IDP) is a tool to assist employees with career and professional development. Its primary purpose is to help employees reach short and long-term career goals. Supervisors will consider how well employees accomplish career and professional development goals when evaluating the Job Knowledge Critical Performance Element.
- 1905.2 At the beginning of the Performance Appraisal Period, a supervisor will prepare an IDP for each employee, identifying areas for growth and development. The IDP will be prepared in collaboration with the employee.
- 1905.3 The IDP is designed to encourage continuous learning and development.

**1906 PERFORMANCE RATINGS**

- 1906.1 The Overall Performance Rating reflects the evaluation of an employee’s actual performance of Critical Performance Elements, measured against the associated S.M.A.R.T. Goals, during the Performance Appraisal Period.
- 1906.2 The Overall Performance Rating shall be determined by adding together the numerical scores for each of the S.M.A.R.T. Goals for each Critical Performance Element, divided by the total number of Critical Performance Elements (to derive an average numerical score). If any Critical Performance Element is rated as Unsatisfactory, the overall rating will be Unsatisfactory.

1906.3 The rating levels used to measure an employee's performance of each S.M.A.R.T. Goal will be as follows:

(a) Exceptional (Yields 3 points)

This is a level of rare, high quality performance. The quality and quantity of the employee's work substantially surpasses the "Meets Expectations" performance level. The impact of the employee's work is so significant that organizational objectives are exceeded. The accuracy and thoroughness of the employee's work is exceptionally reliable and application of technical knowledge and skill goes beyond what is expected for the job. The employee significantly improves the work processes for which he or she is responsible.

(b) Exceeds Expectations (Yields 2 points)

Performance consistently exceeds normal standards in all critical areas for the position. Performance is sustained and uniformly high with thorough and on time results.

(c) Meets Expectations (Yields 1 point)

Performance at this level represents the range of accomplishments that are expected of all employees. The employee remains consistently on target to achieve. Problems are not frequent or significant enough to create serious adverse consequences and are dealt with effectively. The work product is usually accurate and delivered on time.

(d) Unsatisfactory (Yields 0 points)

The quality and quantity of the employee's work is unsatisfactory. The employee's work products fall short of requirements for the position. Tasks are not completed with the needed degree of accuracy or thoroughness. Products arrive late and/or often require major revisions because they are incomplete or inaccurate in content.

If any Critical Performance Element is rated as Unsatisfactory, the overall rating will be Unsatisfactory.

(e) N/A or Not Applicable

This employee either does not perform this type of work or there has been insufficient opportunity to observe the employee perform.

1906.4 "Exceptional" and "Unsatisfactory" ratings must be supported by a written justification.

**1907 PERFORMANCE –BASED DISCUSSIONS: INITIAL PLANNING DISCUSSION TO DRAFT THE PERFORMANCE PLAN**

- 1907.1 Each supervisor is required to develop a Performance Plan for each employee under their supervision, as outlined in §1902.
- 1907.2 The supervisor and employee must discuss the Critical Performance Elements set forth in §1903 and how they relate to the employee’s position; develop a S.M.A.R.T. Goal for each Critical Performance Element in accordance with §1904; and prepare an IDP in accordance with §1905.

**1908 PERFORMANCE –BASED DISCUSSION: MID-POINT PROGRESS DISCUSSION**

- 1908.1 The Mid-Point Progress Discussion is a formal meeting between a supervisor and employee to discuss the employee’s performance and development, which typically occurs at the midpoint of the Performance Appraisal Period (March 1-March 31).
- 1908.2 An Annual Performance Evaluation will not be based solely on a Mid-Point Progress Discussion. An employee’s performance during the entire Performance Appraisal Period will be considered to determine the extent to which the employee achieved the S.M.A.R.T. Goal for each Critical Performance Element.

**1909 PERFORMANCE-BASED DISCUSSION: ANNUAL PERFORMANCE EVALUATION**

- 1909.1 An Annual Performance Evaluation will be based on an employee’s performance during the entire Performance Appraisal Period to assess the extent to which the employee satisfied each Critical Performance Element as measured against the associated S.M.A.R.T. Goal.
- 1909.2 In preparation for the Annual Performance Evaluation, each employee must prepare and submit a self-evaluation to his or her supervisor as input into the performance evaluation process.
- 1909.3 Supervisors will consider employee self-evaluations in addition to other relevant considerations and must prepare the Annual Performance Evaluation within thirty (30) days of the end of the Performance Appraisal Period.
- 1909.4 Supervisors (who serve as Rating Officials) must prepare a recommended Annual Performance Evaluation (the average numerical score of the individual recommended ratings for each S.M.A.R.T. Goal for each Critical Performance Element) with their manager (Approving Official) before finalizing the Annual Performance Evaluation and communicating it to the employee.

- 1909.5 The Rating Official discusses the recommended Annual Performance Evaluation with the employee.
- 1909.6 Should the employee disagree with the Annual Performance Evaluation, the employee may submit a written response within five (5) working days of receipt to the Approving Official for consideration.
- 1909.7 Within ten (10) working days of receipt of either the recommended Annual Performance Evaluation from the supervisor or receipt of the employee's written response to the supervisor's rating, the Approving Official will decide the final rating.
- 1909.8 A copy of the final written Annual Performance Evaluation will be provided to the employee.
- 1909.9 After completion of the performance management cycle, each supervisor will submit original signed Annual Performance Evaluations to the University's Office of Human Resources. The Office of Human Resources shall retain ratings for three (3) years.

**1910 PERFORMANCE IMPROVEMENT PLAN**

- 1910.1 The purpose of a Performance Improvement Plan (PIP) is to establish clarity, for both the employee and supervisor, about areas of performance that are deficit and in need of improvement. The PIP is a management tool for correcting such performance deficiencies and is not a form of discipline. It is used to monitor and measure deficient work product, processes and/or behaviors as efforts are undertaken to improve performance or modify behavior. The PIP also serves as the basis for further action if deficient performance continues.
- 1910.2 The PIP will be developed by the employee's immediate supervisor, and provide concrete, measurable actions and/or steps to be taken for the employee's performance to improve in specifically identified area(s).
- 1910.3 At the sole discretion of the supervisor, the PIP may be issued for a 30-, 60-, or 90-day period. A PIP may be extended in thirty (30)-day increments up to a maximum of ninety (90) days.
- 1910.4 Within fourteen (14) days of the conclusion of the PIP period, and in consultation with the University's Office of Human Resources, the supervisor will make a written determination as to whether the employee has met the requirements of the PIP. A copy of the supervisor's decision will be provided to the employee.
- 1910.5 If the employee receives a rating of "Meets Expectations" at the end of the PIP, no further action is required of the supervisor.

- 1910.6 An employee who successfully completes a PIP must maintain a rating of “Meets Expectations” throughout the next full Performance Appraisal Period. If the employee’s performance once again falls (at any time during the next Performance Appraisal Period) to a rating of “Unsatisfactory” for a Critical Performance Element and/or S.M.A.R.T. Goal for which a PIP has been previously issued, an adverse action may be initiated without another PIP, pursuant to the provisions of Chapter 15 of this title.
- 1910.7 If the employee fails to improve their performance deficiencies during the PIP and their performance remains “Unsatisfactory”, the supervisor, in consultation with the Vice President of Human Resources, must propose one of the following actions:
- (a) Demotion to a lower graded position with the appropriate reduction in salary if such a position is available; or
  - (b) Separation from the University.
- 1910.8 Adverse actions to demote or separate an employee who has failed to perform satisfactorily will be accomplished pursuant to the provisions of Chapter 15 (Progressive Discipline), except for at-will employees.

**1999****DEFINITIONS**

**Annual Performance Evaluation** – the average of the numerical scores assigned to each of the S.M.A.R.T. Goals for each of the Critical Performance Elements, which reflects how well an individual employee has accomplished the performance expectations established in the Performance Plan during the review period.

**Approving Official** – the second or next level of supervisor who reviews and approves the Annual Performance Evaluation, and in case of an employee appeal, decides the final rating.

**Critical Performance Element** – the key competencies or the necessary knowledge, abilities, skills and personal characteristics that must be demonstrated for satisfactory performance. These key competencies are so necessary for successful performance that failure to accomplish a Critical Performance Element will result in an Overall Performance Rating of Unsatisfactory performance. It is linked to the specific duties performed in a particular work unit but focused on the individual employee. A Critical Performance Element must be performed at least at the “Meets Expectation” level in order for an employee to be retained in the position.

**Individual Development Plan (IDP)** - is a tool that identifies training and learning activities that will enhance an employee's knowledge, skill, and abilities to perform current work duties, and can help prepare the employee for future career advancement opportunities. The IDP is used for developmental purposes and is considered as part of the evaluation of the Job Knowledge Critical Performance Element.

**Performance Improvement Plan (PIP)** - is a performance management tool designed to offer the employee an opportunity to demonstrate improvement in his or her performance.

**Performance Management** – the systematic process by which the University involves its employees, as individuals and members of a group, to ensure the accomplishment of University mission and goals.

**Performance Appraisal Period** - is the length of time covering the performance evaluation process, beginning on October 1 and ending on September 30.

**Performance Plan** – the formalized process of identifying and communicating the organizational, work unit and individual goals expected of the employee. The Performance Plan consists of Critical Performance Elements, S.M.A.R.T. Goals, and an Individual Development Plan.

**Rating Official** – the supervisor who evaluates employee performance and recommends the Annual Performance Evaluation Rating, which is approved by Approving Official.

**Self-evaluation** – the employee's narrative description of accomplishments based on the established performance expectations.

**S.M.A.R.T. Goals** – the expression of performance expectations that consist of goals that are Specific, Measurable, Attainable, Realistic, and Time Related. A S.M.A.R.T. Goal will set forth the specific expectations and responsibilities to be accomplished by the employee and it includes standards for measuring the quality, quantity, and timeliness of the work performed.

All persons desiring to comment on the subject matter of the proposed rulemaking must file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39-Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to [karen.hardwick@udc.edu](mailto:karen.hardwick@udc.edu). Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking: Performance Management" in the subject line.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
CONSTRUCTION CODES COORDINATING BOARD**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs (“Department”), pursuant to paragraph 7 of the General Expenses title of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; Pub. L. 60-303; D.C. Official Code § 6-661.01(a) (2012 Repl.)), and Mayor’s Order 2013-23, dated January 29, 2013, hereby gives notice of the adoption, on an emergency basis, and intent to adopt permanently, of the following amendment to Chapter 1 (DCRA Permits Division Schedule of Fees) of Title 12 (Construction Codes Supplement of 2013), Subtitle M (Fees), 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*.

This emergency and proposed rulemaking establishes a fee for the Department’s accelerated review pilot program.

This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia by establishing an appropriate fee for accelerated review projects. Without emergency rules, the District would be deprived of revenue associated with these reviews. The one hundred twenty (120)-day period for the rules will also provide the agency with time to pilot and evaluate the fees associated with the program so that the agency can determine whether they are, as proposed, appropriate to compensate for the time and skillset of the new government team, and to ensure that staffing is appropriate so that this program does not slow regular approvals but rather supplements them. The proposed fee structure is competitive with those charged by the private sector for reviews.

This emergency rulemaking was adopted on September 26, 2017, to become effective immediately. Pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; Pub. L. 90-614; D.C. Official Code § 2-505(c) (2012 Repl. & 2016 Supp.)), this emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness and will expire on January 24, 2018.

**Chapter 1, DCRA PERMITS DIVISION SCHEDULE OF FEES, of Title 12-M DCMR, FEES, is amended as follows:**

**Section 101, BUILDING PERMIT FEES, is amended as follows:**

**Paragraph (b) of Subsection 101.1 is amended by adding the following phrase to the end of the paragraph:**

Accelerated Permit Review	Projects 50,000 square feet or less.	\$50,000 per day
	Projects 50,001-99,999 square feet	\$50,000 + \$0.50 per each square foot more than 50,000 per day
	Projects 100,000 square feet or more	\$75,000 per day

All persons desiring to comment on these proposed regulations should submit written comments to Matt Orlins, Legislative Affairs Director, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5164, Washington, D.C. 20024, or by e-mail to [matt.orlins@dc.gov](mailto:matt.orlins@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above.



## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2017 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment, on an emergency basis, to Chapter 71 (Medicaid Reimbursement for Early Intervention Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

In accordance with the Individuals with Disabilities Education Act (IDEA), approved April 13, 1970 (84 Stat.175; 20 U.S.C. §§ 1400 *et seq.*), Medicaid-reimbursable early intervention (EI) services are provided to eligible beneficiaries by the District of Columbia Office of the State Superintendent of Education (OSSE). EI services are specialized habilitative and rehabilitative services designed to promote the optimal development of infants and toddlers, aged birth to three (3), who have a delay in one or more areas of development. EI services are required under Part C of IDEA. These rules remove the table included in the prior rulemaking that sets forth the Medicaid reimbursement rates and procedure codes, and replaces it with reference to the District's Medicaid fee schedule. Since the original promulgation of the rule in 2014, procedure codes and modifiers for EI services have changed. These rules will align updates of the EI rates with the requirements for Medicaid fee schedule updates, as set forth under Section 988 of Chapter 9 of Title 29 DCMR. This will enable DHCF to periodically and prospectively update the fee schedule for EI services while complying with advance notice requirements, rather than promulgating a new rule every time the procedure codes or reimbursement rates for EI services change.

Emergency rulemakings are implemented only for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to 1 DCMR § 311.4(e). This emergency rulemaking will ensure funding of care for infants and toddlers in need of EI services and ensure care is maintained for this fragile population in the District. Emergency action is necessary for the immediate preservation of the health, safety, and welfare of the persons who are in need of EI services, and to provide appropriate notice to providers about the processes to provide timely updates.

The emergency rulemaking was adopted on October 11, 2017 and shall become effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days or until February 8, 2018, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 71, MEDICAID REIMBURSEMENT FOR EARLY INTERVENTION SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 7114, MEDICAID REIMBURSEMENT RATES, is deleted in its entirety and amended as follows:**

**7114 MEDICAID REIMBURSEMENT RATES**

- 7114.1 Reimbursement for EI services shall be made according to the District of Columbia Medicaid fee schedule available online at [www.dc-medicaid.com](http://www.dc-medicaid.com).
- 7114.2 All updates to the Medicaid fee schedule governing reimbursement rates for EI services shall comply with the requirements set forth under Section 988 (Medicaid Fee Schedule) of Chapter 9 of Title 29 DCMR. A public notice of the rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the changes, and shall include a link to the Medicaid fee schedule.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4<sup>th</sup> Street, N.W., Suite 900, Washington D.C. 20001, via telephone at (202) 442-8742, via email at [DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

## DEPARTMENT OF HEALTH

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of adoption, on an emergency basis, of the following amendments to Chapter 46 (Medicine) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Section 4603 (Applicants Educated in Foreign Countries) are necessary to enable the Board of Medicine to license, on a case by case basis, qualified foreign-trained medical school graduates who are licensed in another state or have Board certification but do not meet the current requirement of three (3) years of post-graduate clinical training in a U.S. residency program certified by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA). These qualified doctors can then become fully licensed physicians in the District and serve the residents by providing medical care and treatment. Additional minor edits have been made to the section in order to clarify the language.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of District residents who face barriers to accessing specialized medical services from exceptionally qualified physicians. Therefore, to ensure that the residents' health, safety and welfare are not threatened by the limitations in access to medical care due to unduly restrictive requirements for licensure of qualified physicians, it is necessary that these rules be published on an emergency basis.

The emergency rulemaking was adopted on September 6, 2017 and became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days, until January 4, 2018, unless superseded by publication of a Notice of Final Rulemaking in the *DC Register*.

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

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

**Section 4603, APPLICANTS EDUCATED IN FOREIGN COUNTRIES, is deleted in its entirety and replaced with the following:**

**4603            APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

4603.1            The Board may grant a license to practice medicine to an applicant educated in a foreign country who:

- (a) Meets all requirements of this chapter except for §§ 4602 and 4604; and
  - (b) Submits documentation to the Board as required under this section, which demonstrates to the satisfaction of the Board that the applicant's education and training satisfy the requirements of this chapter and the Act in ensuring that the applicant has the proper training, experience, and qualifications to practice medicine.
- 4603.2 An applicant for a post-graduate clinical training program in the District of Columbia shall submit an application for a Medical Training License in accordance with § 4611.
- 4603.3 An applicant under this section shall furnish proof satisfactory to the Board that the applicant has successfully completed all educational and training requirements to practice medicine in the foreign country in which the medical education was undertaken.
- 4603.4 An applicant under this section shall be certified by the Educational Commission for Foreign Medical Graduates (ECFMG).
- 4603.5 An applicant under this section shall complete three (3) years of postgraduate clinical training in a program or programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).
- 4603.6 For applicants who hold or have held an unrestricted medical license in another state, or who hold Board certification recognized by the American Board of Medical Specialties (ABMS) or AOA, the Board may find that:
- (a) A non-ACGME or non-AOA approved postgraduate clinical training program is substantially equivalent to the requirements of an ACGME or AOA program and meets the educational requirements of § 4603.5; and
  - (b) Significant clinical practice in addition to at least one year of post-graduate clinical training is substantially equivalent to and meets the educational requirements of § 4603.5.
- 4603.7 An applicant shall arrange for a certified transcript of the applicant's medical education record to be sent directly from the educational institution to the Board or its designees, except as provided by § 4603.8.
- 4603.8 The Board may waive the transcript requirement of § 4603.7 upon a showing of extraordinary hardship if the applicant is able to establish by substitute documentation that the applicant possesses the requisite education and degrees.

4603.9 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a notarized translation signed by the translator attesting to its accuracy.

All persons desiring to comment on the subject matter of this emergency and 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., 6<sup>th</sup> 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](mailto:Angli.Black@dc.gov), (202) 442-5977.

## DEPARTMENT OF HEALTH

**NOTICE OF EMERGENCY AND 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. & 2017 Supp.)); Section 6(9) of the Medical Marijuana Omnibus Amendment Act of 2016 (D.C. Law 21-209; D.C. Official Code §§ 7-1671.05(9) (2017 Supp.)); and Mayor's Order 2011-71, dated April 13, 2011; hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 51 (Registration and Permit Categories) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (DCMR).

This emergency action is necessary to immediately preserve and promote the health, safety and welfare of the public by enabling the Department to sustain the availability of the Medical Marijuana Program for the District's qualifying patients. At present, all medical marijuana cultivation center and dispensary registrations expire on September 30<sup>th</sup> of each calendar year. These registrants are required to renew their registrations by September 30<sup>th</sup> of each year. The application and registration fees that accompany these renewals support the operation of the Medical Marijuana Program. However, since the fees are presently received on the last day of the fiscal year, the Department is unable to apply the fees toward the Medical Marijuana Program's operating costs before the fiscal period ends on the same day. This emergency action will enable the Department to utilize these funds to support the operating costs of the Medical Marijuana Program throughout the duration of the fiscal period, thus ensuring its continued availability for the District's qualifying patients.

This emergency rulemaking will change the registration period for a cultivation center or dispensary registration from the current period October 1<sup>st</sup> to September 30<sup>th</sup>, to the new period of January 1<sup>st</sup> to December 31<sup>st</sup> of each year. It will further establish the registration period for testing laboratories, consolidate the renewal fee and application fees for cultivation centers and dispensaries into one single regulation to avoid confusion, increase the initial and renewal application and registration fee for dispensaries and cultivation centers to offset the Department's operating costs for the electronic tracking system that is required for implementing reciprocity, establish the initial application and registration fee and renewal application and registration fee for testing laboratories, establish the application fees for change of ownership or transfer of location applications, and discontinue the refunding of application fees.

This emergency rulemaking was adopted on August 28, 2017, and became effective on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, on December 26, 2017, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Director of the Department of Health also gives notice of her intent to adopt this rule, in final, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*,

and upon completion of the thirty (30) day Council period of review if the Council does not act earlier to adopt a resolution approving the rules.

**Chapter 51, REGISTRATION AND PERMIT CATEGORIES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:**

**Section 5101, RENEWAL PERIODS, is amended as follows:**

**Subsection 5101.1 is amended to read as follows:**

5101.1 Effective upon adoption of this rulemaking, the registration period and renewal period for each registration type listed below shall occur annually between the following dates:

<b>Registration Type</b>	<b>Registration Period</b>	<b>Renewal Period</b>
Cultivation Center	January 1 to December 31	November 1 to December 31
Dispensary	January 1 to December 31	November 1 to December 31
Testing Laboratory	January 1 to December 31	November 1 to December 31

The current Subsections 5101.2 and 5101.3 are renumbered as 5101.3 and 5101.4 respectively.

**A new Subsection 5101.2 is added to read as follows:**

5101.2 A registration set forth in § 5101.1 that is active and in good standing as of the date of adoption of this rulemaking shall remain in full force and effect until December 31, 2017, unless suspended or revoked by the Department for cause.

**Section 5103, REGISTRATION AND PERMIT FEES, is amended to read as follows:**

**5103 APPLICATION, REGISTRATION, AND PERMIT FEES**

5103.1 All application, registration, and permit fees shall be paid by cashier’s check, certified check, or money order payable to the D.C. Treasurer. Applicants shall pay the fees specified by the Department at the time an application is filed. All fees are nonrefundable.

5103.2 The Department may impose a late fee upon an applicant that fails to timely renew their registration, or permit in the amount of fifty dollars (\$50) for each day after the due date of payment. The total amount of the late fee to be paid shall not exceed the annual cost of the registration. The Department may suspend a previously approved registration until the renewal fee is paid. A cultivation center or dispensary that has not timely renewed its registration shall not be permitted to sell medical marijuana with an expired registration.

5103.3 The Department may suspend a registration or permit where payment was made

by the applicant with a check returned unpaid. The applicant, in addition to any late fees imposed by the Department pursuant to § 5103.2, shall also be charged with a one hundred dollar (\$100) returned check fee.

- 5103.4 The fee for the filing of an initial application for a medical marijuana dispensary shall be eight thousand dollars (\$8,000).
- 5103.5 The annual renewal fee and renewal application fee for a medical marijuana dispensary registration shall be sixteen thousand dollars (\$16,000). This fee shall also cover any audit and inspection costs incurred by the Department.
- 5103.6 The fee for the filing of an initial application for a medical marijuana cultivation center shall be eight thousand dollars (\$8,000).
- 5103.7 The annual renewal fee and renewal application fee for a cultivation center registration shall be eleven thousand dollars (\$11,000). This fee shall also cover any audit and inspection costs incurred by the Department.
- 5103.8 The fee for the filing of an initial application for a testing laboratory shall be three thousand five hundred dollars (\$3,500).
- 5103.9 The annual renewal fee and renewal application fee for a testing laboratory shall be seven thousand five hundred dollars (\$7,500). This fee shall also cover any audit and inspection costs incurred by the Department.
- 5103.6 The annual fee for each director, officer, member, incorporator, or agent registration shall be two hundred dollars (\$200).
- 5103.7 The annual fee for an employee registration shall be seventy-five dollars (\$75).
- 5103.8 The fee for the filing of an initial medical marijuana certification provider permit shall be one hundred dollars (\$100).
- 5103.9 The annual renewal fee and renewal application fee for a medical marijuana certification provider permit shall be three hundred dollars (\$300).
- 5103.10 The annual fee for a Manager's registration shall be one hundred fifty dollars (\$150).
- 5103.11 The annual fee for a transport permit shall be twenty-five dollars (\$25).
- 5103.12 The fee for a duplicate registration or replacement of a lost registration shall be twenty-five dollars (\$25).
- 5103.13 The fee for a duplicate permit or replacement of a lost permit shall be twenty-five dollars (\$25).



- 5103.14 The fee for a change of director, officer, member, incorporator, or agent shall be one hundred dollars (\$100).
- 5103.15 The fee for a corporate or trade name change shall be one hundred dollars (\$100).
- 5103.16 The fee for the transfer of a dispensary, cultivation center, or testing laboratory registration to a new owner shall be two thousand five hundred dollars (\$2,500).
- 5103.17 The fee for the transfer of a dispensary, cultivation center, or testing laboratory registration to a new location shall be five thousand dollars (\$5,000). This fee shall also cover any audit and inspection costs incurred by the Department.

**Section 5104, APPLICATION FEES, is repealed.**

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., 6<sup>th</sup> 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, at [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov), (202) 442-5977.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-241  
October 11, 2017

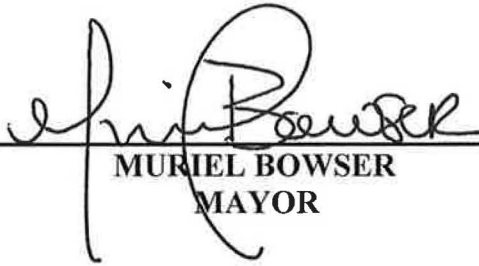
**SUBJECT:** Appointments — District of Columbia Commission for National and Community Service

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to Mayor's Order 2013-171, dated September 19, 2013, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, it is hereby **ORDERED** that:

1. The following persons are appointed as members of the District of Columbia Commission for National and Community Service, filling vacant seats:
  - a. **LOUIS DAVIS**, as a representative of a local labor organization in the District of Columbia, for a term to end July 31, 2020.
  - b. **EDWARD JONES**, as a representative of a national service program, for a term to end July 31, 2018.
  - c. **NATHANIEL TREFFEISEN**, as an individual between the ages of 16-25 who is a participant or supervisor of a service program for school-age youth or of a campus-based or national service program, for a term to end July 31, 2020.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-242  
October 12, 2017


**SUBJECT:** Appointments — Commission on Health Equity

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 1(A) of the Commission on Health Disparities Act of 2014, effective March 10, 2015, D.C. Law 20-192; D.C. Official Code § 7-755.01, as amended by the Subtitle F or Title V of the “Fiscal Year 2017 Budget Support Act of 2016,” effective October 8, 2016, D.C. Law 21-160 (2017 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. And 2017 Supp.), it is hereby **ORDERED** that:


1. **AMBROSE LANE JR.**, pursuant to the Commission on Health Equity Ambrose Lane Jr. Confirmation Resolution of 2017, effective April 8, 2017, PR22-0108, is appointed as a voting member with expertise in minority community to the Commission on Health Equity, for a term to end February 1, 2019.
2. **AUTUMN SAXTON-ROSS**, pursuant to the Commission on Health Equity Autumn Saxton-Rose Confirmation Resolution of 2017, effective April 8, 2017, PR22-0101, is appointed as a voting member with expertise in ecology and the environment health disparities to the Commission on Health Equity, for a term to end February 1, 2020.
3. **JOSEPH WRIGHT**, pursuant to the Commission on Health Equity Joseph Wright Confirmation Resolution of 2017, effective April 8, 2017, PR22-0100, is appointed as a voting member with expertise in social and human services to the Commission on Health Equity, for a term to end February 1, 2020.
4. **KAMILLAH WOOD**, pursuant to the Commission on Health Equity Kamillah Wood Confirmation Resolution of 2017, effective April 8, 2017, Resolution 22-0099, is appointed as a voting member with expertise in economic development to the Commission on Health Equity, for a term to end February 1, 2019.
5. **LORI KAPLAN**, pursuant to the Commission on Health Equity Lori Kaplan Confirmation Resolution of 2017, effective April 8, 2017, PR22-0098, is appointed as a voting member with expertise in early learning and education to the Commission on Health Equity, for a term to end February 1, 2019.

- 6. **REGINA DAVIS MOSS**, pursuant to the Commission on Health Equity Regina Davis Moss Confirmation Resolution of 2017, effective April 8, 2017, PR22-0097, is appointed as a voting member with expertise in health disparities to the Commission on Health Equity, for a term to end February 1, 2020.
- 7. **REGINA DAVIS MOSS** is appointed as Chairperson of the Commission on Health Equity, and shall serve in that capacity at the pleasure of the Mayor.
- 8. **EFFECTIVE DATE:** Sections 1 - 6 shall be effective *nunc pro tunc* to April 8, 2017. Section 7 shall be effective *nunc pro tunc* to May 25, 2017.



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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-243  
October 12, 2017


**SUBJECT:** Reappointments — Commission on Human Rights

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to Title IV, section 2(b) of the Human Rights Act of 1977, effective December 7, 2004, D.C. Law 15-216; D.C. Official Code § 2-1404.03 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:


1. **ALI MUHAMMAD**, pursuant to the Commission on Human Rights Ali Muhammad Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0082, is reappointed as a public member of the Commission on Human Rights, for a term to end December 31, 2019.
2. **KAREN MULHAUSER**, pursuant to the Commission on Human Rights Karen Mulhauser Confirmation Resolution of 2017 effective May 2, 2017, Resolution 22-0083, is reappointed as a public member of the Commission on Human Rights, for a term to end December 31, 2019.
3. **MOTOKO AIZAWA**, pursuant to the District of Columbia Commission on Human Rights Motoko Aizawa Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0080, is reappointed as a member of the Commission on Human Rights, for a term to end December 31, 2019.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 2, 2017.



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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-244  
October 12, 2017

**SUBJECT:** Appointment — Commission on the Arts and Humanities

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975, D.C. Law 1-22; D.C. Official Code § 39-203 (2013 Repl. and 2017 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **LAWRENCE GREEN**, pursuant to the Commission on the Arts and Humanities Lawrence Green Confirmation Resolution of 2017, effective April 4, 2017, Resolution 22-0073, is appointed as a member of the Commission on the Arts and Humanities, replacing Antoinette Ford, for a term to end June 30, 2019.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 4, 2017.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-245  
October 12, 2017

**SUBJECT:** Reappointment — Contract Appeals Board

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 1001 of the Procurement Practices Reform Act of 2010, effective April 8, 2011, D.C. Law 18-371; D.C. Official Code § 2-360.01 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **MONICA PARCHMENT**, pursuant to the Contract Appeals Board Monica Parchment Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0147, is reappointed as a member of the Contract Appeals Board, for a term to end July 28, 2021.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 27, 2017.




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**MURIEL BOWSER**  
**MAYOR**

**ATTEST:** 

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**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-246  
October 12, 2017

**SUBJECT:** Appointment — District of Columbia Homeland Security Commission

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with section 202 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007, D.C. Law 16-262; D.C. Official Code § 7-2271.02 (2012 Repl. and 2017 Supp.), which established the District of Columbia Homeland Security Commission, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **DAVID HEYMAN**, pursuant to the District of Columbia Homeland Security Commission David Heyman Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0081, is appointed as a public member of the Homeland Security Commission, replacing Glenn Gerstell, for a term to end February 8, 2019.
2. **PHILIP MCNAMARA**, pursuant to the District of Columbia Homeland Security Commission Philip McNamara Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0191, is appointed as a public member of the Homeland Security Commission, replacing J. Michael Barrett, for a term to end February 8, 2019.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.




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MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-247  
October 12, 2017

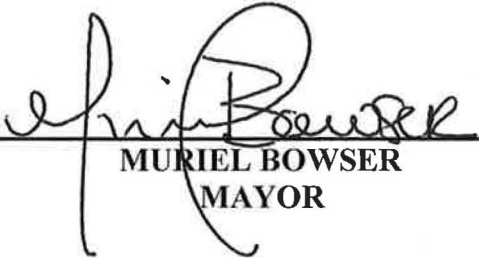
**SUBJECT:** Reappointments — District of Columbia Housing Finance Agency Board of Directors

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 202 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979, D.C. Law 2-135; D.C. Official Code § 42-2702.02 (2012 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **STANLEY JACKSON**, pursuant to the District of Columbia Housing Finance Agency Board of Directors Stanley Jackson Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0159, is reappointed as a community or consumer interests member of the District of Columbia Housing Finance Agency Board of Directors, for a term to end June 28, 2019.
2. **BRYAN SCOTTIE IRVING**, pursuant to the District of Columbia Housing Finance Agency Board of Directors Bryan Scottie Irving Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0158, is reappointed as an experience in home building, real estate, architecture, or planning member of the District of Columbia Housing Finance Agency Board of Directors, for a term to end June 28, 2019.
3. **BUWA BINITIE**, pursuant to the District of Columbia Housing Finance Agency Board of Directors Buwa Binitie Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0157, is reappointed as an experience in mortgage lending or finance member of the District of Columbia Housing Finance Agency Board of Directors, for a term to end June 28, 2019.
4. **SHEILA MILLER**, pursuant to the District of Columbia Housing Finance Agency Board of Directors Sheila Miller Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0156, is reappointed as an experience in home building, real estate, architecture, or planning member of the District of Columbia Housing Finance Agency Board of Directors for a term to end June 28, 2019.

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



MURIEL BOWSER  
MAYOR

ATTEST:



LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-248  
October 12, 2017

**SUBJECT:** Reappointments — Food Policy Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4 (a) of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015, D.C. Law 20-191; D.C. Official Code § 48-313 (2012 Repl. and 2017 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. And 2017 Supp.), it is hereby **ORDERED** that:


1. **PHILIP SAMBOL**, pursuant to the Food Policy Council Philip Sambol Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0092, is appointed as a voting member of the Food Policy Council, replacing Claire Benjamin, to serve the remainder of an unexpired term ending March 1, 2019.
2. **ALEXANDRA ASHBROOK**, pursuant to the Food Policy Council Alexandra Ashbrook Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0091, is reappointed as a voting member of the Food Policy Council, for a term to end March 1, 2020.
3. **CHRISTOPHER BRADSHAW**, pursuant to the Food Policy Council Christopher Bradshaw Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0089, is reappointed as a voting member of the Food Policy Council, for a term to end March 1, 2020.
4. **ERIC KESSLER**, pursuant to the Food Policy Council Eric Kessler Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0088, is reappointed as a voting member of the Food Policy Council, for a term to end March 1, 2020.
5. **CAESAR LAYTON**, pursuant to the Food Policy Council Caesar Layton Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0090, is reappointed as a voting member of the Food Policy Council, for a term to end March 1, 2020.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 2, 2017.



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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-249  
October 12, 2017

**SUBJECT:** Reappointments and Appointment – District of Columbia Housing  
Authority Board of Commissioners

**ORIGINATING AGENCY:** Office of the Mayor

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


1. **JOSE ORTIZ GAUD**, pursuant to the District of Columbia Housing Authority Board of Commissioners Jose Ortiz Gaud Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0160, is reappointed as a public commissioner member of the District of Columbia Housing Authority Board of Commissioners of the District of Columbia Housing Authority, for a term to end July 12, 2020.
2. **NAKEISHA NEAL JONES**, pursuant to the District of Columbia Housing Authority Board of Commissioners Nakeisha Neal Jones Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0161, is reappointed as a public commissioner member of the District of Columbia Housing Authority Board of Commissioners of the District of Columbia Housing Authority, for a term to end July 12, 2020.
3. **NEIL ALBERT**, pursuant to the District of Columbia Housing Authority Board of Commissioners Neil Albert Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0162, is appointed as a public commissioner of the District of Columbia Housing Authority Board of Commissioners, replacing Moses Clarence Mobley, for a term ending July 12, 2019.

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



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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-250  
October 12, 2017

**SUBJECT:** Reappointments and Appointments – State Rehabilitation Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2001-173, dated November 30, 2001, it is hereby **ORDERED** that:

1. **RICHARD ALLEN SIMMS**, is reappointed as a representative of the Statewide Independent Living Council member of the State Rehabilitation Council (“**Council**”) for a term ending April 4, 2019.
2. **ALICIA JOHNS**, is reappointed as a representative of disability advocacy groups member of the Council for a term ending November 17, 2020.
3. **SHONDA MCLAUGHLIN**, is appointed as a public member of the Council, replacing Marion Levine, to serve the remainder of an unexpired term ending April 4, 2019.
4. **KESHA PENDERGRAST**, is appointed as a representative of business, industry and labor member of the Council, filling a vacant seat, for a term ending November 17, 2018.
5. The following persons are appointed as ex-officio members of the Council serving at the pleasure of the Mayor:
  - a. **DR. PAMELA DOWNING-HOSTEN**, as a designee of the Vocational Rehabilitation Agency.
  - b. **MATHEW MCCOLLOUGH**, as a designee of the Office of Disability Rights.
  - c. **DIANE PABICH**, as a designee of the State Workforce Investment Council.

6. **EFFECTIVE DATE:** Section 1 shall be effective *nunc pro tunc* to April 4, 2016. Sections 2, 3 and 5 of this order shall become effective immediately. Section 4 shall be effective *nunc pro tunc* to November 12, 2015.



MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-251  
October 12, 2017

**SUBJECT:** Reappointment - District of Columbia Boxing and Wrestling Commission

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with section 5 of the Boxing and Wrestling Commission Act of 1975, effective October 8, 1975, D.C. Law 1-20, D.C. Official Code § 3-604 (2016 Repl.), which established the District of Columbia Boxing and Wrestling Commission, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **ADAM WEERS**, pursuant to the District of Columbia Boxing and Wrestling Commission Adam Weers Confirmation Resolution of 2017, effective April 8, 2017, PR22-0106, is reappointed as a member of the District of Columbia Boxing and Wrestling Commission, for a term to end January 5, 2020.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 8, 2017.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-252  
October 12, 2017


**SUBJECT:** Appointments — Commission on African Affairs

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to sections 4 and 5 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006, D.C. Law 16-111; D.C. Official Code §§ 2-1393 and 2-1394 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:


1. **NOEL LEBONDZO GANDOU**, pursuant to the Commission on African Affairs Noel Lebondzo Gandou Confirmation Resolution of 2017, effective July 1, 2017, PR 22-0312 is appointed as a public member of the Commission on African Affairs, replacing Loide Rosa Jorge, for a term to end October 27, 2020.
2. **ABDOUL K. NIANG**, pursuant to the Commission on African Affairs Abdoul K. Niang Confirmation Resolution of 2017, effective July 1, 2017, PR 22-0311, is appointed as a public member of the Commission on African Affairs, replacing Chime Asonye, for a term to end October 27, 2020.
3. **ABEBA TADDESE**, pursuant to the Commission on African Affairs Abeba Taddese Confirmation Resolution of 2016, effective February 25, 2017, PR22-0058, is appointed as a member of the District of Columbia Commission on African Affairs, replacing Louisa Buadoo-Amoa, for a term to end October 27, 2018.

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



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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-253  
October 12, 2017

**SUBJECT:** Reappointments and Appointments — Commission on Asian and Pacific Islander Community Development

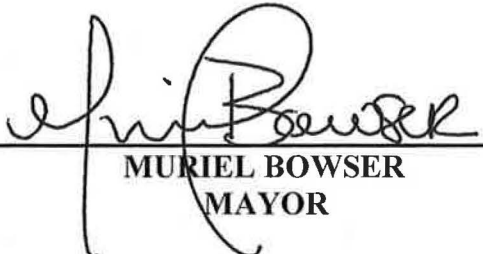
**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001, D.C. Law 14-28; D.C. Official Code § 2-1374 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **BENJAMIN TAKAI**, pursuant to the Commission on Asian and Pacific Islander Community Development Benjamin Takai Confirmation Resolution of 2017, effective April 8, 2017, PR22-0122 is reappointed as a member of the Commission on Asian and Pacific Islander Community Development, for a term to end April 17, 2020.
2. **KARISSA BARNETT**, pursuant to the Commission on Asian and Pacific Islander Community Development Karissa Barnett Confirmation Resolution of 2017, effective April 8, 2017, PR22-0121 is reappointed as a member of the Commission on Asian and Pacific Islander Community Development, for a term to end April 17, 2020.
3. **KOUSTUBH BAGCHI**, pursuant to the Commission on Asian and Pacific Islander Community Development Koustubh Bagchi Confirmation Resolution of 2017, effective April 8, 2017, PR22-0123 is reappointed as a member of the Commission on Asian and Pacific Islander Community Development, for a term to end April 17, 2020.
4. **NIRANJAN ADHIKARI**, pursuant to the Commission on Asian and Pacific Islander Community Development Niranjani Adhikari Confirmation Resolution of 2017, effective July 1, 2017, PR22-0299, is appointed as a member of the Commission on Asian and Pacific Islander Community Development, replacing Sapna Pandya, for a term ending April 17, 2020.
5. **JANET NAMKUNG**, pursuant to the Commission on Asian and Pacific Islander Community Development Janet Namkung Confirmation Resolution of 2017, effective July 1, 2017, PR22-0301 is appointed as a member of the Commission on Asian and


Pacific Islander Community Development, replacing Benjamin Bahk, for a term ending April 17, 2020.

- 6. **ELENA V. SON**, pursuant to the Commission on Asian and Pacific Islander Community Development Elena Son Confirmation Resolution of 2017, effective July 1, 2017, PR22-0302, is appointed as a member of the Commission on Asian and Pacific Islander Community Development, replacing Dana Burgess, for a term ending April 17, 2020.
- 7. **JULIE WON**, pursuant to the Commission on Asian and Pacific Islander Community Development Julie Won Confirmation Resolution of 2017, effective July 1, 2017, PR22-0300, is appointed as a member of the Commission on Asian and Pacific Islander Community Development, replacing Simone E. Jacobson, for a term ending April 17, 2020.
- 8. **JENNIFER HARA**, pursuant to the Commission on Asian and Pacific Islander Community Development Jennifer Hara Confirmation Resolution of 2017, effective April 8, 2017, PR 22-0129 is appointed as a member of the Commission on Asian and Pacific Islander Community Development, replacing Jed Wulfekotte, for a term to end April 17, 2020.
- 9. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-254  
October 12, 2017

**SUBJECT:** Appointments — District of Columbia Commission on Fashion Arts and Events

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with section 3(b)(1) of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008, D.C. Law 17-148, D.C. Official Code § 3-652(b)(1) (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **JASON ANTHONY**, pursuant to the Commission on Fashion Arts and Events Jason Anthony Confirmation Resolution of 2016, effective April 4, 2017, Resolution 22-0071, is appointed as a public member of the District of Columbia Commission on Fashion Arts and Events, replacing Marcus Williams, for a term to end April 15, 2020.
2. **STEPHANIE SPEARS**, pursuant to the Commission on Fashion Arts and Events Stephanie Spears Confirmation Resolution of 2016, effective April 4, 2017, Resolution 22-0070, is appointed as a public member of the District of Columbia Commission on Fashion Arts and Events, replacing Jennifer Fisher, for a term to end April 15, 2017.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 4, 2017.




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MURIEL BOWSER  
MAYOR

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



GOVERNMENT OF THE DISTRICT OF COLUMBIA

**ADMINISTRATIVE ISSUANCE SYSTEM**

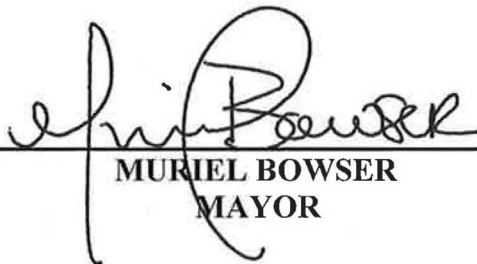
Mayor's Order 2017-255  
October 12, 2017

**SUBJECT:** Reappointment — Chief Tenant Advocate, Office of the Tenant Advocate

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), by section 2066(b) of the Chief Tenant Advocate Establishment Act of 2005, effective October 20, 2005, D.C. Law 16-33; D.C. Official Code § 42-3531.06(b) (2012 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), and pursuant to the Chief Tenant Advocate of the Office of the Tenant Advocate Johanna Shreve Confirmation Resolution of 2017, effective June 27, 2017, R22-0154, it is hereby **ORDERED** that:

1. **JOHANNA SHREVE** is reappointed as the Chief Tenant Advocate, Office of the Tenant Advocate, for a term to end June 3, 2020.
2. This Order supersedes Mayor's Order 2008-93, dated July 1, 2008, and any Order to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 27, 2017.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

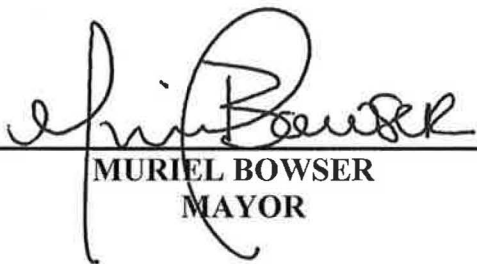
Mayor's Order 2017-256  
October 12, 2017

**SUBJECT:** Appointment — Medical Director, District of Columbia Fire and  
Emergency Medical Services Department

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), 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 (2012 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), and pursuant to the Fire and Emergency Medical Services Department Medical Director Robert Holman Confirmation Emergency Resolution of 2017, effective June 27, 2017, R22-0169, it is hereby **ORDERED** that:

1. **ROBERT HOLMAN** is appointed Medical Director, District of Columbia Fire and Emergency Medical Services Department, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2016-030, dated February 17, 2016.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 27, 2017.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-257  
October 12, 2017


**SUBJECT:** Reappointments — Housing Production Trust Fund Board

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990, D.C. Law 8-133, D.C. Official Code § 42-2802.01 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **STANLEY JACKSON**, pursuant to the Housing Production Trust Fund Board Stanley Jackson Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0095, is reappointed as an individual with significant knowledge of an area related to the production, preservation, and rehabilitation of affordable housing for lower-income households member of the Housing Production Trust Fund Board, to serve a term to end January 14, 2021.
2. **JAMES D. KNIGHT**, pursuant to the Housing Production Trust Fund Board Jim Knight Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0094, is reappointed as a low-income tenant association representative member of the Housing Production Trust Fund Board, to serve a term to end January 14, 2021.
3. **ROBERT POHLMAN**, pursuant to the Housing Production Trust Fund Board Robert Pohlman Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0097, is reappointed as a representative of an organization that advocates for people with disabilities member of the Housing Production Trust Fund Board, to serve a term to end January 14, 2021.
4. **SUSANNE SLATER**, pursuant to the Housing Production Trust Fund Board Susanne Slater Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0096, is reappointed as a representative of the financial services industry member and Chairperson of the Housing Production Trust Fund Board, to serve a term to end January 14, 2021.

5. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 2, 2017.



MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-258  
October 12, 2017

**SUBJECT:** Reappointments — Interagency Council on Homelessness

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4(b)(3) of the Homeless Services Reform Act of 2005, effective October 22, 2005, D.C. Law 16-35; D.C. Official Code § 4-752.01(b)(3) (2012 Repl. and 2017 Supp.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **KATHERINE COVENTRY**, pursuant to the Interagency Council on Homelessness Katherine Coventry Confirmation Resolution of 2017, effective March 12, 2017, PR 22-0057, is reappointed as a member of the Interagency Council on Homelessness for a term to end May 1, 2018.
2. **SUE ANN MARSHALL**, pursuant to the Interagency Council on Homelessness Sue Ann Marshall Confirmation Resolution of 2017, effective May 2, 2017, PR22-0125, is reappointed as a member of the Interagency Council on Homelessness for a term ending May 1, 2017, and a new term to end May 1, 2019.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**ACHIEVEMENT PREP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Executive Search Firm**

Seeking an Executive Search Firm to fill senior level leadership positions at Achievement Prep Public Charter School. Achievement Prep serves approximately one thousand scholars in PK3 through 8th grade in South East DC. To request the full RFP, please reach out to Nikki Diamantes at [ndiamantes@achievementprep.org](mailto:ndiamantes@achievementprep.org). Responses are due by 5pm on 10/27.

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

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**WEDNESDAY, OCTOBER 25, 2017  
2000 14<sup>TH</sup> 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.**

- |   |                |
|---|----------------|
| <b>Protest Hearing (Status)</b><br><b>Case # 17-PRO-00052;</b> Rewind by Decades, LLC, t/a Rewind, 1219 Connecticut Ave NW, License #107182, Retailer CN, ANC 2B<br><b>Application for a New License</b>  | <b>9:30 AM</b> |
| <b>Protest Hearing (Status)</b><br><b>Case # 17-PRO-00051;</b> JV Corporation t/a Compact Supermarket, 1613 Montello Ave NE, License #107063, Retailer B, ANC 5D<br><b>Application for a New License</b>  | <b>9:30 AM</b> |
| <b>Protest Hearing (Status)</b><br><b>Case # 17-PRO-00050;</b> 1600 U Inc., t/a Local 16, 1600 U Street NW, License #60467, Retailer CR, ANC 2B<br><b>Substantial Change (Change of Hours of Operation, Sales, Service and Consumption and Entertainment)</b>                       | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 17-CC-00078;</b> Sunami, LLC, t/a Sportsman's Wine and Liquors, 3249 Mount Pleasant Street NW, License #70310, Retailer A, ANC 1D<br><b>Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age</b> | <b>9:30 AM</b> |
| <b>Show Cause Hearing (Status)</b><br><b>Case # 17-CMP-00409;</b> BBP K Street, LLC, t/a Bobby's Burger Palace, 2121 K Street NW, License #87084, Retailer CR, ANC 2A<br><b>No ABC Manager on Duty</b>  | <b>9:30 AM</b> |

Board's Calendar  
October 25, 2017

**Show Cause Hearing (Status) 9:30 AM**

**Case # 17-CMP-00370;** BBP K Street, LLC, t/a Bobby's Burger Palace, 2121 K Street NW, License #87084, Retailer CR, ANC 2A  
**Failed to File Quarterly Statement**

**Show Cause Hearing (Status) 9:30 AM**

**Case # 16-CMP-00608;** Prospect Dining, LLC, t/a Chinese Disco, 3251 Prospect Street NW, License #78058, Retailer CR, ANC 2E  
**No ABC Manager on Duty**

**Show Cause Hearing\* 10:00 AM**

**Case # 17-CMP-00294;** Eun & Peter, Inc., t/a Uncle Lee's Seafood, 1102 Eastern Ave NE, License #85918, Retailer A, ANC 7C  
**Allowed Advertisements Relating to Alcoholic Beverages to be Displayed on the Exterior of the Front Windows of the Establishment, Advertisements Relating to Alcoholic Beverages Exceeded 25% of the Window Space, Displayed an Exterior Sign in Excess of 10 Square Feet that Advertised Alcoholic Beverages**

**Show Cause Hearing\* 11:00 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**

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

**Fact Finding Hearing\* 1:30 PM**

Dennis S. Hodge, t/a Family Liquors, 710 H Street NE, License #21877, Retailer A, ANC 6A  
**Request to Extend Safekeeping**

**Fact Finding Hearing\* 2:00 AM**

Balducci's Holding, LLC, t/a To Be Determined, 3201 New Mexico Ave NW License #88667, Retailer B, ANC 3D  
**Request to Extend Safekeeping**



Board's Calendar

October 25, 2017

**Fact Finding Hearing\***

**2:30 AM**

Kick Axe Throwing, LLC, t/a Kick Axe Throwing/Throw Social, 1401 Okie Street NE, License #107896, Retailer CT, ANC 5D

**Application for a New License**

**\*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

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

**NOTICE OF MEETING  
CEASE AND DESIST AGENDA – CLASS CT AND CN LICENSEES**

**WEDNESDAY, OCTOBER 25, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-083264 – **Music & Arts Club/Tropicalia** – Retail – C – Nightclub – 2001 14th Street NW

[Licensee did not pay 2nd year payment.]

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ABRA-086035 – **Asia DC** – Retail – C – Nightclub – 1720 I Street NW

[Licensee did not pay 2nd year payment.]

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ABRA-098864 – **The DC Pavilion** – Retail – C – Tavern – 1399 5th Street NE

[Licensee did not pay 2nd year payment.]

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ABRA-073443 – **The Commodore** – Retail – C – Tavern – 1100 P Street NW

[Licensee did not pay 2nd year payment.]

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ABRA-074503 – **Green Island Cafe/Heaven & Hell (The)** – Retail – C – Tavern – 2327 18<sup>th</sup> Street NW

[Licensee did not pay 2nd year payment.]

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ABRA-076906 – **Living Room** – Retail – C – Tavern – 1010 Vermont Avenue NW

[Licensee did not pay 2nd year payment.]

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ABRA-090865 – **Homestead** – Retail – C – Tavern – 3911 Georgia Avenue NW

[Licensee did not pay 2nd year payment.]

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ABRA-092242 – **TD Burger** – Retail – C – Tavern – 250 K Street NE

[Licensee did not pay 2nd year payment.]

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ABRA-093572 – **Cloud Restaurant & Lounge** – Retail – C – Tavern – 1919 9th Street NW  
[Licensee did not pay 2nd year payment.]

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ABRA-094562 – **Stonefish Grill & Lounge** – Retail – C – Tavern – 1050 17<sup>th</sup> Street NW  
[Licensee did not pay 2nd year payment.]

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ABRA-097074 – **Parlay** – Retail – C – Tavern – 1827 M Street NW  
[Licensee did not pay 2nd year payment.]

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ABRA-097367 – **Layla Lounge** – Retail – C – Tavern – 501 Morse Street NE  
[Licensee did not pay 2nd year payment.]

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ABRA-097981 – **Nido** – Retail – C – Tavern – 2214 Rhode Island Avenue NE  
[Licensee did not pay 2nd year payment.]

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ABRA-098902 – **Big Chief** – Retail – C – Tavern – 2002 Fenwick Street NE  
[Licensee did not pay 2nd year payment.]

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ABRA-099133 – **Walters** – Retail – C – Tavern – 3632 Georgia Avenue NW  
[Licensee did not pay 2nd year payment.]

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ABRA-099263 – **Sakerum** – Retail – C – Tavern – 2204 14<sup>th</sup> Street NW  
[Licensee did not pay 2nd year payment.]

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ABRA-100316 – **XO** – Retail – C – Tavern – 15 K Street NE  
[Licensee did not pay 2nd year payment.]

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ABRA-100376 – **Columbia Room** – Retail – C – Tavern – 1224 9th Street NW  
[Licensee did not pay 2nd year payment.]

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ABRA-102486 – **Sip and Dry Bar** – Retail – C – Tavern – 2004 Hecht Avenue NE  
[Licensee did not pay 2nd year payment.]

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ABRA-102576 – **Vieux Carre/For Rent** – Retail – C – Tavern – 1413 K Street NW  
[Licensee did not pay 2nd year payment.]

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ABRA-103871 – **Chateau Remix** – Retail – C – Tavern – 3439 Benning Road NE  
[Licensee did not pay 2nd year payment.]

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ABRA-104228 – **XS Lounge** – Retail – C – Tavern – 2335 Bladensburg Road NE  
[Licensee did not pay 2nd year payment.]

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ABRA-104866 – **Touche LIVE** – Retail – C – Tavern – 1123 H Street NE  
[Licensee did not pay 2nd year payment.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY, OCTOBER 25, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, October 25, 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# 17-251-00165, Barcode, 1101 17<sup>th</sup> Street N.W., Retailer CT, License # ABRA-082039

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2. Case# 17-251-00163, 18<sup>th</sup> Street Lounge, 1212 18<sup>th</sup> Street N.W., Retailer CT, License # ABRA-021211

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3. Case# 17-AUD-00059, Oyamel, 401 7<sup>th</sup> Street N.W., Retailer CR, License # ABRA-075944

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4. Case# 17-AUD-00058, Station 4, 1101 4<sup>th</sup> Street S.W., Retailer CR, License # ABRA-086192

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5. Case# 17- CMP-00616, Kitty’s Saloon, 1208 H Street N.E., Retailer CR, License # ABRA-088675

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6. Case# 17-CMP-00571, Imm On H, 1360 H Street N.E., Retailer CR, License # ABRA-099569

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7. Case# 17-CMP-00570, Kiss Tavern, 637 T Street N.W., Retailer CT, License # ABRA-104710

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8. Case# 17-CMP-00569, Kiss Tavern, 637 T Street N.W., Retailer CT, License # ABRA-104710

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9. Case# 17-CMP-00621, Atlas Performing Arts Center, 1333 H Street N.E., Retailer CX,  
License # ABRA-085207

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10. Case# 17-CMP-00620, Schneider's of Capitol Hill, 300 Massachusetts Avenue N.E., Retailer  
A, License # ABRA-000252

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, OCTOBER 25, 2017 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Safekeeping of License – Original Request. ANC 6A. SMD 6A06. The Licensee has a pending Show Cause Hearing. No Settlement Agreement. *New York Liquors*, 1447 Maryland Avenue NE, Retailer A Liquor Store, License No. 102370.
- 

2. Review Request for Safekeeping of License – Original Request. ANC 4C. SMD 4C08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Family Food and Delicatessen Store*, 3713 New Hampshire Avenue NW, Retailer B, License No. 086078.
- 

3. Review Request for Change of Hours. *Approved Hours of Operation*: Sunday 10am to 12am, Monday-Thursday 10am to 2am, Friday-Saturday 10am to 3am. *Approved Hours of Alcoholic Beverage Sales*: Sunday 11:30am to 12am, Monday-Thursday 11:30am to 1am, Friday-Saturday 11:30am to 2am. *Approved Hours of Live Entertainment*: Sunday 6pm to 12am, Monday 6pm to 1am, Tuesday-Friday 6pm to 2am, Saturday 6pm to 3am. *Proposed Hours of Operation and Alcoholic Beverage Sales*: Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Across the Pond Restaurant and Pub*, 1732 Connecticut Avenue NW, Retailer CR License No. 106099.
- 

**\*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.**

**CITY ARTS AND PREP PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Educational Museum Program Partnership**

City Arts & Prep Public Charter School intends to enter into a sole source contract with the **Prince George's African American Museum and Cultural Center** (PGAAMCC) for a series of educational museum programs including art and poetry workshops on location at City Arts.

- City Arts & Prep Public Charter School constitutes the sole source for PGAAMCC for educational museum programs that will result in cultural literacy relevant to the specific theme “Black Innovation.”
- For further information regarding this notice contact [bids@cityartspcs.org](mailto:bids@cityartspcs.org) no later than **5:00 pm, October 31, 2017**.



**CITY ARTS AND PREP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****HVAC SERVICES****ABOUT THE SCHOOL**

City Arts + Prep Public Charter School (City Arts), formerly the William E Doar Jr Public Charter School (WEDJ), blends rigorous academics with world-class arts instruction provided by accomplished artists from renowned dance, musical, theatrical, and visual arts institutions. City Arts is the only public school in Washington, DC to provide professional-caliber arts training for students in Pre-K through eighth grade at no cost to families.

City Arts serves more than 450 students, a majority of whom are African American, and 85 percent of whom qualify for free/reduced priced lunch. City Arts employs over 40 faculty members.

While City Arts has developed a strong arts program that includes partnerships with nationally recognized arts groups, its academic program is developing to meet the increased expectations of DC's high-stakes educational environment.

**SCOPE OF WORK**

The Board of Directors of City Arts is seeking proposals from HVAC vendors with experience in servicing schools. We would like for you to include two references. We are interested in retaining services from November 1, 2017 – June 30, 2018. (Exact start date flexible; early November preferred.)

**REQUIRED INFORMATION**

The following information shall be provided in each proposal in order listed below. Failure to respond to any request for information within this proposal may result in rejection of the proposal at the sole discretion of City Arts. Please provide specific details on:

- Thermostat setting assessment
- Electrical connection check
- Lubrication
- Condensate drain examination
- General operation assessment
- Outdoor unit inspection
- Fan assessment
- Air filter replacement
- Coil cleaning

- Refrigerant check
- Blower maintenance
- Examine heating elements

### **General Evaluation Requirements**

- Experience and reputation
- Cost

### **COSTS AND PAYMENT SCHEDULES**

All contract costs must be detailed specifically in the Vendor's cost proposal. No charges other than those specified in the proposal shall be allowed without written consent of the CityArts + Prep. The proposal costs shall include NET 30 and full compensation for all taxes that the selected vendor is required to pay.

### **GUIDELINES**

The school must receive a PDF version of your proposal no later than 5:00 P.M., Tuesday, October 31, 2017. Proposals should be emailed to: [bids@cityartspcs.org](mailto:bids@cityartspcs.org)

Questions regarding the bid can be e-mailed to [joycewn@gmail.com](mailto:joycewn@gmail.com).

No telephone submissions or late responses will be accepted. Interviews, samples, and demonstrations may be scheduled at our request only after the review of the proposals.

**D.C. BILINGUAL PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY17.18:

- Legal Services(Real Estate)

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Monday, October 30, 2017**. Proposals should be emailed to [bids@dcbilingual.org](mailto:bids@dcbilingual.org)

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

## GOVERNMENT OF THE DISTRICT OF COLUMBIA

## DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC MEETINGS**D.C. Family Support Council to Hold 2017 Meetings****D.C. Department on Disability Services****250 E Street, S.W.****Fifth Floor Conference Room 510****Washington, D.C. 20024**

The District of Columbia Family Support Council (FSC) announces its 2017 Meeting Schedule. These meetings are open to the public.

**DATE****LOCATION****November 16, 2017, 12:30-2:30 p.m.****Franklin Delano Roosevelt Conference Room  
Fifth Floor, Room 510****December 21, 2017, 12:30-2:30 p.m.****Franklin Delano Roosevelt Conference Room  
Fifth Floor, Room 510**

Notice of these public meetings will be published on the DDS website.

The FSC provides recommendations, assists, and advises the Department on Disability Services (DDS) and sister agencies on developing person and family-centered systems of support for families throughout the life course of their family members with intellectual and developmental disabilities (IDD). The FSC operates pursuant to D.C. Law 16-264, the "Department on Disability Services Establishment Act of 2006," effective March 14, 2007 (D.C. Official Code § 7-761.01 *et seq.*), and according to "Family Support Council Procedure," 2017-DDA-PR04 (April 18, 2017), at

<https://dds.dc.gov/sites/default/files/dc/sites/dds/publication/attachments/Family%20Support%20Council%20Procedures%204-2017%20%283%29.pdf>.

The FSC works to fulfill a need for ongoing and meaningful engagement between government agencies and people with IDD and their family members. The FSC provides a forum for this engagement and ensures that government agencies are held accountable to the needs of the people they are serving. The FSC consists of eleven (11) voting members, the majority of whom are people with IDD and their family members. There are two (2) additional non-voting member positions for emerging leaders with IDD.

To request translation services, sign language interpretation or other accommodations, please contact Ms. Jestina Heroe, Staff Assistant, at (202) 730-1586 or email [jestina.heroe@dc.gov](mailto:jestina.heroe@dc.gov), at least fourteen (14) calendar days before the meeting to submit a request.

Please call (202) 730-1586 at least five (5) business days prior to the meeting and/or check the DDS website at [www.dds.dc.gov](http://www.dds.dc.gov) to ensure the meeting has not been cancelled or rescheduled.

For more information, contact Liz Seaton, Legislative and Policy Analyst, DDS State Office of Disability Administration, at (202) 257-7901 or [liz.seaton@dc.gov](mailto:liz.seaton@dc.gov), or Erin Leveton, Program Manager, DDS State Office of Disability Administration, at (202) 730-1754 or [erin.leveton@dc.gov](mailto:erin.leveton@dc.gov).

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

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

**VACANT: 3D07 and 7F07**

Petition Circulation Period: **Monday, October 23, 2017 thru Monday, November 13, 2017**

Petition Challenge Period: **Thursday, November 16, 2017 thru Wednesday, November 22, 2017**

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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 - 4<sup>th</sup> 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:

Kari L. Cunningham  
Single-Member District 2B07

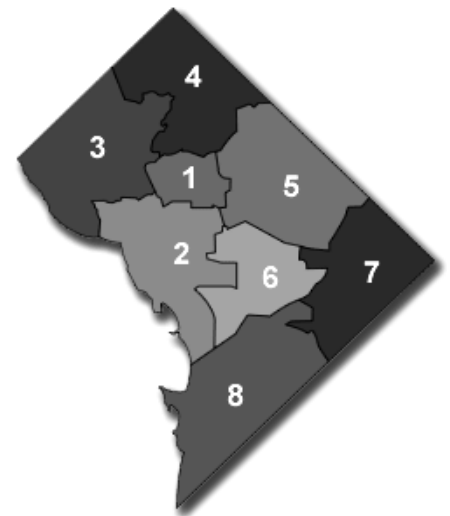
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	44,374	2,908	615	142	170	11,180	<b>59,389</b>
<b>2</b>	30,309	5,695	215	166	148	10,673	<b>47,206</b>
<b>3</b>	37,710	6,442	338	146	152	10,917	<b>55,705</b>
<b>4</b>	48,702	2,240	522	87	169	8,872	<b>60,592</b>
<b>5</b>	51,742	2,316	580	113	219	9,251	<b>64,221</b>
<b>6</b>	54,148	7,075	476	244	231	13,330	<b>75,504</b>
<b>7</b>	47,403	1,264	420	51	165	6,428	<b>55,731</b>
<b>8</b>	45,769	1,357	433	47	170	7,104	<b>54,880</b>
<b>Totals</b>	360,157	29,297	3,599	996	1,424	77,755	<b>473,228</b>
<b>Percentage By Party</b>	<b>76.11%</b>	<b>6.19%</b>	<b>.76%</b>	<b>.21%</b>	<b>.30%</b>	<b>16.43%</b>	<b>100.00%</b>

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
**VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS**  
AS OF THE END OF SEPTEMBER 30, 2017

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

ONE JUDICIARY SQUARE  
441 4<sup>TH</sup> STREET, NW SUITE 250N  
WASHINGTON, DC 20001  
(202) 727-2525  
<http://www.dcboe.org>





**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 1 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,401	32	8	2	5	247	1,695
22	3,689	382	27	14	13	957	5,082
23	2,857	219	43	14	10	763	3,906
24	2,626	251	26	14	13	779	3,709
25	3,758	439	44	14	12	1,090	5,357
35	3,526	226	51	13	8	819	4,643
36	4,131	242	54	7	15	1,015	5,464
37	3,355	157	48	13	10	797	4,380
38	2,859	132	45	17	13	730	3,796
39	4,060	198	66	7	15	909	5,255
40	3,872	187	82	9	18	1,003	5,171
41	3,538	208	64	7	17	1,017	4,851
42	1,799	79	27	2	11	447	2,365
43	1,780	70	24	4	7	361	2,246
137	1,123	86	6	5	3	246	1,469
<b>TOTALS</b>	<b>44,374</b>	<b>2,908</b>	<b>615</b>	<b>142</b>	<b>170</b>	<b>11,180</b>	<b>59,389</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>2</b>	913	178	6	9	12	546	<b>1,664</b>
<b>3</b>	1,632	376	16	8	10	640	<b>2,682</b>
<b>4</b>	1,904	484	5	12	7	733	<b>3,145</b>
<b>5</b>	2,076	589	13	15	10	761	<b>3,464</b>
<b>6</b>	2,303	830	17	16	15	1,230	<b>4,411</b>
<b>13</b>	1,271	231	4	2	5	416	<b>1,929</b>
<b>14</b>	2,895	483	26	17	8	954	<b>4,383</b>
<b>15</b>	2,970	403	31	17	16	868	<b>4,305</b>
<b>16</b>	3,389	426	27	20	15	950	<b>4,827</b>
<b>17</b>	4,757	628	31	19	17	1,468	<b>6,920</b>
<b>129</b>	2,339	399	13	11	12	884	<b>3,658</b>
<b>141</b>	2,371	310	13	11	13	653	<b>3,371</b>
<b>143</b>	1,489	358	13	9	8	570	<b>2,447</b>
<b>TOTALS</b>	<b>30,309</b>	<b>5,695</b>	<b>215</b>	<b>166</b>	<b>148</b>	<b>10,673</b>	<b>47,206</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>7</b>	1,261	399	15	4	6	560	<b>2,245</b>
<b>8</b>	2,414	627	28	7	8	773	<b>3,857</b>
<b>9</b>	1,168	495	6	9	8	485	<b>2,171</b>
<b>10</b>	1,853	417	19	6	13	686	<b>2,994</b>
<b>11</b>	3,326	882	38	31	22	1,226	<b>5,525</b>
<b>12</b>	483	185	0	4	4	207	<b>883</b>
<b>26</b>	2,853	340	19	9	7	824	<b>4,052</b>
<b>27</b>	2,423	246	22	9	3	568	<b>3,271</b>
<b>28</b>	2,499	483	39	9	10	762	<b>3,802</b>
<b>29</b>	1,325	231	10	8	8	409	<b>1,991</b>
<b>30</b>	1,281	205	11	4	6	294	<b>1,801</b>
<b>31</b>	2,401	304	16	7	12	569	<b>3,309</b>
<b>32</b>	2,696	290	23	5	11	565	<b>3,590</b>
<b>33</b>	2,884	288	22	4	4	666	<b>3,868</b>
<b>34</b>	3,705	421	36	13	8	1,085	<b>5,268</b>
<b>50</b>	2,143	274	16	5	8	489	<b>2,935</b>
<b>136</b>	828	93	6	1	3	262	<b>1,193</b>
<b>138</b>	2,167	262	12	11	11	487	<b>2,950</b>
<b>TOTALS</b>	<b>37,710</b>	<b>6,442</b>	<b>338</b>	<b>146</b>	<b>152</b>	<b>10,917</b>	<b>55,705</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 4 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,258	69	31	5	9	382	2,754
46	2,814	94	31	7	13	497	3,456
47	3,374	144	44	10	15	759	4,346
48	2,814	128	28	5	7	552	3,534
49	897	43	13	3	6	201	1,163
51	3,298	512	20	8	9	617	4,464
52	1,241	150	9	0	4	232	1,636
53	1,245	71	21	1	4	244	1,586
54	2,334	98	25	2	4	441	2,904
55	2,424	76	18	1	11	424	2,954
56	3,103	98	34	8	13	636	3,892
57	2,434	72	35	6	12	468	3,027
58	2,271	62	18	3	4	343	2,701
59	2,608	88	30	7	7	422	3,162
60	2,160	72	24	4	10	609	2,879
61	1,573	52	14	1	7	283	1,930
62	3,133	127	22	3	5	384	3,674
63	3,684	128	57	1	20	657	4,547
64	2,344	68	21	7	6	357	2,803
65	2,693	88	27	5	3	364	3,180
<b>Totals</b>	<b>48,702</b>	<b>2,240</b>	<b>522</b>	<b>87</b>	<b>169</b>	<b>8,872</b>	<b>60,592</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 5 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>19</b>	4,360	189	60	9	15	969	<b>5,602</b>
<b>44</b>	2,800	239	27	8	18	643	<b>3,735</b>
<b>66</b>	4,471	85	44	4	15	570	<b>5,189</b>
<b>67</b>	2,836	100	23	4	9	410	<b>3,382</b>
<b>68</b>	1,894	164	20	7	6	394	<b>2,485</b>
<b>69</b>	2,083	70	19	1	10	281	<b>2,464</b>
<b>70</b>	1,445	78	25	0	5	212	<b>1,765</b>
<b>71</b>	2,364	71	25	5	10	325	<b>2,800</b>
<b>72</b>	4,291	139	38	8	24	711	<b>5,211</b>
<b>73</b>	1,961	92	23	6	9	361	<b>2,452</b>
<b>74</b>	4,576	259	61	9	22	968	<b>5,895</b>
<b>75</b>	3,834	214	46	17	20	821	<b>4,952</b>
<b>76</b>	1,594	89	20	7	6	352	<b>2,068</b>
<b>77</b>	2,856	120	29	4	13	498	<b>3,520</b>
<b>78</b>	2,925	95	47	10	10	477	<b>3,564</b>
<b>79</b>	2,027	74	19	3	10	352	<b>2,485</b>
<b>135</b>	3,030	178	39	9	11	609	<b>3,876</b>
<b>139</b>	2,395	60	15	2	6	298	<b>2,776</b>
<b>TOTALS</b>	<b>51,742</b>	<b>2,316</b>	<b>580</b>	<b>113</b>	<b>219</b>	<b>9,251</b>	<b>64,221</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 6 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>1</b>	4,429	550	44	27	15	1,202	<b>6,267</b>
<b>18</b>	4,796	364	44	15	21	1,075	<b>6,315</b>
<b>21</b>	1,157	58	8	7	1	252	<b>1,483</b>
<b>81</b>	4,598	370	45	12	19	917	<b>5,961</b>
<b>82</b>	2,566	252	35	10	8	587	<b>3,458</b>
<b>83</b>	5,247	729	38	31	26	1,377	<b>7,448</b>
<b>84</b>	1,975	407	19	6	10	530	<b>2,947</b>
<b>85</b>	2,644	496	17	13	9	723	<b>3,902</b>
<b>86</b>	2,178	254	19	10	7	452	<b>2,920</b>
<b>87</b>	2,688	277	17	3	16	582	<b>3,583</b>
<b>88</b>	2,131	289	20	6	4	500	<b>2,950</b>
<b>89</b>	2,540	636	20	13	9	752	<b>3,970</b>
<b>90</b>	1,565	244	10	6	10	455	<b>2,290</b>
<b>91</b>	4,000	397	35	15	20	932	<b>5,399</b>
<b>127</b>	4,144	319	42	21	17	858	<b>5,400</b>
<b>128</b>	2,428	207	27	10	10	596	<b>3,278</b>
<b>130</b>	769	306	6	1	3	274	<b>1,359</b>
<b>131</b>	2,729	733	16	25	19	838	<b>4,360</b>
<b>142</b>	1,564	187	15	13	7	428	<b>2,214</b>
<b>TOTALS</b>	<b>54,148</b>	<b>7,075</b>	<b>476</b>	<b>244</b>	<b>231</b>	<b>13,330</b>	<b>75,504</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 7 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,431	83	19	5	2	264	1,804
92	1,585	33	12	1	5	223	1,859
93	1,572	39	18	2	5	218	1,854
94	1,932	57	18	0	6	255	2,268
95	1,650	46	12	1	2	260	1,971
96	2,344	65	16	0	13	331	2,769
97	1,393	42	14	1	6	206	1,662
98	1,898	40	22	4	7	250	2,221
99	1,494	50	18	4	8	243	1,817
100	2,367	46	16	2	8	280	2,719
101	1,576	28	14	3	5	174	1,800
102	2,305	52	18	0	12	283	2,670
103	3,436	78	38	2	9	477	4,040
104	3,063	83	30	1	19	430	3,626
105	2,397	69	20	5	8	360	2,859
106	2,779	55	18	1	11	373	3,237
107	1,748	58	13	1	8	221	2,049
108	1,077	28	6	0	2	128	1,241
109	959	38	4	0	1	96	1,098
110	3,712	101	22	7	10	418	4,270
111	2,456	63	33	3	6	380	2,941
113	2,190	54	21	4	7	265	2,541
132	2,039	56	18	4	5	293	2,415
<b>TOTALS</b>	<b>47,403</b>	<b>1,264</b>	<b>420</b>	<b>51</b>	<b>165</b>	<b>6,428</b>	<b>55,731</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 8 REGISTRATION SUMMARY  
As Of SEPTEMBER 30, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,208	61	17	1	10	318	2,615
114	3,475	132	35	4	21	564	4,231
115	2,845	65	25	5	9	603	3,552
116	4,121	97	42	5	14	631	4,910
117	2,079	49	18	2	10	341	2,499
118	2,756	76	33	3	11	412	3,291
119	2,680	111	28	1	11	446	3,277
120	1,877	34	15	2	2	228	2,158
121	3,360	77	26	3	5	462	3,933
122	1,788	46	22	0	10	238	2,104
123	2,314	159	25	10	18	378	2,904
124	2,599	67	21	2	6	358	3,053
125	4,488	104	39	2	15	691	5,338
126	3,826	130	45	5	15	711	4,732
133	1,295	41	8	0	1	172	1,517
134	2,202	50	25	1	6	287	2,571
140	1,856	58	10	1	6	264	2,195
<b>TOTALS</b>	<b>45,769</b>	<b>1,357</b>	<b>433</b>	<b>47</b>	<b>170</b>	<b>7,104</b>	<b>54,880</b>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**CITYWIDE REGISTRATION ACTIVITY**

*For voter registration activity between 8/31/2017 and 9/30/2017*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>362,068</b>	<b>29,642</b>	<b>3,616</b>	<b>977</b>	<b>1,444</b>	<b>78,288</b>	<b>476,035</b>
Board of Elections Over the Counter	2,908	315	35	16	10	713	3,997
Board of Elections by Mail	88	7	0	0	0	31	126
Board of Elections Online Registration	97	14	3	0	0	31	145
Department of Motor Vehicle	1,190	201	15	5	11	403	1,825
Department of Disability Services	1	0	0	0	0	1	2
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	6	0	0	0	0	3	9
Department of Human Services	5	1	0	0	0	3	9
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	122	10	1	0	0	91	224
<b>+Total New Registrations</b>	<b>4,417</b>	<b>548</b>	<b>54</b>	<b>21</b>	<b>21</b>	<b>1,276</b>	<b>6,337</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	208	26	7	0	2	59	302
Administrative Corrections	5	0	0	0	0	1	6
<b>+TOTAL ACTIVATIONS</b>	<b>213</b>	<b>26</b>	<b>7</b>	<b>0</b>	<b>2</b>	<b>60</b>	<b>308</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	416	44	6	1	2	132	601
Moved Out of District (Deleted)	1	0	0	0	0	0	1
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	3	1	0	0	0	0	4
Administrative Corrections	6,282	858	73	28	23	1,616	8,880
<b>-TOTAL DEACTIVATIONS</b>	<b>6,702</b>	<b>903</b>	<b>79</b>	<b>29</b>	<b>25</b>	<b>1,748</b>	<b>9,486</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>
+ Changed To Party	327	59	16	33	14	183
- Changed From Party	-166	-75	-15	-6	-32	-304
<b>ENDING TOTALS</b>	<b>360,157</b>	<b>29,297</b>	<b>3,599</b>	<b>996</b>	<b>1,424</b>	<b>77,755</b>

## DEPARTMENT OF ENERGY AND ENVIRONMENT

## NOTICE OF FUNDING AVAILABILITY

**A Characterization Study of Direct Geothermal Resource Potential for  
Ground Source Heat Pump Technologies**

The Department of Energy and Environment (the Department) seeks eligible entities to receive an analysis of the potential use of geothermal resources in the District for thermal storage and energy in conjunction with on-site generation of solar energy to develop net-zero energy buildings. The analysis should include a technical, economic, and implementability evaluation of how Ground Source Heat Pumps (GSHPs) paired with solar systems can be used to address heating and cooling needs across the District, including identification of buildings or neighborhoods with a high net-zero energy potential using solar and GSHPs. There will also be an evaluation of the policy frameworks that enable and/or hinder the use of geothermal resources. The amount available for the project is approximately \$70,000.

Beginning 10/20/2017, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [edward.yim@dc.gov](mailto:edward.yim@dc.gov) with "Request copy of RFA 2018-1718-EA" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Edward Yim at (202) 299-3339 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Edward Yim RE:2018-1718-EA" on the outside of the envelope.

**The deadline for application submissions is 1/12/2018, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [edward.yim@dc.gov](mailto:edward.yim@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [edward.yim@dc.gov](mailto:edward.yim@dc.gov).

## DEPARTMENT OF ENERGY AND ENVIRONMENT

## NOTICE OF FUNDING AVAILABILITY

## Clean Vessel Act Request for Partners

The Department of Energy and Environment (the Department) seeks eligible entities to promote improved water quality and increased compliance with the District of Columbia's statute prohibiting discharge of sanitary sewage from vessels, D.C. Official Code § 8-103.06(m). DOEE expects to apply for funding for one or more projects. Total funding will not exceed \$1,500,000.

Beginning 10/20/2017, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [fwdrfa.grants@dc.gov](mailto:fwdrfa.grants@dc.gov) with "Request copy of RFA 2018-1803-FWD" 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 Joanne Goodwin at (202) 535-1798 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Joanne Goodwin RE:2018-1803-FWD" on the outside of the envelope.

**The deadline for application submissions is 11/20/2017, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [fwdrfa.grants@dc.gov](mailto:fwdrfa.grants@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [fwdrfa.grants@dc.gov](mailto:fwdrfa.grants@dc.gov).

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
October 25, 2017

On OCTOBER 25, 2017 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

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

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

Executive Director for the Board – Frank B. Meyers, J.D.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH  
MEDICAL MARIJUANA PROGRAM**

**PUBLIC NOTICE**

**Notice of Open Application Period  
for one (1) Dispensary in Ward 7 and one (1) Dispensary in Ward 8**

Pursuant to 22-C DCMR § 5401.1, applications for a new dispensary registration shall only be accepted by the Director during the open application period as specified by the Director by published Notice in the D.C. Register. This period shall not be extended. Pursuant to 22-C DCMR § 5401.5, at the start of each open application period, the Director shall publish a notice in the D.C. Register setting forth the process for submission of applications for a new dispensary registration.

The Director hereby gives notice of the Open Application Period for one (1) Dispensary in Ward 7 and one (1) Dispensary in Ward 8, and sets for the process for submission of applications as follows:

1. Applications shall only be accepted from individuals and entities that:
  - a. Timely submitted a Letter of Intent pursuant to the Public Notice for Submission of Letters of Intent published in the D.C. Register on February 24, 2017;
  - b. Received a written notice from the Department of Health of eligibility to submit an application for a dispensary in Ward 7 and/or Ward 8 (“Letter of Acceptance”). All Letters of Acceptance were mailed between October 17, 2017 and October 19, 2017. If you didn’t receive a letter please contact <http://doh.dc.gov/mmp>; and
  - c. Submit an application for a dispensary registration in Ward 7 or Ward 8.
2. Applications shall be submitted beginning Wednesday, November 1, 2017 at 9:00 a.m. and ending Friday, December 29, 2017 at NOON Eastern Time.
3. Applications shall be submitted in hardcopy to the Department of Health Medical Marijuana and Integrative Therapy Division (MMIT), 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, DC 20002 or electronically by email to [doh.mmp@dc.gov](mailto:doh.mmp@dc.gov). It is your responsibility to submit in a manner to ensure confirmation of delivery with a date and time stamp.
4. Application forms and instructions are available on the MMIT website at <http://doh.dc.gov/mmp>. If you have trouble accessing the application, please contact [doh.mmp@dc.gov](mailto:doh.mmp@dc.gov).
5. You will not be allowed to amend, add to, correct, revise or supplement your application after it has been submitted. Therefore, each applicant is strongly encouraged to read the regulations carefully before submitting an application.

6. Applicants applying for a dispensary in Ward 7 and Ward 8 must submit a separate application package and pay a separate application fee of eight thousand dollars (\$8,000.00) for each application. If selected, no applicant will be granted more than one (1) dispensary registration. **All application fees are nonrefundable.**
7. Only one (1) dispensary registration will be issued for Ward 7 and only one (1) dispensary registration will be issued for Ward 8. **All application fees are nonrefundable.**
8. **PLEASE READ CAREFULLY:** The selection process is set forth in the District of Columbia Municipal Regulations at 22-C DCMR § Chapters 51-54.
  - a. No matter how many applications are submitted, only the individual or entity applying for a dispensary in Ward 7 that receives the highest score among all of the applicants applying for a dispensary in Ward 7 will be selected to receive the one (1) available dispensary registration in Ward 7.
  - b. Likewise, no matter how many applications are submitted, only the individual or entity applying for a dispensary in Ward 8 that receives the highest score among all of the applicants applying for a dispensary in Ward 8 will be selected to receive the one (1) available dispensary registration in Ward 8.
  - c. **All application fees are nonrefundable.** No portion of the \$8,000.00 application fee will be returned to you if are not selected to receive a registration.

Applicants must **e-mail** all written questions or requests for clarification regarding this announcement or the application process to [doh.mmp@dc.gov](mailto:doh.mmp@dc.gov) with "**MMP-DISP Question**" in the subject line. Questions and responses will be posted on the Department's Medical Marijuana Program website: [www.doh.dc.gov/mmp](http://www.doh.dc.gov/mmp). Questions will not be answered on an individual basis. The Department may decide not to answer a question. Applicants should also monitor the Department's Medical Marijuana Program [website](#) for questions/responses and other information about the Program. **Phone inquiries will not be accepted.**

The United States Congress has determined that marijuana is a controlled substance and has placed marijuana in Schedule I of the Controlled Substance Act. Growing, distributing, and possessing marijuana in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia's law authorizing the District's medical marijuana program will not excuse any person from any violation of the federal laws governing marijuana or authorize any registrant to violate federal laws.

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Real Estate Brokerage Services**

KIPP DC is soliciting proposals from qualified vendors for Real Estate Brokerage Services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on October 25, 2017. Questions can be addressed to [bonnie.bacon@kippdc.org](mailto:bonnie.bacon@kippdc.org).

**DISTRICT OF COLUMBIA RETIREMENT BOARD****NOTICE OF OPEN PUBLIC MEETING**

October 19, 2017

1:00 p.m.

900 7<sup>th</sup> Street, N.W.  
2<sup>nd</sup> Floor, DCRB Boardroom  
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, October 19, 2017, at 1:00 p.m. The meeting will be held at 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

*Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled.* For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or [Deborah.Reaves@dc.gov](mailto:Deborah.Reaves@dc.gov).

**AGENDA**

- |       |                                   |                    |
|-------|-----------------------------------|--------------------|
| I.    | Call to Order and Roll Call       | Chair Clark        |
| II.   | Approval of Board Meeting Minutes | Chair Clark        |
| III.  | Chair's Comments                  | Chair Clark        |
| IV.   | Executive Director's Report       | Ms. Morgan-Johnson |
| V.    | Investment Committee Report       | Mr. Warren         |
| VI.   | Operations Committee Report       | Mr. Smith          |
| VII.  | Benefits Committee Report         | Ms. Collins        |
| VIII. | Legislative Committee Report      | Mr. Blanchard      |
| IX.   | Audit Committee Report            | Mr. Hankins        |
| X.    | Other Business                    | Chair Clark        |
| XI.   | Adjournment                       |                    |



**D.C. SENTENCING COMMISSION****NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, October 17, 2017 at 5:00 p.m. The meeting will be held at 441 4<sup>th</sup> Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or [mia.hebb@dc.gov](mailto:mia.hebb@dc.gov)

**Meeting Agenda**

1. Review and Approval of the Minutes from Meeting of September 19, 2017 – Action Item, Judge Weisberg.
2. Review of the Draft Sentencing Guideline Survey - Barb Tombs-Souvey and Taylor Tarnalicki.
3. Discussion of Criminal History Retreat – Participatory - Judge Weisberg and Barb Tombs.
  - a. Focus of the Retreat
  - b. Criminal History Areas of Concern
4. Schedule Next Meeting - November 14, 2017
5. Adjourn.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, October 26, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

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

**DRAFT AGENDA**

- |    |   |                  |
|----|---|------------------|
| 1. | Call to Order   | Chairman         |
| 2. | Summary of Internal Audit Activity -<br>Internal Audit Status | Internal Auditor |
| 3. | Executive Session   | Chairman         |
| 4. | Adjournment   | Chairman         |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**D.C. Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) D.C. Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, October 24, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

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

**DRAFT AGENDA**

- |    |                    |                         |
|----|--------------------|-------------------------|
| 1. | Call to Order      | Committee Chairperson   |
| 2. | Monthly Updates    | Chief Financial Officer |
| 3. | Committee Workplan | Chief Financial Officer |
| 4. | Other Business     | Chief Financial Officer |
| 5. | Adjournment        | Committee Chairperson   |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, October 26, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

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

**DRAFT AGENDA**

- |    |                                       |                              |
|----|---------------------------------------|------------------------------|
| 1. | Call to Order                         | Chairman                     |
| 2. | September 2017 Financial Report       | Director of Finance & Budget |
| 3. | Agenda for November Committee Meeting | Chairman                     |
| 4. | Adjournment                           | Chairman                     |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19055-A of Valor Minnesota, LLC**, pursuant to 11 DCMR Subtitle Y, § 705.1, for a two-year time extension of BZA Order No. 19055 approving variances from the minimum lot area requirements under § 401, the lot occupancy requirements of § 403, the rear yard requirements of § 404, and the side yard setback requirements under § 405, and a special exception from the minimum lot dimension requirements under § 2604.3, to construct 30 one-family attached and semi-detached dwellings in the R-2 District at premises 4409 Minnesota Avenue N.E. (Square 5097, Lot 846).<sup>1</sup>

<b>HEARING DATES (Original Application):</b>	July 28, September 29, October 20, and November 17, 2015
<b>DECISION DATE (Original Application):</b>	November 17, 2015
<b>FINAL ORDER ISSUANCE DATE (Order No. 19055):</b>	November 23, 2015
<b>TIME EXTENSION DECISION DATES:</b>	September 6 and 27, 2017 <sup>2</sup>

**SUMMARY ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 19055**

The Underlying BZA Order

On November 17, 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 minimum lot area requirements under § 401, the lot occupancy requirements of § 403, the rear yard requirements of § 404, and the side yard setback requirements under § 405, and a special exception from the minimum lot dimension requirements under § 2604.3, to construct 30 one-family attached and semi-detached dwellings in the R-2 District at premises 4409 Minnesota Avenue N.E. (Square 5097, Lot 846). The Board issued its written order ("Order") on November 23, 2015. Pursuant to 11 DCMR § 3125.9 (now Subtitle Y § 604.11 of the 2016 Regulations), the Order became final on November 23, 2015 and took effect 10 days later.

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<sup>1</sup> This and all other references to the relief granted in Order No. 19055 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. 19055.

<sup>2</sup> The request for a two-year time extension was originally considered by the Board on September 6, 2017, but the Board requested supplemental information from the Applicant and put off its decision on the request to September 27, 2017.

Under the Order and pursuant to 11 DCMR § 3130 (now Subtitle Y § 702.1 of the 2016 Regulations), the Order was valid for two years from the time it was issued -- until November 23, 2017. (Exhibits 1 and 3.)

Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

On August 1, 2017, the Applicant submitted an application for a time extension requesting that the Board grant a two-year extension of Order No. 19055. 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.

Criteria for Evaluating Motion to Extend

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. The record reflects that the Applicant served all parties at least 30 days in advance of the public meeting. The only other party to the original application included the affected Advisory Neighborhood Commission (“ANC”) which is ANC 7D. (Exhibit 3.)

Pursuant to Subtitle Y § 705.1(b), the Applicant indicated in its request that there has been no substantial change in any of the material facts upon which the Board based its original approval of the application. (Exhibit 3.)

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 Applicant stated that there is good cause for the extension due to a delay in obtaining the necessary approvals before it could apply for building permits from the Department of Consumer and Regulatory Affairs (“DCRA”). The Applicant submitted the necessary materials to process a permit for building and civil plans (the “BCIV Permit”) on July 12, 2016, approximately seven months after the Order was issued. Following an initial review, the BCIV Permit was accepted on August 23, 2016. According to the Applicant, the BCIV Permit was needed before the Applicant could apply for a building permit in order to address the complicated nature of the right-of-way conveyance, utilities, and subdivision on the virtually unimproved lot. The Applicant requests the additional time to respond fully to initial comments to the BCIV Permit from the District Department of Transportation (“DDOT”), District Department of Energy and Environment (“DOEE”), and Washington Metropolitan Area Transit Authority (“WAMATA”), all of which the Applicant stated it is still in the process of reviewing. Despite its efforts, the

Applicant indicated that it has not been able to respond fully to those agencies' comments so that the BCIV Permit could be issued, which is a precursor to filing a building permit.

The Applicant indicated that the property that is the subject of the application is virtually unimproved and requires additional infrastructure improvements, including addressing the encroachment of the Minnesota Avenue right-of-way by conveying a portion of the subject property to DDOT, which in turn necessitates applying for a subdivision plat from the Office of the Surveyor, and also subdividing the subject property into 30 separate lots prior to construction. The Applicant stated that it applied for a subdivision plat from the Office of the Surveyor on September 26, 2016, in response to DDOT's comments on the BCIV Permit. The Applicant shared that it has responded to comments from the Office of the Surveyor since filing the subdivision request, but despite those responses, the Surveyor's office has indicated that the plat still needs additional information and agency signatures before the plat can be issued. As the plat is not yet out of the Office of the Surveyor, the Applicant cannot satisfy DDOT's comments and DDOT is not able to complete its review of the BCIV Permit application. Consequently, the Applicant is requesting a two-year extension of Order No. 19055. (Exhibits 3 and 8.) To demonstrate good cause, the Applicant submitted evidence to support its claim that the Applicant experienced delays in obtaining the approvals and permits it needed. (Exhibits 8 and 8A.)

*The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1*

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 parties to the application and all parties were allowed at least 30 days to respond. The only parties to the case were the Applicant and ANC 7D. ANC 7D did not submit a report regarding the time extension request.<sup>3</sup> The Office of Planning ("OP") submitted a timely report recommending approval of the request for the time extension. (Exhibit 5.) No party to the application objected to an extension of the Order.

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. 19055. 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 and the delay in obtaining a permit. The Applicant demonstrated good cause for the extension by showing that it submitted the necessary materials to process the BCIV

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<sup>3</sup> At the September 6, 2017 meeting, the Board requested the Applicant submit additional information regarding its community outreach. The Applicant submitted that supplemental information in which it stated that ANC 7D Commissioners attended a community meeting held on September 16, 2017, during which the extension request was discussed. (Exhibit 8.)

Permit approximately seven months after the Order was issued, but issuance of that BCIV Permit was delayed for the Applicant to complete responses to comments from DDOT, DOEE, WMATA, and the Office of the Surveyor. Despite its efforts to respond to these agencies' comments, the Applicant has not been able to do so due to issues outside of its control; thus, the BCIV Permit has not been able to be issued and consequently, the Applicant requires an extension of the Order. (Exhibits 8 and 8A.)

In evaluating the extension request, the Board considered the Applicant's good faith and diligent efforts to move forward with the approved project on the Property. The Applicant indicated that it has every intention of proceeding with this project, as shown by its efforts to respond to various government agencies' requests to complete its BCIV Permit application. (Exhibits 8 and 8A.) According to the record, approximately seven months after the Applicant received the Order in November 2015, it made a submission to DCRA for the BCIV Permit to allow civil site work, including utility work, in preparation of the future development. This review required coordination with DDOT, DOEE, and WMATA as well as the Office of the Surveyor. The permit was accepted on August 23, 2016 and it continues to be under review. A building permit, which is required to vest the project and the relief granted by the Board, cannot be filed prior to the approval of the civil permit, but will be submitted upon its issuance. (Exhibits 3 and 8.)

Given the totality of the conditions and circumstances described above and in the information that was provided, the Board finds that the Applicant satisfied the "good cause" requirement under Subtitle Y § 705.1(c), specifically meeting the criteria for Subtitle Y § 705.1(c)(2). 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.

OP expressed its support for the project and recommended approval of the requested time extension. OP, in its report dated August 25, 2017, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR Subtitle Y § 705.1, and noted that the Applicant had demonstrated that: (a) the application had been served on ANC 7D with time for the ANC to respond; (b) there had been no substantive change in the Zoning Regulations that would impact the material facts upon which the Board based its original approval; and (c) there have been no recorded changes or significant development project in the square or its immediate surroundings that would impact the Board's original approval. Further, OP noted that the Applicant needed the time extension of the Board's previous approval because the Applicant has not been able to obtain the required building permit that is required to vest the project and the relief granted by the Board in Order No. 19055 until it first obtains approval of the civil permit, which is still under review. OP indicated that it had reviewed the materials submitted by the Applicant and has no objection to the requested two-year time extension. (Exhibit 5.) 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

**BZA APPLICATION NO. 19055-A**

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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 Case No. 19055-A for a two-year time extension of Order No. 19055, which Order shall be valid until **November 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, Michael G. Turnbull, Lesylleé M. White, and Carlton E. Hart, to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 6, 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. 19113-A of Lerner South Capitol Street JV LLC**, pursuant to 11 DCMR Subtitle Y, § 705.1<sup>1</sup>, for a two-year time extension of BZA Order No. 19113 approving variances from the side yard requirements under § 775.5, and the loading requirements under § 2201.1, and a special exception from the roof structure requirements under § 411.11, to allow roof structures not meeting the setback requirement under § 770.6(b), and single enclosure requirements under § 411.3, to construct a new multi-family apartment building in the C-3-C (now D-5) District at premises 1000 South Capitol Street S.E. (Square 697, Lot 46<sup>2</sup>).

<b>HEARING DATE (Case No. 19113):</b>	November 24, 2015
<b>DECISION DATE (Case No. 19113):</b>	November 24, 2015
<b>FINAL ORDER ISSUANCE DATE (Order No. 19113):</b>	December 2, 2015
<b>TIME EXTENSION DECISION DATE:</b>	October 4, 2017

**SUMMARY ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 19113**

The Underlying BZA Order

On November 24, 2015, the Board of Zoning Adjustment (the "Board") approved the Applicant's request pursuant to the 1958 Zoning Regulations under 11 DCMR § 3103.2, for variances from the side yard requirements under § 775.5, and the loading requirements under § 2201.1, and a special exception from the roof structure requirements under § 411.11, to allow roof structures not meeting the setback requirement under § 770.6(b), and single enclosure requirements under § 411.3, to construct a new multi-family apartment building in the C-3-C District at premises 1000 South Capitol Street S.E. (Square 697, Lot 46).

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<sup>1</sup> The original application (No. 19113) 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"). Also, all of the zone district names have been changed in the 2016 Zoning Regulations. The repeal of the 1958 Regulations and change of zone district name has no effect on the validity of the Board's decision in Application No. 19113 or the validity of this order.

<sup>2</sup> The Applicant indicated that at the time of the Board's original approval, the Subject Property consisted of Square 697 Lot 46 plus an 808 square foot portion of the adjacent public alley which was subsequently closed with ownership of the closed portion on the alley vesting with the Applicant. Following closure of the alley, the Applicant subdivided the area of the closed portion of the alley and Lot 46 into a new lot of record known as Record Lot 47. (Exhibit 3.)

The Board issued its written order ("Order") on December 2, 2015. Pursuant to 11 DCMR § 3125.9 (now Subtitle Y § 604.11 of the 2016 Regulations), the Order became final on December 2, 2015 and took effect 10 days later.

Under the Order and pursuant to 11 DCMR § 3130 (now Subtitle Y § 702.1 of the 2016 Regulations), the Order was valid for two years from the time it was issued -- until December 2, 2017. (Exhibits 1 and 3.)

Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

On August 7, 2017, the Applicant submitted an application for a time extension requesting that the Board grant a two-year extension of Order No. 19113. 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.

Criteria for Evaluating Motion to Extend

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. The record reflects that the Applicant served all parties at least 30 days in advance of the public meeting. The only other party to the original application included the affected Advisory Neighborhood Commission ("ANC") which is ANC 6D. (Exhibit 3.)

Pursuant to Subtitle Y § 705.1(b), the Applicant indicated in its request that there has been no substantial change in any of the material facts upon which the Board based its original approval of the application. The Applicant stated that although it has filed a request for minor modifications to the plans concurrently with this request to extend the Order, the plans for the proposed building remain consistent with the relief previously approved by the Board and will not increase or extend the areas of relief already approved, nor will there be any new areas of relief created. Also, the Applicant will continue to be subject to the one condition included in the Order that was added at the request of the ANC involving affordable housing. (Exhibit 3.)

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 Applicant stated that there is good cause for the extension due to delays caused by a prolonged alley closing and subdivision process which prevented the Applicant from fully assembling the subject property for development and filing for a building permit. The Applicant indicated that the aforementioned delays were beyond the Applicant's control and despite the Applicant's good faith efforts, the delay has necessitated this request to extend the Order. Thus,

**BZA APPLICATION NO. 19113-A**

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the Applicant requests a two-year extension of Order No. 19113 as additional time is required for the Applicant to develop its plans and file a building permit application at the Department of Consumer and Regulatory Affairs ("DCRA"). (Exhibits 3 – 3J.)

*The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1*

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 parties to the application and all parties were allowed at least 30 days to respond. The only parties to the case were the Applicant and ANC 6D and the record reflects that ANC 6D was served with the request and allotted sufficient time to respond. ANC 6D did not submit a report regarding the time extension request. The Office of Planning ("OP") submitted a timely report recommending approval of the request for the time extension. (Exhibit 5.) No party to the application objected to an extension of the Order.

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. 19113. 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. In its report, OP indicated that the project was approved under the 1958 Zoning Regulations and the 2016 Zoning Regulations have not had an impact on the facts on which the Board based its approval. (Exhibit 5.)

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 complete the alley closing and subdivision processes that caused the delay in completing a building permit application and which has resulted in the request before the Board to extend the Order. (Exhibits 3-3J.) The Applicant has demonstrated that the alley closing application needed to achieve the project site plan approved by the Board was filed one month before Application No. 19113 was filed, and that it took 16 months after the Board approved the application to complete the processes for alley closing and related covenants, the establishment of DC Water easement covenants and a sewer abandonment, and the land assemblage and the recording of a new subdivision plat, thus leaving only 11 months to complete project drawings and file for building permits before the Order expires. (Exhibit 5.)

In evaluating the extension request, the Board considered the Applicant's good faith and diligent efforts to move forward with the approved project on the Property. The Applicant indicated that it has every intention of proceeding with this project, as shown by their efforts to complete the processes for the alley closing and subdivision to achieve the site plan approved by the Board so that it can complete final development plans and file a building permit application at DCRA. The Applicant indicated that it applied for the alley closing one month before Application No. 19113 was filed, and that it took 16 months after the Board approved the application to complete the processes for alley closing and related covenants, the establishment of DC Water easement

covenants and a sewer abandonment, and the land assemblage and the recording of a new subdivision plat, thus leaving only 11 months to complete project drawings and file for building permits before the Order expires. (Exhibits 3-3J and 5.) The Applicant has submitted an affidavit from its Manager that indicated that due to the aforementioned delays in completing the required alley closing and subdivision processes and despite the Applicant's good faith efforts, additional time is required so the Applicant can complete final development plans and apply for a building permit. (Exhibit 3B.)

Given the totality of the conditions and circumstances described above and after reviewing the information that was provided, the Board finds that the Applicant satisfied the "good cause" requirement under Subtitle Y § 705.1(c), specifically meeting the criteria for Subtitle Y § 705.1(c)(2). 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.

OP expressed its support for the project and recommended approval of the requested time extension. OP, in its report dated September 22, 2017, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR Subtitle Y § 705.1, and noted that the Applicant had demonstrated that: (a) the application had been served on ANC 6D with time for the ANC to respond; (b) there had been no substantive change in the Zoning Regulations that would impact the material facts upon which the Board based its original approval; and (c) there have been no recorded changes or significant development project in the square or its immediate surroundings that would impact the Board's original approval. Further, OP noted that the Applicant needed the time extension of the Board's previous approval because due to delays in completing the alley closing and subdivision processes, the Applicant does not have sufficient time left in which to complete its development plans and apply for a building permit before the Order expires. OP indicated that it had reviewed the materials submitted by the Applicant and has no objection to the requested two-year time extension. (Exhibit 5.) 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 Case No. 19113-A for a two-year time extension of Order No. 19113, which Order shall be valid until **December 2, 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: 3-0-2** (Frederick L. Hill, Carlton E. Hart, and Lesylleé M. White, to APPROVE; Robert E. Miller, recused and not participating; one Board seat vacant.)

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**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:** October 11, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 19113-A  
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19439 of 311 P Street, LLC**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the parking requirements of Subtitle C § 703, and the RF-use requirements of Subtitle U § 320.2, to convert an existing two-story, one-family dwelling into a three-story, three-unit apartment house in the RF-1 Zone at premises 311 P Street N.W. (Square 521, Lot 834).

**HEARING DATE:** June 28, 2017<sup>2</sup>  
**DECISION DATE:** September 27, 2017

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 13 (original), 44 (updated), and 47 (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") 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC initially opposed the application and submitted a report recommending denial, citing concerns with density and traffic and parking congestion near and around Third and P Streets, N.W. The ANC's initial report indicated that at a duly noticed public meeting on February 21, 2017, at which a quorum was present, by a vote of 7-2, with one abstention, the ANC asked for the request not to be granted until the Applicant came up with a plan, acceptable to the community, to address the concerns related to density and parking. (Exhibit 36.) In addition, the Chair of the ANC testified in opposition at the hearing on June 28<sup>th</sup>. Subsequently, the ANC submitted a report withdrawing its opposition and recommending approval of the amended application based on the Applicant's decision in another application not to build a single family dwelling around the corner that would have been attached to the subject property in this

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<sup>1</sup> The Applicant amended the application by adding a request for special exception relief from the parking requirements of Subtitle C § 703 to the relief originally sought. (Exhibit 47.) The caption has been changed accordingly.

<sup>2</sup> This case was originally scheduled to be heard on June 21, 2017, but the hearing date was put off to June 28 at the Applicant's request. (Exhibit 52.)

application, thus reducing the total number of units to be built from four to three; the Applicant's written promise to assist the community with efforts to get Zone 5 resident-only parking signs erected on the community's most parking challenged corridors, including the unit, 100, 200, and 300 blocks of P Street, N.W.; and the Applicant's commitment to provide limited bike share memberships and/or other measures to disincentivize car ownership and use by the future residents of the 311 P Street, N.W. building. The ANC's final report, dated September 19, 2017, indicated that at a regularly scheduled, properly noticed public meeting on September 19, 2017, at which a quorum was present, the ANC voted 8-1-0 to support the amended application. (Exhibit 64.)

The Office of Planning ("OP") submitted two timely reports. In the first report, dated February 24, 2017, OP recommended denial of the application. (Exhibit 35.) In its supplemental report dated June 9, 2017, OP recommended approval of the amended application with one condition. (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 34.) After the Applicant amended its application to include parking relief, DDOT submitted a supplemental report in response to inquiries by the Board regarding the potential for a curb cut on 3<sup>rd</sup> Street, N.W. to provide vehicular access to the rear of the property. In its supplemental report, DDOT reiterated that it had no objection to the grant of the application on the condition that the Applicant include a Transportation Demand Management ("TDM") plan approved by DDOT. (Exhibit 62.)

Seven letters of support for the application were submitted to the record by neighbors. (Exhibits 53-58, 63.)

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 from the parking requirements of Subtitle C § 703, and the RF-use requirements of Subtitle U § 320.2, to convert an existing two-story, one-family dwelling into a three-story, three-unit apartment house in the RF-1 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle C § 703, 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 AND THE FOLLOWING CONDITION:**

1. The Applicant shall implement the Transportation Demand Management plan in Exhibit 48 of the record.

**VOTE:**           **4-0-1** (Frederick L. Hill, Anthony J. Hood, Lesylleé M. White, and Carlton E. Hart to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 5, 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.

**BZA APPLICATION NO. 19439**

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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. 19517 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).

**HEARING DATE:** July 26, 2017<sup>1</sup> and September 27, 2017  
**DECISION DATE:** September 27, 2017

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated May 22, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 7 (original); Exhibit 15 (revised).)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 1B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on September 11, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 46.)

The Office of Planning (“OP”) submitted a timely report dated July 14, 2017, recommending approval of the application. (Exhibit 41.)

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 42.)

Four letters were filed in support of the application. (Exhibits 11-14.)  
Variance Relief

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<sup>1</sup> The application was postponed from July 26, 2017 to September 27, 2017 at the request of the ANC 1B.

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 minimum land area requirements of Subtitle U § 302.2(d), to permit the use of an existing three-story attached dwelling as 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 U § 302.2(d), 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. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP 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 § 302.2, 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 4 – ARCHITECTURAL PLANS AND ELEVATIONS.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood to APPROVE; one Board seat vacant.)

**BZA APPLICATION NO. 19517  
PAGE NO. 2**

**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:** October 5, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BZA APPLICATION NO. 19517**

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19532 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).

**HEARING DATES:** July 26, 2017 and September 27, 2017<sup>1</sup>  
**DECISION DATE:** October 4, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 77 (final revised), Exhibits 13, 42, 43 (prior revised), Exhibit 3 (original).)<sup>2</sup> 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") 7D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7D, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 13, 2017, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 45.) ANC Commissioner Bob Coomber testified in support of the application at the hearing on September 27, 2017.

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<sup>1</sup> The case was postponed from the hearing of July 26, 2017 at the Office of Planning's request and heard on September 27, 2017.

<sup>2</sup> Though the original self-certification form was revised several times – first to correct the requested relief before the case was publically noticed and later to update the computations on the second sheet of the form – the relief advertised was not amended by the Applicant.

The Office of Planning (“OP”) submitted two reports to the record. In its first report, OP indicated that it was unable to make a recommendation and requested additional information. (Exhibit 32.) Subsequently, OP filed a supplemental report recommending approval of the application with conditions related to the design of the addition. (Exhibit 75.) The Board adopted those design requirements as conditions of this order. The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 33.)

Thirteen letters of support were submitted to the record by neighbors. (Exhibits 37-39, 46-48, 53, 76, 78-81, 83.) In addition, the Friends of Kingman Park Civic Association submitted a letter in support. (Exhibit 40.) Nine letters in opposition to the application were submitted to the record by neighbors. (Exhibits 49-51, 56, 59-63.) The Kingman Park Civic Association also submitted two letters in opposition. (Exhibits 52 and 71.) At the public hearing on September 27, 2017, Lisa White testified in support of the project. Frazer Walton, on behalf of Kingman Park Civic Association, and Veronica Raglin testified in opposition.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E §§ 5201 and 205. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5201 and 205, 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 74 AND WITH THE FOLLOWING CONDITION:**

1. The use of materials on the project shall be as shown in Exhibit 67, including but not limited to:
  - a. The E Street façade of the third floor shall be composed of mostly glass with aluminum framing, as shown on Sheet 4 of Exhibit 67.

**BZA APPLICATION NO. 19532**  
**PAGE NO. 2**

- b. The use of cementitious panels on the side and rear façade, either:
  - i. In a stacked pattern with belt courses at the levels of each floor, as shown on Sheet 3 of Exhibit 67; or
  - ii. In a bond pattern, as shown on the precedent photo on Sheet 2 of Exhibit 67.
- c. The parapet wall shall be faced with material as shown in Exhibit 67. If, however, at the time of building permit, the Zoning Administrator determines that these features are actually handrails as shown in the application, their design and placement may be changed so that they can be determined to be a parapet, with materials matching the building sides as described in Condition 1b.

**VOTE:** 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Anthony J. Hood<sup>3</sup>, to APPROVE; Jeffrey L. Hinkle, not participating or voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 6, 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,

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<sup>3</sup> Zoning Commissioner Member Hood participated in the hearings on July 26, 2017 and September 27, 2017, and voted by absentee ballot.



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. 19539 of 74 R Street LLC**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to allow an addition to and convert an existing one-family dwelling into a flat in the RF-1 at premises 74 R Street N.W. (Square 3101, Lot 57).

**HEARING DATES:** July 26<sup>2</sup> and September 27, 2017  
**DECISION DATE:** September 27, 2017

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 9 (original) and 46 (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") 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a timely report that indicated that at a regularly scheduled, properly noticed public meeting on June 20, 2017, at which a quorum was present, the ANC voted 8-1-1 to support the application. (Exhibit 41.)

The Office of Planning ("OP") submitted two timely reports. In its supplemental and final report dated September 21, 2017, OP recommended approval of the amended application for special exception relief. (Exhibit 48.) Previously, OP, in its report dated July 14, 2017, was unable to make a recommendation regarding the request for variance relief. (Exhibit 37.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 38.)

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<sup>1</sup> The Applicant amended the application. Originally, the areas of relief were variances, but the Applicant revised its plans to lower the lot occupancy so that the project could be allowed by special exception. (Exhibit 46.) The caption has been changed accordingly.

<sup>2</sup> The case was first heard on July 26, 2017 and continued to September 27, 2017.

Letters of support for the application were submitted to the record by the adjacent neighbors who reside at 76 R Street, N.W. (Exhibit 31), and by the Bloomingdale Civic Association (Exhibit 40).

Testimony in opposition was given by two residents at 72 R Street, N.W. regarding complaints about construction of the project at the hearing on July 26, 2017.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to allow an addition to and convert an existing one-family dwelling into a flat in the RF-1 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5202 and 304.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 44.**

**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:** October 5, 2017

**BZA APPLICATION NO. 19539**

**PAGE NO. 2**

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

**HEARING DATE:** September 20, 2017<sup>1</sup>  
**DECISION DATE:** September 27, 2017

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated April 3, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 8.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on July 5, 2017, at which a quorum was present, the ANC voted 5-0-0 to support the application with the condition that the Applicant showed letters of support from adjacent neighbors. (Exhibit 45.) The Single Member District member for ANC 6E02 testified at the public hearing in support of the application and confirmed that the Applicant had satisfied ANC 6E’s condition.

The Office of Planning (“OP”) submitted a timely report, dated August 31, 2017, in support of the application. (Exhibit 42.) The District Department of Transportation (“DDOT”) submitted a timely report, dated September 8, 2017, expressing no objection to the approval of the application. (Exhibit 44.)

Seven letters of support for the application were submitted to the record by neighbors, including the adjacent property owners. (Exhibits 19, 23, 39, and 40.)

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<sup>1</sup> After the public hearing on September 20, 2017, the Board closed the record but for the Applicant submitting a letter of authorization and scheduled the decision date for September 27, 2017. The Applicant submitted the requested letter of authorization at Exhibit 46 of the record.

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 a variance from the lot area requirements of Subtitle E § 201.4, to convert an existing three-unit apartment house and church into a four-unit apartment house in the RF-1 Zone. 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 E § 201.4, 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.

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 6A1-6A7.**

**VOTE: 3-0-2** (Carlton E. Hart, Lesylleé M. White, and Peter A. Shapiro to APPROVE; Frederick L. Hill not present, not voting; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 6, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY

**BZA APPLICATION NO. 19559**

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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. 19582 of David and Lesly McNitt**, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to replace an existing balcony and staircase with a new second floor balcony on an existing one-family dwelling in the RF-1 Zone at premises 1601 8th Street N.W. (Square 420, Lot 801).

**HEARING DATE:** October 4, 2017

**DECISION DATE:** October 4, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 12.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 5, 2017, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report, dated September 22, 2017, in support of the application. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a timely report, dated September 22, 2017, expressing no objection to the approval of the application with one condition. (Exhibit 35.) The Applicant provided a response to DDOT's comments regarding projection into public space that satisfied the Board. (Exhibit 38.)

A letter of support for the application was submitted to the record by a neighbor across the street. (Exhibits 32.) The Central Shaw Neighborhood Association submitted a letter in support of the application. (Exhibit 31.)



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 area variances from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to replace an existing balcony and staircase with a new second floor balcony on an existing one-family dwelling 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 variances from 11 DCMR Subtitle E § 304.1 and Subtitle C § 202.2, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 9.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Robert E. Miller to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 5, 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

**BZA APPLICATION NO. 19582**

**PAGE NO. 2**

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.

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 15-02**  
**Z.C. Case No. 15-02**  
**MHI-Brookland, LLC and The Redemptorists**  
**(Consolidated PUD @ Square 3645, Lots 802 & 804;**  
**Square 3648, Lot 804; and Parcel 132/89)**  
**December 15, 2016**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on October 29, 2015 and December 15, 2016, to consider an application from MHI-Brookland, LLC and The Redemptorists (collectively “Applicant”) for review and approval of a consolidated planned unit development (“PUD”) for Lots 802 and 804 in Square 3645; Lot 804 in Square 3648; and Parcel 132/89 (collectively, “Property”). The application proposes a residential development consisting of 22 townhomes and institutional use, with flexibility to convert the institutional use to multi-family in the future (the “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”).<sup>1</sup> The public hearings were 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 Lots 802 and 804 in Square 3645, Lot 804 in Square 3648, and Parcel 132/89 and is approximately 2.73 acres in size. (Exhibit [“Ex’] 2.)
2. The Property is located to the east of the Chancellor’s Row development (a PUD approved by Z.C. Order No. 07-27), immediately south of Jackson Street, north of a multifamily residential building north of Hamlin Street, and to the west of 7<sup>th</sup> Street. It is located in the southwest corner of the intersection 7<sup>th</sup> and Jackson Streets in Northeast D.C. (Ex. 2.)
3. The Property is located in the D/R-5-A Zone District. It is within the boundaries of Advisory Neighborhood Commission (“ANC”) 5E. (Ex. 2.)
4. On February 3, 2015, the Applicant filed an application to the Commission for the review and approval of a PUD and PUD-related map amendment to rezone the Property from the D/R-5-A Zone District to the R-5-B Zone District. (Ex. 2-2G.)
5. On June 18, 2015, the Office of Planning (“OP”) submitted a setdown report recommending that a public hearing be held on the application. It requested the following information prior to the public hearing:

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<sup>1</sup> 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.

- Revised site plan that eliminates the surface visitor parking spaces along the access driveways, and introduces appropriate lawn or landscaping, minimizes the width of drive aisles, and provides information on bike parking facilities;
- A more detailed stormwater management, site, and landscaping plan indicating how the proposal meets stormwater management requirements;
- Additional detail regarding the environmental benefits, including how the 0.4 GAR requirement will be met;
- More detailed elevations that show design and materials for all units and that provide for the following: fully designed end units for all units and not just “high profile” units; revised treatment of the cornice at the intersection of the third and fourth floors; and high-quality, fully-designed rear elevations;
- Updated Affordable Dwelling Unit (“ADU”) Location Plan that better distributes the location of the units and provides larger units with a three-bedroom option;
- Additional information regarding the extent of employment and training opportunities; and
- A refined amenities package commensurate with the requested flexibility.

(Ex. 13.)

6. On June 29, 2015, the Commission set the application down for a public hearing, asking the Applicant to consider the following:
  - Eliminate a unit along Jackson;
  - Redistribute the affordable units so they are not clustered;
  - Modify the depth of the affordable units so they are the same as the market rate units;
  - Rethink the number of 14-foot-wide units;
  - Provide a site plan with greater context, including the existing building;
  - Fully design each elevation and reconsider the materials; and
  - Provide additional perspectives of site.

(Ex. 14.)

7. The Applicant filed its prehearing statement on August 21, 2015, including responses to OP’s and the Commission’s comments above. (Ex. 16-16A5.)

8. Notice of the public hearing was published in the *D.C. Register* on September 11, 2015, and was mailed to ANC 5E and to owners within 200 feet of the Property on September 4, 2015. (Ex. 19, 21.)
9. Both OP and the District Department of Transportation (“DDOT”) filed reports recommending approval of this application. (Ex. 30, 31.)
10. A public hearing was held on October 29, 2015, during which the Applicant provided its presentation and responded to questions. The Applicant proffered, and the Commission accepted, Christian Lessard as an expert in architecture, Frank Kea as an expert in landscape architecture, and Daniel Van Pelt as an expert in transportation engineering. The Applicant proffered Shawn Frost as an expert in engineering; however, the Commission opted not to accept him as an expert for purposes of the hearing.
11. The Applicant and the ANC were the only parties to the case. The ANC filed a resolution in support of the Application. (Ex. 32, 34, 37.)
12. Single Member District representative, Debbie Steiner, testified in support of the application at the public hearing. ANC 5E Chairman Quin testified in support of the application on behalf of the ANC.
13. Donna Hartley submitted two letters in opposition to the application accompanied by a petition in opposition signed by neighbors living primarily in Chancellors Row. (Ex. 15, 36)
14. Derek Shultz and Julie Johnson submitted testimony noting concerns with the application. (Ex. 39.)
15. Michael Clark testified in opposition to the application at the public hearing as a representative of the Edgewood Civic Association; Tracy Caswell and Duane Desiderio, residents of Chancellors Row, testified in opposition to the application; and Derek Schultz, a neighboring property owner testified in opposition to the application at the public hearing. (Ex. 38, 41.)
16. At the conclusion of the October 29, 2015 public hearing, the Commission asked the Applicant to consider further modifications of the application. The Commission noted that further analysis of the northern portion of the site was warranted: the Applicant should determine if townhomes are the appropriate product type for the space, it should reevaluate the number of units it is proposing, and reconsider the depth of the units so that they are set back more from the Holy Redeemer College. The Commission also suggested that the proposed landscaping of the northern end of the site should be studied further. The Commission further asked the Applicant to reconsider the 14-foot-wide units and instead introduce wider townhomes. It also requested additional clarity regarding the future use of the Holy Redeemer College. The Commission noted that it believed a further hearing would be necessary to evaluate the application and left the record open for the Applicant to modify its application.

17. The Applicant submitted a modified application into the record on August 25, 2016. The submission reduced the number of townhomes from 39 to 22, removed all townhomes previously located along Jackson Street, maintained the existing landscaping on the northern portion of the property, and eliminated all 14-foot-wide units. The application no longer required a PUD-related map amendment but would rather retain the existing zoning of the site, D/R-5-A. (Ex. 42-42A3.)
18. OP and DDOT submitted reports recommending that the modified application be approved on December 5, 2016. OP requested that additional items be provided prior to the public hearing, including a tree inventory and preservation plan, a commitment to include the open space at the northern end of the property in the PUD Covenant, response to the Commission's concerns regarding recreation space for residents, and accessibility of the units. DDOT stated that it did not object to Applicant's PUD proposal, subject to Applicant's continued coordination during the public space permitting process to finalize the entrance and driveway design, as well as adherence to the proposed transportation demand management ("TDM") plan and requisite bicycle parking. (Ex. 53, 54)
19. The ANC submitted a resolution in support of the application, conditioned on modifications to be made to benefits and amenities package. (Ex. 56.)
20. The Applicant submitted supplemental information in response to OP's report prior to the public hearing on December 14, 2016. (Ex. 58-61.)
21. Donna Hartley submitted a third letter into the record in opposition to the application, stating concerns regarding the loss of trees. (Ex. 57.)
22. The Sierra Club Environmental Justice Committee submitted a letter in opposition to the application, noting that the tree canopy in the District needs to be enhanced and it was concerned that the project would reduce the canopy in Ward 5. (Ex. 52.)
23. Michael Clark, the President of the Edgewood Civic Association, submitted a letter in support of the application, noting the Association's support for the contribution to the Edgewood Recreation Center. (Ex. 63.)
24. Barbara Deutsch, a resident in the community, submitted a letter in opposition to the application. Ms. Deutsch's concerns centered on the reduction in the tree canopy and on the longevity of the new plantings. Ms. Deutsch requested that the Applicant be required to set aside a fund to maintain trees and remove any that die within five years of the completion of construction. (Ex. 64.)
25. Derek Schultz submitted a second letter into the record confirming that he no longer objected to the Project in light of the changes that had been made to the site plan. He specifically noted his appreciation for the developer listening to community comments and improving the materials used on the townhomes, improving the preservation of trees on the property, and eliminating the number of 14-foot-wide units. He also stressed the importance of maintaining passive open space on the property, specifically along Jackson Street. (Ex. 66.)

26. Helen Schietinger testified at the public hearing in opposition to the application, stating concerns with the removal of mature trees on site. She noted her concern for the impact construction has on the tree canopy generally in the District. (Ex. 65.)
27. Kristin Taddei of Casey Trees, testified in opposition to the application at the public hearing, also voicing concerns with removal of mature trees on site and a reduction in the tree canopy. (Ex. 69)
28. Edward Garnett testified in support of the application at the hearing noting that he appreciated the Applicant's modifications to the site plan, namely removing the townhomes along Jackson Street and overall reduction in the number of units. He encouraged the Applicant to continue to maximize the number of trees it can preserve onsite. (12/15/2016 Transcript ["Tr."])
29. The Applicant proffered and the Commission accepted Brian Ruhl, an expert in landscape architecture during the hearing, to testify in response to tree preservation concerns. (Ex. 67.)
30. At the conclusion of the December 15, 2016 public hearing, the Commission closed the record and took a five-minute recess. Upon its return, the Commission voted to take final action on the application. (12/15/2016 Tr.)

## THE MERITS OF THE APPLICATION

### Description of Property and Surrounding Areas

31. The PUD Site is composed of approximately 2.73 acres or approximately 119,215 square feet of area. It is situated in the Brookland/Edgewood neighborhood and is currently improved with the Holy Redeemer College, a four-story masonry structure used for institutional purposes, including religious, residential, and accessory office use. It was constructed in 1934 and is located less than one-half mile from the Brookland/Catholic University of America Metrorail Station.
32. The Property is located in the D/R-5-A Zone District. Directly to the north and west is property that was rezoned to the R-5-B Zone District through the PUD process and is known as the Chancellors Row development. Directly to the east and south of the Property, there are properties in the R-4 and R-5-D Zone Districts.
33. The Property is located in the northeast quadrant of the District of Columbia. It is bounded by Jackson Street to the north, 7<sup>th</sup> Street to the east, Chancellors Row to the west, and by a multifamily development to its south.
34. It is in Single Member District 5E01 of ANC 5E in Ward 5.

### The Initial Proposal

35. The initial proposal submitted to the Commission proposed 41 townhomes on the Property. The proposal was subsequently modified and the project presented to the Commission at the first public hearing on October 29, 2015, contemplated redevelopment of the parcels of land to the north and south of the Holy Redeemer College with a total of 39 townhomes. The townhomes varied in width from 14 feet to 18 feet with a typical depth of 37 feet. Each unit was four stories in height and included two-three bedrooms. The ground floor included an interior garage accommodating at least one car (two cars for the 18-foot-wide homes) and accessory den space. The fourth floor included loft space that could be utilized as a bedroom or recreation space, depending on the desires of the homeowner.
36. The façades of the townhomes were designed in a traditional brick vernacular in a variety of color schemes. The townhomes had a flat roof style, which incorporated a roof terrace that provided private outdoor space for residents.
37. The northern townhomes were accessed via a single 24-foot-wide curb cut from Jackson Street. This curb cut served as the sole entrance and exit for the 13 townhomes on the northern parcel. Access to the private parking garages for those homes was from a 20-foot drive aisle along the rear of the townhomes. Access to the southern parcel was via a 24-foot-wide curb cut on 7<sup>th</sup> Street. Those homes were organized along two private 20-foot alleys, which provided access to the private garages from the rear of the townhome. The site plan for the southern parcel was arranged so that the easternmost string of townhomes faced 7<sup>th</sup> Street. The two middle strings of townhomes faced each other across a 28-foot-wide mews. A sidewalk ran the length of the mews, providing access to each of the homes as well as providing gathering spaces for interaction with fellow residents. Finally, the western most string of townhomes faced the landscaped lawn at the rear of the Property.
38. The application retained the four-story Holy Redeemer College and allowed for its continued use as a religious institution. It also contemplated the potential future conversion of the College into 46 multifamily residential units or other uses permitted in the R-5-B Zone District with a parking demand of 23 spaces. Vehicular traffic for the College would enter on Jackson Street and exit on 7<sup>th</sup> Street.
39. The proposal included a formally landscaped park in the northeast corner of the site.

### The Approved Project

40. After the public hearing in October 2015, the Applicant modified its proposal in response to comments made by the Commission and members of the community. The modified proposal reduced the number of approved townhomes from 39 to 22. The 13 townhomes previously proposed along Jackson Street were removed and the northern portion of the site would not be modified by the PUD, with the exception of modifications made to the existing drive aisle.



41. The number of townhomes located to the south of the Redemptorists' building was also reduced from 26 to 22, increasing the distance between the Redemptorists' building and the proposed townhomes. This resulted in a more organic site plan that provides a clear distinction between the Redemptorists' property and the townhomes.
42. The modified proposal eliminated the 14-foot-wide units. The Applicant removed all 14-foot-wide units and proposed 16-foot-wide units in their place. Each string of townhomes is comprised of 16-foot-wide interior townhomes, capped by 18-foot-wide homes at the ends. The additional width of the townhomes allowed for a more spacious and practical floorplan.
43. The façades of the townhomes are still designed in the traditional brick vernacular that is predominant in the area, but the exterior design was changed to lower the roofline and present a more residential style. The brick is carried through each elevation so that each façade reads as a high-quality 'face' to the project. To add variation and articulation to the homes, front porches are included on certain units and first floor decks are optional on the rear of the units.
44. The landscape plan was modified to embrace the natural elements of the property. The area formerly proposed as a pocket park in the northeast corner of the site now remains untouched along with the entire frontage along Jackson Street. The updated plan relies on the existing contours of the property rather than imposing a formal landscaped area. The gradual rise in grade of the existing topography effectively highlights the Redemptorists' building and need only be enhanced with local plantings. Further, with the redesign of the site plan and the creation of more open space, the required stormwater management facilities are less visible and intrusive.
45. The Holy Redeemer College will remain on-site and continue to be used for institutional purposes, including religious, residential and accessory office use. The College may be converted in the future to a multifamily residential building. It will retain the existing parking area that is used exclusively for the Holy Redeemer College and use those parking spaces to serve any future residential use. However, the Applicant withdrew the requested rezoning to R-5-B and is therefore requesting the flexibility to convert the building to a multi-family residential use, which is only permitted in the R-5-A Zone District by special exception.
46. The Applicant submitted a Comprehensive Transportation Review ("CTR") dated October 16, 2015 into the record, which analyzed the impacts of the initial, more intensive proposal. The report concluded that the site is well served by regional and local transit services such as Metrorail, Metrobus, and Circulator. The site is less than 0.4 miles from the nearest Brookland-CUA Metrorail Station portal located at the Monroe Street and 9<sup>th</sup> Street intersection. Metrobus stops are located within a block of the site along 7<sup>th</sup> Street. Although the Brookland Townhomes development will be generating new transit trips on the network, the existing facilities have enough capacity to handle the new trips. The Brookland-CUA Metrorail station does not have existing capacity concerns and is not expected to as a result of the planned development. Some nearby Metrobus lines do

- have existing capacity concerns, but the small amount of transit trips added to the network as a result of the planned development will not exacerbate existing conditions by a significant amount. (Ex. 29.)
47. The CTR studied the adequacy of pedestrian facilities and determined that the site is surrounded by a well-connected pedestrian network. Most roadways within a quarter-mile radius provide sidewalks and acceptable crosswalks and curb ramps, particularly along the primary walking routes. There are some pedestrian barriers surrounding the site such as limited connectivity due to the railroad tracks to the east. As a result of the planned development, pedestrian facilities along the perimeter of the site will be improved where necessary. The development will ensure that sidewalks adjacent to the site meet DDOT requirements and provide an adequate pedestrian environment. (Ex. 29.)
  48. The CTR reviewed the adequacy of the bicycle facilities and found that many trails, bike lanes, and signed bike routes exist near the site such as the Metropolitan Branch Trail to the east, north-south bike lanes along 4<sup>th</sup> Street, N.E., and east-west bike routes along Irving Street. The site is also served by the Capital Bikeshare program, which provides an additional cycling option for residents, employees, and patrons of the Brookland Townhomes development. On site, the planned development will provide short-term bicycle parking along the perimeter of the site. (Ex. 29.)
  49. Finally, the CTR concluded that the site is well connected to regional roadways such as US Route 1, US Route 29, US Route 50, and Interstate 395, as well as primary and minor arterials such as Michigan Avenue and an existing network of collector and local roadways. In order to determine if the proposed development would have a negative impact on this transportation network, the report projected future conditions with and without the development of the site and performed analyses of intersection delays. The delays were compared to the acceptable levels of delay set by DDOT standards to determine if the site would negatively impact the study area and the analyses conclude that the planned development will not have adverse impacts on the surrounding transportation network. (Ex. 29.)
  50. The Applicant submitted an updated report confirming that the updated, less intensive plan of 22 units, would similarly not have an adverse effect on the transit network. (Ex. 50.)
  51. The Applicant submitted civil drawings into the record that reflected the use of bioretention facilities as a means for managing the stormwater runoff on the Property. The facilities will help mitigate stormwater impacts from the development of the Project. (Ex. 42A3.)
  52. The Applicant submitted a tree inventory, which confirmed that 21 trees would be removed during the course of constructing the Project; however, 42 existing trees would remain on site. The Applicant testified that it would replace each of the trees being removed in kind with a comparable species where possible and submitted a plant palette listing the species that would be used. It testified that the future tree canopy on the

Property, once the trees matured, would exceed the existing canopy on site. (Ex. 42A2, 60; 12/15/2016 Tr.)

### **PUD Flexibility Requested**

53. New residential development: The Applicant requests relief from § 353 to allow the development of the townhomes and the conversion of the Holy Redeemer College to residential use.
54. Multiple buildings on a single record lot: The Applicant requests relief from § 2516 to allow multiple buildings on a single record lot. The Applicant also requested relief from the setbacks required under § 2516.5 for front, side, and rear yard and from the FAR and lot occupancy requirements of § 2516.4.
55. Side yard: The Applicant requests relief from the side yard requirements of § 405 for the townhomes on the southern end of the site.
56. Convert Holy Redeemer College: The Applicant sought flexibility to convert the Holy Redeemer College to residential use in the future. The number of units in the College shall be determined by the number of parking spaces required and provided.
57. Materials: The Applicant seeks flexibility to vary the final selection of the exterior colors and materials within the color ranges and general material types proposed, based on availability at the time of construction without reducing the quality of materials.
58. Exterior Details: The Applicant seeks flexibility to make minor refinements to exterior details and dimensions, including sills, bases, cornices, railing and trim, and any other changes to comply with the Building Codes or that are otherwise necessary to obtain final building permit, or are needed to address the structural, mechanical, or operational needs of the building uses or systems.
59. Northern Drive Aisle: The Applicant seeks flexibility to coordinate with DDOT during the public space process to determine the location of the drive aisle on the northern portion of the site that will be used to access the Property from Jackson Street.

### **Project Amenities and Public Benefits**

60. As detailed in the Applicant's testimony and written submissions, the proposed PUD will provide the following project amenities and public benefits:
61. Exemplary Urban Design, Architecture, and Open Spaces. The Project employs the basic elements that have characterized urban form in Washington, D.C. for decades. Pedestrian-friendly streets are defined by elements such as buildings close to the street, front porches, street trees, residential garages accessed from alleys, and narrow, low-speed travel lanes. By bifurcating the Project site, the homes respond directly to the public streets and adjacent community; the development is not a self-contained suburban-style village.

The architecture and land use patterns of the Project are derived from the building traditions of the District’s oldest neighborhoods by placing high value on the quality of the public realm which reinforces the urban nature of the site. Buildings are simple, well-proportioned, and defer to one another to define the overall fabric. The façades of the majority of the townhomes have been designed in a traditional brick vernacular that is predominant in the area with a mix of color schemes and architectural elements such as front porches and bays.

The Project also maintains the existing features of the northern and eastern lawns of the Holy Redeemer College. These spaces will remain open under the plans approved with this PUD, maintaining the existing views of the Holy Redeemer College from the north and west.

- a. Site Planning and Efficient Land Utilization. The proposed density of the Project is appropriate for the Property. The FAR and lot occupancy of the Project are well within the matter-of-right standards for the R-5-A Zone District. The site plan is designed so the Project reads as an organic infill development. The PUD plan serves the broader community by linking adjoining neighborhoods through activation of an underutilized site. The program improves the pedestrian experience with street trees, a comfortable sidewalk width, and infill development.
- b. Housing and Affordable Housing. Production of housing and affordable housing is a public benefit that the PUD process is designed to encourage. In support of this important goal, the proposed PUD project will add 22 new, for-sale residential townhouse units to the neighborhood. The Project will include three townhomes of affordable housing, which exceeds the inclusionary zoning requirement. Two of the townhomes will be provided to households with an annual income not exceeding 50% of the Area Median Income (“AMI”) and the third will be reserved for a household with an annual income not to exceed 80% of AMI. The affordable commitment is set forth in the chart below:

AFFORDABLE REQUIREMENTS					
Residential Unit Type	Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	53,532 sf				NA
Market Rate	46,628 sf/87%	Market	NA	NA	NA
IZ	2,300 sf/4%	80% AMI	Life of project	For-sale	NA
IZ	4,600 sf/9%	50% AMI	Life of project	For-sale	NA

In the event the Holy Redeemer College is converted to residential use, it will provide the required amount of affordable housing under the inclusionary zoning program in place at the time of conversion.

Additionally, Homes for an Inclusive City: A Comprehensive Housing Strategy for Washington, D.C. sets forth a 15-year plan for improving the District's housing and affordable housing; the proposed development is consistent with these objectives. Below are core recommendations of this Strategy:

- “The District of Columbia should adopt a plan to . . . increase[e] residential development and preservation throughout the city”;
  - “The District should increase the net supply of housing by at least 55,000 units by 2020 to reduce upward pressure on housing prices and rents and accommodate a growing population”;
  - “The location of new production envisioned by the task force should support a balanced growth policy, which will allow increases in population density”; and
  - “Both assisted and market-rate housing produced in the District of Columbia should adhere to high architectural and urban design standards, providing housing with amenities and access to transportation for all neighborhood residents.”
- “The District should accelerate its efforts to preserve and increase high-quality affordable housing for both owners and renters”

62. Effective and Safe Vehicular and Pedestrian Access and Transportation Demand Management Measures. The Project will provide vehicular access to the Holy Redeemer College from Jackson Street and access to and from the townhomes from 7<sup>th</sup> Street. The internal access drives are straightforward and encourage low speeds, minimizing any conflicts with pedestrians. They have also been reduced in width to minimize the hardscape on the Property and to discourage additional parking on site.

The Project will provide safe and ample sidewalks that are lined with street trees. The sidewalk will meander past homes that are designed with porch stoops that will interact with public realm as well as the grand green lawn in front of the Redemptorists' building.

63. 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:
- a. Edgewood Recreation Center – The District Department of Parks and Recreation (“DPR”) is rebuilding the Edgewood Recreation Center located within one-half mile of the property. The Applicant will contribute \$20,000 to outfit the new recreation center with equipment, based on input from the Edgewood Civic Association. The Applicant will provide the requested equipment prior to the final inspection of the homes before occupancy;

- b. **Edgewood/Brookland Family Support Collaborative** – The Applicant will contribute \$10,000 to the Workforce Development program, which focuses on providing educational and employment readiness opportunities, increasing job placements and post-employment retention, and providing supportive services to remove barriers to success. This contribution will be made prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided;
- c. **OCASE Foundation** – The Applicant will contribute \$5,000 to the Backpack School Supply program, which provides basic school supplies to schoolchildren in Ward 5. This contribution will be made prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided;
- d. **Landmark Application** – The Redemptorists, in coordination with MHI-Brookland, LLC, will file a landmark application and pursue a landmark designation for the existing Holy Redeemer building. They will file the application prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided;
- e. **Transit Welcome Package** – In an effort to encourage residents of the development to use alternative modes of transportation so as to minimize the number of vehicle trips to and from the site, the Applicant agrees to provide each purchaser (one per unit) with the following:
- Information on local transit routes;
  - One-year membership in Capital Bikeshares (up to \$85);
  - SmarTrip Card with \$50 preloaded;
  - ZipCar membership plus \$50 preloaded; and
  - The Applicant will also preclude residents from participating in the Residential Parking Permit Program; and
- f. **Signage** – The Applicant will contribute \$2,500 to the Edgewood Civic Association’s preferred vendor for the design, construction and/or installation of welcome signs around the Civic Association area. This contribution will be made prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided. In the event the Edgewood Civic Association has not chosen a preferred vendor for

the design, construction and/or installation of the signs prior to commencement of construction of the first home, the Applicant shall place \$2,500 in an escrow fund until such time as the Edgewood Civic Association selects a vendor. In such a scenario, evidence of the contribution to an escrow account will serve to satisfy this condition.

### **Compliance with PUD Standards**

64. 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.
65. 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 and residential use are uses of special value, and all constitute acceptable project amenities and public benefits.
66. 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.
67. The Commission finds that the character, scale, massing, 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 within a half mile of a Metrorail station.
68. The Commission credits the testimony of OP noting that the PUD will provide benefits and amenities of substantial value to the community and the District commensurate with the additional height sought through the PUD process.
69. The Commission credits OP and DDOT’s testimony that the impact of the PUD on the level of services will not be unacceptable.
70. The Applicant’s CTR confirmed that the PUD would not have a detrimental impact to the surrounding transportation network. The report evaluated whether the project would generate a detrimental impact to the surrounding transportation network based on a

technical comparison of the existing conditions, background conditions, and total future conditions.

71. It analyzed the impacts of the Project on vehicular, pedestrian and bicycle networks.
72. The Applicant submitted an updated CTR on November 15, 2016, which concluded that because the revised program generates fewer trips than were analyzed in the October 2015 CTR, the findings of the October 2015 CTR conducted for the Brookland Townhomes PUD in support of its application to the Commission applied to the new revised development program. (Ex. 29, 50.)
73. The Commission credits the testimony of the Applicant's traffic consultant, who submitted a CTR that concluded that the PUD would not have adverse effects due to traffic or parking. The Applicant is providing a TDM package, that DDOT supports, which will mitigate impacts from the project. Specifically, the Applicant will improve pedestrian circulation around the Property and encourage use of alternative modes of transportation. 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.
74. 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. 2-2B12.)
75. The Commission credits the testimony of the Applicant's landscape architect that the Applicant will plant more trees on-site than it is removing and that once mature, the future tree canopy on site will exceed the existing tree canopy.

#### **Compliance with the Comprehensive Plan**

76. The Project furthers the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element: (Ex. 2, 13.)
  - 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; and (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. (218.3.)
77. The Future Land Use Map (“FLUM”) includes the Property in the Institutional land use category. The Project is consistent with this designation and with the existing land uses that surround the site. The Project is consistent with its zoning classification and seeks limited relief from the zoning requirements.
78. The Generalized Policy Map (“GPM”) includes the Property in the Institutional land use category. Again, the Project is consistent with this designation. The Comprehensive Plan is instructive that the institutional designation must consider surrounding uses in determining the compatibility of a use; residential uses are consistent with adjacent uses.
79. 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 fully consistent with and furthers the goals and policies in the map, citywide, and area elements of the plan as follows:
- 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, Housing, and Urban Design Citywide Elements and its Upper Northeast Area Element;
  - b. The project implements Land Use Element policies that encourage growth and revitalization on an underutilized site in proximity to a Metrorail station. Providing residential uses near a Metrorail station is not inconsistent with the Comprehensive Plan;
  - c. The project implements Transportation Element policies that promote transit-oriented development and discourages auto-centric practices. The TDM program encourages use of alternative modes of transportation;
  - d. The project implements Housing Element policies that encourage expansion of the city’s supply of high-quality, family-size, market-rate, and affordable housing, including affordable housing units that provide deeper affordability limits. The expansion of residential uses is especially supported in the Northeast Area;

- e. The project implements Urban Design Element policies that call for enhancing the aesthetic appeal and visual character of areas around community resources. The PUD significantly improves an underutilized parcel of land in proximity to a Metrorail station. The PUD also enhances the streetscape along 7<sup>th</sup> Street; and
- f. The project advances several objectives of the Northeast Area Element, including the development of residential uses in proximity to a Metrorail Station and enhancing community resources.

### Agency Reports

80. By report dated December 5, 2016, OP recommended approval of the application subject to additional information being entered into the record, including:
- a. Providing an updated color and materials board;
  - b. Providing any additional affordable housing that may be required should the Redemptorists' building be redeveloped as residential units;
  - c. Recording a covenant to memorialize the open space as unbuildable area;
  - d. Providing an inventory of trees on the property indicating which trees would be preserved and which trees would be removed;
  - e. Submitting a landmark nomination for the Redemptorists' building that would be finalized before occupancy of the townhomes; and
  - f. Addressing the Commission's questions about Play Space, Fair Housing Act standards, and administration of funds proffered for DPR use to purchase equipment for Edgewood Recreation Center.

(Ex. 53.)

81. The Applicant filed a response to OP's report on December 15, 2016. It noted that:
- a. It would provide an updated color and materials board at the public hearing;
  - b. It agreed that in the event the Holy Redeemer College is converted to residential uses in the future that it will comply with all applicable inclusionary zoning requirements;
  - c. The Applicant agreed to record a PUD covenant against the entire Redemptorists' property, including the open space, which states that the property may only be developed in accordance with the PUD-approved plans, unless modified in the future, as modified by the conditions of this Order;

- d. It provided a tree inventory in the record and testified to the same at the public hearing;
- e. The Applicant committed to submitting a landmark nomination for the Redemptorists' building prior to the occupancy of the townhomes but it could not commit to it being finalized prior to occupancy of the townhomes; and
- f. It provided additional information regarding Play Space, Fair Housing Act standards and the administration of funds for the proffered benefits and amenities.

(Ex. 58-61.)

82. The OP report concluded that the requested PUD would support the written elements of the Comprehensive Plan and would not be inconsistent with the Future Land Use and General Policy Maps. It found the Project to be consistent with the residential uses neighboring the Property.
83. By report dated October 19, 2015 and supplemented on December 5, 2016, DDOT recommended approval of the application contingent on adherence to the TDM and requisite bicycle parking. It further noted that it had no objections to the Project provided the Applicant continue to work with DDOT regarding the design of the entrance driveway from Jackson Street. (Ex. 31, 54.)

#### **Advisory Neighborhood Commission Reports**

84. ANC 5E submitted a resolution in support of the application on October 20, 2015, and supplemented by a second resolution in support submitted into the record on December 12, 2015. (Ex. 34, 37, 56.)
85. The ANC's support, as detailed in the latter resolution, was contingent on modifying the benefits and amenities package. More specifically, the ANC requested the benefits and amenities package reflect the following:
  - a. \$20,000 contribution to the Edgewood Recreation Center;
  - b. \$17,000 to the Edgewood/Brookland Family Support Collaborative for Workforce Housing;
  - c. \$10,000 to OCASE Foundation for school supplies;
  - d. \$10,500 for neighborhood signage;
  - e. \$2,500 for Edgewood Civic Association Signage;
  - f. Processing the landmark application for the Holy Redeemer College;
  - g. Utilize a minority owned business entity to handle the construction management of the Project;

- h. Utilize a Ward 5 broker to sell the townhomes; and
- i. Utilize a member of the Ward 5 community to provide the required signage.

### **Parties in Support and in Opposition**

86. 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**

87. Donna Hartley submitted two letters in opposition to the initial application heard on October 29, 2015; one letter was accompanied by a petition in opposition signed by neighbors living primarily in Chancellors Row. Her primary concern centered on the loss of trees that would result from development of the site. (Ex. 15, 36.) Ms. Hartley submitted a third letter into the record prior to the hearing on December 15, 2016, reiterating her concerns regarding tree preservation. (Ex. 57.)
88. Derek Schultz and Julie Johnson submitted a letter noting concerns with the initial application heard on October 29, 2015. They noted concerns with the proposed height of the homes as being out of context with residential uses north of Jackson Street. They also voiced concerns with the proposed park in the southwest corner of Jackson Street and 7<sup>th</sup> Street. Mr. Schultz testified at the public hearing on October 29, 2015. (Ex. 39.)
89. Derek Schultz and Julie Johnson submitted a second letter into the record prior to the hearing on December 15, 2016, noting that they appreciated the changes the Applicant made to the Project and withdrawing their prior objections to the application. (Ex. 66.)
90. Michael Clark testified in opposition to the initial application at the public hearing on October 29, 2015, as a representative of the Edgewood Civic Association. He noted that the benefits and amenities did not respond to the needs of the community. (Ex. 38.)
91. Mr. Clark submitted a letter in support of the application prior to the public hearing on December 15, 2016; noting support for the modifications made to the application and to the proposed benefits and amenities plan. (Ex. 63.)
92. Tracy Caswell and Duane Desiderio, residents of Chancellors Row testified in opposition to the initial application heard at the hearing on October 29, 2015. Ms. Caswell testified to the quality of the homes and the desire to provide a wider housing type. Mr. Desiderio testified to the need to reduce the number of homes located along Jackson Street, as well as to reduce their heights. He testified to a desire to maintain the viewshed of the Holy Redeemer College. (Ex. 41.) Neither individuals testified at the public hearing on December 15, 2016.
93. Ed Garnett submitted a letter of opposition to the application on October 14, 2015, noting concerns with the proposed site plan, namely the proposed circulation patterns, a desire for heightened sensitivity to tree preservation and concerns regarding the proposed park

in the northeast corner of the site (Ex. 27.) He testified at the public hearing on December 15, 2016, noting that he appreciated the Applicant's modifications to the site plan, namely removing the townhomes along Jackson Street and overall reduction in the number of units. He encouraged the Applicant to continue to maximize the number of trees it can preserve onsite.

94. The Sierra Club Environmental Justice Committee submitted a letter in opposition to the modified application, noting that the tree canopy in the District needs to be enhanced and it was concerned that the project would reduce the canopy in Ward 5. (Ex. 52.)
95. Barbara Deutsch, a resident in the community, submitted a letter in opposition to the modified application. Ms. Deutsch's concerns centered on the reduction in the tree canopy and on the longevity of the new plantings. Ms. Deutsch requested that the Applicant be required to set aside a fund to maintain trees and remove any that die within five years of the completion of construction. (Ex. 64.)
96. Helen Schietinger testified at the public hearing on December 15, 2016, in opposition to the application, stating concerns with the removal of mature trees on-site. She noted her concern for the impact construction has on the tree canopy generally in the District. (Ex. 65.)
97. Kristin Taddei of Casey Trees, testified in opposition to the application at the public hearing on December 15, 2016, also voicing concerns with removal of mature trees on-site and a reduction in the tree canopy. (Ex. 69.)

### **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. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider the application as a consolidated PUD. 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.
3. The Property meets the minimum area requirements of Chapter 24 of the Zoning Regulations.
4. Proper notice of the proposed PUD was provided in accordance with the requirements of the Zoning Regulations and as approved by the Commission.

5. The development of the PUD will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer more attractive and efficient overall planning and design not achievable under matter-of-right standards. Here, the height, character, scale, massing, and design of the proposed PUD is appropriate. The proposed redevelopment of the Property capitalizes on the Property's transit-oriented location and is compatible with citywide and area plans of the District of Columbia.
6. 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.
7. 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 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. The Commission notes that the PUD process secures two-seven feet of additional height of the development; the density of the Project is otherwise permitted as a matter of right.
8. 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, and uses of special value are all significant public benefits. The impact of the PUD is acceptable given the exceptional quality of the public benefits of the PUD.
9. 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, 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. The Commission credits the Applicant's and DDOT's reports for these conclusions. It determines that any transportation-related impacts of the Project may be mitigated by the TDM management program proposed by the Applicant and deemed by DDOT as being sufficient.
10. 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 Institutional designation on the Future Land Use Map and furthers numerous goals and policies of the written elements of the Comprehensive Plan. It further credits the Office of Planning and the Applicant with its determination that the

site plan, circulation plan, massing of the homes, and the proposed design relate appropriately to the surrounding uses.

11. The Commission concludes that the Project provides affordable housing on a site where housing is not otherwise provided. This Project will increase the inventory of for-sale, family-sized affordable housing units. It further notes that two of the affordable units will be available to households with an annual income no greater than 50% of the area median income. Affordable units available at the 50% AMI level would not otherwise be required for the Project, thus this Project introduces a level of affordability that would not otherwise be present on this site.
12. 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.
13. 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.
14. 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, including the drive aisle accessing the Property from Jackson Street.
15. The Commission acknowledges the ANC's resolution in support being contingent on an enhanced benefits and amenities package. The Commission appreciates the ANC's input on the application; however, it finds that the benefits and amenities package proposed by the Applicant is commensurate with the flexibility the Project secures through the PUD process. The Project is well within the FAR permitted on the Property as a matter-of-right. The PUD process simply affords additional height for the townhomes. The Commission finds that the proposed benefits and amenities, particularly the increase in the amount of affordable housing and providing affordable housing for households with an annual income no greater than 50% AMI, to be commensurate with the flexibility secured through the PUD process.
16. The Commission acknowledges the opposition's argument that the Comprehensive Plan supports establishing parkland and preserving trees. The Commission first notes that the sections of the Comprehensive Plan cited by the opponents refer primarily to preserving publicly owned property for public use and would not be consistent with this application since it is privately owned property. Nevertheless, the Commission notes that this application is consistent with many aspects of the Comprehensive Plan, including but not limited to:
  - a. Policy E-1.1.1: Street Tree Planting and Maintenance - Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has

been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods;

- b. Policy E-1.1.2: Tree Requirements in New Development - Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance;
- c. Policy E-1.1.3: Landscaping - Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;
- d. Policy LU-1.2.7: Protecting Existing Assets on Large Sites - Identify and protect existing assets such as historic buildings, historic site plan elements, important vistas, and major landscape elements as large sites are redeveloped;
- e. Policy LU-1.2.7: Protecting Existing Assets on Large Sites - Identify and protect existing assets such as historic buildings, historic site plan elements, important vistas, and major landscape elements as large sites are redeveloped;
- f. Policy LU-1.3.2: Development Around Metrorail Stations - Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas;
- g. Policy LU-2.1.1: Variety of Neighborhood Types - Maintain a variety of residential neighborhood types in the District, ranging from low-density, single-family neighborhoods to high-density, multi-family mixed-use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future;
- h. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods - Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to "create successful neighborhoods" in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others;



- i. Policy LU-1.3.3: Housing Around Metrorail Stations - Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such location;
- j. Policy H-1.1.3: Balanced Growth - Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing;
- k. H-1.1 Expanding Housing Supply - Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs;
- l. Policy H-1.1.1: Private Sector Support - Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives;
- m. Policy H-1.1.5: Housing Quality - Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood;
- n. Policy UD-1.2.4: View Protection - Recognize and protect major views in the city, particularly characteristic views of city landmarks, and views from important vantage points. Recognize the importance of views to the quality of life in the city and the identity of Washington and its neighborhoods;
- o. Policy UD-2.2.1: Neighborhood Character and Identity - Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context;
- p. Policy UD-2.2.7: Infill Development - Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs; and

- q. Policy UD-2.2.9: Protection of Neighborhood Open Space - Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas.
17. The project effectively balances the priorities of the Comprehensive Plan. The project does indeed preserve trees. The Applicant has made efforts to shift sidewalks and drive aisles to avoid removing trees; it has removed an entire string of townhomes along there northern end of the site, all with the effect of preserving trees on the property. Further, the tree preservation plan submitted by the Applicant confirms that the Applicant will replace more trees than it is removing. Per the Applicant's testimony, once those trees mature, the canopy onsite will exceed what is there today.
18. The Commission concludes that the Comprehensive Plan did not intend for tree preservation to trump all other considerations under the Plan. It did not intend to preserve trees at the cost of providing more housing, including family-sized affordable housing, or promoting transit-oriented development or infill development. Rather, it requires balancing these considerations and the Project does just that.
19. 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.
20. 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 5E 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. As detailed in paragraph 14, the Commission did not find the ANC's request for more benefits and amenities to be persuasive. The proposed benefits and amenities package is commensurate with the flexibility provided through the PUD process.
21. 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 for the Property for the residential development described herein, subject to the following conditions:

**A. Project Development**

1. The Project will be developed in accordance with the architectural drawings submitted into the record as Exhibits 51B1 and 51B2, as modified by Exhibit 61 and the guidelines, conditions, and standards herein (collectively, the "Plans").
2. The Zoning Commission simultaneously reviewed this Project for its consistency with the Zoning Regulations and grants approval and flexibility under the following sections of the Zoning Regulations:
  - a. Section 353: special exception relief to allow residential uses on the Property;
  - b. Section 2516: special exception relief to allow multiple buildings on a record lot and relief from the setback requirements of §§ 2516.4 and 2516.5; and
  - c. Section 405: variance relief from the side yard requirements.
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 colors and materials within the color ranges and general material types approved, based on availability at the time of construction;
  - c. 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;
  - d. To convert the Holy Redeemer College to residential use in the future. The number of units in the College shall be determined by the number of parking spaces provided. There are currently 23 parking spaces proposed for the Holy Redeemer College;
  - e. To coordinate with DDOT during the public space process to determine the location of the drive aisle on the northern portion of the site that will be used to access the Property from Jackson Street; and

- f. To coordinate with DDOT on all public space matters, including the final design of all improvements in public space along 7<sup>th</sup> Street.

**B. Transportation**

1. **For the life of the Project (except as otherwise stated)**, the Applicant shall abide by the terms of the TDM plan, which requires compliance with the following:
  - a. The Applicant shall identify a TDM Leader (for planning, construction, and operations). The TDM Leader will distribute and market various transportation alternatives and options;
  - b. The Applicant shall establish a TDM marketing program that provides detailed transportation information and promotes walking, cycling, and transit. This information will be compiled in a brochure for distribution to residents. The marketing program should utilize and provide website links to [CommuterConnections.com](http://CommuterConnections.com) and [goDCgo.com](http://goDCgo.com), which provide transportation information and options for getting around the District;
  - c. The Applicant shall encourage all alternative transportation modes including bicycling. Bicycling will be promoted with the provision of on-site outdoor temporary bicycle parking spaces;
  - d. The Applicant shall provide “Welcome Packages” to each resident (one per townhome unit) that will include: (1) information on transit local routes, (2) a \$50 Metro SmarTrip card, (3) a one-year membership to Capital Bikeshare up to \$85, and (4) a one-year membership and \$50 to Zipcar (or similar car sharing service); and
  - e. The Applicant shall include language in the Homeowner Association documents that precludes residents from securing Residential Parking Permits.

**C. Construction**

1. The Applicant shall abide by the terms of the Construction Management Plan submitted into the record as Exhibit 51A.

**D. Benefits and Amenities**

1. Housing and **Affordable Housing**. The Applicant shall provide the following housing and affordable housing:
  - a. The Applicant shall construct approximately 53,550 square feet of residential gross floor area;

- b. **For the life of the Project**, the Applicant shall reserve 13% of the residential gross floor area, or approximately 6,900 square feet of residential gross floor area, as inclusionary units pursuant to 11 DCMR Chapter 26:
  - i. Reserve at least 66% (approximately 4,600 square feet) of this set aside as inclusionary units for eligible households with a median income no greater than 50% of the Area Median Income;
  - ii. Reserve the remainder of the inclusionary units for eligible households with an annual income no greater than 80% of the Area Median Income; and
  - iii. Provide the affordable housing in accordance with the chart below;

Affordable Requirements				
Residential Unit Type	Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type
Total	53,532 sf			
Market Rate	46,628 sf/87%	Market	NA	NA
IZ	2,300 sf/4%	80% AMI	Life of project	For-sale
IZ	4,600 sf/9%	50% AMI	Life of project	For-sale

- c. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this Condition.
2. In the event the Holy Redeemer College is converted to residential use, the Applicant shall provide the required amount of affordable housing under the inclusionary zoning program in place at the time of conversion. The Applicant shall amend the aforementioned inclusionary zoning covenant to reflect this change.
  3. **Edgewood Recreation Center**. The Applicant shall purchase equipment for the Edgewood Recreation Center, with a minimum value of \$20,000. The necessary equipment will be determined in consultation with the Edgewood Civic Association. The equipment will be purchased prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided. In the event the Recreation Center has not been constructed prior to the commencement of construction of the first home, the Applicant shall place \$20,000 in an escrow fund and purchase the required equipment upon completion of the Center.

4. **Edgewood/Brookland Family Support Collaborative.** The Applicant will contribute \$10,000 to the Workforce Development program of the Edgewood/Brookland Family Support Collaborative to provide employment services and support for District residents. Evidence of this payment, and that the employment services and support services have been or are being provided, will be provided to the Zoning Administrator prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided.
5. **OCASE Foundation.** The Applicant will purchase school supplies, valued at a minimum of \$5,000, for the OCASE Foundation. Evidence of this purchase shall be made prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided.
6. **Landmark Application.** The Applicant shall file a landmark application a landmark designation for the existing Holy Redeemer building prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided.
7. **Transit Welcome Package.** As noted in Condition B(1)(d), the Applicant agrees to provide each purchaser (one per unit) with the following:
  - Information on local transit routes;
  - 1 Year membership in Capital Bikeshares (up to \$85);
  - Metro SmarTrip Card with \$50 preloaded;
  - ZipCar membership (or similar car sharing service) plus \$50 preloaded; and
  - The homeowners' association documents prepared by the Applicant will also preclude residents from participating in the Residential Parking Permit Program.
8. **Signage.** The Applicant shall contribute \$2,500 to the Edgewood Civic Association's preferred vendor for the design, construction and/or installation of welcome signs around the Civic Association area. Evidence of this payment, and that the funds have been used for the design, construction and/or installation of the signs, shall be provided prior to the commencement of construction of the first home. Failure to provide such evidence shall be grounds for the issuance of a stop work order on the Project, which, if issued, shall remain in place until such evidence is provided. In the event the Edgewood Civic Association has not

chosen a preferred vendor for the design, construction and/or installation of the signs prior to commencement of construction of the first home, the Applicant shall place \$2,500 in an escrow fund until such time as the Edgewood Civic Association selects a vendor. In such a scenario, evidence of the contribution to an escrow account will serve to satisfy this condition.

**E. 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.

Except as provided in the next sentence, construction, of the 22 townhomes must begin within three years of the effective date of this Order. In the event the Applicant phases construction of the townhomes, construction of at least five townhomes shall commence within three years of the effective date of this Order (the "Minimum Construction Requirement") and construction of the remaining townhomes shall commence within five years of the effective date of this Order. Satisfaction of the Minimum Construction Requirement shall vest the Project for purposes of allowing a future conversion of the Holy Redeemer College to residential use.

2. 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 December 15, 2016, upon the motion of Vice Chairman Miller, as seconded by Commissioner May, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at the conclusion of the hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E.

Miller, Peter G. May, and Michael G. Turnbull to approve; Peter 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 October 20, 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**  
**NOTICE OF FILING**  
**Z.C. Case No. 17-17**  
**(ANC 8A – Map Amendment @ Square 5564, Lot 812)**  
**October 5, 2017**

**THIS CASE IS OF INTEREST TO ANC 8A**

On October 2, 2017, the Office of Zoning received an application from Advisory Neighborhood Commission (ANC) 8A (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 812 in southeast Washington, D.C. (Ward 8), on property located at 1401 22<sup>nd</sup> Street, S.E. The property is currently zoned PDR-1. The Petitioner is proposing a map amendment to rezone the property to R-3 or RA-2.

The PDR-1 zone is intended to permit moderate-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 R-3 zone is intended to permit attached rowhouses on small lots. The purpose of the R-3 zone is to allow for row dwellings, while including areas within which row dwellings are mingled with detached dwellings, semi-detached dwellings, and groups of three or more row dwellings.

The RA-2 zone provides for areas developed with predominantly moderate-density residential. The purposes of the RA-2 zone are to: permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and to permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.

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

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