

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on the “Water Rate Increases in the District”
- D.C. Council schedules a public oversight roundtable on the “Department of Human Services’ Rapid Re-Housing Program”
- D.C. Council schedules a public roundtable on the “Issues Facing District of Columbia Youth”
- Department of Health sets LGBTQ training as a continuing education requirement for most professions
- D.C. Housing Authority proposes guidelines for a Rental Assistance Demonstration Program
- Office of the State Superintendent of Education updates eligibility guidelines for taking the GED test in the District
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2018 McKinney-Vento Homeless Education Grant
- University of the District of Columbia adjusts tuition rates for degree granting programs beginning with the 2018 fall semester

# DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-149**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 18, 2017**

To provide, on an emergency basis, 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.

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

Sec. 2. (a) It shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), 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.

(b) The Department of Public Works may issue notices of infraction for the parking violations described in subsection (a) of this section.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 18, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-150**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 18, 2017**

To amend, on a temporary 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 Temporary 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. Fiscal impact statement.

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

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Sec. 4. Effective date.

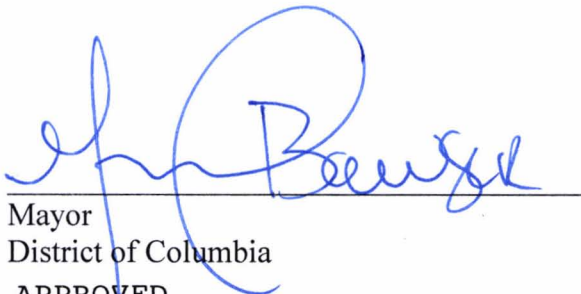
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;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

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
October 18, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-151**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 18, 2017**

To amend, on a temporary 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 Temporary 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 § 38-621), 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. Fiscal impact statement.

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

Sec. 4. Effective date.

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

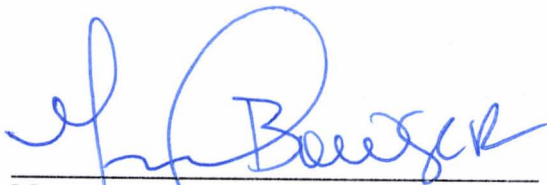
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 18, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-152**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To authorize, on a temporary basis, the issuance of general obligation bonds and general obligation bond anticipation notes of the District of Columbia for the purposes of financing certain capital projects and the refunding of certain capital indebtedness of the District of Columbia during fiscal years 2018 through 2023; and to amend section 47-336 of the District of Columbia Official Code to amend the definition of special real property tax levy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Temporary Act of 2017".

TITLE I. GENERAL OBLIGATION BONDS AND ANTICIPATION NOTES;  
AUTHORIZATION.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Additional Bonds" means District general obligation bonds that may be issued pursuant to section 461 of the Home Rule Act and any act enacted subsequent to this act on a parity with the bonds.
- (2) "Additional Notes" means District general obligation bond anticipation notes that may be issued pursuant to section 475 of the Home Rule Act and any act enacted subsequent to this act on a parity with the notes.
- (3) "Authorized Delegate" means any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act, including, but not limited to, the Chief Financial Officer, the City Administrator, and the Treasurer of the District of Columbia.
- (4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor or an Authorized Delegate.
- (5) "Bonds" means District general obligation bonds authorized to be issued pursuant to this act, including any refunding bonds.
- (6) "Capital Projects" means the District capital projects as defined in section 103(8) of the Home Rule Act.



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(7) "Deposit and Investment Act" means the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*).

(8) "Escrow Agreement" means any agreement heretofore or hereafter entered into by the Mayor or an Authorized Delegate to provide for the custody, investment, and disbursement of revenues and funds pledged to, and in which a security interest is created for, the payment of the principal of, and interest on, the bonds or notes.

(9) "Hedge Agreement" means any financial arrangement that is a cap, floor, or collar; forward rate; future rate; swap, which swap may be based on an amount equal to either a principal amount or a notional principal amount relating to all or a portion of the principal amount of a series of bonds; asset, index, price, or market-linked transaction or agreement; other interest rate exchange or rate protection transaction agreement; other similar transactions, however designated; any combination thereof; any option with respect thereto; or any similar arrangement, which is executed by the District for purposes of debt management, including managing interest rate fluctuations on bonds, but not for purposes of speculation.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Notes" means District general obligation bond anticipation notes authorized to be issued pursuant to this act, including any renewals of such notes.

(12) "Outstanding Debt" means the outstanding indebtedness at any time of the District for capital project loans from the Treasury of the United States, any Treasury Advances, any outstanding general obligation bonds issued pursuant to this or any prior act, any outstanding general obligation bond anticipation notes issued pursuant to this or any prior act, and any income tax secured revenue bonds issued pursuant to the Income Tax Secured Bond Authorization Act of 2008, effective October 22, 2008 (D.C. Law 17-254, D.C. Official Code §47-340.26 *et seq.*).

(13) "Paying Agent" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor or an Authorized Delegate pursuant to section 6.

(14) "Procurement Act" means the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).

(15) "Registrar" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor or an Authorized Delegate pursuant to section 6.

(16) "Special Tax Fund" means the debt service fund established pursuant to section 9(a)(1).

(17) "Special Tax Funds" means the debt service funds established pursuant to 9(a)(1) and 9(a)(2).

(18) "Special Tax Fund for Notes" means the debt service fund established pursuant to section 9(a)(2).

## ENROLLED ORIGINAL

(19) "Treasury Advances" means amounts advanced to the District from the United States Treasury pursuant to Chapter 34 of Title 47 of the District of Columbia Official Code.

Sec. 3. Findings.

The Council finds that:

(1) Section 461 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bonds to refund Outstanding Debt of the District and to provide for the payment of the cost of acquiring or undertaking its various capital projects.

(2) Section 475 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bond anticipation notes, the proceeds of which shall be used for the purposes for which general obligation bonds may be issued under section 461 of the Home Rule Act.

(3) The cost of Outstanding Debt may be reduced by refunding a portion of it through the issuance of the bonds and the District's cost of borrowing may be reduced by the issuance from time to time of notes in anticipation of the issuance of bonds.

(4) The issuance of the bonds and the notes in anticipation of the bonds is an economical method of financing the costs of acquiring or undertaking the capital projects described in section 5 and of refunding all or a portion of certain Outstanding Debt as is in the public interest.

(5) To fund the capital needs of the District for fiscal years 2018 through 2023, it will be necessary to issue bonds from time to time in one or more series in an aggregate principal amount not to exceed \$4,200,000,000 and to issue notes from time to time in one or more series in anticipation of all or a portion of the bonds.

Sec. 4. Bond and note authorization.

(a) The District is authorized to incur indebtedness by issuing the bonds pursuant to sections 461 through 467 of the Home Rule Act to provide for any of the following:

(1) The payment of the cost of acquiring, undertaking, or refinancing capital projects described in section 5 for general governmental and enterprise purposes;

(2) The reimbursing of amounts temporarily advanced for the purposes authorized by this act from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District;

(3) The refunding of Outstanding Debt; and

(4) The payment of the costs and expenses of preparation, execution, issuance, sale or delivery of, or security for, the bonds and notes, including the payments of contracts or agreements the Mayor or an Authorized Delegate may determine to be necessary and appropriate as described in section 7(f), and the payment of other debt program related costs as provided in the contracts or agreements related thereto.

(b) The Mayor or an Authorized Delegate is authorized to pay from the proceeds of the bonds and other District funds, the costs and expenses referred to in subsection (a)(4) of this section and to the extent necessary to establish or continue the tax exempt status of any of the

## ENROLLED ORIGINAL

bonds issued on a tax exempt basis.

(c) The District is authorized pursuant to section 475 of the Home Rule Act to issue the notes in anticipation of the issuance of general obligation bonds and to expend the proceeds of the notes for any of the purposes for which bonds may be issued.

Sec. 5. Capital projects.

(a)(1) Bonds and notes may be issued from time to time to provide for the payment of the cost of acquiring, undertaking, or refinancing capital projects of the District and reimbursement of amounts advanced for such purposes, including, but not limited to, capital projects for the following categories of facilities and equipment by project and project description:

- (A) Physical plant;
- (B) Technology;
- (C) Mass transportation;
- (D) Roads and bridges;
- (E) Housing and economic development;
- (F) Environmental protection;
- (G) Major equipment; and
- (H) Recreation.

(2) The Council shall specify and determine from time to time, by resolution, the capital projects for which the issuance of bonds shall be authorized.

(b) The maximum principal amount of indebtedness that may be incurred through the issuance of bonds or notes for the capital projects, exclusive of the costs and expenses of issuing and delivering the bonds or notes and any other costs referred to in section 4(a)(4) which may be funded with proceeds of the bonds or notes, shall not exceed \$4,200,000,000; provided, that the principal amount of any notes or bonds issued to refund prior notes or bonds issued for any capital project shall not be included in the determination of the principal amount of indebtedness issued for such project, and provided that the aggregate amount of any refunded notes or additional notes refinanced with bonds or additional bonds shall be returned to the maximum principal amount of indebtedness for use in future issuances.

(c) The maximum total principal amount to be financed through the bonds and notes provided for the capital projects listed in subsection (a)(1) of this section shall include amounts requested by the District government and approved by Congress in the District's Fiscal Year 2018-2023 Capital Improvements Plan or other capital projects approved by the Council, as it may be modified from time to time by appropriations legislation, or by the Council.

(d) The costs of the capital projects approved for financing pursuant to this act and prior bond acts that have become law, which are paid originally from the General Fund of the District of Columbia or General Capital Improvements Fund of the District of Columbia, are reasonably expected to be reimbursed in whole or in part with the proceeds of the bonds or notes in the maximum amount set forth in subsection (b) of this section. The adoption of this act by the Council declares the intent of the District under Treas. Reg. § 1.150-2, issued under the Internal

## ENROLLED ORIGINAL

Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), to reimburse the General Fund of the District of Columbia and General Capital Improvement Fund of the District of Columbia or to refinance Treasury Advances or loans from the Treasury of the United States for capital projects, in either case, with the proceeds of the bonds and notes.

(e) Funds pursuant to this act shall not be used to pay for personnel of the District, except those in positions working on authorized capital projects that create assets or extend the useful life of the assets.

Sec. 6. Bond and note details.

(a) The Mayor or an Authorized Delegate is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds and notes, including, but not limited to, determinations of:

- (1) Whether the bonds or notes are to be issued in one or more series and the principal amount of each series;
- (2) For each series of the bonds or notes, the date of issuance, sale, and delivery of the bonds or notes, the maturity date or dates of the bonds (provided that the maximum maturity of any bond shall not exceed 30 years from the date of issuance) or notes (provided that the maximum maturity date of any note, including any renewal note issued to refund such note, shall not be later than the last day of the 3<sup>rd</sup> fiscal year following the fiscal year during which such note was originally issued), the dates for payment of principal and interest on the bonds or notes, and the amount of each installment or sinking fund payment of principal (provided that the principal installments on each series of the bonds shall begin no later than 3 years from the date of issuance of the series);
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on each series of the bonds and notes; provided, that the interest rate or rates borne by the bonds of any series with fixed interest rates shall not exceed 15% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months) in any event and that the interest rate or rates borne by the bonds of any series with non-fixed interest rates shall not exceed 15% per year (calculated on the basis of the actual number of days elapsed over a year of 365 or 366 days and based on the total amount of interest paid in any fiscal year), and the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months or on the basis of the actual number of days elapsed over a year of 365 or 366 days), as determined by the Mayor or the Authorized Delegate; provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months or on the basis of the actual number of days elapsed over a year of 365 or 366 days), as determined by the Mayor or the Authorized Delegate;
- (4) For each series of the bonds or notes, the maximum debt service payable in any fiscal year in accordance with the amount permitted under section 11(a)(3);
- (5) The designation of any series of the bonds or notes and their denominations, lettering, and numbering or the manner of determining the designations and denominations,

## ENROLLED ORIGINAL

lettering, and numbering;

(6) The price and terms under which any series of the bonds or notes may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their stated maturities;

(7) The final form, content, and terms of each series of the bonds and notes, including a determination that any series of the bonds or notes may be issued in book-entry form;

(8) The designation of a registrar, if other than the District, for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(9) The designation of a Paying Agent for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(10) Provisions for the registration, transfer, and exchange of the bonds or notes and the replacement of mutilated, lost, stolen, or destroyed bonds or notes; and

(11) Provisions for the security of holders of the bonds or notes, including, but not limited to, bond insurance or other credit enhancement.

(b) The bonds and notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an Authorized Delegate. To the extent required by the Home Rule Act, the official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the bonds and notes.

(c) The registrar shall manually authenticate each bond or note and maintain the books of registration for the payment of the principal of, and interest on, the bonds or notes and perform other ministerial responsibilities as specifically provided in its appointment as registrar, and the securities depository, if the bonds or notes are issued in book-entry form, shall maintain or cause to be maintained books of registration of owners of beneficial interests in the bonds or notes.

#### Sec. 7. Sale of the bonds and notes.

(a) The bonds of any series may be sold by the Mayor or an Authorized Delegate at a public sale upon receipt of sealed proposals (including electronic bids), or at a private sale on a negotiated basis in a manner as the Mayor or an Authorized Delegate may determine to be in the public interest, all pursuant to and in accordance with section 466 of the Home Rule Act. The notes of any series may be sold by the Mayor or an Authorized Delegate by competitive bid or negotiated sale as may be determined by the Mayor or an Authorized Delegate to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may prepare, or cause to be prepared, and may execute, for each sale of the bonds or notes, offering documents on behalf of the District and may authorize the distribution of the offering documents for the bonds or notes.

(c) The Mayor or an Authorized Delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) as required by or incidental to:

(1) The issuance of the bonds or notes;

## ENROLLED ORIGINAL

(2) If and to the extent the bonds or notes are issued on a tax-exempt basis, the exclusion from gross income for federal income tax purposes of interest on the bonds or notes, the treatment of interest on the bonds or notes as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District taxation of interest on the bonds or notes;

(3) The performance of any covenants contained in this act or any purchase contract for the bonds or notes; and

(4) The execution, delivery, and performance of any financing documents in connection with the sale of the bonds or notes, including but not limited to, any Escrow Agreement, trust agreement, bond or note purchase agreement, or paying agent agreement.

(d) The bonds or notes shall not be issued until the Mayor or an Authorized Delegate receives an approving opinion from Bond Counsel as to the validity of the bonds or notes and, if and to the extent the bonds or notes are issued on a tax-exempt basis, the treatment of the interest on the bonds or notes for purposes of federal and District income taxation.

(e) The Mayor shall execute a bond issuance certificate or note issuance certificate, as the case may be, evidencing the determinations made and other actions taken by the Mayor for each series of the bonds or notes issued and shall designate in such certificate the amount of the bonds or notes to be used to finance capital projects or to refund or refinance Outstanding Debt, the amount of principal and interest on that amount of bonds or notes to be paid through sinking fund payments, redemptions, or otherwise, in each fiscal year, the date of the bonds or notes, the series designation, the authorized denominations, the Paying Agent or Agents, and any other matters pertaining to the bonds or notes, including any matters applicable under section 6(a). A copy of the bond issuance certificate or note issuance certificate, as the case may be, shall be filed with the Secretary to the Council not more than 3 days after the delivery of the bonds or notes covered by the certificate. Any bond issuance certificate or note issuance certificate shall be conclusive evidence of the actions or determinations taken or made as stated in the certificate.

(f) The Procurement Act and the Deposit and Investment Act shall not apply to whatever contract the Mayor or an Authorized Delegate may from time to time enter into for purposes of this act or the Mayor or an Authorized Delegate may determine to be necessary or appropriate for purposes of this act to place, in whole or in part, including, but not limited to:

(1) An investment or obligation of the District as represented by the bonds or notes;

(2) A contract or contracts for bond insurance or other credit enhancement (including, but not limited to, a letter or line of credits), or liquidity agreements, or placement of any investment or obligation or program of investment including any offering document, contract based on interest rate, currency, cash flow, or other basis, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options,

## ENROLLED ORIGINAL

puts, and calls, Hedge Agreements, and any required supplements to any such documents. The contracts or other arrangements may also be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the bonds or notes. The contracts or other arrangements entered into pursuant to this section shall contain whatever payment security, terms, and conditions as the Mayor or an Authorized Delegate may consider appropriate and shall be entered into with whatever party or parties the Mayor or an Authorized Delegate may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other criteria as may be appropriate.

(3) A contract or contracts for an escrow agent, paying agent, disclosure agent, trustee, collection agent, registrar, underwriting, legal services, accounting, financial advisory services, rating agency services, printing, and any other contracts for services of professionals or advisors or for disclosure services as the Mayor or an Authorized Delegate may consider to be necessary or appropriate.

Sec. 8. Payment and security of the bonds and notes.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the bonds and notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the bonds and notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the bonds and notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The bonds and notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) Any Paying Agent shall pay the principal of, and interest on, the bonds and notes and may perform other ministerial responsibilities as specifically provided in its appointment as paying agent.

(f) Proceeds of the bonds or notes and any money set aside for any security for the bonds or notes or any contract or other arrangement entered into pursuant to this section may be pledged to and used to service any contract or other arrangement providing for payment of principal of and interest on the bonds or notes.

Sec. 9. Special tax; establishment of rates; collection.

(a)(1) The Council determines that a special tax is necessary in conjunction with the authorization and issuance of the bonds and any Additional Bonds. Pursuant to section 481 of the

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Home Rule Act and notwithstanding the provisions of Chapter 5 of Title 47 of the District of Columbia Official Code, there is levied, for each real property tax year in which bonds or Additional Bonds are outstanding, a special tax on the real property in the District subject to taxation, in amounts that will be sufficient to pay the principal of, and interest on, the bonds and Additional Bonds coming due in each year. This special tax is levied, without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a Special Tax Fund maintained separate from other funds of the District. The collection and custody of the special tax payment may be pursuant to an agreement with an agent for such purposes and the Special Tax Fund may be maintained under an Escrow Agreement. When deposited, the funds in the fund and all investment income or earnings on these funds shall be irrevocably dedicated and pledged to the payment of principal, and interest on, the bonds and any Additional Bonds. Any Escrow Agreement providing for holding funds for the benefit of the holders of the bonds shall be maintained so long as any of the bonds is outstanding under this act.

(2) In addition to the special tax levied pursuant to subsection (a)(1) of this section, the Council determines that a separate tax levy is necessary in conjunction with the authorization and issuance of notes and any Additional Notes. Pursuant to section 467(a) of the Home Rule Act, and notwithstanding the provisions of Chapter 5 of Title 47 of the District of Columbia Official Code, there is levied, for each real property tax year in which notes or Additional Notes are outstanding, a special tax for notes on the real property in the District subject to taxation, which shall be separate and distinct from the collection and pledge of the special tax in subsection (a)(1) of this section, in amounts that will be sufficient to pay the principal of, and interest on, the notes and Additional Notes coming due in each year. This special tax for notes shall be levied, without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax for notes shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a Special Tax Fund for Notes maintained separate from other funds of the District, including the Special Tax Fund maintained under subsection (a)(1) of this section. The collection and custody of the revenue pledge payment may be pursuant to an agreement with an agent for such purposes and the Special Tax Fund for Notes may be maintained under an Escrow Agreement. When deposited, the revenues in the fund and all investment income or earnings on these funds shall be irrevocably dedicated and pledged to the payment of principal, and interest on, the notes and any Additional Notes. Any Escrow Agreement providing for holding funds for the benefit of the holders of the notes or Additional Notes shall be maintained so long as any of the notes or Additional Notes is outstanding under this act.

(3) The special taxes authorized pursuant to subsection (a)(1) and (2) of this subsection shall be levied and collected ratably and on a parity with each other, and in the event there are insufficient collections of real property taxes, the amounts collected shall be allocated to each of the Special Tax Funds in proportion of the amounts of bonds and Additional Bonds and notes and Additional Notes outstanding.

(b) The District irrevocably pledges for and on behalf of the owners of the bonds or notes as further security for the due and punctual payment of the principal and redemption price,



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if any, of, and interest on, the bonds or notes as they shall become due and payable for any reason, all of its right, title, and interest now owned or later acquired in and to the revenue from the applicable special taxes levied by this section, whether to be received, or held at the time, by a collection agent, custodian, or escrow agent for the District, or by District officials. This pledge creates and grants a parity security interest, which is created and perfected as contemplated in section 467 of the Home Rule Act, subject to the terms, conditions, and limitations in this act, including the provisions of subsections (e) and (i) of this section and the provisions setting forth conditions and limitations applicable to the issuance of Additional Bonds or Additional Notes secured, equally and ratably with the bonds or notes, respectively by a pledge of and security interest in the special tax revenue or special tax for notes revenue.

(c) The security interests created in the revenues from the special taxes levied by this section shall be valid, binding, and perfected from the time of the delivery of the first bonds or notes with or without the physical delivery or allocation of any special tax revenue or special tax for notes revenue and with or without any further action. The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The pledge and lien created by the security interest shall be valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not the individual or legal entity has notice of the pledge and lien.

(d) If the District pays or, pursuant to section 15, makes provisions to pay to the owners of all bonds and Additional Bonds or notes and Additional Notes the principal or redemption price, if any, and the interest due or to become due, at the time and in the manner stipulated, the security interest created in the revenue from the special taxes levied under this section shall be terminated.

(e)(1) In any real property tax year, if the amount expected to be on deposit in the Special Tax Fund on the first day of the next succeeding real property tax year exceeds the greater of the earnings on the Special Tax Fund for the current real property tax year or 1/12 of the amount that the Mayor certifies as required to pay the principal of, and interest on, the bonds and any Additional Bonds coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District of Columbia or the use of that excess amount to purchase, for cancellation, Outstanding Debt. That excess amount shall be released from the lien on and security interest in the special tax revenue created under this section.

(2) In any real property tax year, if the amount expected to be on deposit in the Special Tax Fund for Notes on the first day of the next succeeding real property tax year exceeds the greater of the earnings on the Special Tax Fund for Notes for the current real property tax year or 1/12 of the amount that the Mayor certifies as required to pay the principal of, and interest on, the notes and any Additional Notes coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District of Columbia or the use of that excess amount to purchase, for cancellation, Outstanding Debt. That excess amount shall be released from the lien on and security interest in the special tax for notes revenue created under this section.

(3) On or before the date upon which the Mayor is required by law to submit to the

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Council proposed real property tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall certify to the Council the amount required in that real property tax year to pay the principal of, and interest on, the bonds and any Additional Bonds or notes and any Additional Notes coming due for any reason during that real property tax year. The amount certified, less any funds then on deposit in the Special Tax Funds after application of paragraphs (1) and (2) of this subsection, shall be called the special tax requirement.

(f) On or before the date upon which the Mayor is required by law to submit to the Council proposed tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall calculate and submit to the Council proposed real property special tax rates to be applied during the real property tax year to all real property subject to taxation in the District. The real property special tax rates shall be calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section.

(g) The Council, in the same manner as provided for the establishment of other real property tax rates, shall, by act, establish real property special tax rates for the real property tax year calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section. If the Council fails to enact special real property tax rates for the real property tax year within the time provided by law, the real property special tax rates submitted by the Mayor pursuant to subsection (f) of this section shall be the real property special tax rates to be applied during that real property tax year.

(h) Real property special taxes shall be collected in the same manner as other District real property taxes and the Mayor shall promptly deposit in the Special Tax Funds all real property special taxes collected, including collection through a collection agent and deposit under an Escrow Agreement. If the law of the District relating to the levy or collection of real property taxes or the calculation or establishment of real property tax rates is changed in a manner that renders any of the provisions of subsections (e) through (h) of this section incapable of performance in accordance with their respective terms, the Mayor and the Council shall take actions that result in the collection of real property special taxes, in the same manner as other District real property taxes, in the amounts required by this section.

(i) The District and the Mayor reserve the right to satisfy all or a portion of the special tax pledge requirements by setting aside and depositing into the Special Tax Funds, equally and ratably, at any time any funds of the District not otherwise legally committed, which shall irrevocably dedicate and pledge those deposits to the payment of principal of, and interest on, the bonds and Additional Bonds or notes and any Additional Notes then outstanding. To the extent that all or a portion of the special tax requirement or revenue pledge requirement is satisfied by those deposits, an equal amount of real property special tax revenue or special tax for notes revenue subsequently collected shall be released from the lien on and the security interest in the special tax revenue or the special tax for notes revenue created under this section and shall be paid to reimburse the General Fund of the District of Columbia or other fund of the District of Columbia from which the other funds were received, and any other funds so deposited in lieu of a portion of the special tax revenues or pledged property tax revenues shall be subject to the pledge and security interest under this act as

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if they were special tax revenues or special tax for notes pledged revenues pursuant to section 467 of the Home Rule Act.

(j) The Mayor shall provide for the payment of the principal of, and interest on, the bonds or notes, as it may become due and payable for any reason, by transferring funds on deposit in the Special Tax Funds, respectively, to the Paying Agent to the extent required pursuant to the bond or Additional Bond issuance certificate or note or Additional Note issuance certificate provided for in section 7.

Sec. 10. Issuance of bonds to pay notes when due.

(a) The District shall issue the bonds or, to the extent permitted by the Home Rule Act, renewal notes to provide for the payment of the principal of the notes, as they may become due and payable.

(b) The par value to be received from the sale of any bonds issued to refund the notes or any renewal notes shall, to the extent necessary, be used to pay the principal of, and interest on, the notes when due and are pledged to that purpose.

Sec. 11. General covenants.

(a) The following covenants are made by the District in connection with the authorization and issuance of the bonds:

(1) Pursuant to section 603(c) of the Home Rule Act, the Council shall not approve any budget that would result in expenditures being made by the District during any fiscal year in excess of all resources which the Mayor estimates will be available from all funds available to the District for that fiscal year, except as permitted by applicable law. The Mayor shall not forward to the President for submission to Congress a budget that is not balanced according to the provisions of section 603(c) of the Home Rule Act, except as permitted by applicable law.

(2) The District shall prepare its annual financial statements in accordance with generally accepted accounting principles for state and local governments and cause its annual financial statements to be audited by an independent accountant.

(3) The District shall not issue any general obligation bonds or general obligation bond anticipation notes, other than bonds or renewal notes to refund any Outstanding Debt, or incur any indebtedness to the Treasury of the United States for capital projects in an amount that would cause the amount of debt service payable in any fiscal year on all the indebtedness, including all outstanding bonds and loans, to exceed any limitations set forth in the Home Rule Act or the borrowing limitation set forth in D. C. Official Code § 47-335.02 at the time the additional bonds or indebtedness are issued or incurred. For purposes of the limitation imposed by this section, and as required by section 475(b) of the Home Rule Act, the Council hereby determines that the estimated maximum annual debt service amount for the bonds anticipated by the notes is \$30 million.

(4) Subject to applicable law, the District shall maintain a capital projects fund, separate from other funds of the District, into which it will deposit the proceeds of any bonds or notes, other than bonds or notes issued to refund Outstanding Debt, less any capitalized interest

## ENROLLED ORIGINAL

and accrued interest, and shall expend the proceeds only to finance capital projects and incidental costs as defined in section 103(8) of the Home Rule Act. Subject to applicable law, the proceeds of the bonds or notes may be escrowed in appropriate accounts with escrow agents or a trustee for the bonds or notes to be applied to the applicable purposes. Interest or other investment earnings of proceeds in the capital projects fund shall be credited to the General Fund of the District of Columbia, subject to provisions for any deposit requirements to a rebate fund or other funds in accordance with agreements pertaining to the bonds or notes.

(b) The Mayor or an Authorized Delegate may, through a trust agreement or other instrument, make additional covenants of the District and agree to other provisions to better secure, administer funds for, and protect the bonds or notes and the owners thereof.

Sec. 12. Events of default.

(a) Each of the following events constitutes an event of default:

(1) Failure to pay the principal of the bonds or notes, as the case may be, when the principal becomes due and payable at maturity, upon redemption, or otherwise;

(2) Failure to pay an installment of interest on the bonds or notes, as the case may be, upon the day when the interest becomes due; and

(3) Failure by the District to observe and perform any covenant, condition, agreement, or provision, other than as specified in paragraphs (1) and (2) of this subsection, contained in the bonds or notes, as the case may be, or in this act, but only if the failure continues for a period of 90 days after transmittal to the District of written notice of failure.

(b) A bond or note owner who claims an event of default under subsection (a)(3) of this section shall provide to the registrar written notice specifying the failure and requesting that it be remedied. Upon verifying that the written notice has been transmitted by a bona fide bond or note owner, the registrar, if other than the District, shall transmit the written notice to the District. If the registrar is the District, the written notice shall be delivered directly to the Mayor. Transmittal to the District of the written notice required by subsection (a)(3) of this section shall not be accomplished in any manner other than that set forth in this subsection. If there is a trust agreement or Escrow Agreement for the bonds or notes, the notice by bond or note owners and notice to the District shall be given by and to the persons designated in or pursuant to such agreement.

Sec. 13. Remedies.

(a) Upon the occurrence and continuance of any event of default, any bond or note owner may:

(1) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bond or note owner and require the District to carry out any agreements with or for the benefit of the bond or note owner and to perform its duties under this act;

(2) Bring suit upon the bonds or notes, as the case may be; and

(3) By action or suit at law or in equity, enjoin any acts that may be unlawful or in violation of the rights of the bond or note owner.

(b) If any proceeding initiated by any bond or note owner to enforce any right under this act

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is discontinued or abandoned for any reason, the District and the bond or note owner shall be restored to their former positions and rights, and all rights, remedies, and powers of each of the parties shall continue as though the proceeding had not been initiated.

(c) Subject to the provisions of the Home Rule Act, if there is a trust agreement or Escrow Agreement for the bonds or notes, actions under this act or such agreement, or on the bonds or notes, as the case may be, shall be subject to applicable provisions in the agreement, notwithstanding other provisions in this act.

Sec. 14. District officials.

(a) The elected and appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or notes or be subject to any personal liability by reason of the issuance of the bonds or notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature on the bonds or notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the bonds or notes.

Sec. 15. Defeasance of bonds and notes.

(a) The bonds or notes, as the case may be, shall be legally defeased and no longer be considered outstanding and unpaid for the purpose of this act, and the requirements of this act shall be discharged with respect to the bonds or the notes if the Mayor or an Authorized Delegate:

(1) Deposits with an escrow agent, which shall be a bank, trust company, or national banking association with requisite trust powers, in a separate defeasance escrow account, established and maintained by the escrow agent solely at the expense of the District and held in trust for the bond owners, sufficient moneys or direct obligations of the United States, the principal of, and interest on, which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest on, the bonds or notes to be defeased; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or investments to the payment of the principal of and interest on, the bonds or notes to be defeased as they become due and payable.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any District limitations placed on these accounts by any law, except for this act.

(d) References in this section to "amounts due and payable" include, but are not limited to, amounts due and payable by reason of optional or mandatory redemption.

Sec. 16. Additional debt and other obligations.

Subject to the terms of any trust agreement or Escrow Agreement pertaining to the bonds or

## ENROLLED ORIGINAL

notes, the District reserves the right at any time to borrow money or enter into other obligations to the full extent permitted by law, to secure the borrowings or obligations by the pledge of its full faith and credit, to secure the borrowings or other obligations by any other security and pledges of funds as may be authorized by law, and to issue bonds, including Additional Bonds, notes, including Additional Notes, or other instruments, to evidence the borrowings or obligations. Any act of the Council authorizing the issuance of Additional Bonds or Additional Notes shall provide for an increase in the special tax requirements sufficient to pay principal of, and interest on, the Additional Bonds or Additional Notes.

Sec. 17. Tax status.

If and to the extent the bonds or notes are issued on a tax-exempt basis, the Mayor or an Authorized Delegate shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner that will cause the interest on the bonds or notes, as the case may be, to be includable in gross income for federal income tax purposes or to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor or an Authorized Delegate shall also take all actions necessary to be taken, including to make any rebate payment, if any, when due, so that the interest on the bonds or notes will not be includable in gross income for federal income tax purposes or be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 18. Contract.

This act shall constitute a contract between the District and the owners of the bonds and notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling with respect to bonds and notes.

Sec. 19. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 20. Maintenance of documents.

Copies of the specimen bonds and notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 21. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of any series of the bonds or notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Mayor shall notify the Council, within 30 days, if any funds or accounts of the District not otherwise legally committed have been used for the payment of principal of and interest on the bonds pursuant to section 8(c).

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(c)(1) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of bonds or notes pursuant to this act shall include a statement as to:

(A) Whether the bonds or notes of any series are intended to be sold by competitive bid or by negotiated sale and, if bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interests of the District and a statement of the reasons supporting this determination; and

(B) Whether the bonds or notes of any series are intended to be issued on a tax-exempt or taxable basis.

(d)(1) No portion of the proceeds of the sale of bonds or notes shall be used to compensate a District employee unless the employee actually performs duties related to the projects financed by this act, as provided in section 5(e).

(2) Within 30 days after the effective date of the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Emergency Act of 2017, passed on emergency basis on September 19, 2017 (Enrolled version of Bill 22-429), and before any bonds or notes are issued pursuant to this act, the Mayor shall submit to the Council a list of all District employees who are compensated, in whole or part, by capital improvement funds.

(e) With respect to a negotiated sale of bonds or notes, the underwriters shall provide written notification to the District of the following circumstances:

(1) Any relationship, during the prior 2 years, with elected or appointed District officials, or the District's bond counsel or financial advisor that could create a conflict of interest or apparent conflict of interest with the duties performed, or to be performed, by such underwriters or other advisors for the District;

(2) Any arrangement, during the prior 2 years, to share fees with other underwriters, firms, or individuals in connection with the provision of services to the District by either entity; and

(3) Any public finance transaction for any other issuer where the underwriter, or prospective underwriter, is serving, or has served in the prior 2 years, as financial advisor in any transaction where the District's financial advisor was, or is, an underwriter.

#### Sec. 22. Period of limitations.

At the end of the 20-day period beginning on the date of the first publication pursuant to the notice in section 463(a) of the Home Rule Act that an act authorizing the issuance of the bonds has taken effect:

(1) Any recital or statement of fact contained in such act or in the preamble or title of this act shall be deemed to be true for the purpose of determining the validity of any bonds authorized by this act, and the District and all others interested shall be estopped from denying any such recital or statement of fact; and

## ENROLLED ORIGINAL

(2) This act, and all proceedings in connection with the authorization of the issuance of bonds authorized by this act, shall be deemed to have been duly and regularly taken, passed, and done by the District, in compliance with the Home Rule Act and all other applicable laws, for the purpose of determining the validity of this act and the proceeding in connection with the authorization and issuance of bonds authorized by this act; and no court shall have jurisdiction in any suit, action, or proceeding commenced before the end of such 20-day period.

## TITLE II. CONFORMING AMENDMENT.

Sec. 201. Section 47-336(4) of the District of Columbia Official Code is amended to read as follows:

“(4) “Special real property tax levy” means those portions of the real property tax levy required by District of Columbia general obligation bonds or general obligation notes acts to be deposited in the debt service funds so that, when added to the funds already on deposit in the funds, the funds will be sufficient to pay the principal and interest on all outstanding general obligation bonds and additional bonds or general obligation notes and additional notes coming due in any year.”.

## TITLE III. SEVERABILITY.

Sec. 301. Severability.

As provided in the General Rule of Severability Adoption Act of 1983, effective March 14, 1984 (D.C. Law 5-56; D.C. Official Code § 45-201), if any provision of this act or the application of this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority of the Council, or otherwise invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

## TITLE IV. GENERAL PROVISIONS.

Sec. 401. 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. 402. Effective date.

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



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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-153**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To amend the Business Improvement Districts Act of 1996 to revise the rates of the assessments in the Capitol Riverfront Business Improvement District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. Applicability.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-154**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To allow, on an emergency basis, food establishments to permit dogs in outdoor dining areas and unenclosed sidewalk cafés.

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

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Carrier” means a crate designed for carrying dogs or a front-pack or backpack designed to safely carry a dog.
- (2) “Food establishment” means any business that offers outdoor seating and sells food for consumption on its premises.
- (3) “Leash” means a line held by a person on one end that is for leading or restraining a dog.
- (4) “Outdoor dining area” means an outdoor area on private property where food is served by a food establishment.
- (5) “Unenclosed sidewalk café” means any authorized use of public space adjacent to a food establishment that contains tables, chairs, railings, or planters, which is open to the sky and at the sides, but may include awnings or umbrellas, and which is able to be removed within a 24-hour period.
- (6) “Waste bag” means a plastic bag designed for disposing of dog excrement.

Sec. 3. Outdoor dining with dogs.

(a)(1) Notwithstanding any District law or regulation to the contrary, a food establishment may elect to permit dogs in outdoor dining areas or designated portions thereof, or in unenclosed sidewalk cafés.

(2) A food establishment permitting dogs may restrict types of dogs based on a dog’s size or temperament.

(b) A food establishment that permits dogs in outdoor dining areas or unenclosed sidewalk cafés shall:

ENROLLED ORIGINAL

(1) Post signage outside the food establishment clearly stating dogs are permitted in outdoor dining areas of the food establishment or unenclosed sidewalk café adjacent to the food establishment, along with any restrictions on dogs based on size or temperament;

(2) Provide a separate entrance to any outdoor seating areas or unenclosed sidewalk cafés that does not open into an indoor seating area;

(3) Provide patrons with waste bags and a sanitary means of disposing of waste bags;

(4) Meet the requirements of 25A DCMR § 503.1, ensuring that food employees do not care for or handle dogs;

(5) Require a patron to keep his or her dog in a carrier or on a leash at all times; and

(6) Prohibit a patron from leaving his or her dog unattended.

(d) A food establishment may require patrons to take the dog off the food establishment’s premises or away from the food establishment’s unenclosed sidewalk café.

(e) Nothing in this act shall be construed to prevent live animals, as described in 25A DMCR § 3214.2(b) and (c), from having access to food establishments.


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 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-155**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To restrict, on an emergency basis, a credit reporting agency’s authority to charge consumers for security freeze services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Credit Protection Fee Waiver Emergency Amendment Act of 2017”.

Sec. 2. Section 28-3862(o) of the District of Columbia Official Code is amended to read as follows:

“(o)(1) Except as provided in paragraph (2) of this subsection, a credit reporting agency shall not charge a consumer for a security freeze service.

“(2) If the consumer fails to retain the original personal identification number or password provided by the agency, the consumer may not be charged for a one-time reissue of the same or a new personal identification number or password, but may be charged an amount not to exceed \$10 for subsequent instances of loss and reissuance of a new personal identification number or password.”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

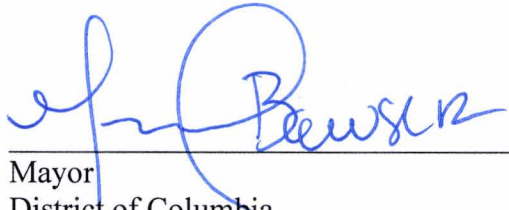
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-156**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW51849 and Modification to Contract No. CW51849 with Huron Consulting Services, LLC, Approval and Payment Authorization Emergency Act of 2017".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW51849 and Modification 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 authorizes payment in the total amount of \$1,295,815 for services and goods received and to be received under the contract and Modification No. MOD 002.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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



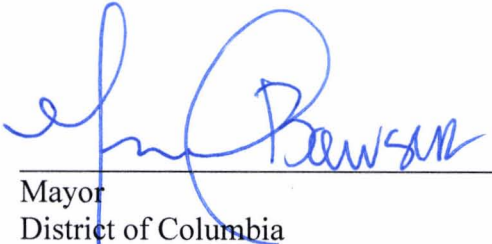
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-157**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To approve, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW41201 with Consumer Direct District of Columbia, LLC, Approval and Payment Authorization Emergency Act of 2017”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 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 authorizes payment in the total not-to-exceed amount of \$1,105,707.57 for services received and to be received under the modifications for the period from January 20, 2017 through January 19, 2018.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

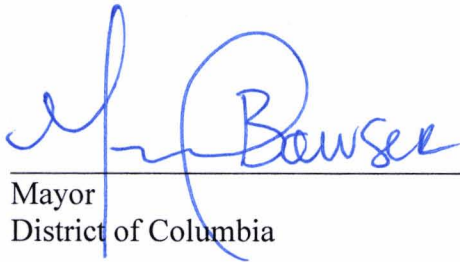
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-158**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To approve, on an emergency basis, Modification Nos. 9, 10, and 11 to Contract No. CW26186 with Fleetpro, Inc. to provide on-site fleet preventative maintenance services, and authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW26186 Approval and Payment Authorization Emergency Act of 2017".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 9, 10, and 11 to Contract No. CW26186 with Fleetpro, Inc. to provide on-site fleet preventative maintenance services, and authorizes payment in the amount of \$1,212,288.03 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

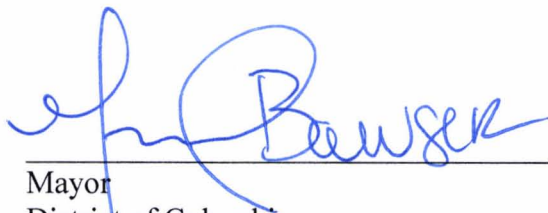
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-159**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

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

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

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

Sec. 3. Applicability.

This act shall apply as of October 23, 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).

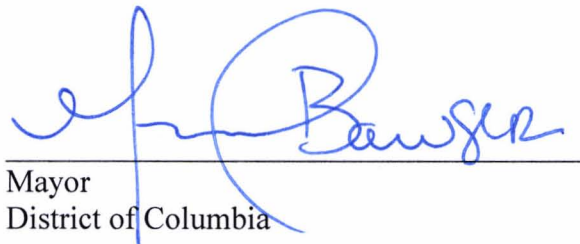
Sec. 5. Effective date.

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)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-160**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to increase the quorum requirement of the District of Columbia Board of Ethics and Government Accountability from 2 members to a majority of the sitting members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ethics Board Quorum Emergency Amendment Act of 2017”.

Sec. 2. Section 208(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.08(a)), is amended by striking the phrase “Two members” and inserting the phrase “A majority of the sitting members” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

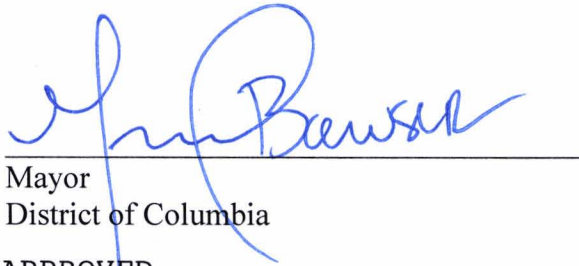


ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-161**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

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

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

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

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

Sec. 3. Applicability.

This act shall apply as of October 23, 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.

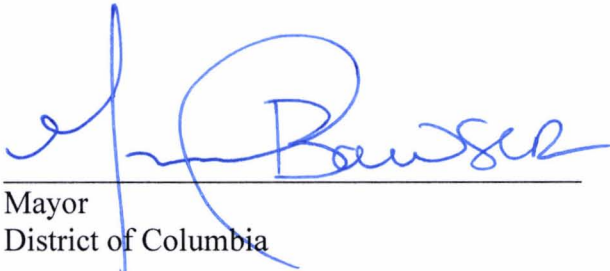
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-162**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Strike the number "\$0.36" and insert the number "\$0.38" in its

ENROLLED ORIGINAL

place.

(2) Strike the number "\$0.065" and insert the number "\$0.075" in its

place.

(3) Strike the number "\$0.18" and insert the number "\$0.20" in its

place.

Sec. 3. Applicability.

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

Sec. 4. Fiscal impact statement.

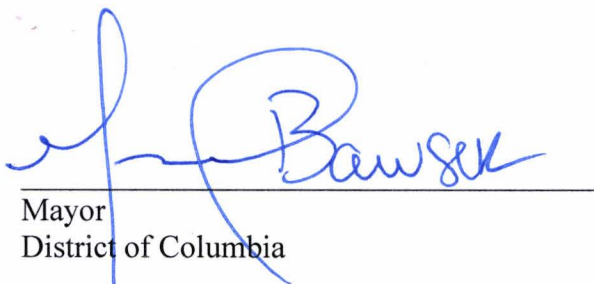
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-163**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To amend, on an emergency basis, the Fiscal Year 2018 Budget Support Act of 2017, the Clean and Affordable Energy Act of 2008, Title 47 of the District of Columbia Official Code, the Homeland Security Risk Reduction and Preparedness Amendment Act of 2006, and the Marion S. Barry Summer Youth Employment Expansion Amendment Act of 2016 to clarify provisions supporting the Fiscal Year 2018 budget; to provide funding for the collective bargaining agreement between the District of Columbia Public Schools and the Washington Teachers' Union and additional funding to District of Columbia public charter schools; and to authorize certain one-time payments to District of Columbia public charter schools.

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

TITLE I. BUDGET SUPPORT ACT CLARIFICATIONS

Sec. 101. The Fiscal Year 2018 Budget Support Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), is amended as follows:

(a) Section 2282 is amended as follows:

(1) Subsection (d)(3)(B) is amended by striking the phrase "examiner at set forth" and inserting the phrase "examiner as set forth" in its place.

(2) Subsection (e) is amended by striking the phrase "a determination of an independent hearing examiner" and inserting the phrase "a final decision of the Director" in its place.

(b) Section 6112(b)(1)(A) is amended to read as follows:

“(A) Paragraph (6) is amended to read as follows:

“(6) To increase physical activity in schools, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through a competitive process or a formula grants process to public schools, public charter schools, or organizations that provide technical assistance to public schools and public charter schools to increase the amount of physical activity in schools; provided, that a school

## ENROLLED ORIGINAL

receiving a grant award shall seek to meet the requirements of section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), and seek to increase the amount of physical activity in which its students engage.”.”.

(c) Section 7142 is amended as follows:

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

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

“(1) Paragraph (16) is amended by striking the phrase “an individual who has never owned eligible property” and inserting the phrase “an individual purchaser who has never owned improved residential real property or an economic interest in a cooperative unit that qualified for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01” in its place.”.

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

“(2) Paragraph (17) is amended to read as follows:

“(17) The phrase “eligible property” means improved residential real property, including an economic interest in a cooperative unit, purchased at an amount not to exceed the purchase ceiling of \$625,000 (adjusted annually beginning with real property tax year 2019 by the addition to the prior purchase ceiling of an amount equal to the percentage increase in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Urban Consumers for the preceding calendar year in which the real property tax year begins, rounded to the next lowest multiple of \$500), that qualifies for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01; and the phrase also includes within the purchase ceiling all other real property conveyed on the same deed.”.”.

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

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

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

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

“(1) Beginning October 1, 2017, for eligible property purchased by a first-time District homebuyer, the rate of tax provided in subsections (a) and (a-4) of this section shall be reduced as follows; provided, that the requirements of paragraph (2) of this subsection are met; provided further, that the entire benefit of the reduced recordation tax rate shall be allocated to the grantees of the eligible property, as shown on the settlement statement or closing disclosure form:

“(A) To 0.725% for a deed of title; or

“(B) For an economic interest in a cooperative unit:

“(i) To 1.825% when consideration allocable to the real property is less than \$400,000; or

“(ii) To 2.175% when consideration allocable to the real property is \$400,000 or greater.”.”.

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

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

## ENROLLED ORIGINAL

“(2) To be eligible for the reduced recordation tax rate provided by this subsection, the applicant for the reduced rate shall, at the time the deed is offered for recordation:

“(A) Certify that the applicant is a first-time District homebuyer and is a bona fide District of Columbia resident;

“(B) Provide proof that the combined federal adjusted gross income, as shown on all the owners’ and household members’ federal income tax returns originally due or filed immediately before (if filed before the original due date) the deed is offered for recordation, is no higher than 180% of the Area Median Income as provided before the beginning of the real property tax year (and effective for such tax year) by the United States Department of Housing and Urban Development as a direct calculation without taking into account any adjustment. For purposes of this subparagraph, “household” excludes any tenant occupying a separate dwelling unit under a written lease for fair market value;

“(C) Provide proof that the real property to be purchased is eligible property; and

“(D) Submit a copy of the homestead deduction application for the eligible property, signed by the applicant.”

(iii) Subparagraph (C) is amended to read as follows:

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

“(3) The Mayor or the Chief Financial Officer of the District of Columbia may require the applicant to provide such documentation as may be necessary or appropriate to substantiate entitlement to the reduced rate of tax provided under this subsection.”

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

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

“(g) Notwithstanding subsection (c) of this section and D.C. Official Code § 47-4421, any subsequent deficiency of recordation tax determined to be owed on a deed taxed at the rate provided under subsection (e) of this section when the deed was accepted for recordation shall be the liability of the grantee or grantees solely and shall not create a lien on the real property that was transferred under such deed.”

Sec. 102. Section 210(c) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)), is amended as follows:

(a) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (10) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (11) is added to read as follows:

“(11) For the fiscal year beginning October 1, 2017 and ending September 30, 2018, supporting DOEE activities in the amount of \$242,412.”

Sec. 103. Chapter 22 of Title 47 of the District of Columbia Official Code is amended as follows:



## ENROLLED ORIGINAL

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-2202.03. Additional tax on gross receipts for transient lodgings or accommodations.”

(b) A new section 47-2202.03 is added to read as follows:

“§ 47-2202.03. Additional tax on gross receipts for transient lodgings or accommodations.

“(a) A tax, separate from, and in addition to, the taxes imposed pursuant to §§ 47-2202 and 47-2202.01, is imposed at the rate of 0.3% on the use, storage, or consumption of any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

“(b) Vendors engaging in the business activities listed in this section and purchasers of the vendors' tangible personal property and services shall pay the tax at the rate of 0.3% of the gross receipts for the sale or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

“(c) If the occupancy of a room or rooms, lodgings, or accommodations is reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this section shall be determined based on the net charges and additional charges by the room remarketer.

“(d) The tax revenue receipted pursuant to this section shall be dedicated to the Washington Convention and Sports Authority, for transfer to Destination DC for the purposes of marketing and promoting the District of Columbia as a destination. Any tax revenue dedicated pursuant to this subsection shall be in addition to the funds dedicated to Destination DC pursuant to § 10-1202.08a.”

Sec. 104. Section 501 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 § 22-4251), is amended as follows:

(a) Subsection (b)(2) and (3) is amended to read as follows:

“(2) Of the 20 representatives, 10 shall be appointed by the Mayor and 10 shall be appointed by the Chairman of the Council no later than 60 days after October 1, 2017.

“(3) The Mayor and the Chairman of the Council shall each designate a co-chair of the Task Force, one each from the government and non-government sectors.”

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

“(c) No later than October 1, 2018, the Task Force shall hold at least 3 public meetings and shall present a report to the Mayor and the Council.”

Sec. 105. Section 3 of the Marion S. Barry Summer Youth Employment Expansion Amendment Act of 2016, effective May 12, 2016 (D.C. Law 21-112; 63 DCR 4326), is repealed.

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TITLE II. WASHINGTON TEACHERS' UNION AGREEMENT AND PUBLIC CHARTER SCHOOLS FUNDING

Sec. 201. The Fiscal Year 2018 Budget Support Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), is amended as follows:

(a) Section 4002 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "\$9,972 per student for Fiscal Year 2018" and inserting the phrase "\$10,257 per student for Fiscal Year 2018" in its place.

(2) Subsection (b) is amended by striking the tabular array and inserting the following tabular array in its place:

“

“Grade Level	Weighting	Per Pupil Allocation in FY 2018
“Pre-Kindergarten 3	1.34	\$13,744
“Pre-Kindergarten 4	1.30	\$13,334
“Kindergarten	1.30	\$13,334
“Grades 1-5	1.00	\$10,257
“Grades 6-8	1.08	\$11,078
“Grades 9-12	1.22	\$12,514
“Alternative program	1.44	\$14,770
“Special education school	1.17	\$12,001
“Adult	0.89	\$9,129

“

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

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

“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

““Special Education Add-ons:

““Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018

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““Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,949
““Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$12,308
““Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$20,206
““Level 4: Special Education	More than 24 hours per week of specialized services, which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$35,797
““Special Education Compliance	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.069	\$708
““Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney’s fees.	0.089	\$913
““Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$17,129

““General Education Add-ons:

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Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
ELL	Additional funding for English Language Learners.	0.49	\$5,026
At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	\$2,246

Residential Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,775
Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	\$13,714

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““Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$29,653
““Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$29,653
““LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$6,852

““Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

““Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018

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““Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$646
““Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,328
““Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,036
““Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,036

””.

(b) Section 4003(b) is amended to read as follows:

“(b) For District of Columbia Public Schools, no more than \$30,200,000 of the Fiscal Year 2018 increase to the Uniform Per Student Funding Formula foundation level over the Fiscal Year 2017 foundation level, effectuated by section 4002, shall be used in Fiscal Year 2018 to satisfy compensation terms required by a collective bargaining agreement that becomes effective in Fiscal Year 2018.”.

(c) Section 7102 is amended as follows:

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

(A) The lead-in language is amended as follows:

(i) Strike the phrase “if local revenues” and insert the phrase “the portion of local revenues” in its place;

(ii) Strike the phrase “estimate exceed the” and insert the phrase “estimate that exceeds the” in its place;

(iii) Strike the phrase “for Fiscal Year 2018, these additional revenues” and insert the phrase “for Fiscal Year 2018 (“additional revenues”)” in its place.

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

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(i) Strike the phrase “50% to the Workforce Investments account,” and insert the phrase “Pursuant to subsection (b)(1) under the heading “Revised Revenue Estimate Contingency Priority” in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues to the Workforce Investments account” in its place.

(ii) Strike the phrase “which shall be available to fund salary increases or other items required by the terms of collective bargaining agreements that will become effective in Fiscal Year 2018; and” and insert the phrase “; and” in its place.

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

“(2) Pursuant to subsection (b)(2) under the heading “Revised Revenue Estimate Contingency Priority” in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues as follows:

“(A) \$24.175 million in recurring additional revenues to the General Fund of the District of the Columbia (“offset”), which shall offset in an equal amount a dedication of general sales tax revenue to the capital improvements program (“CIP”) that in turn will be dedicated to the Washington Metropolitan Area Transit Authority (“WMATA”), in accordance with subsections (b) and (c) of this section; and

“(B) All remaining additional revenues to the Workforce Investments account.”.

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

“(b) Revenue from general sales tax imposed by section 47-2002(a) of the District of Columbia Official Code at the rate of 5.75% (“general sales tax”) in an amount equal to the recurring revenue in the offset shall become a dedicated tax (“dedicated tax”) for use in the CIP.”.

(3) Subsection (c) is amended by striking the phrase “(b)(1)(A)” both times it appears and inserting the phrase “(b)” in its place.

Sec. 202. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-368.07. Workforce Investments account.”.

(b) A new section 47-368.07 is added to read as follows:

“§ 47-368.07. Workforce Investments account.

“(a) The Workforce Investments account (“Account”) shall be administered by the Mayor in accordance with subsections (b) and (c) of this section.

“(b) Money in the Account shall be used for the following purposes only:

“(1) Costs related to financial, developmental, and other investments in the District government workforce, including salary increases or other items required by the terms of collective bargaining agreements and cost-of-living adjustments to salaries and hourly wages;

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“(2) Payments to public charter schools authorized by section 203 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); and

“(3) For such other purposes for which funds previously may have been deposited into the Account.

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

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

Sec. 203. Payments to public charter schools.

In Fiscal Year 2018, each public charter school, as that term is defined in section 102(9) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(9)) (“UPSFF Act”), that received Fiscal-Year-2017-based uniform per student funding formula (“UPSFF”) payments shall receive a payment in Fiscal Year 2018 in an amount equal to the difference between the total sum of Fiscal-Year-2017-based UPSFF payments that the public charter school received and the total sum of Fiscal-Year-2017-based UPSFF payments that the public charter school would have received if:

(1) The foundation level set forth in section 104 of the UPSFF Act (D.C. Official Code § 38-2903) for Fiscal Year 2017 were \$9,885;

(2) The per-pupil allocations for Fiscal Year 2017 set forth in section 105 of the UPSFF Act (D.C. Official Code § 38-2904) were adjusted to reflect a foundation level of \$9,885;

(3) The per-pupil supplemental allocations set forth in section 106(c) of the UPSFF Act (D.C. Official Code § 38-2905(c)) were adjusted to reflect a foundation level of \$9,885; and

(4) The at-risk allocations described in section 106a of the UPSFF Act (D.C. Official Code § 38-2905.01) were calculated based on a foundation level of \$9,885.

TITLE III. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Applicability.

This act shall apply as of October 1, 2017.

Sec. 302. Fiscal impact statement.

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



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Sec. 303. 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 § 1-301.47a).



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-164**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To amend, on an emergency basis, Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the Office of the Attorney General is authorized to enforce the District of Columbia Consumer Protection Procedures Act against housing providers that violate certain consumer protection laws that protect tenants.

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

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

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

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

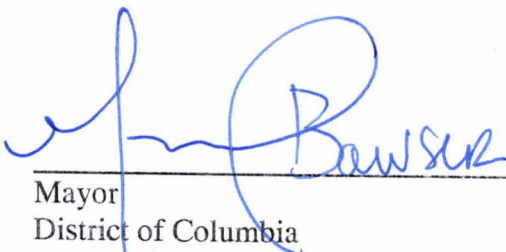
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
October 23, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-165**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 23, 2017**

To amend, on an emergency basis, due to congressional review, the Animal Control Act of 1979 to clarify what constitutes the proper treatment of animals, update prohibited behaviors toward animals, update penalties for violating provisions of the act, and redesignate existing sections for organizational purposes.

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

Sec. 2. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-1801) is amended to read as follows:

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “Abandon” means to desert, forsake, or give up an animal without having secured another owner or custodian for the animal or having transferred the animal to the Animal Care and Control Agency.

“(2) “Adequate care” means the responsible practice of animal husbandry, handling, confinement, protection, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size, and type of the animal, and the provision of veterinary care when needed to prevent suffering, impairment of health, or the treatment of illness or injury.

“(3) “Adequate feed” means the provision of and access to food that is sufficient in quantity, prepared and provided in a manner so that the animal can consume it, and provided in a manner sanitary for the animal.

“(4)(A) “Adequate shelter” means the provision of and access to shelter that is safe and protects each animal from injury, rain, sleet, snow, hail, the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around.

“(B) For a dog confined outside, the term “adequate shelter” shall additionally mean that:

“(i) When the temperature is at or below 40 degrees Fahrenheit, the

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dog has access to a shelter that has an entrance covered by a flexible wind-proofing material or self-closing door, that contains a platform for the dog at least 4 inches off the ground, and that contains dry bedding, which shall consist of an insulating material that does not retain moisture, such as straw, and is of a sufficient depth for the dog to burrow.

“(ii) When the temperature is at or above 80 degrees Fahrenheit, the dog has access to a shelter shaded by trees, a roof, a tarp, or a tarp-like device.

“(5)(A) “Adequate space” means sufficient space to allow each animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal, while allowing the animal to interact safely with other animals.

“(B) Where freedom of movement would endanger or harm the animal, temporarily and appropriately restricting movement of the animal according to veterinary standards for the species is considered the provision of adequate space.

“(6) “Adequate water” means the provision of and access to clean, fresh, potable water, provided in a suitable manner for proper hydration for the age, species, condition, size, and type of each animal.

“(7) “Animal Care and Control Agency” means the District of Columbia humane organization the Mayor contracts with to manage animal care and control.

“(8) “Animal shelter” means a privately- or government-owned facility established for the impoundment of stray, diseased, dangerous, sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or otherwise displaced animals, with the intent to care for, quarantine, return to an owner, place for adoption, or euthanize the animals.

“(9)(A) “At large” means any animal found off the premises of its owner or custodian and not leashed, tethered, or otherwise under adequate means of control of a person capable of physically restraining it.

“(B) The term “at large” shall not include a dog in a dog park pursuant to section 11b.

“(C) The term “at large” shall not include cats.

“(10) “Custodian” means a person who has assumed responsibility for the care and well-being of an animal in place of the animal’s owner with the owner’s knowledge and permission.

“(11) “Dangerous animal” means an animal that because of specific training or demonstrated behavior threatens the health or safety of the public. The term “dangerous animal” shall not include a dangerous dog as defined in section 2(1) of the Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176; D.C. Official Code § 8-1901(1)).

“(12) “Dog park” means an off-leash dog exercise area officially established pursuant to section 11b.

“(13) “Extreme weather” means temperatures below 32 degrees Fahrenheit or above 90 degrees Fahrenheit.

“(14) “Leash” means a line held by a person on one end that is for leading or restraining an animal.

“(15) “Mayor” means the Mayor of the District of Columbia or his or her

## ENROLLED ORIGINAL

designee.

“(16) “Owner” means a person in the District of Columbia who purchases or keeps an animal in temporary or permanent custody, except as provided in section 5.

“(17) “Tether” means a line connected to a stationary object by which an animal is fastened so as to restrict its range of movement.

“(18) “Vaccinated” means protected by a documented inoculation that the Mayor, consistent with the practices of veterinary medicine, determines is currently effective.”.

(b) Section 3 (D.C. Official Code § 8-1802) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “; provided, that only a sworn member of the Metropolitan Police Department may serve a notice of violation with respect to section 9(a) outside the premises of the animal shelter”.

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

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

“(1) Pursuant to this act, issue fines and citations for violations and deliver all fees collected to the Mayor.”.

(B) Paragraph (4) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (5) and (6) are added to read as follows:

“(5) Respond to all animal calls and emergencies in the District of Columbia; and

“(6) Perform any other duties the Mayor designates that are consistent with the provisions of this act.”.

(c) Section 4(b) (D.C. Official Code § 8-1803(b)) is amended to read as follows:

“(b) The Mayor shall provide a free rabies vaccination clinic at least annually.”.

(d) Section 5 (D.C. Official Code § 8-1804) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “his dog wears a collar” and inserting the phrase “his or her dog wears a collar or harness” in its place.

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

“(e-1) \$2 of each fee collected pursuant to subsection (e) of this section shall be deposited into the Animal Education and Outreach Fund, established in section 11a. Remaining money from the fees collected shall be deposited in the General Fund of the District of Columbia.”.

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

“(h) Any license issued pursuant to this section shall be issued by the Department of Health. The Department of Health may delegate this function to any veterinarians licensed in the District.”.

(4) Subsection (j) is repealed.

(e) Section 10 (D.C. Official Code § 8-1809) is redesignated as section 5a.

(f) The newly designated section 5a is amended as follows:

(1) Strike the word “mammals” wherever it appears and insert the word “animals” in its place.

(2) Subsection (a) is amended by striking the phrase “permit: EXCEPT,” and inserting the phrase “permit; provided,” in its place.

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

“(f) A holder of an animal hobby permit shall provide his or her animals with adequate care, adequate feed, adequate shelter, adequate space, adequate water, and appropriate veterinary care.”.

(4) Subsection (g) is amended by striking the word “mammal” and inserting the word “animal” in its place.

(g) Section 6 (D.C. Official Code § 8-1805) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “section 10.” and inserting the phrase “section 5a.” in its place.

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

“(g)(1) The Mayor shall not release an animal that has not received a rabies vaccination in accordance with the Centers for Disease Control and Prevention’s rabies vaccination schedule.

“(2) Paragraph (1) of this subsection shall not apply to puppies or kittens under 4 months of age.”.

(h) Section 7 (D.C. Official Code § 8-1806) is amended by striking the phrase “Redemption by” in the heading and inserting the phrase “Release to” in its place.

(i) Section 9 (D.C. Official Code § 8-1808) is amended to read as follows:

“Sec. 9. Prohibited Conduct.

“(a)(1) An owner or custodian shall not allow his or her animal to go at large.

“(2) If a dog injures a person while at large, lack of knowledge of the dog’s vicious propensity standing alone shall not absolve the owner from a finding of negligence.

“(b) A person shall not knowingly and falsely deny ownership or custodianship of an animal.

“(c)(1) An owner or custodian shall not leave his or her animal outdoors without human accompaniment or adequate shelter for more than 15 minutes during periods of extreme weather, unless the age, condition, and type of each animal allows the animal to withstand extreme weather.

“(2) Paragraph (1) of this subsection shall not apply to cats.

“(d) A person shall not remove the license of a dog without the permission of its owner.

“(e) A dog shall not be permitted on any school ground or on any public recreation area, other than a dog park, unless the dog is on a leash, tether, or otherwise under adequate means of control of a person capable of physically restraining it.

“(f)(1) A person shall not separate a puppy or a kitten from its mother until the puppy or kitten is at least 6 weeks of age.

“(2) Paragraph (1) of this subsection shall not apply in cases where a mother poses a danger to its offspring.

“(g) A person shall not give, sell, or offer for sale a puppy or kitten under 6 weeks of age, unless the puppy’s or kitten’s mother is given or sold to the same person as the puppy or kitten.

“(h)(1) A person shall not change the natural color of a baby chicken, duckling, other fowl, or rabbit.

“(2) A person shall not sell or offer for sale a baby chicken, duckling, other fowl,

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or rabbit that has had its natural color changed.

“(i) A person shall not sell or offer for sale a rabbit under the age of 16 weeks or a chick or duck under the age of 8 weeks except for agricultural or scientific purposes.

“(j)(1) Except as provided in this subsection, a person shall not import into the District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a household pet, any living member of the animal kingdom, including those born or raised in captivity, except the following:

“(A) Domestic dogs, excluding hybrids with wolves, coyotes, or jackals;

“(B) Domestic cats, excluding hybrids with ocelots or margays;

“(C) Domesticated rodents and rabbits;

“(D) Captive-bred species of common cage birds;

“(E) Non-venomous snakes, fish, and turtles, traditionally kept in the home for pleasure rather than for commercial purposes;

“(F) Ferrets; and

“(G) Racing pigeons, when kept in compliance with permit requirements.

“(2) A person may offer any of the species enumerated in paragraph (1) of this subsection to a public zoo, park, or museum for exhibition purposes.

“(3) This section shall not apply to federally licensed animal exhibitors; provided, that the Mayor shall retain the authority to restrict the movement of any prohibited animal into the District and the conditions under which those movements are made.

“(4) The Mayor may allow a licensed wildlife rehabilitator, licensed veterinarian, or licensed animal shelter to maintain an animal prohibited in this subsection for treatment or pending appropriate disposition.

“(k)(1) A person shall not sponsor, promote, train an animal to participate in, contribute to the involvement of an animal in, or attend as a spectator, any activity or event in which any animal engages in unnatural behavior, is wrestled or fought, mentally or physically harassed, or displayed in such a way that the animal is struck, abused, or mentally or physically stressed or traumatized, or is induced, goaded, or encouraged to perform or react through the use of chemical, mechanical, electrical, or manual devices, in a manner that will cause, or is likely to cause, physical or other injury or suffering.

“(2) The prohibitions set forth in paragraph (1) of this subsection shall apply to any event or activity at a public or private facility or property, and are applicable regardless of the purpose of the activity or event and regardless of whether a fee is charged to spectators of the activity or event.

“(l)(1) An owner or custodian of a dog shall not direct, encourage, cause, allow, aid, or assist that dog to threaten, charge, bite, or attack a person or other animal, except that an owner or custodian may keep a properly trained dog on private property to defend the property and its occupants from intruders, and may order a dog to defend a person under attack.

“(2) Paragraph (1) of this subsection shall not apply to dogs that work for the Metropolitan Police Department or any other law enforcement agency.

“(m) A person shall not display, exhibit, or otherwise move animals in the District as part



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of a circus, carnival, or other special performance or event, without first obtaining a permit, issued by the Mayor, that governs the care and management of the animals.

“(n) An owner or custodian shall not neglect to provide her or her animal with adequate care, adequate feed, adequate shelter, adequate space, and adequate water.

“(o) A person shall not take actions that intentionally harm, or that the person should know are likely to cause harm to, an animal.

“(p)(1) An owner or custodian shall not abandon an animal in his or her possession.

“(2) An owner who transfers ownership of an animal or releases the animal to the Animal Care and Control Agency shall not be liable for abandonment.”.

(j) Section 9a (D.C. Official Code § 8-1808.01) is redesignated as section 11b.

(k) A new section 10a is added to read as follows:

“Sec. 10a. Animals left in vehicles.

“(a) An owner or custodian shall not leave an animal alone in a vehicle in such a way as to endanger the animal's health or safety.

“(b) After making a reasonable attempt to contact the owner or custodian, an animal control officer, firefighter, or law enforcement officer may use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health is endangered; provided, that no attempt to contact the owner or custodian is required if the animal is in immediate danger or appears in distress.

“(c) Following an animal's removal from a vehicle by an animal control officer, firefighter, or law enforcement officer, the animal shall be impounded and medical care shall be provided if needed. A written notice shall be left attached to the vehicle identifying the responding animal control officer, firefighter, or law enforcement officer, and providing a phone number, time, date, and the location where the animal is being held.

“(d)(1) Any person found in violation of subsection (a) of this section shall be responsible for all expenses incurred by the District in the care, medical treatment, and impound cost of the animal.

“(2) The District shall not be responsible for the:

“(A) Injury or death to an animal due to enforcement of subsections (b) and (c) of this section; or

“(B) Cost of any damage to a vehicle due to enforcement of subsections (b) and (c) of this section.”.

(l) Section 11(2) (D.C. Official Code § 8-1810(2)) is amended to read as follows:

“(2) An educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and the laws related to pet ownership.”.

(m) A new section 11a is added to read as follows:

“Sec. 11a. Animal Education and Outreach Fund.

“(a) There is established as a special fund the Animal Education and Outreach Fund (“Fund”), which shall be utilized by the Animal Care and Control Agency in accordance with subsection (c) of this section.

## ENROLLED ORIGINAL

“(b) Revenue deposited into the Fund shall come from \$2 of each fee paid for the application, issuance, or renewal of a dog license pursuant to section 5(e-1).

“(c) Money in the Fund shall be used for the following purposes:

“(1) Pursuant to section 11, providing for low cost spay and neuter clinic services, and implementing an educational program for animal owners regarding pet care and safety, specifically in extreme weather conditions or emergencies, and the laws related to pet ownership; and

“(2) Appropriate overhead and administrative expenses related to the Fund.

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

(n) Section 12 (D.C. Official Code § 8-1811) is amended to read as follows:

“Sec. 12. Penalty.

“(a) The Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to set specific fine amounts for violations of each provision of this act; provided, that the fines shall not exceed the following amounts:

“(1) \$500 for each offense, except as otherwise provided in paragraph (2) of this section.

“(2) \$1000 for each offense for violations of section 9(n), (o) or (p)(1).

“(b) Fines issued under this section shall not preclude any other criminal or civil penalty or enforcement action provided by District law.”.

(o) Section 12a (D.C. Official Code § 8-1812) is repealed.

(p) A new section 13a is added to read as follows:

“Sec. 13a. Rules.

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

### Sec. 3. Fiscal impact statement.

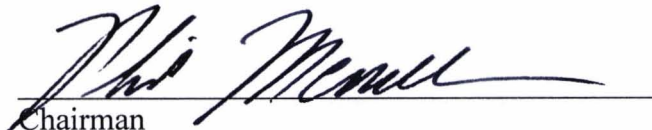
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

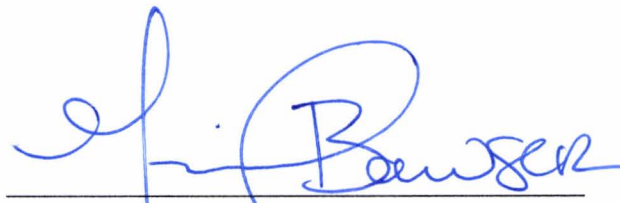
### Sec. 4. Effective date.

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

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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 23, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-166**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 24, 2017**

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

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

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

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

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

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

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

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

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

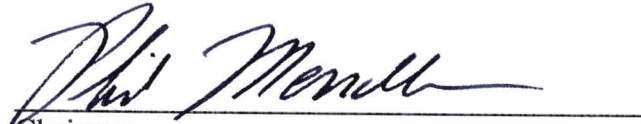
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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia

UNSIGNED \_\_\_\_\_  
Mayor  
District of Columbia

October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-167**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 24, 2017**

To enact and amend, on an emergency basis, due to congressional review, provisions of law necessary to support the Fiscal Year 2018 budget.

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

**TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

**SUBTITLE A. EXECUTIVE SERVICE PAY SCHEDULE CONFORMITY**

Sec. 1001. Short title.

This subtitle may be cited as the “Executive Service Pay Schedule Conformity Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

“(iv) The restrictions and reporting requirements specified in section 3602(b) of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204(b)), shall not apply to the Chancellor.”.

(3) Subparagraph (D) is repealed.

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

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

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

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

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

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

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

(1) Subparagraph (A) is repealed.

(2) Subparagraph (B) is repealed.

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

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

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

#### **SUBTITLE B. COMPENSATION FOR UNJUST IMPRISONMENT**

Sec. 1011. Short title.

This subtitle may be cited as the “Unjust Conviction and Imprisonment Compensation Congressional Review Emergency Amendment Act of 2017”.

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

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

“Sec. 2. Administrative petitions and civil claims.

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

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

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

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

“Sec. 3. Proof required.

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

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

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

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

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“(4) That, based upon clear and convincing evidence, the person did not commit any of the acts charged or the person’s acts or omissions in connection with such charge constituted no offense against the United States or the District of Columbia the maximum penalty for which would equal or exceed the imprisonment served and the person did not, by his or her misconduct, cause or bring about his or her own prosecution.

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

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

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

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

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

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

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

“Sec. 4a. Petition for compensation.

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

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

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

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

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

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

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

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

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

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

“(c)(1) If a petitioner is aggrieved by the Director’s determination under subsection (b) of this section, the petitioner may bring an action in the Superior Court for mandamus relief within 45 days after the petitioner receives written notice of the determination under subsection (b)(2) of this section.

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

“Sec. 4b. Compensation and other benefits.

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

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

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

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

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

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

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

“(A) Housing;

“(B) Transportation;

“(C) Subsistence;

“(D) Re-integrative services; and

“(E) Mental and physical health care.

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

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

“(B) Reimbursement for any tuition and fees paid to the University of the District of Columbia or the University of the District of Columbia Community College for the

## ENROLLED ORIGINAL

petitioner's education, including any necessary assistance to meet the criteria required for admittance, or a vocational or employment skills development program; and

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

“(ii) The Superior Court shall award attorney's fees for each of the petitioner's attorneys pursuant to the matrix approved in *Laffey v. Northwest Airlines*, 572 F. Supp. 354 (D.D.C. 1983), as published and adjusted by the United States Attorney's Office for the District of Columbia.

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

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

“Sec. 4c. Required notification for compensation.

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

“Sec. 4d. Statute of limitations.

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

### **SUBTITLE C. OFFICE OF ADMINISTRATIVE HEARINGS PAYROLL ADJUSTMENT AND CLARIFICATION**

Sec. 1021. Short title.

This subtitle may be cited as the “Office of Administrative Hearings Payroll Adjustment and Clarification Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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



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

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

“(b) The Chief Operating Officer shall be appointed by the Chief Administrative Law Judge to the Management Supervisory Service, and shall serve at the pleasure of the Chief Administrative Law Judge pursuant to section 954 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-609.54). In making the appointment, the Chief Administrative Law Judge shall consider experience in administrative hearing procedures and operations. The Chief Operating Officer need not be an attorney and may not concurrently hold an appointment as an Administrative Law Judge appointed under the authority of section 11(b).

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

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

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

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

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

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

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

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

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

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**SUBTITLE D. OFFICE OF EMPLOYEE APPEALS MEMBER  
COMPENSATION**

Sec. 1031. Short title.

This subtitle may be cited as the “Office of Employee Appeals Member Compensation Congressional Review Emergency Amendment Act of 2017”.

Sec. 1032. Section 1108(c-1)(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(2)), is amended by striking the phrase “not to exceed \$3,000 for each member per year” and inserting the phrase “not to exceed \$6,000 for each member per year” in its place.

**SUBTITLE E. UNEMPLOYMENT COMPENSATION FOR DOMESTIC  
VIOLENCE SURVIVORS**

Sec. 1041. Short title.

This subtitle may be cited as the “Unemployment Compensation for Domestic Violence Survivors Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

**SUBTITLE F. PUBLIC EMPLOYEE RELATIONS BOARD COMPENSATION**

Sec. 1051. Short title.

This subtitle may be cited as the “Public Employee Relations Board Compensation Congressional Review Emergency Amendment Act of 2017”.

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

**SUBTITLE G. WAGE THEFT CLARIFICATION**

Sec. 1061. Short title.

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This subtitle may be cited as the “Wage Theft Clarification Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

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

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

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

**SUBTITLE H. LEGISLATIVE BRANCH BONUS PAY**

Sec. 1071. Short title.

This subtitle may be cited as the “Legislative Branch Performance Bonus Pay Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

**SUBTITLE I. FISCAL IMPACT STATEMENT CLARIFICATION**

Sec. 1081. Short title.

This subtitle may be cited as the “Fiscal Impact Statement for Council Actions Clarification Congressional Review Emergency Amendment Act of 2017”.

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

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

“(1) Emergency declaration resolutions;

“(2) Ceremonial resolutions;

“(3) Confirmation or appointment resolutions;

“(4) Sense of the Council resolutions; and

“(5) Resolutions that express simple determinations, decisions, or directions of the Council of a special or temporary character as provided for in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).”

**SUBTITLE J. AUDITOR LEGAL FUND ELIMINATION**

Sec. 1091. Short title.

This subtitle may be cited as the “Auditor Legal Fund Elimination Congressional Review Emergency Amendment Act of 2017”.

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

**SUBTITLE K. COMPLIANCE UNIT REPEAL**

Sec. 1101. Short title.

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This subtitle may be cited as the “Compliance Unit Repeal Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

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

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

(4) Subsection (d) is repealed.

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

#### **SUBTITLE L. LEGISLATIVE RETIREMENT MATCH**

Sec. 1111. Short title.

This subtitle may be cited as the “Legislative Branch Employee Retirement Benefits Match Congressional Review Emergency Amendment Act of 2017”.

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

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

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

“(2) On behalf of each employee of the Council, the Office of the District of Columbia Auditor, and the Office of Advisory Neighborhood Commissions participating in the

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

**SUBTITLE M. SURPLUS PROPERTY SALES FUND CLARIFICATION**

Sec. 1121. Short title.

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

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

**SUBTITLE N. CONTRACT APPEALS BOARD RULEMAKING**

Sec. 1131. Short title.

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

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

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

**SUBTITLE O. STREET AND ALLEY DESIGNATION CLARIFICATION**

Sec. 1141. Short title.

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

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

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

"(4A) "Initiator" means the individual or entity that makes a request to the Mayor or a Councilmember to sponsor legislation proposing the designation of an official or symbolic name of an alley or street, or portion thereof, or an official name of a public space other than an

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alley or street, or portion thereof, and shall not include the Mayor, the Council, or any Councilmember.”.

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

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

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

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

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

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

(B) Strike the phrase “shall submit a petition to the Council in support of the proposal that has been signed by a majority of the residents and owners of property” and insert the phrase “shall submit to the Council letters or a petition in support of the proposal that have been signed by a majority of the owners of property and households occupying property” in its place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Paragraph (3) is repealed.

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

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

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

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

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

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

“(B-i) District Department of Transportation and Office of the Chief Technology Officer records;”.

**SUBTITLE P. PUBLIC USE OF PUBLIC BUILDINGS**

Sec. 1151. Short title.

This subtitle may be cited as the “Public Use of Public Buildings Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

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



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

“(c) Beginning November 30, 2019, the Mayor shall report annually to the Council regarding the waiver of fees pursuant to the Public Use of Public Buildings Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), and shall include the following information in the report:

“(1) The total amount of fees waived;

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

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

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

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

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

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

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

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

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

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

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

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

**TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

**SUBTITLE A. HISTORIC-ONLY PERMIT FEE REDUCTION**

Sec. 2001. Short title.

This subtitle may be cited as the “Historic-Only Permit Fee Reduction Congressional Review Emergency Amendment Act of 2017”.

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

“Historic-only permits	Permits issued pursuant to 12-A DCMR § 105.2.5	\$33
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**SUBTITLE B. PUBLIC SERVANTS AND FIRST-RESPONDERS HOUSING INCENTIVE**

Sec. 2011. Short title.

This subtitle may be cited as the “Public Servants and First-Responders Housing Incentive Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 6a. First-responder grant.

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

“(b) In order to receive financial assistance for the purchase of a housing unit under this section, a first-responder Participant must agree to a 5-year service obligation, which shall begin at the date of settlement on the purchase of the housing unit, or, if the first-responder Participant is not yet a District employee on the date of settlement, on the first-responder’s first day of employment with the District.

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

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

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

### **SUBTITLE C. HOUSING PRODUCTION TRUST FUND**

Sec. 2021. Short title.

This subtitle may be cited as the “Housing Production Trust Fund Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

**SUBTITLE D. HOUSING PRESERVATION FUND ESTABLISHMENT**

Sec. 2031. Short title.

This subtitle may be cited as the “Housing Preservation Fund Establishment Congressional Review Emergency Act of 2017”.

Sec. 2032. Housing Preservation Fund.

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

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

(c) Money in the Fund shall be used to provide debt or equity to finance housing preservation activities, including acquisition bridge loans, predevelopment expenses, environmental remediation, critical repairs, and other activities necessary to preserve the affordability of housing units; provided, that for any property benefited by an expenditure of funds pursuant to this subsection, a covenant shall be recorded with respect to affordability, the terms and conditions of which shall be determined by the Mayor.

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

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

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

**SUBTITLE E. ST. ELIZABETHS EAST CAMPUS REDEVELOPMENT FUND**

Sec. 2041. Short title.

This subtitle may be cited as the “St. Elizabeths East Campus Redevelopment Fund Establishment Congressional Review Emergency Act of 2017”.

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

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

(b)(1) Beginning with the tax year commencing October 1, 2018, through the tax year ending September 30, 2021, the Chief Financial Officer shall deposit into the Fund taxes, including penalties and interest, if any, collected pursuant to D.C. Official Code §§ 47-1005.01

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and 47-2002 attributable to taxable payments or transactions generated from the St. Elizabeths East Campus Entertainment and Sports Arena Site in an amount not to exceed \$855,000 per fiscal year. Any taxes imposed with respect to possessory interest in the St. Elizabeths East Campus Entertainment and Sports Arena Site pursuant to D.C. Official Code § 47-1005.01 in excess of \$855,000 per fiscal year shall be abated.

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

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

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

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

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

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

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

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

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

**SUBTITLE F. LAND DISPOSITION TRANSPARENCY**

Sec. 2051. Short title.

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

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

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

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

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

“(A) Franklin School (Ward 2);

“(B) Grimke School (Ward 1);

“(C) Parcel 42 (Ward 6);

“(D) Water Front Station II (Ward 6);

“(E) Crummell School (Ward 5);

“(F) Truxton Circle (Ward 5);

“(G) MLK Gateway (Ward 8);

“(H) 1125 Spring Road, N.W. (Ward 4);

“(I) 200 K Street, N.W. (Parking Deck) (Ward 6); and

“(J) Northwest One (New Communities) (Ward 6).

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

**SUBTITLE G. MARION S. BARRY SUMMER YOUTH EMPLOYMENT PROGRAM**

Sec. 2061. Short title.

This subtitle may be cited as the “Marion S. Barry Summer Youth Employment Program Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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**SUBTITLE H. BUSINESS LICENSE TECHNOLOGY FEE  
REAUTHORIZATION**

Sec. 2071. Short title.

This subtitle may be cited as the “Business License Technology Fee Reauthorization Congressional Review Emergency Amendment Act of 2017”.

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

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

**SUBTITLE I. WALTER REED OMNIBUS**

Sec. 2081. Short title.

This subtitle may be cited as the “Walter Reed Omnibus Congressional Review Emergency Amendment Act of 2017”.

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

**SUBTITLE J. PUBLICLY ACCESSIBLE RENT CONTROL HOUSING  
CLEARINGHOUSE**

Sec. 2091. Short title.

This subtitle may be cited as the “Publicly Accessible Rent Control Housing Clearinghouse Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

“(a-1) The Chief Tenant Advocate may contract to implement the database established by this section. Any contract under this section shall be in accordance with the Procurement

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Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).

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

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

“(e) The demonstration project shall be completed within 2 years after the effective date of the Publicly Accessible Rent Control Housing Clearinghouse Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652).”.

(e) Subsection (f) is repealed.

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

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

**SUBTITLE K. ADMINISTRATION OF HOUSING AUTHORITY  
REHABILITATION AND MAINTENANCE FUND**

Sec. 2101. Short title.

This subtitle may be cited as the “District of Columbia Housing Authority Rehabilitation and Maintenance Fund Administration Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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



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

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

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

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

#### **SUBTITLE L. COALITION FOR NONPROFIT HOUSING AND ECONOMIC DEVELOPMENT GRANT**

Sec. 2111. Short title.

This subtitle may be cited as the “Coalition for Nonprofit Housing and Economic Development Grants Congressional Review Emergency Act of 2017”.

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

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

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

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

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

Sec. 2121. Short title.

This subtitle may be cited as the “Department of Small and Local Business Development Competitive Grants Congressional Review Emergency Act of 2017”.

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

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

(2) An explanation of how the Department understands and applies the term

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“market capacity”; and

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

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

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

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

Sec. 2131. Short title.

This subtitle may be cited as the “Ward 7 and Ward 8 Entrepreneur Grant Fund Establishment Congressional Review Emergency Act of 2017”.

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

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

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

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

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

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

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

(B) Fewer than 5 full-time employees;

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

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

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

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

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

**SUBTITLE O. GEORGIA AVENUE RETAIL PRIORITY AREA**

Sec. 2141. Short title.

This subtitle may be cited as the “Georgia Avenue Retail Priority Area Congressional Review Emergency Amendment Act of 2017”.

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

“(4) Ward 4 Georgia Avenue Retail Priority Area, consisting of the parcels, squares, and lots within or abutting the area bounded by a line beginning at the intersection of Euclid Street, N.W., and Georgia Avenue, N.W.; continuing north along Georgia Avenue, N.W., to Kenyon Street, N.W.; then continuing west along Kenyon Street, N.W., to Sherman Avenue, N.W.; then continuing north along Sherman Avenue, N.W., to New Hampshire Avenue, N.W.; then continuing northeast along New Hampshire Avenue, N.W., to Spring Road, N.W.; then continuing northwest along Spring Road, N.W., to 14th Street, N.W.; then continuing north along 14th Street, N.W., to Longfellow Street, N.W.; then continuing east along Longfellow Street, N.W., to Georgia Avenue, N.W.; then continuing north along Georgia Avenue, N.W., to Eastern Avenue, N.W.; then continuing southeast along Eastern Avenue, N.W., to Kansas Avenue, N.E.; then continuing southwest along Kansas Avenue, N.E., to Blair Road, N.W.; then continuing south along Blair Road, N.W., to North Capitol Street, N.E.; then continuing south along North Capitol Street, N.E., to Kennedy Street, N.W.; then continuing west along Kennedy Street, N.W., to Kansas Avenue, N.W.; then continuing southwest along Kansas Avenue, N.W., to Varnum Street, N.W.; then continuing east along Varnum Street, N.W., to 7th Street, N.W.; then continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; then continuing further south along Warder Street, N.W., to Kenyon Avenue, N.W.; then continuing west along Kenyon Avenue, N.W., to Georgia Avenue, N.W.; and then south on Georgia Avenue, N.W., to the beginning point;”.

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

Sec. 2151. Short title.

This subtitle may be cited as the “H Street, N.E., Retail Priority Area Clarification Congressional Review Emergency Amendment Act of 2017”.

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

“(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E.,

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to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence east on Benning Road, N.E., to Oklahoma Avenue, N.E.; continuing southwest along Oklahoma Avenue, N.E., to the center line of E Street, N.E.; continuing west on E Street, N.E., to the center line of 21st Street, N.E.; continuing north on 21st Street, N.E., to the center line of Gales Street, N.E.; thence northwest on Gales Street, N.E., to 15th Street, N.E.; thence west on G Street, N.E., to 14th Street, N.E.; thence north on 14th Street, N.E., to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.”

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

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

**SUBTITLE Q. SURPLUS AND DISPOSITION NOTIFICATION**

Sec. 2161. Short title.

This subtitle may be cited as the “Surplus and Disposition Notification Congressional Review Emergency Amendment Act of 2017”.

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

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

“(a) Within 180 days after the effective date of the Surplus and Disposition Notification Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), the Department of General Services (“DGS”), in coordination with the Deputy Mayor for Planning and Economic Development (“DMPED”), shall allow individuals to sign up, on the DGS website, to receive email notifications, pursuant to subsection (b) of this section, relating to the surplus and disposition of real property, within Advisory Neighborhood Commissions (“ANC”) selected by the individual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SUBTITLE R. ARCHIVES LOCATION**

Sec. 2171. Short title.

This subtitle may be cited as the “Archives Location Prohibition Congressional Review Emergency Act of 2017”.

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

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**SUBTITLE S. DISPOSAL OF ABANDONED AND DETERIORATED  
PROPERTY**

Sec. 2181. Short title.

This subtitle may be cited as the “Disposal of Abandoned and Deteriorated Property Congressional Review Emergency Amendment Act of 2017”.

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

**SUBTITLE T. HISTORIC PRESERVATION OF DERELICT DISTRICT  
PROPERTIES**

Sec. 2191. Short title.

This subtitle may be cited as the “Historic Preservation of Derelict District Properties Congressional Review Emergency Amendment Act of 2017”.

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

“(c-1) Funds in the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), and the Housing Preservation Fund, established by section 2032 of the Housing Preservation Fund Establishment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), shall not be used in connection with any property identified in subsection (a) of this section.

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

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

Sec. 2201. Short title.

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

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

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

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

**SUBTITLE V. RENTAL UNIT FEE INCREASE**

Sec. 2211. Short title.

This subtitle may be cited as the “Rental Unit Fee Increase Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

“Sec. 401a. Rental Unit Fee Fund.

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

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section.

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

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

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

**SUBTITLE W. DCRA INFRACTION FINE ADJUSTMENTS**

Sec. 2221. Short title.

This subtitle may be cited as the “DCRA Infraction Fine Increase Congressional Review Emergency Amendment Act of 2017”.

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

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

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

“Part B.

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

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

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

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

“3201.8 (a) Beginning on January 1, 2018, a fine amount listed in section 3201.1 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3201.1), when assessed for an infraction listed in sections 3301 through 3313 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3301 through 16 DCMR § 3313), shall be adjusted



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according to the most recent Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical area, as published by the United States Bureau of Labor Statistics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUBTITLE X. PURCHASE CARD PROGRAM BUDGETING**

Sec. 2231. Short title.

This subtitle may be cited as the “Purchase Card Program Budgeting Congressional Review Emergency Act of 2017”.

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

**SUBTITLE Y. PORTRAITS TRANSFER OF CUSTODY**

Sec. 2241. Short title.

This subtitle may be cited as the “Historic Portrait Archival Congressional Review Emergency Amendment Act of 2017”.

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

“(e) Notwithstanding any other provision of this act, the Council shall maintain custody

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of the following District property located at 1300 Naylor Court, N.W., as of June 1, 2016:

“(1) Each painted portrait of:

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

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

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

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

“(E) Benjamin Banneker.

“(2) Each sculpture of:

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

“(B) A United States Senator or United States Representative.”.

**SUBTITLE Z. DCRB FAIR CREDIT IN EMPLOYMENT**

Sec. 2251. Short title.

This subtitle may be cited as the “DCRB Fair Credit in Employment Congressional Review Emergency Amendment Act of 2017”.

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

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

**SUBTITLE AA. WASHINGTON METROPOLITAN AREA TRANSIT  
AUTHORITY SAFETY REGULATION**

Sec. 2261. Short title.

This subtitle may be cited as the “Washington Metropolitan Area Transit Authority Safety Regulation Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

**SUBTITLE BB. INTERIOR DESIGN REGULATION**

Sec. 2271. Short title.

This subtitle may be cited as the “Interior Design Regulation Congressional Review Emergency Amendment Act of 2017”.

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

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

**SUBTITLE CC. PROTECTING PREGNANT WORKERS**

Sec. 2281. Short title.

This subtitle may be cited as the “Protecting Pregnant Workers Fairness Congressional Review Emergency Amendment Act of 2017”.

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

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

“(1) “OHR” means the Office of Human Rights.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 9. Judicial review.

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

“(b) A party contesting a final decision of the Director shall have the right to judicial review as provided by 4 DCMR § 121.”.

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

**TITLE III. PUBLIC SAFETY AND JUSTICE****SUBTITLE A. DEPARTMENT OF FORENSIC SCIENCES ESTABLISHMENT**

Sec. 3001. Short title.

This subtitle may be cited as the “Department of Forensic Sciences Establishment Congressional Review Emergency Amendment Act of 2017”.

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

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

“Sec. 7a. Department Laboratory Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUBTITLE B. CHIEF MEDICAL EXAMINER**

Sec. 3011. Short title.

This subtitle may be cited as the “Chief Medical Examiner Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3021. Short title.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Sec. 3024. Applicability.

This subtitle shall apply to all health benefit plans issued or renewed in the District 90 or more days after the effective date of the Affordable Emergency Transportation and Pre-Hospital Medical Services Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652).

**SUBTITLE D. NEIGHBORHOOD ENGAGEMENT ACHIEVES RESULTS**

Sec. 3031. Short title.

This subtitle may be cited as the “Neighborhood Engagement Achieves Results Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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“(b) The ONSE shall be responsible for:

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

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

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

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

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

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

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

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

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

“(2) The duration of individuals’ participation;

“(3) The status of participants’ progress; and

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

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

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

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

“Sec. 102. Duties of the Executive Director.

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

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

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

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

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

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

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

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

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

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

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

(C) Paragraph (4) is repealed.

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

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

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

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

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

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

“Sec. 103a. Rules.

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

## SUBTITLE E. ACCESS TO JUSTICE

Sec. 3041. Short title.

This subtitle may be cited as the “Access to Justice Initiative Congressional Review Emergency Amendment Act of 2017”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Strike the phrase “in excess of \$60,000, or”.

(2) Strike the phrase “Deputy Mayor” and insert the phrase “Office of Victim Services and Justice Grants” in its place.

(h) Section 405 (D.C. Official Code § 4-1704.05) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “subsection (c)” and inserting the phrase “subsections (c) and (d)” in its place.

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

“(d) For the purposes of this act, a participant who provides adequate notice to the Administrator of voluntary withdrawal from eligible employment shall be forgiven for the loan through the date of the voluntary withdrawal from eligible employment if the participant has satisfied the obligations under section 403 and this section for 3 or more years. The participant shall be required to repay the loan from the date of voluntary withdrawal from eligible employment through the end of the calendar year.”.

**SUBTITLE F. CIVIL LEGAL COUNSEL PROJECTS**

Sec. 3051. Short title.

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This subtitle may be cited as the “Expanding Access to Justice Congressional Review Emergency Amendment Act of 2017”.

Sec. 3052. Definitions.

For the purposes of this subtitle, the term:

(1) “Bar Foundation” shall have the same meaning as provided in section 101(6) of the Access to Justice Initiative Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official Code § 4-1701.01(6)).

(2) “Covered proceeding” means an actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia to evict an eligible individual or group.

(3) “Designated legal services provider” means a nonprofit organization or clinical program headquartered in the District of Columbia that provides legal services under this subtitle.

(4) “Eligible individual or group” means a tenant or occupant, or group of tenants or occupants, residing in a rental unit in a housing accommodation in the District of Columbia, whose gross household income falls at or below 200% of the federal poverty guidelines issued by the United States Department of Health and Human Services, or an individual, family, or group of individuals seeking, receiving, or eligible for service from a program covered by section 3 of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.01).

(5) “Housing accommodation” shall have the same meaning as provided in section 103(11) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(11)).

(6) “Legal services” means representation of an eligible individual or group through the provision of advice or brief services, or representation in a covered proceeding, including limited scope representation.

(7) “Licensed legal professional” means:

(A) A member of the District of Columbia Bar authorized to practice law;

(B) A law student participating in an authorized, attorney-supervised clinical program through an accredited law school in the District of Columbia; or

(C) A member of the bar of another jurisdiction who is legally permitted to appear and represent a specific client in a particular proceeding in the court or other forum in which the matter is pending.

(8) “Rental unit” shall have the same meaning as provided in section 103(16) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(16)).

Sec. 3053. Civil legal counsel projects for eligible individuals or groups in covered proceedings.

(a) There is established the Civil Legal Counsel Projects Program (“Program”) for the purpose of providing legal services to eligible individuals or groups in eviction proceedings.

(b)(1) The Office of Victim Services and Justice Grants shall award a grant each fiscal year to the Bar Foundation for the purposes of the Bar Foundation administering the Program. Payment

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of the award shall be submitted by October 15th of each fiscal year in the amount specified in an act of the Council.

(2) Paragraph (1) of this subsection shall not be used to supplant funds made available pursuant to section 301(a) of the Access to Justice Initiative Establishment Act of 2010, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1703.01(a)), or section 401 of the Access to Justice Initiative Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 4-1704.01).

(c) The Bar Foundation shall:

- (1) Serve as the grant-managing entity for the Program; and
- (2) Adopt policies, procedures, guidelines, and requirements for the Program, including policies designed to permit designated legal service providers to limit representation to eligible individuals or groups in covered proceedings.

Sec. 3054. Requirements for designated legal service providers.

(a) The Bar Foundation shall only award subgrants to legal services providers that:

- (1) Are headquartered in the District of Columbia and maintain a practice of furnishing free legal services to individuals who cannot afford the services of a licensed legal professional;
- (2) Possess expertise in housing law, landlord-tenant law, or related experience in representing eligible individuals or groups in covered proceedings;
- (3) Demonstrate expertise in recognizing and responding to the multiple legal issues facing low-income residents of the District of Columbia; and
- (4) Possess adequate infrastructure and expertise to provide consistent, high-quality oversight, training, evaluation, and strategic responses to emerging or changing needs in the client communities served.

(b) Nothing in this section requires designated legal services providers to serve eligible individuals or groups in covered proceedings beyond the provider's contractual agreement to the Bar Foundation under this subtitle.

Sec. 3055. Financial audit and reporting requirements.

(a) The Bar Foundation shall provide the Council with:

- (1) An annual financial audit of its activities prepared by a certified public accountant licensed in the District of Columbia and carried out in accordance with generally accepted auditing standards; provided, that the audit may be conducted as part of the Bar Foundation's annual audit;
- (2) Biannual reporting that includes the following information:
  - (A) The gender, race, ethnicity, and age of eligible individuals served;
  - (B) The election ward of residence of eligible individuals served;
  - (C) The incomes of eligible individuals served;
  - (D) Legal services provided to eligible individuals; and

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(E) A list of designated legal services providers and the amount of grant funding provided to each, including how the grant funding is used by each designated legal services provider; and

(3) Annual programmatic reporting that includes:

(A) An evaluation of the performance of each designated legal services provider;

(B) The legal outcomes for each eligible individual or group served;

(C) An evaluation of implementation challenges and recommendations for future improvements; and

(D) An assessment of unmet legal needs in the provision of legal services for covered proceedings.

Sec. 3056. Other criminal and civil proceedings.

This subtitle shall not be construed to negate, alter, or limit any right to counsel in any civil or criminal action or proceeding otherwise provided by District or federal law or regulation.

**SUBTITLE G. OFFICE OF OPEN GOVERNMENT ESTABLISHMENT**

Sec. 3061. Short title.

This subtitle may be cited as the “Office of Open Government Budget Authority Congressional Review Emergency Amendment Act of 2017”.

Sec. 3062. Section 207(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.07(a)), is amended as follows:

(a) Strike the phrase “The Director of Government Ethics” and insert the phrase “The Director of Government Ethics and the Director of Open Government” in its place.

(b) Strike the phrase “necessary for the operation of the Ethics Board for the year” and insert the phrase “necessary for the operation of their respective offices for the year” in its place.

**SUBTITLE H. OFFICE OF THE ATTORNEY GENERAL LITIGATION SUPPORT FUND AND ATTORNEY GENERAL RESTITUTION FUND**

Sec. 3071. Short title.

This subtitle may be cited as the “Office of the Attorney General Litigation Support Fund and Attorney General Restitution Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 3072. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b(d)(3) (D.C. Official Code § 1-301.86b(d)(3)) is amended by striking the phrase “\$3 million” both times it appears and inserting the phrase “\$5 million” in its place.

(b) A new section 106c is added to read as follows:

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“Sec. 106c. Attorney General Restitution Fund.

“(a) There is established as a special fund the Attorney General Restitution Fund (“Fund”), which shall be administered by the Office of the Attorney General (“OAG”) in accordance with subsections (c) and (d) of this section.

“(b) Revenue from the following awards shall be deposited into the Fund:

“(1) Awards of restitution for property lost or damages suffered by consumers made under a court order, judgment, or settlement in any action or investigation under D.C. Official Code § 28-3909(a); and

“(2) Awards on behalf of an aggrieved employee made under a court order, judgment, or settlement in any action or investigation under section 6(a)(2)(A)(iii) of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1306(a)(2)(A)(iii)).

“(c) Money in the Fund shall be used for the following purposes:

“(1) The payment of awards as required by a court order, judgment, or settlement in an action or investigation OAG conducts under D.C. Official Code § 28-3909(a) or section 6(a)(2)(A)(iii) of an Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1306(a)(2)(A)(iii)); and

“(2) The payment of costs and expenses related to maintaining the Fund, including costs associated with the claims process described in subsection (e) of this section.

“(d) Before the OAG authorizes any payments from the Fund to an individual under this section, the Office of the Chief Financial Officer shall determine whether the individual owes any amount to the District and deduct the amount owed from the award to the individual, if any.

“(e)(1) Upon receipt of revenue resulting from an award under this section, OAG shall conduct a claims procedure to:

“(A) Locate each person entitled to receive an award; and

“(B) Distribute the awarded amounts to these individuals, minus any amounts deducted under subsection (d) of this section.

“(2) At the conclusion of the claims procedure under paragraph (1) of this subsection or the time period for payment designated by a court order, judgment, or settlement, and if not otherwise directed by the court order, judgment, or settlement, OAG may apply any part of the award to the costs and expenses related to maintaining the Fund and conducting the claims process under subsection (c)(2) of this section.

“(3) After paragraphs (1) and (2) of this subsection have been completed, any excess funds remaining from the award shall be treated as unclaimed property pursuant to the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-287; D.C. Official Code § 41-101 *et seq.*).

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

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

“(g)The Attorney General, pursuant to Title I of the District of Columbia Administrative



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Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

“(h) On an annual basis, the Office of the Inspector General shall conduct an audit of the income and expenditures of the Fund and shall submit the audit to the Attorney General, the Mayor, and the Council.”.

**SUBTITLE I. REPEAL OF TREATMENT INSTEAD OF JAIL FOR CERTAIN NON-VIOLENT DRUG OFFENDERS INITIATIVE**

Sec. 3081. Short title.

This subtitle may be cited as the “Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative Congressional Review Emergency Amendment Act of 2017”.

Sec. 3082. The Treatment Instead of Jail for Certain Non-Violent Drug Offenders Initiative of 2002, effective June 5, 2003 (D.C. Law 14-308; D.C. Official Code § 24-751.01 *et seq.*), is repealed.

**SUBTITLE J. CHIEF OF POLICE LEAVE AND RETIREMENT MODIFICATIONS**

Sec. 3091. Short title.

This subtitle may be cited as the “Leave and Retirement Modifications for Chief of Police Peter Newsham Congressional Review Emergency Amendment Act of 2017”.

Sec. 3092. Section 1061 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1988 (D.C. Law 12-124; D.C. Official Code § 1-610.61), is amended as follows:

(a) The existing text is designated as subsection (a).

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

“(b) Notwithstanding subsection (a) of this section, Peter Newsham, while serving as Chief of Police, shall earn leave under section 1203, consistent with the leave he earned as a member of the Metropolitan Police Department based upon his years of service immediately before his appointment as Chief of Police.”.

Sec. 3093. Section 12(h) of the Policemen and Firemen’s Retirement and Disability Act, approved August 21, 1957 (71 Stat. 395; D.C. Official Code § 5-712), is amended by adding a new paragraph (7A) to read as follows:

“(7A) Notwithstanding paragraph (1) of this subsection, at the time that Chief of Police Peter Newsham voluntarily retires or is otherwise separated from the Metropolitan Police Department, he shall be entitled to an annuity computed at 80% of his average highest base pay for 24 consecutive months.”.

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**SUBTITLE K. COMPREHENSIVE YOUTH JUSTICE TECHNICAL AMENDMENTS**

Sec. 3101. Short title.

This subtitle may be cited as the “Comprehensive Youth Justice Congressional Review Emergency Amendment Act of 2017”.

Sec. 3102. Section 101(a)(3) of the Attorney General for the District of Columbia Certification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81(a)(3)), is amended by striking the phrase “By October 1, 2018,” and inserting the phrase “By October 1, 2017,” in its place.

Sec. 3103. Section 104(15) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.04(15)), is amended by striking the phrase “Within 180 days after the effective date of the Comprehensive Youth Justice Amendment Act of 2016, passed on 2nd reading on November 1, 2016 (Enrolled version of Bill 21-683),” and inserting the phrase “Within 180 days after the effective date of the Comprehensive Youth Justice Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652),” in its place.

**SUBTITLE L. EMERGENCY MEDICAL SERVICES DIRECTOR**

Sec. 3111. Short title.

This subtitle may be cited as the “Emergency Medical Services Director Congressional Review Emergency Amendment Act of 2017”.

Sec. 3112. Section 3a of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, effective April 15, 2008 (D.C. Law 17-147; D.C. Official Code § 5-404.01), is amended by adding a new subsection (c-1) to read as follows:

“(c-1) The requirements in subsections (b)(3) and (c) of this section shall not apply to Medical Director Robert Holman, confirmed by the Council pursuant to the Fire and Emergency Medical Services Department Medical Director Robert Holman Confirmation Emergency Resolution of 2017, passed on emergency basis on June 27, 2017 (Res. 22-169; 64 DCR \_\_\_).”.

**TITLE IV. PUBLIC EDUCATION****SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS**

Sec. 4001. Short title.

This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools Congressional Review Emergency Amendment Act of 2017”.

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Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2903 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase “\$9,682 per student for fiscal year 2017” and inserting the phrase “\$10,257 per student for Fiscal Year 2018” in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

“

“Grade Level	Weighting	Per Pupil Allocation in FY 2018
“Pre-Kindergarten 3	1.34	\$13,744
“Pre-Kindergarten 4	1.30	\$13,334
“Kindergarten	1.30	\$13,334
“Grades 1-5	1.00	\$10,257
“Grades 6-8	1.08	\$11,078
“Grades 9-12	1.22	\$12,514
“Alternative program	1.44	\$14,770
“Special education school	1.17	\$12,001
“Adult	0.89	\$9,129

”.

(c) Section 106 (D.C. Official Code § 38-2905) is amended as follows:

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

“(a-1) Pursuant to section 106a, supplemental allocations shall be provided on the basis of the count of students identified as at-risk.”.

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

“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

“Special Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018

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“Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,949
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$12,308
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$20,206
“Level 4: Special Education	More than 24 hours per week of specialized services, which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$35,797
“Special Education Compliance	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.069	\$708
“Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney’s fees.	0.089	\$913
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$17,129

“General Education Add-ons:

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“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
“ELL	Additional funding for English Language Learners.	0.49	\$5,026
“At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	\$2,246

“Residential Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
“Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,775
“Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	\$13,714

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"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$29,653
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$29,653
"LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$6,852

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
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“Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$646
“Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,328
“Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,036
“Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,036

..

(d) Section 109 (D.C. Official Code § 38-2908) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “(b) and (b-1)” and inserting the phrase “(b), (b-1), and (b-2)” in its place.

(2) Subsection (b-1) is amended by striking the phrase “and succeeding fiscal years”.

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

(A) Paragraph (2) is amended by striking the phrase “and succeeding fiscal years”.

(B) New paragraphs (2A), (2B), (2C), and (2D) are added to read as follows:

“(2A) For Fiscal Year 2018:

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“(A) The non-residential per pupil facility allowance for Public Charter Schools shall be \$ 3,193; and

“(B) The residential per pupil facility allowance for Public Charter Schools shall be \$ 8,621.

“(2B) For Fiscal Year 2019, the per pupil facility allowance for Public Charter Schools shall be \$ 3,263.

“(2C) For Fiscal Year 2020, the per pupil facility allowance for Public Charter Schools shall be \$ 3,335.

“(2D) For Fiscal Year 2021, and succeeding fiscal years, the per pupil facility allowance for Public Charter Schools shall be \$ 3,408.”

(C) Paragraph (3) is amended by striking the phrase “(1) and (2)” and inserting the phrase “(1), (2), (2A), (2B), (2C), and (2D)” in its place.

Sec. 4003. (a) It is the intent of this subtitle that the increase in the District of Columbia Public Schools appropriation in Fiscal Year 2018 resulting from the increase to the Uniform Per Student Funding Formula in Fiscal Year 2018 shall be used for instructional staffing and support provided directly in public schools.

(b) For District of Columbia Public Schools, no more than \$30,200,000 of the Fiscal Year 2018 increase to the Uniform Per Student Funding Formula foundation level over the Fiscal Year 2017 foundation level, effectuated by section 4002, shall be used in Fiscal Year 2018 to satisfy compensation terms required by a collective bargaining agreement that becomes effective in Fiscal Year 2018.

**SUBTITLE B. CHILD AND YOUTH, SAFETY AND HEALTH OMNIBUS**

Sec. 4011. Short title.

This subtitle may be cited as the “Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2017”.

Sec. 4012. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 202(3) (D.C. Official Code § 4-1501.02(3)) is amended by striking the phrase “any private entity that contracts with” and inserting the phrase “any private entity that is licensed by or contracts with” in its place.

(b) Section 206(a) (D.C. Official Code § 4-1501.06(a)) is amended by striking the phrase “including those of private entities that contract with the District to provide direct services to children or youth and that are under the contractual purview of the agency” and inserting the phrase “including those of private entities that are covered child or youth services providers and that are licensed by or under the contractual purview of the agency” in its place.

**SUBTITLE C. CHILD DEVELOPMENT FACILITIES FUND**

Sec. 4021. Short title.



## ENROLLED ORIGINAL

This subtitle may be cited as the “Child Development Facilities Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 4022. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*), is amended by adding a new section 7a to read as follows:

“Sec. 7a. Child Development Facilities Fund.

“(a) There is established as a special fund the Child Development Facilities Fund (“Fund”), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

“(b) Revenue from all payments, fees, and fines collected pursuant to this act shall be deposited in the Fund.

“(c) Money in the Fund shall be used for the following purposes:

“(1) To fund activities regulating child development facilities, including the enforcement and monitoring activities concerning the licensure of child development facilities, pursuant to this act; and

“(2) Appropriate overhead and administrative expenses related to the Fund.

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

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

**SUBTITLE D. PUBLIC CHARTER SCHOOL ASSETS AND FACILITIES  
PRESERVATION**

Sec. 4031. Short title.

This subtitle may be cited as the “Public Charter School Assets and Facilities Preservation Congressional Review Emergency Amendment Act of 2017”.

Sec. 4032. Section 2213a of the District of Columbia School Reform Act of 1995, effective March 14, 2007 (D.C. Law 16-268; D.C. Official Code § 38-1802.13a), is amended as follows:

(a) Subsection (b) is amended by striking the phrase “with section 48 of the Nonprofit Corporation Act and”.

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

(1) The lead-in language is amended by striking the phrase “require that” and inserting the phrase “provide that” in its place.

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

“(B) The corporation’s assets shall be distributed pursuant to a plan of distribution that is in accordance with subsection (d) of this section.”.

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

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

(A) The lead-in language is amended by striking the phrase “The chartering authority” and inserting the phrase “Following completion of the closeout audit described in paragraph (3) of this subsection, the chartering authority” in its place.

(B) Subparagraph (A) is amended by striking the word “assets” and inserting the phrase “unencumbered assets” in its place.

(C) Subparagraph (C) is amended to read as follows:

“(C) Distributing the corporation’s remaining assets in accordance with this section.”

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

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

“(A) Provide either that:

“(i) All tangible personal property purchased with District funds, including funds received pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), and any assets remaining after satisfaction of the corporation’s debts and the use of assets authorized in subsection (f) of this section shall be transferred or conveyed to the District of Columbia, to be controlled by and subject to the disposition instructions of the Office of the State Superintendent of Education and used solely for educational or similar purposes; or

“(ii) The assets described in sub-subparagraph (i) of this subparagraph, including cash, shall be transferred to another charter school in a transaction overseen by the chartering authority if the acquiring school agrees to enroll the closing school’s students at the start of the following school year; and”.

(B) Subparagraph (B) is amended as follows:

(i) Strike the word “Be” and insert the phrase “Notwithstanding subparagraph (A) of this paragraph, be” in its place.

(ii) Strike the phrase “existing creditor agreements and” and insert the phrase “existing creditor agreements, grant agreements, and” in its place.

(3) Paragraph (3) is amended by striking the phrase “feasible,” and inserting the phrase “feasible upon notice of an event described in subsection (a) of this section,” in its place.

(4) Paragraph (4) is amended by striking the phrase “or the District of Columbia” and inserting the phrase “, the District of Columbia, or a charter school that acquires a corporation’s assets pursuant to this section” in its place.

**SUBTITLE E. ACADEMIC CERTIFICATION AND TESTING FUND**

Sec. 4041. Short title.

This subtitle may be cited as the “Academic Certification and Testing Fund Congressional Review Emergency Amendment Act of 2017”.

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Sec. 4042. Section 3(c)(1) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(c)(1)), is amended by striking the word “nonlapsing” and inserting the word “special” in its place.

**SUBTITLE F. POSTSECONDARY AND CAREER GRANT-MAKING**

Sec. 4051. Short title.

This subtitle may be cited as the “Postsecondary and Career Grant-Making Authority Congressional Review Emergency Amendment Act of 2017”.

Sec. 4052. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) Paragraph (27) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (28) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (29) is added to read as follows:

“(29) Have the authority to issue grants, from funds under its administration, to District of Columbia public schools or public charter schools, local education agencies, institutions of higher education, nonprofit organizations, and other education service providers to increase access to postsecondary and career education opportunities, including:

“(A) Programs implementing career and technical education;

“(B) SAT or ACT preparation programs;

“(D) Dual enrollment programs; and

“(D) Programs focused on a successful transition to college and careers.”.

**SUBTITLE G. HEALTHY TOTS**

Sec. 4061. Short title.

This subtitle may be cited as the “Healthy Tots Congressional Review Emergency Amendment Act of 2017”.

Sec. 4062. Section 4073a of the Healthy Tots Act of 2014, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 38-282.01), is amended as follows:

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

(1) Strike the phrase “are eligible” and insert the phrase “are eligible for at least 6 continuous months” in its place.

(2) Strike the phrase “unless OSSE grants it an exemption” and insert the phrase “unless the facility is exempt pursuant to subsection (a-1) of this section or OSSE grants the facility a hardship exemption” in its place.

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

“(a-1) Subsection (a) of this section shall not apply to a child development facility that is on the U.S. Department of Agriculture (“USDA”) CACF Program National Disqualification List

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for the period of time that the child development facility is on the USDA CACF Program National Disqualification List.”.

(c) Subsection (b) is amended by striking the phrase “an exemption, a child development facility must provide OSSE with a written statement describing why participation in the CACF Program constitutes a hardship” and inserting the phrase “a hardship exemption, a child development facility must provide OSSE with a written statement describing why participation in the CACF Program constitutes a hardship, and provide OSSE documentation demonstrating that the child development facility is in compliance with the current CACF Program Meal Patterns” in its place.

(d) Subsection (c) is repealed.

**SUBTITLE H. PATRICIA R. HARRIS FACILITY EXCLUSIVE USE**

Sec. 4071. Short title.

This subtitle may be cited as the "UDC Patricia R. Harris Facility Exclusive Use Congressional Review Emergency Amendment Act of 2017".

Sec. 4072. Section 422 of the University of the District of Columbia Expansion Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 10-507.01, note), is amended as follows:

(a) The existing text is redesignated as subsection (a).

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

“(b) Subsection (a) of this section shall not apply if the Mayor submits to the Council a proposed resolution pursuant to section 1(b) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b)), to dispose of the Patricia R. Harris Educational Center School building that contains a provision to lease or sublease space in the building to the University of the District of Columbia and such resolution is approved by the Council.”.

**SUBTITLE I. DPR PARKS ADOPTION AND SPONSORSHIP**

Sec. 4081. Short title.

This subtitle may be cited as the “DPR Parks Adoption and Sponsorship Congressional Review Emergency Amendment Act of 2017”.

Sec. 4082. Section 5 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-304), is amended as follows:

(a) Subsection (b) is repealed.

(b) New subsections (c) and (d) are added to read as follows:

“(c) The Department may enter into a written agreement with a BID corporation, as defined in section 3(4) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(4)) (“BID act”), to authorize the BID corporation to:

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“(1) Perform maintenance and operations of Franklin Square Park, upon its transfer or lease to the District from the National Park Service, Yards Park, Canal Park, and parks within the NoMa Improvement Association BID, as defined by section 207 of the BID act (D.C. Official Code § 2-1215.57); and

“(2) Enter into contracts, including contracts for concessions and programs, with third parties to generate revenue to fund the maintenance and operations of the parks identified in paragraph (1) of this subsection.

“(d) The Department may make a grant in accordance with the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), to a BID corporation for maintenance and operations of the parks identified in subsection (c)(1) of this section.”.

**SUBTITLE J. MY SCHOOL DC TRANSFER**

Sec. 4091. Short title.

This subtitle may be cited as the “My School DC Transfer Congressional Review Emergency Amendment Act of 2017”.

Sec. 4092. The Department of Education Establish Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191 *et seq.*), is amended as follows:

(a) Section 205(a)(1) (D.C. Official Code § 38-194(a)(1)) is amended by striking the phrase “Department of Education” both times it appears and inserting the phrase “Office of the State Superintendent of Education” in its place.

(b) Section 206(a) (D.C. Official Code § 38-195(a)) is amended by striking the phrase “Deputy Mayor for Education” and inserting the phrase “State Superintendent of Education” in its place.

Sec. 4093. Section 4122 of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 38-196.01), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “Deputy Mayor for Education” and inserting the phrase “State Superintendent of Education” in its place.

(b) Subsection (f) is amended by striking the phrase “Deputy Mayor for Education” and inserting the phrase “State Superintendent of Education” in its place.

Sec. 4094. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended by adding a new paragraph (4A) to read as follows:

“(4A) Administer the common lottery system for admission to public schools in the District of Columbia;”.

**SUBTITLE K. ACCESS TO QUALITY CHILD CARE FUND ESTABLISHMENT**

Sec. 4101. Short title.

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This subtitle may be cited as the “Access to Quality Child Care Fund Establishment Congressional Review Emergency Act of 2017”.

Sec. 4102. Definitions.

For the purposes of this subtitle, the term:

(1) “Child development facility” means a center, home, or other structure that provides care and other services, supervision, and guidance for children, infants, and toddlers on a regular basis, regardless of its designated name. The term “child development facility” does not include a public or private elementary or secondary school engaged in legally required educational and related functions or a pre-kindergarten education program licensed pursuant to the Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*).

(2) “Infant” means an individual younger than 12 months of age.

(3) “Operator” means an individual or entity that owns or is responsible for the operations of a child development facility.

(4) “OSSE” means the Office of the State Superintendent of Education, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

(5) “Subsidized child care” means part-time or full-time child care services, subsidized in whole or in part to eligible families pursuant to local and federal law, including sections 5a and 6 of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code §§ 4-404.01 and 4-405), and the Child Care and Development Block Grant Act of 2014, approved November 19, 2014 (128 Stat. 1971; 42 U.S.C. § 9858, note).

(6) “Toddler” means an individual older than 12 months but younger than 36 months of age.

Sec. 4103. Access to Quality Child Care Fund.

(a) There is established as a special fund the Access to Quality Child Care Fund (“Fund”), which shall be administered by the Office of the State Superintendent of Education in accordance with section 4104 and subsection (c) of this section.

(b) There shall be deposited into the Fund:

(1) In Fiscal Year 2018, \$11 million from local appropriations; and

(2) Private donations, gifts, and grants.

(c) Money in the Fund shall be used to provide grants or contracts to fund the following activities that expand access to child care:

(1) Improving the supply of child care services for infants and toddlers, which may include establishing new or expanding existing child development facilities serving infants and toddlers; provided, that at least 50% of amounts expended pursuant to this paragraph are used to improve the supply of child care services for infants and toddlers eligible for subsidized child care;

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(2) Supporting the costs of certification, higher education, and credentialing of child development facility staff;

(3) Providing technical assistance and training to child development facility operators to support compliance with the licensure process or efficient and effective operations;

(4) Evaluating and assessing the availability, quality, and willingness of child development facility operators to expand services for infants and toddlers in the District and conducting studies authorized pursuant to the Child Care Study Act of 2017, effective August 1, 2017 (D.C. Law 22-11; 64 DCR 5610); and

(5) Carrying out other activities as determined by OSSE related to expanding access to infant and toddler child care and improving the quality of child care services provided in the District.

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

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

Sec. 4104. Access to quality child care grant-making authority.

(a) Except as provided in subsection (b) of this section, the Office of the State Superintendent of Education shall award funds from the Access to Quality Child Care Fund available pursuant to section 4103(c)(1), on a competitive basis, as grants to:

(1) Organizations that provide child care services to infants and toddlers to open child development facilities;

(2) Existing child development facilities to expand available space to serve infants and toddlers; or

(3) Organizations that provide child care services to carry out other activities necessary to expand access to child care and improve the quality of child care services provided in the District consistent with the findings of the evaluation and studies conducted pursuant to section 4103(c)(4).

(b)(1) The OSSE may award a grant or contract to a single nonprofit organization that does not provide child care services to infants and toddlers; provided, that:

(A) The grantee or contractor has a proven track record of success in grant-making related to child development facilities;

(B) The grantee or contractor agrees to use 90% of OSSE's award to award subgrants to organizations that provide child care services, for the purposes of expanding child care services in accordance with the terms of this section;

(C) The grantee or contractor agrees to undergo an annual audit and submit quarterly reports to OSSE on its financial health and its use of the OSSE award; and

(D) The grantee or contractor has a proven track record in providing financing and investment approaches and technical assistance in child development facility financing and development.

(2) A grant or contract awarded pursuant to this subsection shall be awarded for a term of at least 2 years, subject to the availability of funding.

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(3)(A) The grantee or contractor shall award subgrants for terms of at least 2 years, subject to the availability of funding.

(B) All subgrants of District funds shall be awarded on a competitive basis.

(C) Subgrants shall be awarded for the following purposes:

(i) Improving the supply of child care services for infants and toddlers, which may include establishing new, renovating existing, or expanding child development facilities serving infants and toddlers; or

(ii) Carrying out other activities necessary to expand access to child care and improving the quality of child care services provided in the District consistent with the findings of the evaluation and studies conducted pursuant to section 4103(c)(4).

(c) At least 50% of amounts awarded under this section shall be used to improve the supply of child care services for infants and toddlers eligible for subsidized child care.

(d) The OSSE may not award a grant or contract under this section in excess of \$1 million during a 12-month period, either singularly or cumulatively, unless the grant is first submitted to the Council for approval, in accordance with section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), or by act.

Sec. 4105. The Child Care Services Assistance Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-220; D.C. Official Code § 7-2001 *et seq.*), is repealed.

Sec. 4106. Section 5 of the Child Care Study Act of 2017, effective August 1, 2017 (D.C. Act 22-11; 64 DCR 5610), is amended to read as follows:

“Sec. 5. The OSSE shall submit the studies required in section 3 and section 4 to the Council no later than August 1, 2018.”.

**SUBTITLE L. SPECIAL EDUCATION ENHANCEMENT FUND**

Sec. 4111. Short title.

This subtitle may be cited as the “Special Education Enhancement Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 4112. Section 7g of the State Education Office Establishment Act of 2000, effective March 10, 2015 (D.C. Law 20-196; D.C. Official Code § 38-2613), is amended by adding a new subsection (c-1) to read as follows:

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

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



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**SUBTITLE M. OFFICE OF STATE SUPERINTENDENT OF EDUCATION  
EARLY LITERACY GRANT PROGRAM**

Sec. 4121. Short title.

This subtitle may be cited as the “Office of the State Superintendent of Education Early Literacy Grant Program Congressional Review Emergency Amendment Act of 2017”.

Sec. 4122. Section 3(b)(24) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(24)), is amended by striking the phrase “competitive grant program” and inserting the phrase “competitive, multiyear grant program, subject to available funding,” in its place.

**SUBTITLE N. OFFICE OF OUT OF SCHOOL TIME GRANTS AND YOUTH  
OUTCOMES**

Sec. 4131. Short title.

This subtitle may be cited as the “Office of Out of School Time Grants and Youth Outcomes Congressional Review Emergency Amendment Act of 2017”.

Sec. 4132. Section 5 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; 64 DCR 2090), is amended as follows:

(a) Subsection (b)(1) is amended by striking the phrase “paragraph (2)” and inserting the phrase “paragraphs (2) and (3)” in its place.

(b) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

“(3) The Office may award grants to nonprofit organizations for the purpose of providing training or technical assistance to the Commission or to nonprofit organizations that provide out-of-school time programs.”.

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

“(e) Except for grants supporting out-of-school time summer programs, grants awarded under subsection (b)(1) of this section shall be for terms of at least 3 years, subject to the availability of funding.”.

**SUBTITLE O. OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION  
REPORTING REQUIREMENTS**

Sec. 4141. Short title.

This subtitle may be cited as the “Office of the State Superintendent of Education Reporting Requirements Congressional Review Emergency Amendment Act of 2017”.

Sec. 4142. Section 10(e) of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-409(e)), is repealed.

Sec. 4143. [Reserved.]

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Sec. 4144. Section 202(d) of the Attendance Accountability Amendment Act of 2013, effective June 23, 2015 (D.C. Law 21-12; D.C. Official Code § 38-236(d)), is amended by striking the date “October 1” and inserting the date “December 15” in its place.

Sec. 4145. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 103(e) (D.C. Official Code § 38-271.03(e)) is amended by striking the date “September 15” and inserting the date “December 30” in its place.

(b) Section 104 (D.C. Official Code § 38-271.04) is amended by striking the date “September 30” and inserting the date “December 30” in its place.

(c) Section 105(a) (D.C. Official Code § 38-271.05(a)) is amended by striking the date “September 30” and inserting the date “December 30” in its place.

Sec. 4146. Section 15c of the District of Columbia Nonresident Tuition Act, effective May 9, 2012 (D.C. Law 19-126; D.C. Official Code § 38-312.03), is amended by striking the date “May 9” and inserting the date “July 31” in its place.

Sec. 4147. Section 303 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-823.03), is amended by striking the date “June 30” and inserting the date “September 30” in its place.

Sec. 4148. Section 116(a) of the Protection of Students with Disabilities Amendment Act of 2008, effective March 20, 2009 (D.C. Law 17-304; D.C. Official Code § 38-2561.16(a)), is amended by striking the phrase “to the Council”.

Sec. 4149. Section 112(a)(2) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2911(a)(2)), is amended by striking the date “2016” and inserting the date “2017” in its place.

**SUBTITLE P. PER CAPITA DISTRICT OF COLUMBIA PUBLIC SCHOOL  
AND PUBLIC CHARTER SCHOOL FUNDING AMENDMENT**

Sec. 4151. Short title.

This subtitle may be cited as the “Per Capita District of Columbia Public School and Public Charter School Funding Congressional Review Emergency Amendment Act of 2017”.

Sec. 4152. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.01 *et seq.*), is amended as follows:

(a) Section 2402 (D.C. Official Code § 38-1804.02) is amended as follows:

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

(A) The lead-in language is amended to read as follows:

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“(b) COLLECTION OF ENROLLMENT FIGURES. — Not later than October 15 of each year, the Office of the State Superintendent of Education shall collect the following from local education agencies:”.

(B) Paragraphs (2), (4), and (6) are repealed.

(C) Paragraph (7) is amended by striking the semicolon at the end and inserting the phrase “; and” in its place.

(D) Paragraph (8) is repealed.

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

“(c) ANNUAL REPORTS. — Not later than December 31 of each year, the Office of the State Superintendent of Education shall transmit to the Mayor and the Council, and make publicly available, a report on the verified enrollment of each local education agency, disaggregated by the categories of students identified in subsection (b) of this section, and an explanation of the systems, procedures, and methodology used to verify enrollment pursuant to subsection (d) of this section.”.

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

“(d) VERIFICATION OF STUDENT ENROLLMENT. — The Office of the State Superintendent of Education shall:

“(1) Verify the accuracy of the local education agencies’ enrollment figures provided pursuant to subsections (a) and (b) of this section;

“(2) Determine the amount of fees and tuition assessed and collected from the nonresident students described in subsection (b) of this section; and

“(3) Fund the verification solely from amounts appropriated to the Office of the State Superintendent of Education for staff, stipends, and non-personal services of the Office of the State Superintendent of Education by an act making appropriations for the District of Columbia.”.

(b) Section 2403 (D.C. Official Code § 38-1804.03) is amended as follows:

(1) Subsection (a)(2)(E) is amended by striking the phrase “audited enrollment” and inserting the phrase “verified enrollment” in its place.

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

(A) Paragraph (3) is amended by striking the phrase “audited enrollment” and inserting the phrase “verified enrollment” in its place.

(B) Paragraph (4) is amended by striking the phrase “audited actual enrollment” both times it appears and inserting the phrase “verified actual enrollment” in its place.

Sec. 4153. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-270; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 107 (D.C. Official Code § 38-2906) is amended as follows:

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

(A) Strike the date “2012” and insert the date “2018” in its place.

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(B) Strike the phrase “audited enrollment” and insert the phrase “verified enrollment” in its place.

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

“(d)(1) The student counts reported by October 15 of each year shall be verified by the Office of the State Superintendent of Education, which shall also determine the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools and the amount of fees and tuition assessed and collected from nonresident students enrolled in local education agencies.

“(2) The verification shall cover the information required by section 2402 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1804.02), and shall be transmitted to the Mayor and the Council, and made publically available, no later than December 31 of each year. Until the verification is transmitted, the unverified October count shall serve as the basis for quarterly payments.”.

(b) Section 107b (D.C. Official Code § 38-2906.02) is amended as follows:

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

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

(i) Strike the phrase “unaudited October enrollment” and insert the phrase “unverified October enrollment” in its place.

(ii) Strike the phrase “on October 5” and insert the phrase “by October 15” in its place.

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

(i) Strike the phrase “unaudited October enrollment” and insert the phrase “unverified October enrollment” in its place.

(ii) Strike the phrase “on October 5” and insert the phrase “by October 15” in its place.

(C) Paragraph (4) is amended by striking the phrase “audited October enrollment” and inserting the phrase “verified October enrollment” in its place.

(2) Subsection (c) is amended by striking the word “audit” both times it appears and inserting the word “verification” in its place.

## TITLE V. HEALTH AND HUMAN SERVICES

### SUBTITLE A. TANF CHILD BENEFIT PROTECTION

Sec. 5001. Short title.

This subtitle may be cited as the “TANF Child Benefit Protection Congressional Review Emergency Amendment Act of 2017”.

Sec. 5002. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 205 (D.C. Official Code § 4-202.05) is amended by adding a new subsection (e) to read as follows:

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

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rules to implement the provisions of the TANF Child Benefit Protection Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652).”.

(b) Section 511b (D.C. Official Code § 4-205.11b) is repealed.

(c) Section 518(e) (D.C. Official Code § 4-205.18(e)) is amended by striking the phrase “act.” and inserting the phrase “act; provided, that no sanction under this title, or regulations implementing this title, shall exceed 6% of the assistance unit’s TANF benefits.” in its place.

(d) Section 519f (D.C. Official Code § 4-205.19f) is amended by adding a new subsection (g) to read as follows:

“(g)(1) For the purposes of this subsection, an assistance unit’s TANF benefits shall consist of the following portions:

“(A) 80% is designated for the child or children of the assistance unit; and

“(B) 20% is designated for the adult member or members of the assistance unit.

“(2) No sanction under this title, or regulations implementing this title, shall reduce the portion of an assistance unit’s TANF benefits that is designated for the child or children of the assistance unit.

“(3) The Department of Human Services shall impose a 30% reduction of the portion of the assistance unit’s TANF benefits designated for the adult member or members of the assistance unit when a TANF recipient is found to be in noncompliance with this title, or regulations implementing this title.”.

(e) Section 552 (D.C. Official Code § 4-205.52) is amended as follows:

(1) Subsection (c-2) is repealed.

(2) Subsection (c-3) is repealed.

(f) Section 553(a) (D.C. Official Code § 4-205.53(a)) is amended by striking the phrase “made erroneously, or if he or she finds that the recipient’s circumstances have altered sufficiently to warrant such action” and inserting the phrase “made erroneously, if the recipient’s circumstances have altered sufficiently to warrant such action, or if the recipient has not timely completed the recertification process” in its place.

## **SUBTITLE B. CFSA REPORTING REQUIREMENTS**

Sec. 5021. Short title.

This subtitle may be cited as the “CFSA Reporting Requirements Congressional Review Emergency Amendment Act of 2017”.

Sec. 5022. Section 105 of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.05), is amended by striking the phrase “No later than January 1 of each year, beginning in 2007” and inserting the phrase “No later than February 28th of each year, beginning in 2018” in its place.

Sec. 5023. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

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(a) Section 374(b)(3) (D.C. Official Code § 4-1303.74(b)(3)) is amended by striking the phrase “Beginning January 31, 2014, and every January 31st thereafter” and inserting the phrase “Beginning February 28, 2018, and every February 28th thereafter” in its place.

(b) Section 384(b)(1) (D.C. Official Code § 4-1303.84(b)(1)) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase “Beginning on January 31, 2018, and every January 31st thereafter” and inserting the phrase “Beginning on February 28, 2018, and every February 28th thereafter” in its place.

(2) Subparagraph (D) is amended by striking the phrase “By January 31, 2018, and every January 31st thereafter” and inserting the phrase “By February 28, 2018, and every February 28th thereafter” in its place.

Sec. 5024. Section 107 of the Newborn Safe Haven Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-158; D.C. Official Code § 4-1451.07), is amended by striking the phrase “January 1, 2011, and on January 1 of each year thereafter” and inserting the phrase “January 31, 2018, and on January 31st of each year thereafter” in its place.

#### **SUBTITLE C. DEPARTMENT OF HEALTH CARE FINANCE GRANT- MAKING**

Sec. 5031. Short title.

This subtitle may be cited as the “Department of Health Care Finance Grant-Making Congressional Review Emergency Amendment Act of 2017”.

Sec. 5032. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-771.01) is amended by adding a new paragraph (4A) to read as follows:

“(4A) “Director” means the Director of the Department of Health Care Finance.”.

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

“Sec. 8a. Grant authority.

“(a)(1) For Fiscal Year 2018, the Director shall:

“(A) Award 4 grants of at least \$50,000 to facilitate the development and application of telehealth services to:

“(i) Health care providers located in Wards 7 and 8; and

“(ii) Residents located in Wards 7 and 8;

“(B) Award 2 grants of at least \$75,000 to facilitate the development and application of telehealth services to homeless shelters or public housing projects; and

“(C) Award a grant of \$250,000 to a college of pharmacy located in the District to create and maintain a medication-assisted treatment genomic registry.

“(2) In awarding grants pursuant to paragraph (1)(A) of this subsection, the Director shall consider the following:

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“(A) Promoting telehealth in specialty areas of medicine, including ophthalmology, obstetrics, and endocrinology; and

“(B) Expanding the application of telehealth to public schools, patient homes, and skilled nursing facilities.

“(b) By April 1, 2018, the Director shall submit a report to the Secretary to the Council on all grants issued pursuant to subsection (a) of this section.

“(c) All grants issued pursuant to subsection (a) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

“(d) The Director may set forth health outcome measures for all grants issued pursuant to subsection (a) of this section.

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

“(1) “Health-care provider” shall have the same meaning as provided in section 3(4) of the Health-Care Decisions Act of 1988, effective March 16, 1989 (D.C. Law 7-189; D.C. Official Code § 21-2202(4)).

“(2) “Medication-assisted treatment genomic registry” means a central location for the submission of genetic test information that health care providers can use in the provision of medication assisted treatment, clinical decision support for induction, stabilization, and maintenance treatment, and genomic-guided medication therapy management for opioid addiction.

“(3) “Telehealth” shall have the same meaning as provided in section 2(4) of the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861(4)).”.

#### **SUBTITLE D. MEDICAL ASSISTANCE PROGRAM**

Sec. 5041. Short title.

This subtitle may be cited as the “Medical Assistance Program Congressional Review Emergency Amendment Act of 2017”.

Sec. 5042. Section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), is amended by adding a new paragraph (11) to read as follows:

“(11) Review and approval by the Council of the Fiscal Year 2018 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

“(A) Continue a provider fee on District Medicaid hospitals for in-patient services;

“(B) Continue a supplemental payment to District Medicaid hospitals for outpatient services;

“(C) Update the payment methodology and rates for fee-for-service providers;

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waiver; “(D) Renew and amend the Intellectual and Developmental Disabilities

“(E) Make changes to the health homes program; and

“(F) Make changes to mental health rehabilitation services.”.

**SUBTITLE E. SCHOOL-BASED BEHAVIORAL HEALTH COMPREHENSIVE PLAN**

Sec. 5051. Short title.

This subtitle may be cited as “School-Based Behavioral Health Comprehensive Plan Congressional Review Emergency Amendment Act of 2017”

Sec. 5052. Section 203 of the Early Childhood and School-Based Behavioral Health Infrastructure Act of 2012, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 2-1517.32), is amended as follows:

(a) The existing text is designated as subsection (a).

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

“(b)(1) The Mayor shall not alter the school-based behavioral health programs and services model for the 2017-2018 school year.

“(2) There is established a Task Force on School Mental Health (“Task Force”) to steer the creation of a comprehensive plan to expand school-based behavioral health programs and services. The Task Force shall consist of the following:

“(A) The Deputy Mayor for Health and Human Services or his or her designee;

“(B) The Deputy Mayor for Education or his or her designee;

“(C) The Director of the Department of Behavioral Health or his or her designee;

“(D) The State Superintendent of Education or his or her designee;

“(E) A Department of Behavioral Health school mental health program clinician appointed by the Chairperson of the Committee on Health, in consultation with committee members;

“(F) The Chairperson of the Committee on Health or his or her designee;

“(G) The Chairperson of the Committee on Education or his or her designee;

“(H) A Department of Behavioral Health school mental health program clinician appointed by the Mayor;

“(I) A representative of a core service agency appointed by the Mayor;

“(J) A non-core service agency school mental health provider appointed by the Mayor;

“(K) A District of Columbia Public Schools representative appointed by the Mayor;



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“(L) A parent of a District of Columbia Public Schools student and a parent of a District of Columbia public charter school student appointed by the Chairperson of the Committee on Education, in consultation with committee members;

“(M) A non-core service agency school mental health provider appointed by the Chairperson of the Committee on Education, in consultation with committee members;

“(N) A District of Columbia public charter school representative appointed by the Chairperson of the Committee on Education, in consultation with committee members;

“(O) A representative of a core service agency appointed by the Chairperson of the Committee on Health, in consultation with committee members; and

“(P) A school mental health expert appointed by the Chairperson of the Committee on Health, in consultation with committee members.

“(3) The Task Force shall review the comprehensive plan submitted to the Committee on Health and the Committee on Education on May 9, 2017, by the Deputy Mayor for Health and Human Services (“Deputy Mayor”).

“(4) By February 9, 2018, the Task Force shall provide a report to the Council and the Mayor that includes the following:

“(A) An evaluation of the comprehensive plan submitted under paragraph (3) of this subsection, including the following:

“(i) Any shortcomings or defects in the plan;

“(ii) An analysis of healthcare provider interest in participating in the plan;

“(iii) An analysis of healthcare provider capacity to participate in the plan; and

“(iv) District of Columbia Public Schools and District of Columbia public charter schools interest in participating in the plan;

“(B) An analysis of the school mental health programs and providers currently operating in District of Columbia Public Schools and District of Columbia public charter schools, including best practices;

“(C) An analysis of the Department of Behavioral Health’s current school mental health program (“SMHP”) to determine what schools participate in the SMHP and what activities occur across the schools, including an analysis of available Department of Behavioral health data, such as the following:

“(i) The number of psychiatric admits for children by school;

“(ii) The number of children with an individualized education plan; and

“(iii) Existing SMHP data for the number of sessions and number of clients per school;

“(D) A comprehensive plan to expand school-based behavioral health programs and services, which shall include:

“(i) The Task Force’s proposed changes to the Deputy Mayor’s comprehensive plan under paragraph (3) of this subsection;

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comprehensive plan;

“(ii) A timeline for implementation of the Task Force’s

“(iii) A funding source for the Task Force’s comprehensive plan;

“(iv) A workforce development strategy;

“(v) The District-wide need for school-based behavioral health programs and services; and

“(vi) Evaluation criteria to determine the common metrics all school mental health providers should collect so indicators of success may be reported across providers.”.

**SUBTITLE F. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT**

Sec. 5061. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Congressional Review Emergency Act of 2017".

Sec. 5062. Definitions.

For the purposes of this subtitle, the term:

- (1) “Department” means the Department of Health Care Finance.
- (2) “Hospital” shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government.
- (3) “Hospital system” means any group of hospitals licensed separately, but operated, owned, or maintained by a common entity.
- (4) “Medicaid” means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department.
- (5) “Outpatient gross patient revenue” means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported as the sum of Lines 18 and 19; Column 2; Worksheet G-2 of the Hospital and Hospital Health Care Complex Cost Report (Form CMS 2552-10), filed for the period ending between October 1, 2014, and September 30, 2015.

Sec. 5063. Hospital Provider Fee Fund.

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

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

## ENROLLED ORIGINAL

- (1) Fees collected under this subtitle; and
  - (2) Interest and penalties collected under this subtitle.
- (c) Money in the Fund may only be used for the following purposes:
- (1) Making Medicaid outpatient hospital access payments to hospitals as required under section 5066;
  - (2) Payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle in an amount not to exceed \$150,000 annually; and
  - (3) Providing refunds to hospitals pursuant to section 5065.
- (d) Money in the Fund may not be used to replace money appropriated to the Medicaid program.
- (e)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.
- (2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

## Sec. 5064. Hospital provider fee.

(a) Beginning October 1, 2017, and subject to section 5065, the District may charge each hospital a fee based on its outpatient gross patient revenue. The fee shall be charged at a uniform rate necessary to generate the following:

(1) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for private hospitals applicable to District Fiscal Year ("DFY") 2018 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(2) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for District operated hospitals applicable to DFY 2018 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

(3) An amount equal to the Department's administrative expenses as described in section 5063(c)(2).

(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

## Sec. 5065. Applicability of fees.

(a) The fee imposed by section 5064 shall not be due and payable until such time that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5066.

(b) The fee imposed by section 5064 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospitals in proportion to the amounts paid by them, if:

## ENROLLED ORIGINAL

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment to payment rates that are in effect on October 1, 2016; or

(2) The payments to hospitals required under section 5066 are modified in any way other than to secure federal approval of such payments as described in section 5066 or are not eligible for federal matching funds under section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. § 1396b(w)) ("Social Security Act").

(c) The fee imposed by section 5064 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under section 1903(w)(3)(B) of the Social Security Act by the Centers for Medicare and Medicaid Services.

(d) Should the fee imposed by section 5064 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section 5066 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the fee is impermissible, any remaining moneys shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5066. Medicaid outpatient hospital access payments.

(a)(1) For visits and services beginning October 1, 2017, quarterly Medicaid outpatient hospital access payments shall be made to each private hospital.

(2) Each payment will be equal to the hospital's DFY 2015 outpatient Medicaid payments divided by the total in District private hospital DFY 2015 outpatient Medicaid payments multiplied by 1/4 of the total outpatient private hospital access payment pool.

(3) The total outpatient private hospital access payment pool is equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for DFY 2018.

(b)(1) For visits and services beginning October 1, 2017, outpatient hospital access payments shall be made to the United Medical Center.

(2) Each payment shall be equal to 1/4 of the total outpatient public hospital access payment pool.

(3) The total outpatient public hospital access payment pool is equal to the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for DFY 2018.

(c) The quarterly Medicaid outpatient hospital access payments shall be made within 15 business days after the end of each DFY quarter for the Medicaid visits and services rendered during that quarter.

(d) No payments shall be made under this section until such time that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in this subtitle.

(e) The Medicaid payment methodologies authorized under this subtitle shall not be altered in any way unless such alteration is necessary to gain federal approval from the Centers for Medicare and Medicaid Services.

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## Sec. 5067. Quarterly notice and collection.

(a) The fee imposed under section 5064, which shall be calculated, due, and payable on a quarterly basis, shall be due and payable by the 15th of the last month of each DFY quarter; provided, that the fee shall not be due and payable until:

(1) The District issues written notice that the payment methodologies for payments to hospitals required under section 5066 have been approved by the Centers for Medicare and Medicaid Services; and

(2) The District issues written notice to the hospital informing the hospital of its fee rate, outpatient gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period commencing on October 1, 2017, to ensure all applicable fee obligations have been identified.

(b)(1) If a hospital fails to pay the full amount of the fee in accordance with this subtitle, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(c) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

## Sec. 5068. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding any other provision in this subtitle, if a hospital system or person ceases to conduct, operate, or maintain a hospital that is subject to a fee under section 5064, as evidenced by the transfer or surrender of the hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5064 by a fraction, the numerator of which is the number of days in the year during which the hospital system or person conducted, operated, or maintained the hospital, and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision in this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5064 and subsection (a) of this section in installments on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

## Sec. 5069. Rules.

## ENROLLED ORIGINAL

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

Sec. 5070. Sunset.

This subtitle shall expire on September 30, 2018.

**SUBTITLE G. MEDICAID HOSPITAL INPATIENT FEE**

Sec. 5081. Short title.

This subtitle may be cited as the "Medicaid Hospital Inpatient Rate Supplement Congressional Review Emergency Act of 2017".

Sec. 5082. Definitions.

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

(2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government and any specialty hospital, as defined by the District of Columbia's Medicaid State Plan ("State Plan"), or a hospital that is reimbursed under a specialty hospital reimbursement methodology under the State Plan.

(3) "Hospital system" means any group of hospitals licensed separately but operated, owned, or maintained by a common entity.

(4) "Inpatient net patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals as derived from each hospital's filed Hospital and Hospital Health Care Complex Cost Report (Form CMS-2552-10), filed for the period ending between October 1, 2014, and September 30, 2015, using the references below:

(A) The sum of: Worksheet G-2; Column 1; Lines 1, 2, 3, 4, 16 and 18;

(B) Minus: The ratio of the sum of Worksheet G-2; Column 1; Lines 5, 6, and 7 divided by Worksheet G-2; Column 1; Line 17 multiplied by Worksheet G-2; Column 1; Line 18;

(C) Divided by: Worksheet G-2; Column 3; Line 28; and

(D) Multiplied by: Worksheet G-3; Column 1; Line 3.

(5) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*) ("Social Security Act"), and by section 1 of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and administered by the Department.

Sec. 5083. Hospital Fund.

## ENROLLED ORIGINAL

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

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

- (1) Fees collected under this subtitle;
- (2) Interest and penalties collected under this subtitle; and
- (3) Other amounts collected under this subtitle.

(c) Money in the Fund shall be used solely as set forth in section 5084 (a)(2) of this subtitle.

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

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation; provided, that any remaining money in the Fund at the end of each fiscal year shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5084. Hospital provider fee.

(a)(1) Beginning October 1, 2017, and except as provided in subsection (b) of this section and section 5087, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

(2) The fee shall be charged at a uniform rate necessary to generate no more than \$8.8 million to support the maintenance of inpatient Medicaid Fee-for-Service rates at the District Fiscal Year ("DFY") 2015 level of 98% of cost to non-specialty hospitals.

(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5083.

(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

(c) If necessary, by August 1, 2017, the Department shall submit a provider tax waiver application to the Center for Medicare and Medicaid Services to ensure the provisions of this subtitle qualify as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act.

Sec. 5085. Quarterly notice and collection.

(a) The fee imposed under section 5084 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5084 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until the District issues written notice to each hospital informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period October 1, 2017, to ensure all applicable fee obligations have been identified.

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(c)(1) If a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5086. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding section 5084, if a hospital system or person that is subject to a fee under section 5084 ceases to conduct, operate, or maintain a hospital, as evidenced by the transfer or surrender of a hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5084 by a fraction, the numerator of which is the number of days in the year during which the hospital system or person conducts, operates, or maintains the hospital and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision of this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee required under 5084 in accordance with subsection (a) of this section on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due date of the initial notice.

Sec. 5087. Federal determinations; suspension and termination of assessment.

(a) If the Centers for Medicare and Medicaid Services determines that an assessment imposed on a hospital pursuant to this subtitle does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, that determination shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other hospitals imposed by this subtitle.

(b) If the Centers for Medicare and Medicaid Services determines that an exclusion for specialty hospitals under this subtitle would prevent an assessment imposed by this subtitle from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, the exclusion of specialty hospitals shall not be made.

Sec. 5088. Rules.

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



## ENROLLED ORIGINAL

Sec. 5089. Sunset.

This subtitle shall expire on September 30, 2018.

**SUBTITLE H. EAST END MEDICAL CENTER**

Sec. 5091. Short title.

This subtitle may be cited as the “East End Medical Center Congressional Review Emergency Act of 2017”.

Sec. 5092. The Department of Health Care Finance, in coordination with the Deputy Mayor for Planning and Economic Development, shall develop a plan to establish a high-quality, full-service community hospital on the Saint Elizabeths East Campus.

**TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT  
SUBTITLE A. PRODUCT STEWARDSHIP**

Sec. 6001. Short title.

This subtitle may be cited as the “Product Stewardship Congressional Review Emergency Amendment Act of 2017”.

Sec. 6002. The Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.01 *et seq.*), is amended as follows:

(a) Section 5 (D.C. Official Code § 8-233.04) is amended by adding a new subsection (f) to read as follows:

“(f) Permit fees collected pursuant to this section shall be deposited in the Product Stewardship Fund established by section 127 of the Sustainable Solid Waste Management Emergency Amendment Act of 2014, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652).”.

(b) Section 7(b) (D.C. Official Code § 8-233.06(b)) is amended as follows:

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

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

“(2) Revenue generated from the enforcement of this act shall be deposited in the Product Stewardship Fund established by section 127 of the Sustainable Solid Waste Management Emergency Amendment Act of 2014, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652).”.

Sec. 6003. Title I of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1041.01 *et seq.*), is amended as follows:

(a) Section 115(4) (D.C. Official Code § 8-1041.01(4)) is amended by striking the phrase “Cosmetic Act.” and inserting the phrase “Cosmetic Act. The term “covered electronic equipment” also does not include equipment that is sold to the District government or the federal government.” in its place.

(b) Section 118(d) (D.C. Official Code § 8-1041.04(d)) is amended to read as follows:

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“(d) Fees collected under this section shall be deposited in the Product Stewardship Fund established by section 127.”.

(c) Section 126 (D.C. Official Code § 8-1041.12) is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (3) to read as follows:

“(3) The Mayor may, by rule, restrict the definition of covered electronic equipment to exclude equipment sold to businesses with 100 or more employees.”.

(2) Subsection (b) is amended by striking the period and adding the phrase “Revenue generated from the enforcement of this subtitle shall be deposited in the Product Stewardship Fund established by section 127.” in its place.

(d) A new Subtitle C is added to read as follows:

“SUBTITLE C. PRODUCT STEWARDSHIP

“Sec. 127. Product Stewardship Fund.

“(a) There is established as a special fund the Product Stewardship Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

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

“(1) Permit fees collected pursuant to section 5 of the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.04);

“(2) Civil fines and penalties collected pursuant to section 7 of the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.06);

“(3) Fees collected pursuant to section 118; and

“(4) Civil penalties and fines collected pursuant to section 126.

“(c) Money in the Fund shall be used for the purposes of supporting and administering the Paint Stewardship Act of 2014, effective March 11, 2015 (D.C. Law 20-205; D.C. Official Code § 8-233.01 *et seq.*), and Subtitle B.

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

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

### **SUBTITLE B. SOLAR FOR ALL PROGRAM**

Sec. 6011. Short title.

This subtitle may be cited as the “Solar for All Program Congressional Review Emergency Amendment Act of 2017”.

Sec. 6012. Section 216 of the Clean and Affordable Energy Act of 2008, effective October 8, 2016 (D.C. Law 21-154; D.C. Official Code § 8-1774.16), is amended as follows:

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

“(a)(1) There is established the Solar for All Program (“Program”) to increase the access of seniors, small local businesses, nonprofits, and low-income households in the District to the benefits of solar power.

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“(2) The Program shall provide the long-term financial benefits of solar energy production to at least 100,000 District low-income households in an amount equivalent to at least 50% of the District’s average residential electric bills for calendar year 2016 by December 31, 2032. The Department shall, to the extent feasible, meet this goal by reducing low-income households’ electric or gas bills by at least 50%.”.

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

“(C) Annual benchmarks for complying with subsection (a)(2) of this section.”.

**SUBTITLE C. LIHEAP HEAT AND EAT INITIATIVE**

Sec. 6021. Short title.

This subtitle may be cited as the “LIHEAP Heat and Eat Initiative Congressional Review Emergency Amendment Act of 2017”.

Sec. 6022. Section 5083(b) of the Food Stamp Expansion Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 4-261.03(b)), is amended by striking the phrase “recipients shall” and inserting the phrase “recipients who would receive additional SNAP benefits if they received the minimum annual benefit described in subsection (c) of this section shall” in its place.

**SUBTITLE D. AIR QUALITY CONSTRUCTION PERMITS FUND**

Sec. 6031. Short title.

This subtitle may be cited as the “Air Quality Construction Permits Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 6032. The District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code § 8-101.01 *et seq.*), is amended by adding a new section 5i to read as follows:

“Sec. 5i. Air Quality Construction Permits Fund.

“(a) There is established as a special fund the Air Quality Construction Permits Fund (“Fund”), which shall be administered by the Director of the Department of Energy and Environment in accordance with subsection (c) of this section.

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

“(1) Fees collected pursuant to this act; and

“(2) Revenue generated from the enforcement of this act.

“(c) Money in the Fund shall be used to support and administer the air quality programs of the Department of Energy and Environment.

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

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

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**SUBTITLE E. SOIL EROSION AND SEDIMENT CONTROL FUND**

Sec. 6041. Short title.

This subtitle may be cited as the “Soil Erosion and Sediment Control Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 6042. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new section 10c to read as follows:

“Sec. 10c. Soil Erosion and Sediment Control Fund.

“(a) There is established as a special fund the Soil Erosion and Sediment Control Fund (“Fund”), which shall be administered by the Director of the Department of Energy and Environment in accordance with subsection (c) of this section.

“(b) Revenue collected under this act from the Department of Energy and Environment’s review of construction plans for erosion and sediment control shall be deposited in the Fund.

“(c) Money in the Fund shall be used for the purposes of supporting and administering the soil erosion and sediment control programs of the Department of Energy and Environment.

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

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

**SUBTITLE F. STORMWATER FEES FUND**

Sec. 6051. Short title.

This subtitle may be cited as the “Stormwater Fees Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 6052. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended by adding a new section 10d to read as follows:

“Sec. 10d. Stormwater Fees Fund.

“(a) There is established as a special fund the Stormwater Fees Fund (“Fund”), which shall be administered by the Director of the Department of Energy and Environment in accordance with subsection (c) of this section.

“(b) Revenue collected under this act from the Department of Energy and Environment’s review of construction and grading plans for stormwater management shall be deposited into the Fund.

“(c) Money in the Fund shall be used for the purposes of supporting and administering the stormwater management programs of the Department of Energy and Environment.

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

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

**SUBTITLE G. WETLAND FUND**

Sec. 6061. Short title.

This subtitle may be cited as the “Wetland Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 6062. Section 10(d)(1) of the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.09(d)(1)), is amended by striking the phrase “Excluding monies collected in the current year, any money deposited in the Wetland Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia” and inserting the phrase “The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time. Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation” in its place.

**SUBTITLE H. PRIVATE SPONSORSHIP OF DC CIRCULATOR AND DC STREETCAR**

Sec. 6071. Short title.

This subtitle may be cited as the “Private Sponsorship of DC Circulator and DC Streetcar Congressional Review Emergency Amendment Act of 2017”.

Sec. 6072. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 5(a)(3)(H)(ii) (D.C. Official Code § 50-921.04(a)(3)(H)(ii)) is amended by striking the phrase “section 9h;” and inserting the phrase “section 9h; provided further, that proceeds relating to private sponsorship of vehicles, equipment, and facilities used in the DC Circulator program shall be deposited into the DC Circulator Fund established by section 11c; provided further, that proceeds relating to private sponsorship of vehicles, equipment, and facilities used in the DC Streetcar program shall be deposited into the DC Streetcar Fund established by section 11o;” in its place.

(b) Section 11b (D.C. Official Code § 50-921.32) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

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

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“(4) Enter into agreements to allow the private sponsorship of vehicles, equipment, and facilities used in the DC Circulator program, and the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, and on related websites and social media; provided, that a proposed private sponsorship agreement entered into pursuant to this paragraph shall be submitted, before execution, to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The agreement submitted to the Council shall include detailed information about the proposed private sponsorship agreement, including, if the agreement contemplates the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, or websites or social media, a drawing depicting how the vehicles, equipment, or facilities, or websites or social media, will appear. If the Council does not approve or disapprove the proposed private sponsorship agreement by resolution within this 45-day review period, the proposed private sponsorship agreement shall be deemed approved.”.

(c) Section 11n (D.C. Official Code § 50-921.72) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (5) is added to read as follows:

“(5) Enter into agreements to allow the private sponsorship of vehicles, equipment, and facilities used in the DC Streetcar program, and the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, and on related websites and social media; provided, that a proposed private sponsorship agreement entered into pursuant to this paragraph shall be submitted, before execution, to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. The agreement submitted to the Council shall include detailed information about the proposed private sponsorship agreement, including, if the agreement contemplates the placement of a corporate logo, slogan, or other indicia of sponsorship on the vehicles, equipment, or facilities, or websites or social media, a drawing depicting how the vehicles, equipment, or facilities, or websites or social media, will appear. If the Council does not approve or disapprove the proposed private sponsorship agreement by resolution within the 45-day review period, the proposed private sponsorship agreement shall be deemed approved.”.

**SUBTITLE I. COMPETITIVE GRANTS**

Sec. 6081. Short title.

This subtitle may be cited as the “Competitive Grants Congressional Review Emergency Act of 2017”.

Sec. 6082. In Fiscal Year 2018, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed \$200,000, to support the development of a pilot program to operate a nonprofit grocery store in Ward 8.

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Sec. 6083. In Fiscal Year 2018, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed \$200,000, to support the development of a pilot program to operate a community-owned grocery store in Ward 8.

Sec. 6084. In Fiscal Year 2018, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed \$250,000, to support the costs associated with the creation of an equitable food business incubator in Ward 8.

Sec. 6085. In Fiscal Year 2018, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$150,000, to conduct a study to analyze aircraft noise from Ronald Reagan Washington National Airport and recommend improvements to its noise abatement programs.

Sec. 6086. In Fiscal Year 2018, the Office of Planning shall award a grant, on a competitive basis, in an amount not to exceed \$200,000, to a nonprofit organization seeking a matching grant to improve federally owned park land in the District.

Sec. 6087. In Fiscal Year 2018, the Department of Parks and Recreation shall award grants, on a competitive basis, in an amount not to exceed \$5,000 for each grant and \$40,000 for all grants awarded under this section, to organize a community run or walk event series in each ward.

**SUBTITLE J. CRUMB RUBBER SYNTHETIC TURF MORATORIUM**

Sec. 6091. Short title.

This subtitle may be cited as the “Crumb Rubber Artificial Turf Moratorium Congressional Review Emergency Act of 2017”.

Sec. 6092. Beginning on the effective date of the Crumb Rubber Artificial Turf Moratorium Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), there shall be a moratorium on the installation or construction of any synthetic turf fields made from crumb rubber or other materials made from recycled tires on property owned or leased by the District.

**SUBTITLE K. ENERGY ASSISTANCE TRUST FUND FEE**

Sec. 6101. Short title.

This subtitle may be cited as the “Energy Assistance Trust Fund Fee Congressional Review Emergency Amendment Act of 2017”.

Sec. 6102. Section 211 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.11), is amended as follows:

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

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(1) Paragraph (1) is amended by striking the phrase “\$.0051 per therm” and inserting the phrase “\$0.0083359 per therm” in its place.

(2) Paragraph (2) is amended by striking the phrase “\$0.0000607 per-kilowatt hour” and inserting the phrase “\$0.0002322 per-kilowatt hour” in its place.

(b) Subsection (c) is amended by striking the phrase “program in the amount of \$2.33 million annually,” and inserting the phrase “program,” in its place.

**SUBTITLE L. HEALTHY SCHOOLS ACT**

Sec. 6111. Short title.

This subtitle may be cited as the “Healthy Schools Congressional Review Emergency Amendment Act of 2017”.

Sec. 6112. The Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), is amended as follows:

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

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

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

“(1) “Formula grants process” means a process developed by OSSE to distribute grants based on the availability of funding and the needs of schools, as identified through OSSE data collection tools.”.

(b) Section 102 (D.C. Official Code § 38-821.02) is amended as follows:

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

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

“(6) To increase physical activity in schools, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through a competitive process or a formula grants process to public schools, public charter schools, or organizations that provide technical assistance to public schools and public charter schools to increase the amount of physical activity in schools; provided, that a school receiving a grant award shall seek to meet the requirements of section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), and seek to increase the amount of physical activity in which its students engage.”.

(B) Paragraph (7) is amended by striking the phrase “through a competitive process” and inserting “through a competitive process or a formula grants process” in its place.

(C) New paragraphs (9) and (10) are added to read as follows:

“(9) To increase nutrition education in schools, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through either a competitive grant process or a formula grants process, to public schools, public charter schools, and organizations that provide technical assistance to public schools and public charter schools to incorporate nutrition education into the school day.

“(10) To increase cafeteria staff’s abilities to provide healthy meals for students, the Office of the State Superintendent for Education shall make grants available, subject to the



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availability of funds in the Fund, through either a competitive grant process or a formula grants process, to public schools and public charter schools for the acquisition of kitchen equipment and training sessions for cafeteria workers on cooking skills and nutrition.”.

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

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

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

“(2) For the fiscal year beginning on October 1, 2017, and ending on September 30, 2018, in addition to the amount required by paragraph (1) of this subsection, an additional \$400,000 from the revenues derived from the collection of the tax imposed upon all vendors by D.C. Official Code § 47-2002 shall be deposited into the Fund.”.

**SUBTITLE M. TREE CANOPY PROTECTION**

Sec. 6121. Short title.

This subtitle may be cited as the “Tree Canopy Protection Congressional Review Emergency Amendment Act of 2017”.

Sec. 6122. Section 4(a) of the Tree Canopy Protection Amendment Act of 2016, effective July 1, 2016 (D.C. Law 21-133; D.C. Official Code § 8-651.02, note, § 8-651.04, note, and § 8-651.04a, note), is amended to read as follows:

“(a) Section 2(b)(1) and (c) shall not apply to:

“(1) A tree with a circumference of 55 inches or more for which a person or nongovernmental entity has an application for a tree removal permit, which is subsequently approved, pending as of the effective date of this act; or

“(2) A tree with a circumference of 100 inches or more that is located on residential property for which a District resident has a building permit application, which is subsequently approved, for a single-family home that contemplates removal of the tree pending as of October 1, 2016.”.

**TITLE VII. FINANCE AND REVENUE****SUBTITLE A. SUBJECT TO APPROPRIATIONS**

Sec. 7001. Short title.

This subtitle may be cited as the “Subject to Appropriations Congressional Review Emergency Amendment Act of 2017”.

Sec. 7002. Section 4 of the Bicycle Safety Enhancement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-352; 56 DCR 1115), is repealed.

Sec. 7003. Section 111(e) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1841(e)), is repealed.

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Sec. 7004. Section 3 of the Rhode Island Avenue Metro Plaza Revenue Bonds Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-344; 58 DCR 630), is repealed.

Sec. 7005. Section 19 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.18), is repealed.

Sec. 7006. Section 3 of the Residential Parking Protection Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-182; 59 DCR 9427), is repealed.

Sec. 7007. Section 656 of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-656), is amended to read as follows:

“Sec. 656. Applicability.

“(a) Except as provided in subsections (b) and (c) of this section, this subtitle shall apply as of October 1, 2016.

“(b) Section 654 shall apply as of October 1, 2017.

“(c)(1) Section 652 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

“(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(B) The date of publication of the notice of the certification shall not affect the applicability of this section.”.

Sec. 7008. Section 401 of the Parent and Student Empowerment Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; 61 DCR 39), is repealed.

Sec. 7009. Section 12(b) of the Public Space Enforcement Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-207; 61 DCR 12690), is repealed.

Sec. 7010. Section 301 of the Soccer Stadium Development Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-233; 62 DCR 438), is repealed.

Sec. 7011. Section 4 of the Health-Care Decisions Amendment Act of 2015, effective February 27, 2016 (D.C. Law 21-72; 63 DCR 208), is repealed.

Sec. 7012. Section 3 of the Carcinogenic Flame Retardant Prohibition Amendment Act of 2016, effective May 12, 2016 (D.C. Law 21-108; 63 DCR 4315), is repealed.

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Sec. 7013. Section 4 of the Youth Suicide Prevention and School Climate Survey Amendment Act of 2016, effective June 17, 2016 (D.C. Law 21-120; 63 DCR 6856), is repealed.

Sec. 7014. Section 901 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; 63 DCR 4659), is repealed.

Sec. 7015. Section 901 of the Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; 63 DCR 10143), is repealed.

Sec. 7016. Section 18 of the Building Service Employees Minimum Work Week Act of 2016, effective October 8, 2016 (D.C. Law 21-157; D.C. Official Code § 32-1051.17), is repealed.

Sec. 7017. Section 5 of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, effective October 21, 2016 (D.C. Law 21-158; 63 DCR 10752), is amended by striking the phrase “Amendatory sections 205(c)(3), 207(a), and 606 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e), (g), and (m),” and inserting the phrase “Amendatory sections 205(c)(3) and 606 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e) and (m),” in its place.

Sec. 7018. (a) Section 18 of the Death with Dignity Act of 2016, effective February 18, 2017 (D.C. Law 21-182; D.C. Official Code § 7-661.17), is repealed.

(b) This section shall apply as of the effective date of this act.

Sec. 7019. Section 4 of the Charitable Solicitations Relief Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-202; 63 DCR 15043), is repealed.

Sec. 7020. Section 4 of the Food, Environmental, and Economic Development in the District of Columbia Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-204; 63 DCR 15047), is repealed.

Sec. 7021. Section 5 of the Automatic Voter Registration Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-208; 63 DCR 15285), is repealed.

Sec. 7022. Section 4 of the Medical Marijuana Omnibus Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-209; 63 DCR 15291), is repealed.

Sec. 7023. Section 5 of the Relocation Expenses Recoupment and Lien Authority Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-211; 63 DCR 15307), is repealed.

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Sec. 7024. Section 4 of the Department of Consumer and Regulatory Affairs Community Partnership Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-213; 63 DCR 15330), is repealed.

Sec. 7025. Section 3 of the Planning Actively for Comprehensive Education Facilities Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-219; 63 DCMR 16023), is repealed.

Sec. 7026. Section 701(a) of the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; 63 DCR 15312), is amended to read as follows:

“(a) Sections 102(e)(3) and (4), 103, and 204(b) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.”.

Sec. 7027. Section 3 of the Council Financial Disclosure Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-240; 64 DCR 1598), is repealed.

Sec. 7028. Section 3(a)(2), (b), and (c) of the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; 64 DCR 1635), is repealed.

Sec. 7029. Section 6 of the State Board of Education Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-252; 64 DCR 1656), is repealed.

Sec. 7030. Section 4 of the Fair Credit in Employment Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-256; 64 DCR 2045), is repealed.

Sec. 7031. Section 11 of the Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-259; 64 DCR 2070), is repealed.

Sec. 7032. Section 12 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; 64 DCR 2090), is repealed.

Sec. 7033. Section 301 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; 64 DCR 2110), is repealed.

Sec. 7034. Section 301 of the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; 64 DCR 2121), is repealed.

Sec. 7035. Section 3 of the First-time Homebuyer Tax Benefit Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-268; 64 DCR 2159), is repealed.

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Sec. 7036. Section 3 of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-269; 64 DCR 2162), is amended to read as follows:

“Sec. 3. Applicability.

“(a)(1) Section 2(g)(1)(B)(ii) and amendatory section 18(c) within section 2(i) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

“(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(B) The date of publication of the notice of the certification shall not affect the applicability of these sections.

“(b) Section 2(g)(1)(A), (h)(4)(B), (h)(5)(A), (h)(7), (h)(8), and amendatory section 18(a), (b), and (d) within section 2(i) shall apply as of April 1, 2017.”.

Sec. 7037. Section 3 of the Continuing Care Retirement Community Exemption Amendment Act of 2016, effective April 15, 2017 (D.C. Law 21-274; 64 DCR 951), is repealed.

Sec. 7038. Section 7 of the Child Care Study Act of 2017, effective August 1, 2017 (D.C. Law 22-11; 64 DCR 5610), is repealed.

**SUBTITLE B. COUNCIL PERIOD 22 RULE 736 REPEALS**

Sec. 7041. Short title.

This subtitle may be cited as the “Council Period 22 Rule 736 Congressional Review Emergency Amendment Act of 2017”.

Sec. 7042. The Housing Support for Teachers Act of 2007, effective December 21, 2007 (D.C. Law 17-66; D.C. Official Code § 38-2231 *et seq.*), is repealed.

Sec. 7043. The Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007, effective January 29, 2008 (D.C. Law 17-88; D.C. Official Code § 47-1076), is repealed.

Sec. 7044. The Multi-Unit Real Estate Tax Rate Clarification Act of 2007, effective February 27, 2008 (D.C. Law 17-112; 55 DCR 1864), is repealed.

Sec. 7045. The Evictions with Dignity Amendment Act of 2008, effective April 15, 2008 (D.C. Law 17-146; 55 DCMR 2554), is repealed.

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Sec. 7046. The Paramedic and Emergency Medical Technician Transition Amendment Act of 2008, effective March 31, 2009 (D.C. Law 17-356; 56 DCR 1614), is repealed.

Sec. 7047. The Housing Production Trust Fund Stabilization Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-365; 56 DCR 1217), is repealed.

Sec. 7048. The OTO Hotel at Constitution Square Economic Development Act of 2010, effective July 1, 2010 (D.C. Law 18-188; D.C. Official Code § 47-4631), is repealed.

Sec. 7049. The Shirley's Place Equitable Real Property Tax Relief Act of 2010, effective October 15, 2010 (D.C. Law 18-236; 57 DCR 7160), is repealed.

Sec. 7050. The Thirteenth Church of Christ Real Property Tax Relief and Exemption Act of 2010, effective March 8, 2011 (D.C. Law 18-292; D.C. Official Code § 47-4644), is repealed.

Sec. 7051. The Processing Sales Tax Clarification Act of 2010, effective March 12, 2011 (D.C. Law 18-324; 58 DCR 3), is repealed.

Sec. 7052. The Ballpark Fee Clarification Act of 2010, effective March 31, 2011 (D.C. Law 18-341; 58 DCMR 624), is repealed.

Sec. 7053. The Perry Street Affordable Housing Tax Exemption and Relief Act of 2010, effective March 31, 2011 (D.C. Law 18-342; D.C. Official Code § 47-4647), is repealed.

Sec. 7054. The Public Library Hours Expansion Act of 2012, effective April 20, 2013 (D.C. Law 19-256; D.C. Official Code § 39-125), is repealed.

Sec. 7055. The Howard Town Center Real Property Tax Abatement Act of 2012, effective April 20, 2013 (D.C. Law 19-257; D.C. Official Code § 47-4656), is repealed.

Sec. 7056. The Construction and Demolition Waste Recycling Accountability Act of 2012, effective April 27, 2013 (D.C. Law 19-294; D.C. Official Code § 8-1071 *et seq.*), is repealed.

Sec. 7057. The Historic Music Cultural Institutions Expansion Tax Abatement Act of 2013, effective February 22, 2014 (D.C. Law 20-86; D.C. Official Code § 47-4662), is repealed.

Sec. 7058. The DC Promise Establishment Act of 2014, effective June 4, 2014 (D.C. Law 20-107; D.C. Official Code § 38-2751 *et seq.*), is repealed.

Sec. 7059. The Breastmilk Bank and Lactation Support Act of 2014, effective July 15, 2014 (D.C. Law 20-121; D.C. Official Code § 7-881.01 *et seq.*), is repealed.

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Sec. 7060. The SeVerna, LLC, Real Property Tax Exemption and Real Property Tax Relief Act of 2014, effective March 11, 2015 (D.C. Law 20-209; D.C. Official Code § 47-1095), is repealed.

Sec. 7061. The New Bethany Baptist Church Real Property Tax Exemption Act of 2016, effective August 19, 2016 (D.C. Law 21-145; D.C. Official Code § 47-1098), is repealed.

**SUBTITLE C. PRIOR BUDGET ACT**

Sec. 7071. Short title.

This subtitle may be cited as the “Prior Budget Support Act Clarification Congressional Review Emergency Amendment Act of 2017”.

Sec. 7072. The Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

(a) Section 1042 is amended as follows:

(1) Strike the phrase “In Fiscal Year 2016, the Mayor shall submit quarterly reports” and insert the phrase “The Mayor shall submit biannual reports” in its place.

(2) Strike the phrase “within 30 days after the end of each quarter, beginning October 1, 2015” and insert the phrase “no later than 30 days after the end of the 2nd and 4th quarters of each fiscal year, beginning October 1, 2017” in its place.

(b) Section 6193 is repealed.

**SUBTITLE D. OUR LADY OF PERPETUAL HELP REAL PROPERTY TAX FORGIVENESS**

Sec. 7081. Short title.

This subtitle may be cited as the “Our Lady of Perpetual Help Equitable Real Property Tax Relief Congressional Review Emergency Act of 2017”.

Sec. 7082. The Council of the District of Columbia orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed through February 1, 2017, against the real property known as Parcel 226, Lot 37 be forgiven.

**SUBTITLE E. INTERNATIONAL SPY MUSEUM TAX ABATEMENT**

Sec. 7091. Short title.

This subtitle may be cited as the “International Spy Museum Tax Abatement Congressional Review Emergency Amendment Act of 2017”.

Sec. 7092. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

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“47-4666. International Spy Museum; Lot 7006, Square 387.”.

(b) A new section 47-4666 is added to read as follows:

“§ 47-4666. International Spy Museum; Lot 7006, Square 387.

“(a) Except as provided in subsection (b) of this section, the taxes imposed by Chapter 8 of this title on the real property (and any improvements thereon) described for assessment and taxation purposes as Lot 7006, Square 387 (“Property”) and currently owned by the International Spy Museum shall be abated for the real property tax year commencing:

“(1) October 1, 2016, in the amount of \$30,000;

“(2) October 1, 2017, to the extent that they exceed \$115,000;

“(3) October 1, 2018, through the real property tax year ending September 30, 2021, to the extent that they exceed \$200,000 per year; and

“(4) October 1, 2021, in the amount of 100% of the real property taxes on the Property.

“(b) The abatement provided by this section shall terminate at the beginning of the month following the date on which:

“(1) The Property is no longer being developed or used as a museum of the history of espionage, including related ancillary uses, that is open to the general public; or

“(2) The International Spy Museum, or a successor owner of the Property, is no longer exempt from District of Columbia income and franchise taxation under Subchapter II of Chapter 18 of this title.

“(c) The Property and its owner shall be subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the Property had been administratively exempted from real property taxation under Chapter 10 of this title.

“(d) At the discretion of the Office of Tax and Revenue, the abatements provided by this section may be allocated between half tax years for any real property tax year.

“(e) The abatement provided under this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Property; provided, that no appeal of the Property’s proposed assessed value for tax years 2017 through 2021 shall be allowed and no claim for a refund of real property tax paid for real property tax years 2016 through 2021 shall be allowed; except, that the Property owner may seek enforcement of the abatement provided by this section.”.

**SUBTITLE F. REVISED REVENUE CONTINGENCY LIST**

Sec. 7101. Short title.

This subtitle may be cited as the “Revised Revenue Contingency List Congressional Review Emergency Act of 2017”.

Sec. 7102. (a) Notwithstanding any other provision of law, the portion of local revenues certified in the June 2017 revenue estimate and the September 2017 revenue estimate that exceeds the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2018 (“additional revenues”) shall be allocated as follows:



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(1) Pursuant to subsection (b)(1) under the heading “Revised Revenue Estimate Contingency Priority” in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues to the Workforce Investments account; and

(2) Pursuant to subsection (b)(2) under the heading “Revised Revenue Estimate Contingency Priority” in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues as follows:

(A) \$24.175 million in recurring additional revenues to the General Fund of the District of Columbia (“offset”), which shall offset in an equal amount a dedication of general sales tax revenue to the capital improvements program (“CIP”) that in turn will be dedicated to the Washington Metropolitan Area Transit Authority (“WMATA”), in accordance with subsections (b) and (c) of this section; and

(B) All remaining additional revenues to the Workforce Investments account.

(b) Revenue from general sales tax imposed by section 47-2002(a) of the District of Columbia Official Code at the rate of 5.75% (“general sales tax”) in an amount equal to the recurring revenue in the offset shall become a dedicated tax (“dedicated tax”) for use in the CIP.

(c)(1) Use of the dedicated tax in subsection (b) of this section shall be a component of the District’s dedicated funding requirement when all members of the WMATA Compact have approved a dedicated funding stream to support WMATA.

(2) Until such time as the WMATA dedicated funding stream is approved, the dedicated tax in subsection (b) of this section shall be available on an annual, non-recurring basis within the CIP.

**SUBTITLE G. SUPERMARKET TAX INCENTIVES CLARIFICATION**

Sec. 7111. Short title.

This subtitle may be cited as the “Supermarket Tax Incentives Congressional Review Emergency Amendment Act of 2017”.

Sec. 7112. Section 101(2)(B) of the Food, Environmental, and Economic Development in the District of Columbia Act of 2010, effective April 8, 2011 (D.C. Law 18-353; D.C. Official Code § 2-1212.01(2)(B)), is amended by striking the phrase “16,”.

Sec. 7113. Section 47-3801(1D)(B) of the District of Columbia Official Code is amended by striking the phrase “16,”.

**SUBTITLE H. ADULT LEARNER TRANSIT SUBSIDY**

Sec. 7121. Short title.

This subtitle may be cited as the “Adult Learner Transit Subsidy Congressional Review Emergency Amendment Act of 2017”.

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Sec. 7122. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended by adding a new subsection (i) to read as follows:

“(i)(1) Subject to available funds, the Mayor shall establish a program for students of adult learning programs to receive subsidies for the Metrorail and Metrobus Transit Systems.

“(2) To be eligible for the program, a student shall be:

“(A) Above 18 years of age;

“(B) A District resident; and

“(C) Enrolled in a publicly funded adult education program that is operated by or receives funding from at least one of the following:

“(i) A local education agency, including the District of Columbia Public Schools or a public charter school;

“(ii) The District of Columbia Public Library;

“(iii) The Office of the State Superintendent for Education; or

“(iv) The University of the District of Columbia Workforce Development and Lifelong Learning Program.

“(3) The total annual appropriation available for the program shall not exceed \$1.988 million.”.

**SUBTITLE I. COMMISSION ON THE ARTS AND HUMANITIES GRANTS**

Sec. 7131. Short title.

This subtitle may be cited as the “Commission on the Arts and Humanities Grants Congressional Review Emergency Act of 2017”.

Sec. 7132. In Fiscal Year 2018, the Commission on the Arts and Humanities shall award, on a competitive basis, grants to:

(1) Provide support to a nonprofit, tax-exempt organization dedicated to preserving burial grounds located in Georgetown, as well as the history of African-American cemeteries, for the purpose of markings and boundaries for such cemeteries and burial grounds and to make visible and definite the locations of graves and the identity of those buried in the graves, in an amount not to exceed \$200,000;

(2) Provide orchestral performances with supporting community engagement events, such as education events and symposia, in venues within the District, along with full-orchestra performances in the Kennedy Center, in an amount not to exceed \$200,000;

(3) Provide support for infrastructure improvements, such as planting, planning, and outreach events, concerning the National Mall and its grounds, to a nonprofit organization dedicated to improving, preserving, and restoring the National Mall, in an amount not to exceed \$250,000;

(4) Assist with capital improvements, such as replacing aging elevators and heating, ventilation, and air conditioning, at a theater in the Central Business District, as defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), that offers Broadway-style musicals, in an amount not to exceed \$1.9 million;

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(5) Provide a literary-enrichment program for District of Columbia Public Schools and District of Columbia public charter schools, which includes the provision of copies of literature and curricular materials and author visits for literary discussion with students, in an amount not to exceed \$250,000;

(6) Support an existing multi-stage theater organization in the Uptown Arts – Mixed Use Overlay District, as defined in section 120.1 of Title 11-W of the District of Columbia Municipal Regulations (11-W DCMR § 120.1), seeking a matching grant to upgrade or renovate its existing facilities, including for the purpose of increasing public access to the facility, in an amount not to exceed \$4.95 million;

(7) Support the establishment of a children’s museum in the Central Business District, as defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), in an amount not to exceed \$700,000; and

(8) Support an existing theater and museum organization in the Central Business District, as defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), that is operated through a public-private partnership and explores the American experience through the intersection of history, performance, and education, in an amount not to exceed \$100,000.

**SUBTITLE J. FIRST-TIME HOMEBUYER RECORDATION TAX BENEFIT**

Sec. 7141. Short title.

This subtitle may be cited as the “First-Time Homebuyer Recordation Tax Benefit Congressional Review Emergency Amendment Act of 2017”.

Sec. 7142. The District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 42-1101) is amended as follows:

(1) Paragraph (16) is amended by striking the phrase “an individual who has never owned eligible property” and inserting the phrase “an individual purchaser who has never owned improved residential real property or an economic interest in a cooperative unit that qualified for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01” in its place.

(2) Paragraph (17) is amended to read as follows:

“(17) The phrase “eligible property” means improved residential real property, including an economic interest in a cooperative unit, purchased at an amount not to exceed the purchase ceiling of \$625,000 (adjusted annually beginning with real property tax year 2019 by the addition to the prior purchase ceiling of an amount equal to the percentage increase in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Urban Consumers for the preceding calendar year in which the real property tax year begins, rounded to the next lowest multiple of \$500), that qualifies for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01; and the phrase also includes within the purchase ceiling all other real property conveyed on the same deed.”

(b) Section 303 (D.C. Official Code § 42-1103) is amended as follows:

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

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

“(1) Beginning October 1, 2017, for eligible property purchased by a first-time District homebuyer, the rate of tax provided in subsections (a) and (a-4) of this section shall be reduced as follows; provided, that the requirements of paragraph (2) of this subsection are met; provided further, that the entire benefit of the reduced recordation tax rate shall be allocated to the grantees of the eligible property, as shown on the settlement statement or closing disclosure form:

“(A) To 0.725% for a deed of title; or

“(B) For an economic interest in a cooperative unit:

“(i) To 1.825% when consideration allocable to the real property is less than \$400,000; or

“(ii) To 2.175% when consideration allocable to the real property is \$400,000 or greater.”.

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

“(2) To be eligible for the reduced recordation tax rate provided by this subsection, the applicant for the reduced rate shall, at the time the deed is offered for recordation:

“(A) Certify that the applicant is a first-time District homebuyer and is a bona fide District of Columbia resident;

“(B) Provide proof that the combined federal adjusted gross income, as shown on all the owners’ and household members’ federal income tax returns originally due or filed immediately before (if filed before the original due date) the deed is offered for recordation, is no higher than 180% of the Area Median Income as provided before the beginning of the real property tax year (and effective for such tax year) by the United States Department of Housing and Urban Development as a direct calculation without taking into account any adjustment. For purposes of this subparagraph, “household” excludes any tenant occupying a separate dwelling unit under a written lease for fair market value;

“(C) Provide proof that the real property to be purchased is eligible property;

“(D) Submit a copy of the homestead deduction application for the eligible property, signed by the applicant.”.

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

“(3) The Mayor or the Chief Financial Officer of the District of Columbia may require the applicant to provide such documentation as may be necessary or appropriate to substantiate entitlement to the reduced rate of tax provided under this subsection.”.

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

(A) The lead-in text is amended to read as follows:

“(f) By December 1 of the 4th year of the applicability of the recordation reduction tax benefit established by subsection (e) of this section, the Mayor shall submit a report to the Council that analyzes the impact of the recordation reduction tax benefit for first-time District homebuyers, which shall include:”.

(B) Paragraph (4) is amended by striking the word “and” at the end.

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(C) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

(D) A new paragraph (6) is added to read as follows:

“(6) A recommendation regarding whether or not to continue the recordation reduction tax benefit.”.

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

“(g) Notwithstanding subsection (c) of this section and D.C. Official Code § 47-4421, any subsequent deficiency of recordation tax determined to be owed on a deed taxed at the rate provided under subsection (e) of this section when the deed was accepted for recordation shall be the liability of the grantee or grantees solely and shall not create a lien on the real property that was transferred under such deed.”.

**SUBTITLE K. PARKING SALES TAX CLARIFICATION**

Sec. 7151. Short title.

This subtitle may be cited as the “Parking Sales Tax Clarification Congressional Review Emergency Amendment Act of 2017”.

Sec. 7152. Section 47-2002(a)(1) of the District of Columbia Official Code is amended by striking the phrase “station; provided, that after October 1, 2017, the rate of tax shall be 22%;” and inserting the phrase “station;” in its place.

**SUBTITLE L. PUBLIC SPACE RENTAL FORGIVENESS**

Sec. 7161. Short title.

This subtitle may be cited as the “Public Space Rental Forgiveness Congressional Review Emergency Act of 2017”.

Sec. 7162. The Council orders that the public space rental fees levied against the public space location 801 13th Street, N.W. (Lot 812, Square 287) pursuant to the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1158; D.C. Official Code § 10-1103.01 *et seq.*) (“Act”), that cover the period between July 1, 2016, to June 30, 2017, and any interest, penalty, and fee, or other charge, including any charge levied pursuant to section 308 of the Act, be forgiven and any amounts paid for this period, if any, be refunded.

**SUBTITLE M. TAX REFORM**

Sec. 7171. Short title.

This subtitle may be cited as the “Tax Reform Congressional Review Emergency Amendment Act of 2017”.

Sec. 7172. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1801.04(44) is amended as follows:

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

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(A) Sub-subparagraph (ii) is amended to read as follows:

“(ii) For taxable years beginning after December 31, 2014, but before January 1, 2017, \$5,200 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);”.

(B) New sub-subparagraphs (iii) and (iv) are added to read as follows:

“(iii) For taxable years beginning after December 31, 2016, but before January 1, 2018, \$5,650 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(iv) For taxable years beginning after December 31, 2017, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986.”.

(2) Subparagraph (B) is amended as follows:

(A) Sub-subparagraph (ii) is amended to read as follows:

“(ii) For taxable years beginning after December 31, 2014, but before January 1, 2017, \$6,500 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);”.

(B) New sub-subparagraphs (iii) and (iv) are added to read as follows:

“(iii) For taxable years beginning after December 31, 2016, but before January 1, 2018, \$7,800 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(iv) For taxable years beginning after December 31, 2017, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986.”.

(3) Subparagraph (C) is amended as follows:

(A) Sub-subparagraph (ii) is amended to read as follows:

“(ii) For taxable years beginning after December 31, 2014, but before January 1, 2017, \$8,350 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50);”.

(B) New sub-subparagraphs (iii) and (iv) are added to read as follows:

“(iii) For taxable years beginning after December 31, 2016, but before January 1, 2018, \$10,275 increased annually by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50); or

“(iv) For taxable years beginning after December 31, 2017, the standard deduction as prescribed in section 63(c) of the Internal Revenue Code of 1986.”.

(b) Section 47-1806.02 is amended as follows:

(1) Subsection (d) is amended by striking the phrase “Until § 47-181(c)(I) is implemented,” and inserting the phrase “Until § 47-181(c)(9) is implemented,” in its place.

(2) Subsection (e) is amended by striking the phrase “Until § 47-181(c)(I) is implemented,” and inserting the phrase “Until § 47-181(c)(9) is implemented,” in its place.

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

(A) Paragraph (1) is amended by striking the phrase “December 31, 2012,” and inserting the phrase “December 31, 2012, but before January 1, 2018,” in its place.

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

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“(2) For taxable years beginning after December 31, 2017, the personal exemption amount prescribed in section 151 of the Internal Revenue Code of 1986 without reduction for the phaseout of section 151(d)(3) of the Internal Revenue Code of 1986.”

(c) Section 47-1806.03(a)(10) is amended to read as follows:

“(10) In the case of taxable years beginning after December 31, 2015, there is imposed on the taxable income of every resident a tax determined in accordance with the following table:

Not over \$10,000	4% of the taxable income.
Over \$10,000 but not over \$40,000	\$400, plus 6% of the excess over \$ 10,000.
Over \$ 40,000 but not over \$ 60,000	\$2,200, plus 6.5% of the excess over \$ 40,000.
Over \$ 60,000 but not over \$ 350,000	\$3,500, plus 8.5% of the excess over \$ 60,000.
Over \$350,000 but not over \$1,000,000	\$28,150, plus 8.75% of the excess above \$350,000.
Over \$1,000,000	\$85,025, plus 8.95% of the excess above \$1,000,000.”

(d) Section 47-1806.04(e)(4) is amended to read as follows:

“(4) For taxable years beginning after December 31, 2017, the credit provided for in paragraph (1) of this subsection shall no longer be allowed.”

(e) Section 47-1807.02(a) is amended as follows:

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

(A) Strike the phrase “December 31, 2014,” and insert the phrase “December 31, 2014, but before January 1, 2016,” in its place.

(B) Strike the phrase “foreign; and” and insert the phrase “foreign;” in its place.

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

“(6) For the taxable year beginning after December 31, 2015, but before January 1, 2017, a tax at the rate of 9.2% upon the taxable income of every corporation, whether domestic or foreign;”

(3) New paragraphs (7) and (8) are added to read as follows:

“(7) For the taxable year beginning after December 31, 2016, but before January 1, 2018, a tax at the rate of 9.0% upon the taxable income of every corporation, whether domestic or foreign; and

“(8) For taxable years beginning after December 31, 2017, a tax at the rate of 8.25% upon the taxable income of every corporation, whether domestic or foreign.”

(f) Section 47-1808.03(a) is amended as follows:

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

(A) Strike the phrase “December 31, 2014,” and insert the phrase “December 31, 2014, but before January 1, 2016,” in its place.

(B) Strike the phrase “foreign; and” and insert the phrase “foreign;” in its place.

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

“(6) For the taxable year beginning after December 31, 2015, but before January 1, 2017, a tax at the rate of 9.2% upon the taxable income of every unincorporated business, whether domestic or foreign;”.

(3) New paragraphs (7) and (8) are added to read as follows:

“(7) For the taxable year beginning after December 31, 2016, but before January 1, 2018, a tax at the rate of 9.0% upon the taxable income of every unincorporated business, whether domestic or foreign; and

“(8) For taxable years beginning after December 31, 2017, a tax at the rate of 8.25% upon the taxable income of every unincorporated business, whether domestic or foreign.”.

Sec. 7173. Section 47-3701 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (4) is amended as follows:

(1) Subparagraph (C) is amended by striking the year “2016” and inserting the year “2017” in its place.

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

“(D) For a decedent dying after December 31, 2016, but before January 1, 2018:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$745,800; and

“(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$2 million.

“(E) For a decedent dying after December 31, 2017:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) The amount of the unified credit shall be as prescribed in section 2010 of the Internal Revenue Code; and

“(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed the applicable zero bracket amount.”.

(b) Paragraph (14) is amended to read as follows:

“(14) “Zero bracket amount” means:

“(A) For a decedent whose death occurs after December 31, 2015, but before January 1, 2017, \$1 million;

“(B) For a decedent whose death occurs after December 31, 2016, but before January 1, 2018, \$2 million; or

“(C) For a decedent whose death occurs after December 31, 2017, an amount equal to the basic exclusion amount as prescribed in section 2010(c)(3)(A) of the Internal



Revenue Code and any cost-of-living adjustments made pursuant to section 2010(c)(3)(B) of the Internal Revenue Code.”.

Sec. 7174. Applicability.

This subtitle shall apply as of January 1, 2018.

#### **SUBTITLE N. REAL PROPERTY TAX APPEALS**

Sec. 7181. Short title.

This subtitle may be cited as the “Real Property Tax Appeals Congressional Review Emergency Amendment Act of 2017”.

Sec. 7182. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-824 is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “proposed change in the assessed value of the owner’s real property on or before March 1” and inserting the phrase “proposed change in the assessed value or classification (subject to § 47-813(d-1)(4A) and (4B)) of the owner’s real property for the next real property tax year by March 1” in its place.

(B) Paragraph (2) is repealed.

(C) Paragraph (4) is amended as follows:

(i) Strike the phrase “before May 2” and insert the phrase “by May 1” in its place.

(ii) Strike the phrase “assessed value” both times it appears and insert the phrase “assessed value or classification (subject to § 47-813(d-1)(4A) and (4B))” in its place.

(iii) Strike the phrase “April 2” and insert the phrase “April 1” in its place.

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

“(d) This section shall apply only to an annual notice issued by March 1 or May 1, as provided under subsection (a) or (b) of this section, and shall not apply to any notice issued under any other provision of this chapter.”.

(b) Section 47-825.01a is amended as follows:

(1) Subsection (d)(2) is amended by striking the phrase “real property.” and inserting the phrase “real property; provided further, that an appeal under this subsection pursuant to another provision of this section or chapter under this title shall be filed within 45 days from the date of the notice.” in its place.

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

(A) Paragraph (1)(B) is amended by striking the phrase “or a notice of final determination issued under § 47-813(d-1)(4A)”.

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

“(B) Subject to subparagraph (A) of this paragraph, after the completion of the hearing, the Commission shall have 30 days to decide a residential real property case

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involving a single family residential property or a residential real property consisting of 4 or fewer dwelling units and 80 days to decide a residential real property case involving a residential real property with 5 or more dwelling units or a commercial real property case.”.

(3) Subsection (f)(1)(B) is amended by striking the phrase “subsection (e)” and inserting the phrase “subsection (d)(2)” in its place.

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

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

(B) The newly designated paragraph (1) is amended by striking the phrase “§ 47-830, an owner” and inserting the phrase “§ 47-830 or paragraph (2) of this subsection, an owner” in its place.

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

“(2) An owner aggrieved by a decision of the Commission, with respect to an appeal filed pursuant to subsection (d)(2) of this section or a notice issued pursuant to § 42-3131.15, may appeal the decision of the Commission to the Superior Court of the District of Columbia in the same manner and to the same extent as provided in §§ 47-3303 and 47-3304 by September 30 of the tax year in which the decision of the Commission is issued or within 6 months after the date of the decision of the Commission, whichever is later.”.

Sec. 7183. Section 47-3305(c) of the District of Columbia Official Code is repealed.

#### **SUBTITLE O. HILL EAST COMMUNITY GARDEN REAL PROPERTY TAX RELIEF**

Sec. 7191. Short title.

This subtitle may be cited as the “Hill East Community Garden Real Property Tax Relief Congressional Review Emergency Amendment Act of 2017”.

Sec. 7192. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “47-1061. Capitol Hill Community Garden Land Trust” and inserting the phrase “47-1061. Hill East Community Garden” in its place.

(b) Section 47-1061 is amended as follows:

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

(2) The newly designated subsection (a) is amended by striking the phrase “Trust, the property” and inserting the phrase “Trust or to the Hill East Community Garden, the property” in its place.

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

“(b) The one-time transfer of the property specified in subsection (a) of this section from the Capitol Hill Community Garden Land Trust to the Hill East Community Garden shall not be subject to the transfer tax imposed under Chapter 9 of this title, the recordation tax imposed under Chapter 11 of Title 42, or the penalty imposed under Chapter 14 of this title.”.

## ENROLLED ORIGINAL

**SUBTITLE P. TIF REAUTHORIZATION**

Sec. 7201. Short title.

This subtitle may be cited as the “Tax Increment Financing Reauthorization Congressional Review Emergency Amendment Act of 2017”.

Sec. 7202. The Tax Increment Financing Authorization Act of 1998, effective May 4, 1998 (D.C. Law 12-143; D. C. Official Code § 2-1217.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1217.01) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “taxes, exclusive” and inserting the phrase “taxes and possessory interest taxes, including any penalties and interest charges, exclusive” in its place.

(2) Paragraph (4) is amended by striking the phrase “§ 10-1202.08” and inserting the phrase “§ 10-1202.08, and exclusive of any provision of law that dedicates any sales or parking tax revenues to the Washington Metropolitan Area Transit Authority” in its place.

(3) Paragraph (25) is amended by striking the phrase “within the priority development area” and inserting the phrase “within a TIF area” in its place.

(b) Section 3 (D.C. Official Code § 2-1217.02) is amended as follows:

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

(A) Strike the phrase “property tax increment revenues” and insert the phrase “real property tax increment revenues” in its place.

(B) Strike the citation “§ 1-204.90(m)(6)” and insert the citation “§ 1-204.90(n)(6)” in its place.

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

“(b) TIF bonds may be issued to finance development costs of eligible projects approved pursuant to this subchapter. Refunding bonds may be issued to refund bonds issued pursuant to this subchapter.”.

(c) Section 4 (D.C. Official Code § 2-1217.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “of any project located in a priority development area”.

(2) Subsection (c) is repealed.

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

“(i) For the preparation of the certification required by this section, the CFO shall set forth guidance regarding submission requirements and the process for review of information necessary to implement this section.”.

(d) Section 12 (D.C. Official Code § 2-1217.11) is repealed.

**SUBTITLE Q. URBAN FARMING**

Sec. 7211. Short title.

This subtitle may be cited as the “Urban Farming and Food Security Congressional Review Emergency Amendment Act of 2017”.

## ENROLLED ORIGINAL

Sec. 7212. Section 47-868 of the District of Columbia Official Code is amended as follows:

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

(1) Strike the phrase “if an urban farm is located in” and insert the phrase “if an urban farm is located on or in” in its place.

(2) Strike the phrase “urban farm.” and insert the phrase “urban farm, as computed under subsection (a-1) of this section.” in its place.

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

“(a-1)(1) In the case of an urban farm located in an improvement to real property not exclusively used for urban farming, the portion of the improvement in use as an urban farm shall be computed by dividing the square footage of the portion of the improvement used for urban farming by the gross building area of the improvement.

“(2) In the case of an urban farm located on an improvement to real property not exclusively used for urban farming, the portion of the improvement in use as an urban farm shall be computed by dividing the square footage of the portion of the improvement used for urban farming by the total square footage of the improvement, which shall be computed as the sum of the gross building area of the improvement and the roof area.”.

(b) Subsection (c) is amended by striking the word “semiannually” and inserting the phrase “between semiannual installments of tax” in its place.

**SUBTITLE R. EVENTS DC BOARD CLARIFICATION**

Sec. 7221. Short title.

This subtitle may be cited as the “Washington Convention Authority Board of Directors Clarification Congressional Review Emergency Amendment Act of 2017”.

Sec. 7222. Section 205(b)(1) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(b)(1)), is amended to read as follows:

“(b)(1)(A) Except as provided in subparagraph (B) of this paragraph, all public Board members shall be appointed to 4-year terms that shall expire on May 16 of the 4th year.

“(B) The term subsequent to the current term occupied pursuant to:

“(i) The Washington Convention and Sports Authority Board of Directors Cheryle Doggett Confirmation Resolution of 2014, effective October 28, 2014 (Res. 20-664; 61 DCR 11983), shall begin on October 1, 2017, and expire on May 16, 2021; and

“(ii) The Washington Convention and Sports Authority Board of Directors William Hall Confirmation Resolution of 2014, effective October 28, 2014 (Res. 20-666; 61 DCR 11985), shall begin on October 1, 2017, and expire on May 16, 2020.

**SUBTITLE S. POSSESSORY INTEREST CLARIFICATION**

Sec. 7231. Short title.

This subtitle may be cited as the “Possessory Interest Clarification Congressional Review Emergency Amendment Act of 2017”.

## ENROLLED ORIGINAL

Sec. 7232. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 8 is amended as follows:

(1) Section 47-811.03(b)(2) is amended by striking the phrase “taxes under” and inserting the phrase “taxes, or taxes imposed pursuant to § 47-1005.01, under” in its place.

(2) Section 47-867(a) is amended by striking the phrase “this chapter shall” and inserting the phrase “this chapter or the tax under Chapter 10 of this title shall” in its place.

(b) Chapter 10 is amended as follows:

(1) Section 47-1005.01(b) is amended by striking the phrase “and the person is not exempt or immune from income taxation under the law of the United States or the District of Columbia”.

(2) Section 47-1005.02(a)(1) is amended by striking the phrase “tax imposed by Chapter 8” and inserting the phrase “taxes imposed by Chapters 8 and 10” in its place.

(c) Section 47-4665 is amended as follows:

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

(A) Strike the phrase “Chapter 8 of this title shall” and insert the phrase “Chapter 8 of this title or § 47-1005.01 shall” in its place.

(B) Strike the phrase “property tax” wherever it appears and insert the phrase “property or possessory interest tax” in its place.

(2) Subsection (c) is amended by striking the phrase “property tax” wherever it appears and inserting the phrase “property or possessory interest tax” in its place.

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

(A) Strike the phrase “property tax” wherever it appears and insert the phrase “property or possessory interest tax” in its place.

(B) The lead-in language is amended by striking the phrase “§ 47-811,” and inserting the phrase “§ 47-811 or § 47-1005.01,” in its place.

(4) Subsection (e)(1)(B) is amended by striking the phrase “reservation number,” and inserting the phrase “reservation or possessory interest account number,” in its place.

#### **SUBTITLE T. HOSPITALITY TAX DEDICATION**

Sec. 7241. Short title.

This subtitle may be cited as the “Hospitality Tax Dedication Congressional Review Emergency Amendment Act of 2017”.

Sec. 7242. Chapter 20 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-2002.03a. Additional tax on gross receipts for transient lodgings or accommodations.”.

(b) A new section 47-2002.03a is added to read as follows:

## ENROLLED ORIGINAL

“§ 47-2002.03a. Additional tax on gross receipts for transient lodgings or accommodations.

“(a) A tax, separate from and in addition to, the tax imposed pursuant to § 47-2002(a)(2)(A) and the tax imposed pursuant to § 47-2002.02, is imposed on all vendors at the rate of 0.3% of the gross receipts from the sale of or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

“(b) If the occupancy of a room or rooms, lodgings, or accommodations is reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this section shall be determined based on the net charges and additional charges received by the room remarketer.

“(c) The tax revenue received pursuant to this section shall be dedicated to the Washington Convention and Sports Authority, for transfer to Destination DC for the purposes of marketing and promoting the District of Columbia as a destination. Any tax revenue dedicated pursuant to this subsection shall be in addition to the funds dedicated to Destination DC pursuant to § 10-1202.08a.”.

**SUBTITLE U. UNIVERSITY OF THE DISTRICT OF COLUMBIA  
FUNDRAISING MATCH**

Sec. 7251. Short title.

This subtitle may be cited as the “University of the District of Columbia Fundraising Match Congressional Review Emergency Act of 2017”.

Sec. 7252. (a) In Fiscal Year 2018, of the funds allocated to the Non-Departmental agency, \$1, up to a maximum of \$1.5 million, shall be transferred to the University of the District of Columbia (“UDC”) for every \$2 that UDC raises by April 1, 2018 from private donations.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less than one-third of the funds shall be deposited into UDC’s endowment fund.

**SUBTITLE V. COMMODITIES COST RESERVE FUND**

Sec. 7261. Short title.

This subtitle may be cited as the “Fixed Cost Commodity Reserve Congressional Review Emergency Amendment Act of 2017”.

Sec. 7262. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “Commodities Cost Reserve Fund” and inserting the phrase “Commodities Cost Reserve Fund. [Repealed].” in its place.

(b) Section 47-368.04 is repealed.

## ENROLLED ORIGINAL

**SUBTITLE W. RECORDER OF DEEDS AUTOMATION FUND****CLARIFICATION**

Sec. 7271. Short title.

This subtitle may be cited as the “Recorder of Deeds Automation Fund Clarification Congressional Review Emergency Amendment Act of 2017”.

Sec. 7272. Section 3 of An Act Providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia, effective April 12, 1997 (D.C. Law 11-257; D.C. Official Code § 42-1214), is amended as follows:

(a) Subsection (a) is amended by striking the phrase “Recorder of Deeds Automation and Infrastructure Improvement Fund” both times it appears and inserting the phrase “Recorder of Deeds Automation Fund” in its place.

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

(1) Strike the phrase “Recorder of Deeds and the repair and improvement of the infrastructure located at 515 D Street, N.W., Washington, D.C., and any incidental costs associated with that repair and improvement.” and insert the phrase “Recorder of Deeds.” in its place.

(2) Strike the phrase “the new system, and the repair of the infrastructure components necessary to meet the overall mission of the Recorder of Deeds.” and insert the phrase “the new system.” in its place.

(c) Subsection (c) is repealed.

Sec. 7273. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-876 is amended by striking the phrase “Recorder of Deeds Automation and Infrastructure Improvement Fund” and inserting the phrase “Recorder of Deeds Automation Fund” in its place.

(b) Section 47-1340(h) is amended by striking the phrase “Recorder of Deeds Automation and Infrastructure Improvement Fund” and inserting the phrase “Recorder of Deeds Automation Fund” in its place.

**SUBTITLE X. EVENTS DC GRANT**

Sec. 7281. Short title.

This subtitle may be cited as the “Events DC Grant Congressional Review Emergency Act of 2017”.

Sec. 7282. Notwithstanding any other law or regulation, of the amount provided from enterprise and other funds in Fiscal Year 2018 to the Washington Sports and Entertainment Authority (“Events DC”), Events DC shall award a grant to fund a convention focused on Title IX that includes a sport tournament for young women, in an amount not to exceed \$202,832.

ENROLLED ORIGINAL

**SUBTITLE Y. WOMEN’S NATIONAL DEMOCRATIC CLUB REAL PROPERTY TAX EXEMPTION**

Sec. 7291. Short title.

This subtitle may be cited as the “Women’s National Democratic Club Real Property Tax Exemption Congressional Review Emergency Act of 2017”.

Sec. 7292. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-1099. Women’s National Democratic Club; Lot 5, Square 135.”.

(b) A new section 47-1099 is added to read as follows:

“§ 47-1099. Women’s National Democratic Club; Lot 5, Square 135.

“(a) The real property located at 1526 New Hampshire Avenue, N.W., known for tax and assessment purposes as Lot 5, Square 135, shall be exempt from the tax imposed by Chapter 8 of this title as long as Women’s National Democratic Club is the owner of the property, subject to the provisions of §§ 47-1007 and 47-1009, but not § 47-1005.

“(b) The tax exemption provided by this section shall begin as of October 1, 2017.”.

**SUBTITLE Z. UNION MARKET DISTRICT TIF**

Sec. 7301. Short title.

This subtitle may be cited as the “Union Market District TIF Congressional Review Emergency Amendment Act of 2017”.

Sec. 7302. Section 7193 of the Union Market District TIF Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 2-1217.36b), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase “\$90 million” and inserting the phrase “\$94 million” in its place.

(b) New paragraphs (4), (5), (6), (7), and (8) are added to read as follows:

“(4) An analysis has been completed showing the Project is financially sustainable and economically viable.

“(5) The TIF scope will include a significant investment in new infrastructure, public improvements, and ample parking for the area.

“(6) The Project has strong community and Council support.

“(7) The Project will serve as a catalyst for welcoming retail and residential visits to an emerging neighborhood and along a prominent gateway corridor of the District.

“(8) The TIF is ready to proceed to market, and given current market conditions, it is important that the Council approve a TIF for this project in 2017.”.

**SUBTITLE AA. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH**

Sec. 7311. Short title.



## ENROLLED ORIGINAL

This subtitle may be cited as the “National Cherry Blossom Festival Fundraising Match Congressional Review Emergency Act of 2017”.

Sec. 7312. (a) There is established a matching grant program to support the 2018 National Cherry Blossom Festival (“Program”), which shall be administered by the Washington Convention and Sports Authority (“Authority”). Under the Program, a matching grant shall be awarded to a nonprofit organization that organizes and produces events as part of the official, month-long National Cherry Blossom Festival of up to \$300,000 for every dollar above \$750,000 that the organization has raised in corporate donations by March 31, 2018.

(b) In Fiscal Year 2018, of the funds allocated to the Non-Departmental account, \$300,000 shall be transferred to the Authority to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by the Authority in support of the National Cherry Blossom Festival.

**TITLE VIII. CAPITAL BUDGET****SUBTITLE A. FISCAL YEAR 2018 CAPITAL PROJECT FINANCING  
REALLOCATION APPROVAL**

Sec. 8001. Short title.

This subtitle may be cited as the “Fiscal Year 2018 Capital Project Financing Reallocation Approval Congressional Review Emergency Act of 2017”.

Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate \$62,442,212 in general obligation bond proceeds from the District capital projects listed in Table A to the District capital projects listed in Table B, in the amounts specified.

(b) The current allocations were made pursuant to the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-315; 58 DCR 10556), the Fiscal Year 2013 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2012, effective October 16, 2012 (Res. 19-635; 59 DCR 12818), the Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), the Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738), and the Fiscal Year 2017 Income Tax Secured Revenue Bond, General Obligation Bond and General Obligation and Income Tax Secured Revenue Bond Anticipation Note Issuance Approval Resolution of 2016, effective November 1, 2016 (Res. 21-635; 63 DCR 14387).

ENROLLED ORIGINAL

TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Department of General Services	BC4	DGS	Hill E Relocation of Government Fac. & Function	2014C G.O.	500,000
Department of General Services	PL4	DGS	Electronic Security Communications Standardization	2016A G.O.	2,000,000
Office on Aging	A05	DGS	Senior Centers	2016A G.O.	6,451
D.C. Public Library	ITM	DCPL	DCPL Information Technology Modernization	2016A G.O.	253,015
Deputy Mayor for Planning and Economic Development	AWR	DMPED	Saint Elizabeths E Campus Infrastructure	2014C G.O.	4,852,856
Deputy Mayor for Planning and Economic Development	EDP	DMPED	Economic Development Pool	2014C G.O.	51,869
Metropolitan Police Department	PEQ	MPD	Specialized Vehicles - MPD	2016A G.O.	1,758,961
Department of Corrections	CR1	DGS	General Renovations - DC Jail	2014C G.O.	1,643,027
D.C. Public Schools	JOH	DGS	Johnson Middle School Renovation/Modernization	2014C G.O.	464,841
D.C. Public Schools	JOH	DGS	Johnson Middle School Renovation/Modernization	2015A G.O.	4,320,962
D.C. Public Schools	NX3	DGS	Cardozo High School	2016A G.O.	3
Office of the State Superintendent of Education	SFF	DGS	Evans Campus	2012C I.T.	2,000,000
Department of Parks and Recreation	URA	DGS	Urban Agriculture - DPR	2014C G.O.	152,746
Department of Parks and Recreation	URA	DGS	Urban Agriculture - DPR	2016A G.O.	250,000
Department of Parks and Recreation	SQ2	DGS	Square 238 DPR Facility	2016A G.O.	500,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	2016A G.O.	11,000,000
Department of Parks and Recreation	WD3	DGS	Hearst Park Pool - Ward 3 Outdoor Pool	2016A G.O.	500,000
Department of Parks and Recreation	THP	DGS	Therapeutic Recreation Center	2016A G.O.	500,000
Department of Healthcare Finance	AP1	DHCF	Predictive Analytic System - I.T. DHCF	2016A G.O.	125,000
Department of Healthcare Finance	CM1	DHCF	Case Management System - DHCF	2016A G.O.	125,000
District Department of Transportation	CG3	DDOT	Local Roadside Improvements	2016A G.O.	5,432,000
District Department of Transportation	ED3	DDOT	Local Street Parking Studies	2014C G.O.	466,108
District Department of Transportation	ED3	DDOT	Local Street Parking Studies	2015A G.O.	500,000
District Department of Transportation	ED3	DDOT	Local Street Parking Studies	2016A G.O.	533,892
District Department of Transportation	EDS	DDOT	Great Streets Initiatives	2015A G.O.	1,331,583
District Department of Transportation	EDS	DDOT	Great Streets Initiatives	2016A G.O.	1,574,147
District Department of Transportation	PM0	DDOT	Materials Testing Lab	2015A G.O.	315,762
District Department of Transportation	PM0	DDOT	Materials Testing Lab	2016A G.O.	684,238
District Department of Transportation	PM3	DDOT	Planning and Management System	2014C G.O.	429,393
District Department of Transportation	SR0	DDOT	Streetscapes	2016A G.O.	1,000,000
District Department of Transportation	CIR	DDOT	Circulator	2015A G.O.	4,307,439
District Department of Transportation	CIR	DDOT	Circulator	2016A G.O.	1,692,561
District Department of Transportation	FLD	DDOT	Prevention of Flooding in Bloomingdale/Ledroit Park Neighborhoods	2016A G.O.	1,592,000
District Department of Transportation	TRL	DDOT	Trails	2014C G.O.	420,714
District Department of Transportation	TRL	DDOT	Trails	2015A G.O.	500,000
District Department of Transportation	TRL	DDOT	Trails	2016A G.O.	1,079,286
District Department of Transportation	TRF	DDOT	Traffic Operations Center	2015A G.O.	500,000
District Department of Transportation	CE3	DDOT	Street Restoration & Rehabilitation	2014C G.O.	664,745
District Department of Transportation	CE3	DDOT	Street Restoration & Rehabilitation	2016A G.O.	1,335,255
Department of Energy and Environment	SWM	DOEE	Stormwater Management	2016A G.O.	1,000,000
Department of Energy and Environment	SUS	DOEE	Sustainable DC Fund-2	2014C G.O.	1,157,257
Department of Behavioral Health	XA6	DBH	Avatar Upgrade	2016D G.O.	169,704
Office of the Chief Technology Officer	ZA1	OCTO	DC GIS Capital Investment	2014C G.O.	176,640
Office of the Chief Technology Officer	ZA1	OCTO	DC GIS Capital Investment	2015A G.O.	300,000
Office of the Chief Technology Officer	N31	OCTO	Data Management and Publication Platform	2015A G.O.	159,921
Office of the Chief Technology Officer	N31	OCTO	Data Management and Publication Platform	2016A G.O.	1,608,954
Office of the Chief Technology Officer	N38	OCTO	Procurement System - GO Bond	2016D G.O.	2,155,882
Office of the Chief Technology Officer	N93	OCTO	Enterprise Computing Device Management	2016A G.O.	350,000
<b>TOTAL</b>					<b>\$62,442,212</b>

TABLE B.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
District of Columbia Public Schools	YY1	DGS	DC Public Schools Modernization/Renovations	N/A	62,442,212
<b>TOTAL</b>					<b>\$62,442,212</b>

**SUBTITLE B. CAPITAL PROJECT REVIEW AND RECONCILIATION**

Sec. 8011. Short title.

## ENROLLED ORIGINAL

This subtitle may be cited as the “Capital Project Review and Reconciliation Congressional Review Emergency Amendment Act of 2017”.

Sec. 8012. The Capital Project Support Fund Establishment Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-325.151 *et seq.*), is amended as follows:

(a) Section 1261 (D.C. Official Code § 1-325.151) is amended as follows:

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

“(4A) “Encumbered” means committed to pay for goods or services ordered but not yet received.”.

(2) A new paragraph (7A) is added to read as follows;

“(7A) “Pre-encumbered” means held, but not yet committed, to pay for goods or services that are expected to be, but have not yet been, ordered.”.

(b) Section 1262(b) (D.C. Official Code § 1-325.152(b)) is amended by striking the phrase “sections 1263a, and 1263b” and inserting the phrase “sections 1263a, 1263b, and 1263c” in its place.

(c) Section 1263b(a) (D.C. Official Code § 1-325.153b(a)) is amended to read as follows:

“(a) If a department, office, or agency has a capital project with an unexpended balance of more than \$250,000 for which no funds have been expended, encumbered, or pre-encumbered for 2 consecutive years, the OCFO shall provide 30 days written notice to the department, office, or agency of the CFO’s intent to transfer the surplus capital funds to the Capital Project Support Fund. The CFO shall make this transfer unless the department, office, or agency to which the funds have been budgeted or allotted:

“(1) Certifies to the Mayor, Council, and OCFO, within the 30-day notice period that it intends to use the funds to implement the capital project within 18 months of the certification; and

“(2) Submits a satisfactory activity report to the OCFO describing the status of the implementation within 180 days from the date of certification.”.

(d) A new section 1263c is added to read as follows:

“Sec. 1263c. Release of encumbered or pre-encumbered funds; transfer of surplus capital funds.

“(a) If a department, office, or agency has a capital project with \$250,000 or less in encumbered or pre-encumbered funds that have been in an encumbered or pre-encumbered status for 2 consecutive years, the OCFO shall provide written notice to the department, office, or agency of the OCFO’s identification of such funds.

“(b) Within 30 days of receipt on this notice, the department, office, or agency to which the funds have been budgeted or allotted shall:

“(1) Notify the OCFO in writing of its intent to expend the funds and provide a spending plan for the funds; or

“(2) Release the funds.”.

(e) Section 1265(a) (D.C. Official Code § 1-325.155(a)) is amended as follows:

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

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“(2) For a capital project with a balance of more than \$250,000, no funds have been expended, encumbered, or pre-encumbered, for 2 consecutive years and the agency has not complied with the requirements of section 1263b(a)(1) and (2) after receiving a notice from the OCFO pursuant to that section; or”.

(2) Paragraph (3) is amended by striking the number “3” and inserting the number “2” in its place.

**SUBTITLE C. ANTI-DEFICIENCY FOR CAPITAL PROJECTS**

Sec. 8021. Short title.

This subtitle may be cited as the “Anti-Deficiency Act Clarification Congressional Review Emergency Amendment Act of 2017”.

Sec. 8022. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-355.02(8) is amended by striking the phrase “regardless of the percentage;” and inserting the phrase “regardless of the percentage, or, for capital projects, 5% of the project’s budget or \$1 million, regardless of the percentage;” in its place.

(b) Section 47-355.04 is amended as follows:

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

(A) Strike the phrase “budget submitted to Congress” and insert the phrase “finally enacted annual budget” in its place.

(B) Strike the phrase “after Congressional submission” and insert the phrase “after final enactment” in its place.

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

“(a-1) By October 20 of each year, an agency head and agency fiscal officer shall jointly submit to the Chief Financial Officer a monthly spending plan for each capital project based on the finally enacted annual budget. If a project’s budget is changed after final enactment of the annual budget, the agency head and agency fiscal officer shall submit a revised project spending plan to the Chief Financial Officer within one month of final approval of the changes to the project’s budget.”.

(3) Subsection (b) is amended by striking the phrase “approved operating budget” and inserting the phrase “approved operating budget or approved budget for a capital project” in its place.

(c) Section 47-355.05 is amended as follows:

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

“(a) The Chief Financial Officer shall submit reports to the Council and the Mayor on a quarterly basis indicating each agency's actual operating expenditures, obligations, and commitments, each by source of funds, and the expenditures for each capital project, compared to their approved spending plan. This report shall be accompanied by the Chief Financial Officer's observations regarding spending patterns and identify steps being taken to assure spending remains within the approved budget.”.

(2) Subsection (e)(2)(A) is amended to read as follows:

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“(2)(A) The summary shall set forth clearly and concisely each budget category affected by the reprogramming, intra-District transfer, or other budget modification, as described in paragraph (1) of this subsection, as follows:

- “(i) For the operating budget, by:
  - “(I) Agency;
  - “(II) Object category; and
  - “(III) Comptroller source group; and
- “(ii) For capital projects, by:
  - “(I) Agency; and
  - “(II) Project and subproject.”.

**SUBTITLE D. MASTER LOCAL TRANSPORTATION CAPITAL PROJECTS**

Sec. 8031. Short title.

This subtitle may be cited as the “Master Local Transportation Capital Projects Clarification Congressional Review Emergency Amendment Act of 2017”.

Sec. 8032. Section 3(e) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)), is amended as follows:

(a) Paragraph (1) is amended by striking the period and inserting the phrase “, or from Master local transportation capital projects designated by the Director as Master local transportation capital projects in Fiscal Year 2018 or later.” in its place.

(b) Paragraph (2) is amended by striking the phrase “Fund.” and inserting the phrase “Fund. The Director may also submit requests to OBP to allocate funds for the Related Projects of each Master local transportation capital project created in Fiscal Year 2018 or later.” in its place.

(c) Paragraph (3) is amended by striking the phrase “Fund.” and inserting the phrase “Fund. The Director may also submit requests to OBP to re-allocate funds from any Related Project to the applicable Master local transportation capital project created in Fiscal Year 2018 or later.” in its place.

(d) New paragraphs (4) and (5) are added to read as follows:

“(4)(A) The Director may submit requests to OBP to re-allocate any available fund balances in associated projects to the applicable Master local transportation capital project created in Fiscal Year 2018 or later, in order to align the associated projects with the Master local transportation capital projects.

“(B) For the purposes of this paragraph, the term “associated projects” means Related Projects created before Fiscal Year 2018 with current fund balances for which there will not be out-year appropriations or requests for appropriations.

“(C) This paragraph shall expire on January 31, 2018.

“(5) The CFO shall submit to the Mayor and the Council a quarterly summary of all allocations and re-allocations requested pursuant to this subsection, including a description of whether OBP allocated the requested funds.”.

## ENROLLED ORIGINAL

**SUBTITLE E. REVERSE PAYGO REPROGRAMMING**

Sec. 8041. Short title.

This subtitle may be cited as the “Reverse Paygo Reprogramming Congressional Review Emergency Amendment Act of 2017”.

Sec. 8042. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-361(15) is amended to read as follows:

“(15) “Reverse Paygo action” means the movement of authorized Paygo capital budget funds to the operating budget, through a paper project for the purpose of transaction recording and tracking.”.

(b) Section 47-363 is amended by adding a new subsection (f) to read as follows:

“(f)(1) A reverse Paygo action done for the purpose of paying non-capital-eligible expenses, including furniture, fixtures, and equipment, of the same capital project for which Paygo capital funds have been authorized shall not require Council approval; provided, that the Chief Financial Officer shall notify the Budget Director of the Council of the District of Columbia in writing no later than 3 business days after the reverse Paygo action occurs. The notice shall set forth the capital project, amount, and purpose of the reverse Paygo action.

“(2) All other reverse Paygo actions shall require Council approval pursuant to this section.”.

(c) Section 47-366 of the District of Columbia Official Code is amended by striking the phrase “in writing” and inserting the phrase “in writing within 3 business days” in its place.

**SUBTITLE F. CAPITAL INFRASTRUCTURE PRESERVATION AND IMPROVEMENT**

Sec. 8051. Short title.

This subtitle may be cited as the “Capital Infrastructure Preservation and Improvement Congressional Review Emergency Amendment Act of 2017”.

Sec. 8052. Section 47-392.02 of the District of Columbia Official Code is amended as follows:

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

“(f) Local funds revenue transfer to the Capital Improvements Program. --

“(1) For Fiscal Year 2020, the approved budget and financial plan shall include a minimum local funds transfer to the Capital Improvements Program (“CIP”) of \$58,950,000.

“(2) Beginning with Fiscal Year 2021, and for each subsequent fiscal year thereafter until the provisions of paragraph (3) of this subsection are met, the approved budget and financial plan shall include a minimum local funds transfer to the CIP of \$58,950,000 plus 25% of the amount by which the projected local funds revenue for that fiscal year exceeds the local funds revenue included in the budget and financial plan approved for Fiscal Year 2020.

## ENROLLED ORIGINAL

“(3) When the minimum local funds transfer to the CIP under paragraph (2) of this subsection for any fiscal year causes the amount of funds in the CIP to equal or exceed the amount reported for additions to total accumulated depreciation of capital assets, as reported in the most recent comprehensive annual financial report for the District of Columbia, the approved budget and financial plan for the next fiscal year and for each subsequent year thereafter, shall include a minimum local funds transfer to the CIP equal to the amount reported for additions to total depreciation of capital assets reported in the next annual financial report.”.

(b) Subsection (l) is repealed.

**SUBTITLE G. LOCAL TRANSPORTATION REVENUE**

Sec. 8061. Short title.

This subtitle may be cited as the “Local Transportation Revenue Congressional Review Emergency Amendment Act of 2017”.

Sec. 8062. The Highway Trust Fund Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-184; D.C. Official Code § 9-111.01 *et seq.*), is amended as follows:

(a) Section 102(e)(1) (D.C. Official Code § 9-111.01(e)(1)) is amended by striking the phrase “shall be deposited into the Local Transportation Fund established by section 102a, and used exclusively for the purposes provided therein.” and inserting the phrase “shall be transferred to the Capital Improvements Program and used to fund the renovation, repair, and maintenance of local transportation infrastructure.” in its place.

(b) Section 102a (D.C. Official Code § 9-111.01a) is amended to read as follows

“Sec. 102a. Local transportation revenue transfer.

“(a) The Chief Financial Officer shall deposit revenue derived from public rights-of-way user fees, charges, and penalties collected pursuant to Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*) (“1997 Act”), and regulations issued pursuant to the 1997 Act in Chapter 33 of Title 24 of the District of Columbia Municipal Regulations in the District of Columbia Highway Trust Fund (“Fund”) to supplement the Motor Fuel Tax revenues and Motor Fuel Revenue Fund balance to the extent necessary to satisfy local match requirements to obtain federal aid funds.

“(b) Revenue derived from public rights-of-way user fees, charges, and penalties collected pursuant to Title VI of the 1997 Act and regulations issued pursuant to the 1997 Act in Chapter 33 of Title 24 of the District of Columbia Municipal Regulations not deposited in the Fund pursuant to subsection (a) of this section shall be transferred to the Capital Improvements Program and used to fund the renovation, repair, and maintenance of local transportation infrastructure.”.

Sec. 8063. Section 1704 of the Highway Trust Fund Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.31), is repealed.

Sec. 8064. Section 47-305.01 of the District of Columbia Official Code is amended to read as follows:

ENROLLED ORIGINAL

“§ 47-305.01. Revenue from public rights-of-way included in budget submission.

“All of the revenue derived from the collection of charges imposed for rental and utilization of public rights-of-way authorized by Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*), shall be dedicated annually pursuant to § 9-111.01a.”.

Sec. 8065. Section 11i(a) of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code 50-921.52(a)), is amended by striking the phrase “from revenues in the Local Transportation Fund” and inserting the phrase “with local transportation revenues” in its place.

Sec. 8066. Section 7 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 93; D.C. Official Code § 50-2607), is amended by striking the phrase “deposited in the Local Transportation Fund as established by the Highway Trust Fund Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a).” and inserting the phrase “transferred to the Capital Improvements Program and used to fund the renovation, repair, and maintenance of local transportation infrastructure.” in its place.

**TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS**

**SUBTITLE A. DESIGNATED FUND TRANSFERS**

Sec. 9001. Short title.

This subtitle may be cited as the “Designated Fund Transfer Congressional Review Emergency Act of 2017”.

Sec. 9002. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in following chart, the Chief Financial Officer shall transfer in Fiscal Year 2018 the following amounts from certified fund balances and other revenue in the identified accounts to the General Fund of the District of Columbia:

Agency	Fund Detail	Fund Detail Title	Proposed Sweep
<b>Other Special Purposes:</b>			
ATO	0605	Dishonored Check Fees	76,687
CRO	6020	Board of Engineers Fund	53,851
FBO	1555	Reimbursable from Other Governments	47,782
HCO	0633	Radiation Protection	64,238
		<b>Total</b>	<b>242,558</b>

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2018 Budget and Financial Plan.



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**SUBTITLE B. RENEWABLE ENERGY DEVELOPMENT FUND**

Sec. 9011. Short title.

This subtitle may be cited as the “Renewable Energy Development Fund Congressional Review Emergency Amendment Act of 2017”.

Sec. 9012. Section 8(c)(1) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1436(c)(1)), is amended as follows:

(a) Subparagraph (C) is amended by striking the word “and”.

(b) Subparagraph (D) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(E) For the fiscal year beginning October 1, 2017, and ending September 30, 2018, supporting the DOEE operating budget.”.

**TITLE X. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE**

Sec. 10001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2017.

Sec. 10002. Fiscal impact statement.

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

Sec. 10003. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia

~~UNSIGNED~~ \_\_\_\_\_  
Mayor  
District of Columbia

OCTOBER 23, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-168**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 24, 2017**

To authorize, on an emergency basis, the Mayor and the Council to make appointments to the Board of Directors of the Washington Metrorail Safety Commission; and to make a conforming amendment to the Confirmation Act of 1978.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metrorail Safety Commission Board of Directors Appointment Emergency Amendment Act of 2017”.

Sec. 2. Authority to appoint Members of the Board of Directors of the Washington Metrorail Safety Commission.

Pursuant to Article III.B of section 2 of the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; D.C. Official Code 9-1109.11), the District of Columbia shall appoint Members of the Board of Directors of the Washington Metrorail Safety Commission as follows:

(1)(A) The Mayor shall appoint or reappoint (including to fill an unexpired term) one Member and one Alternate Member, each of whom shall be subject to confirmation by the Council pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

(B) The Member initially appointed by the Mayor shall serve a 2-year term. The Alternate Member initially appointed by the Mayor shall serve a 3-year term.

(2)(A) The Council shall appoint or reappoint (including to fill an unexpired term) one Member.

(B) The Member initially appointed by the Council shall serve a 4-year term.

(3) The term of each initial appointment shall not commence until the date by which each of the Mayor’s 2 appointees has been confirmed by the Council and the Council’s appointment has become effective by publication in the District of Columbia Register.

Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (31) is amended by striking the phrase “; and” and inserting a semicolon in its place.

ENROLLED ORIGINAL

(b) Paragraph (32) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (33) is added to read as follows:

“(33) The Board of Directors of the Washington Metrorail Safety Commission established by Article III.B of section 2 of the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; D.C. Official Code 9-1109.11).”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia

October 23, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-169**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 24, 2017**

To amend the Health Care Privatization Amendment Act of 2001 to provide that DC HealthCare Alliance enrollees shall only be required to complete one in person face-to-face interview in a 12-month period for recertification and that any additional required interviews for recertification may be completed over the phone with the Department of Human Services, and to allow applicants and enrollees who are hospitalized, disabled, elderly, or caring for a household member who is hospitalized, disabled, or elderly to be exempted from any face-to-face interview requirement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DC HealthCare Alliance Recertification Simplification Amendment Act of 2017”.

Sec. 2. The Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401 *et seq.*), is amended by adding new sections 7b, 7c, and 7d to read as follows:

“Sec. 7b. DC HealthCare Alliance recertification.

“If DC HealthCare Alliance enrollees are required to complete an interview as a recertification requirement more than once in a 12-month period, the Mayor shall:

“(1) Only require DC HealthCare Alliance enrollees to complete one in person face-to-face interview for recertification during a 12-month period; and

“(2) Allow DC HealthCare Alliance enrollees to complete any additional required interviews for recertification over the phone with the Department of Human Services.

“Sec. 7c. Special certification and recertification procedures for certain individuals.

“Upon request from an applicant or enrollee who is hospitalized, disabled, elderly, or caring for a household member who is hospitalized, disabled, or elderly, the Mayor shall exempt the applicant or enrollee from any required face-to-face interview if the applicant or enrollee is unable to complete a face-to-face interview.

“Sec. 7d. Reporting requirements.

“Beginning February 1, 2018, and on an annual basis thereafter, the Mayor shall submit a public report to the Council that shall include, for each of the last 12 months, the following information:

“(1) The number of DC HealthCare Alliance enrollees required to recertify;

## ENROLLED ORIGINAL

“(2) The number of DC HealthCare Alliance enrollees required to recertify who successfully completed recertification;

“(3) The number of DC HealthCare Alliance enrollees who did not recertify;

“(4) The number of DC HealthCare Alliance enrollees who re-enrolled in DC HealthCare Alliance within 30 days after termination and the number of enrollees who re-enrolled within 60 days after termination;

“(5) The number of DC HealthCare Alliance enrollees required to recertify who completed interviews, whether face-to-face or over the telephone, disaggregated by interview type.

“(6) The number of recertification interviews conducted at each location where interviews are offered;

“(7) The average time enrollees waited in line at each location where interviews were offered in order to complete a face-to-face interview with an explanation of how the data was collected, with wait times measured both from the point the enrollee first checks in at the service center and from the point the enrollee gets in line outside the service center if there is a line to enter the service center;

“(8) The average time enrollees waited on the telephone before being served in order to complete interviews over the telephone;

“(9) The number of requests made before, or during, an interview for an accommodation due to disability, disaggregated by interview type;

“(10) The number of requests made before, or during, an interview for service in a language other than English, disaggregated by interview type; and

“(11) The number of requests for waivers of face-to-face interviews that were:

(A) Made;

(B) Granted; and

(C) Denied, and the grounds for denial.”.

### Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia

~~UNSIGN~~  
\_\_\_\_\_  
Mayor  
District of Columbia  
October 23, 2017

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-158

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor Deacon Robert C. White, Sr., for his 20-year deaconate and community service in the District of Columbia.

WHEREAS, Deacon Robert C. White, Sr., was born in the District of Columbia and ordained as a deacon of the Archdiocese of Washington on September 20, 1997;

WHEREAS, Deacon Robert C. White, Sr., is a graduate of Woodrow Wilson High School;

WHEREAS, in 1997, Deacon Robert C. White, Sr., began his service at Saint Augustine Catholic Church in Northwest Washington, D.C.:

WHEREAS, on June 5, 2006, Deacon Robert C. White, Sr., was named permanent deacon for Saint Martin of Tours Catholic Church;

WHEREAS, Deacon Robert C. White, Sr., partners with Catholic Charities, ecumenical councils, and other religious organizations to improve the social needs and services of residents of the District and neighboring cities as well; and

WHEREAS, Deacon Robert C. White, Sr., devotes countless hours to visiting the sick, caring for incarcerated and formerly incarcerated residents, and comforting those in pain.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Deacon Robert C. White, Sr., Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors Deacon Robert C. White, Sr., for his 2 decades of service to the Saint Augustine and Saint Martin of Tours Parishes and to the District of Columbia.

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



ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the Kingdom of Morocco and Moroccan Americans during the first Morocco Days celebration, to be held on Freedom Plaza in the District of Columbia on September 28, 2017.

WHEREAS, the District of Columbia is home to approximately 5,000 Moroccan-born residents who work, study, and conduct business in this city on a daily basis;

WHEREAS, District of Columbia residents will gather on September 28, 2017, in Freedom Plaza in the District of Columbia for Morocco Days, a first-time celebration that will showcase the Kingdom of Morocco's heritage, history, and contributions to the world, and highlight the rich Moroccan culture and all that Moroccan Americans contribute to the social, cultural, and political life of the District of Columbia; and

WHEREAS, Morocco Days is an opportunity for cultural exchanges and dialogues between the Kingdom of Morocco and District of Columbia residents and officials.

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

Sec. 2. The Council of the District of Columbia recognizes the Kingdom of Morocco and the Moroccan community in the District of Columbia for their many contributions to the social, economic, cultural, and political life of our city.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the week of September 18 through September 22, 2017, as “DC Calls It Quits Week” in the District of Columbia and to promote smoking cessation as critical in efforts to protect the health of Washington, D.C. residents.

WHEREAS, tobacco use is the single most preventable cause of disease, disability, and death in the United States, killing 800 District residents every year and leading to a significant decline in the quality of life for smokers;

WHEREAS, smoking prevalence among black adults in the District of Columbia is 20%, and rates among lesbian, gay, bisexual, and transgender adults in the city are even higher, at 34%;

WHEREAS, in 2015, 12% of high school students in the District of Columbia smoked cigars, cigarillos, or little cigars on at least one day in the past 30 days;

WHEREAS, smoking accounts for \$390 million in annual health care costs in the District of Columbia, \$94 million of which are paid by Medicaid;

WHEREAS, the state and federal tax burden for District of Columbia residents from smoking-caused government expenditures is equal to \$860 per household;

WHEREAS, the total economic cost burden of smoking in the United States exceeds \$300 billion annually, including \$170 billion spent on direct medical care for adults;

WHEREAS, stopping smoking is associated with reduced heart disease risk within one to 2 years of quitting, along with lowered risk for lung cancer and many other types of cancer;

WHEREAS, nearly 7 in 10 adult smokers would like to quit smoking, and over 61% of District of Columbia smokers have made a quit attempt within the past year;

WHEREAS, the U.S. Department of Health and Human Services recognizes tobacco dependence as a chronic disease that often requires repeated intervention and multiple attempts to quit;

**ENROLLED ORIGINAL**

WHEREAS, of the over 40 million people in the United States who smoke cigarettes, only 5% are able to quit without assistance from healthcare providers;

WHEREAS, counseling and medication are both effective for treating tobacco dependence and using them together is more effective than using either one alone;

WHEREAS, smokers desiring to quit should have access to approved therapies, such as counseling, nicotine replacement therapy, and pharmaceutical interventions, as well as multiple channels for outreach and support;

WHEREAS, District of Columbia residents may be unaware of the smoking cessation treatments and services available to them to help them quit, or lack the support they need in order to successfully quit;

WHEREAS, DC Calls It Quits is a smoking cessation campaign that raises awareness of the burden of tobacco on the Washington, D.C. community in quitting its addiction to tobacco; and

WHEREAS, by providing smokers with the support needed to help quit, DC Calls It Quits aims to support the Washington, D.C. community in quitting its addiction to tobacco.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Calls It Quits Week Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares September 18 through September 22, 2017, as “DC Calls It Quits Week” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the 200<sup>th</sup> anniversary of the founding of the Medical Society of the District of Columbia and its 200-year history of commitment to the public health and well-being of District of Columbia residents and patients, and access to quality medical care provided in accordance with the Hippocratic Oath.

WHEREAS, the Medical Society of the District of Columbia (“Medical Society”) was founded on September 26, 1817 at Tennison’s Tavern, located at 14<sup>th</sup> Street and Pennsylvania Avenue, N.W., in Washington, D.C., making it the 12<sup>th</sup> oldest medical society in the nation;

WHEREAS, the Medical Society was formed by 16 founding physicians to protect the public from charlatan healers who were plying on an unsuspecting public their unproven, sometimes dangerous “remedies,” putting the public health at risk;

WHEREAS, on February 16, 1819, the Medical Society became the first medical society chartered by an Act of Congress, which deemed it to be “a community, corporation and body politic forever”;

WHEREAS, the Medical Society has played a pivotal role in protecting the integrity of the physician-patient relationship for the diverse physicians of the District of Columbia;

WHEREAS, the Medical Society advocates on behalf of the more than 10,000 doctors licensed in the District of Columbia and the patients whom they treat;

WHEREAS, the Medical Society played a critical role in the improvement of the District’s potable water supply through engagement with the United States Congress and conducting scientific research, and in the eradication of polio and small pox in the District of Columbia by organizing large-scale immunization programs;

WHEREAS, the Medical Society has led campaigns to combat numerous public health crises and illnesses in the District of Columbia, including cholera, typhoid fever, tuberculosis, HIV/AIDS, heart disease, stroke, cancer, tobacco use, and opioid abuse;

## ENROLLED ORIGINAL

WHEREAS, the Medical Society organized a corps of physicians trained in emergency preparedness to guard against threats to public health and safety following the attacks of September 11, 2001;

WHEREAS, the Medical Society was a catalyst in founding the District's diverse health care system, and its leaders assisted in establishing Providence Hospital; Columbia Hospital for Women; Children's Hospital of the District of Columbia; Freedman's Hospital, predecessor to Howard University Hospital; and George Washington University Hospital;

WHEREAS, the Medical Society has long supported the behavioral health needs of District residents and advocated for the first federally operated hospital for psychiatric care, which opened in 1855;

WHEREAS, the Medical Society has emphasized the need for trained physicians since its inception, advocating for the first medical department in the District of Columbia, which opened in 1825 at Columbian College;

WHEREAS, Medical Society leaders have volunteered their time, experience, and expertise to support numerous District boards and commissions, most recently the Mayor's Commission on HIV/AIDS, the DC Health Information Exchange Policy Board, and the DC State Health Planning and Development Agency, in addition to countless local healthcare, religious, civic, and community organizations; and

WHEREAS, the Medical Society is as committed today to the public health and well-being of District of Columbia residents and providing access to quality medical care as any time in its history, and will persist with its commitment to a healthier future for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medical Society of the District of Columbia 200th Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia hereby recognizes the Medical Society of the District of Columbia for its 200-year commitment to improving the health and lives of District residents.

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

22-162

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor the achievements of Chocotenango.

WHEREAS, Chocotenango, a small-batch and handcrafted whole bean production Factory, was founded in Antigua, Guatemala in 2005 by Ismael Neggaz and opened its doors in Washington, D.C. in 2013;

WHEREAS, Chocotenango was among the first small businesses to locate at TasteLab, a successful commercial kitchen and food incubator in Washington, D.C.;

WHEREAS, owner and master chocolatier, Ismael Neggaz has drawn inspiration from flavors like cardamom and tamarind to develop and perfect his original chocolate recipes;

WHEREAS, Chocotenango is the proud winner of 4 silver medals at the Americas division of the 2017 International Chocolate Awards as well as a bronze medal recipient at the 2016 International Chocolate Awards (World Division);

WHEREAS, Chocotenango is a member of the Department of Small and Local Business Development's "Made in D.C." program; and

WHEREAS, Chocotenango is a shining example of the ingenuity and vibrancy prevalent in many local businesses across the city.

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

Sec. 2. The Council of the District of Columbia recognizes and honors Chocotenango for its contributions to the Langdon community and the city at large.

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

22-163

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To celebrate Hattie Holmes Senior Wellness Center on its 10<sup>th</sup> anniversary.

WHEREAS, the Hattie Holmes Senior Wellness Center opened in 2007;

WHEREAS, the Hattie Holmes Senior Wellness Center is located at 324 Kennedy Street, N.W., in Ward 4;

WHEREAS, the Hattie Holmes Senior Wellness Center provides all services for free to District residents 60 years of age or older;

WHEREAS, the Hattie Holmes Senior Wellness Center provides a safe and engaging space for seniors to leave their homes, interact with others, have fun, and connect with necessary services;

WHEREAS, the Hattie Holmes Senior Wellness Center provides seniors with numerous activities, such as yoga, tai chi, zumba, support groups, cooking demonstrations, nutrition education, art, and reflexology;

WHEREAS, the Hattie Holmes Senior Wellness Center focuses its services on wellness, promoting improved health, and disease prevention;

WHEREAS, the Hattie Holmes Senior Wellness Center deeply cares about the seniors served and links seniors with other needed health and social services;

WHEREAS, the Hattie Holmes Senior Wellness Center has about 2000 members; and

WHEREAS, the Hattie Holmes Senior Wellness Center hosts its 10<sup>th</sup> anniversary celebration on September 20, 2017.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hattie Holmes Senior Wellness Center 10<sup>th</sup> Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the Hattie Holmes Senior Wellness Center for its contributions to District of Columbia seniors, and celebrates its 10<sup>th</sup> anniversary.

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



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-164

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Wanda Oates for her contribution to high school athletics in the District of Columbia and for tireless advocacy for equal opportunities for women.

WHEREAS, Wanda Oates was born and raised in the District of Columbia and is a Ward 4 resident;

WHEREAS, Wanda Oates graduated from Theodore Roosevelt High School;

WHEREAS, Wanda Oates attended Howard University, where she was editor of the yearbook and a member of the Delta Sigma Theta sorority;

WHEREAS, as a teacher at Ballou High School, Wanda Oates introduced sports programs for females throughout District of Columbia Public Schools;

WHEREAS, in 1988, Wanda Oates became the first woman to coach a varsity high school boys team in the Washington, D.C. metropolitan area when she was named the boys basketball varsity coach at Ballou High School;

WHEREAS, at Ballou High School, Wanda Oates guided the Knights to 10 District of Columbia Interscholastic Athletic Association (“DCIAA”) championships and coached the boys’ basketball team to a DCIAA title in 1991; and

WHEREAS, on June 3, 2017, Wanda Oates was inducted into the District of Columbia State Athletic Association Hall of Fame.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Wanda Oates Recognition Resolution of 2017”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes Wanda Oates' impact on high school sports in the District of Columbia and her commitment to pursuing equal rights for women.

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

22-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor Vanilla Beane for her longtime contributions to the District of Columbia fashion community and the Ward 4 small business community.

WHEREAS, Vanilla Beane is the owner of the Bene Millinery, located at 6217 3rd Street, N.W., in Ward 4;

WHEREAS, Vanilla Beane, born Vanilla Powell in 1919, was born and raised in Wilson, North Carolina;

WHEREAS, Vanilla Beane has resided in the District of Columbia for 75 years;

WHEREAS, Vanilla Beane’s millinery career began in 1955 when she was hired as a seamstress at the Washington Millinery Supply;

WHEREAS, while working as a mail clerk at the General Services Administration, Vanilla Beane continued to design custom hats from home and sell them at hat parties;

WHEREAS, in 1975 Vanilla Beane was inducted into the National Association of Fashion and Accessory Designers Hall of Fame;

WHEREAS, in 1979, following her retirement from the General Services Administration, Vanilla Beane opened her own shop, Bene Millinery & Bridal Supplies, in the Manor Park neighborhood of Ward 4;

WHEREAS, Vanilla Beane designed many of civil rights activist Dorothy Height’s hats;  
and

**ENROLLED ORIGINAL**

WHEREAS, several of Vanilla Beane’s hats are included in the National Museum of African American History & Culture’s collection.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Vanilla Beane Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Vanilla Beane’s longstanding role as an icon of the District of Columbia’s fashion and small business communities.

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

22-166

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor the Gethsemane Baptist Church on the occasion of its 105<sup>th</sup> anniversary.

WHEREAS, the Gethsemane Baptist Church was organized in 1912;

WHEREAS, the Gethsemane Baptist Church congregation shared a small building on New Hampshire Avenue, N.W., with a Methodist congregation for their first 10 years;

WHEREAS, the Gethsemane Baptist Church is located at 5119 4<sup>th</sup> Street, N.W., in Ward 4;

WHEREAS, Reverend James Thomas Harvey was pastor to the Gethsemane Baptist Church from founding until his passing in 1941;

WHEREAS, Reverend Harvey was succeeded by Reverend Carl Q. Hickerson, Reverend George R. Yancey, Reverend Charles Bennett, Reverend Kenneth E. Lee, and current pastor, Reverend Khalfani Drummer;

WHEREAS, the Ethel B. Yancey Child Development Center, formerly the Child Care Center, was the first church-based, African-American child care center in the District of Columbia;

WHEREAS, the Gethsemane Baptist Church unites citizens of the community, bridges the gap between the church and community members not reached by traditional church activities, and enriches member’s lives and personal development through a variety of services and resources to address quality-of-life issues; and

**ENROLLED ORIGINAL**

WHEREAS, the Gethsemane Baptist Church hosts several regular events for the community, such as Pastor’s Bible Study, Noon Day Prayer, Senior Exercise, and support meetings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Gethsemane Baptist Church 105<sup>th</sup> Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Gethsemane Baptist Church, its members and pastor, on the occasion of the 105<sup>th</sup> anniversary of its founding.

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

22-167

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Lisa LaFontaine for 10 years of dedicated service to the people and animals of the District of Columbia as President and Chief Executive Officer of the Humane Rescue Alliance.

WHEREAS, the Humane Rescue Alliance is located in Ward 4 at 71 Oglethorpe Street, N.W.;

WHEREAS, the Washington Humane Society was founded in 1870 and the Washington Animal Rescue League was founded in 1914, and the 2 organizations merged into the Humane Rescue Alliance in 2016;

WHEREAS, the Humane Rescue Alliance serves over 60,000 animals annually, providing rescue and adoption services, low-cost veterinary services, animal care and control, behavior training, spay-neuter services, and humane education;

WHEREAS, Lisa LaFontaine was named President and Chief Executive Officer of the Washington Humane Society on August 6, 2007;

WHEREAS, under Lisa LaFontaine’s leadership, the Washington Humane Society attained a 90% placement rate for animals;

WHEREAS, during her time at the Humane Rescue Alliance, Lisa LaFontaine oversaw the creation of several programs, such as the National Capital Area Spay & Neuter Center, which has sterilized thousands of animals in the District of Columbia, the CatNiPP Program, which utilizes a trap-neuter-release model to control the outdoor cat population, and Blue Collar Cats, which provides opportunities for outdoor cats to live and work controlling pests in communities;

**ENROLLED ORIGINAL**

WHEREAS, in 2016, Lisa LaFontaine facilitated the successful merger of the Washington Humane Society and the Washington Animal Rescue League;

WHEREAS, Lisa LaFontaine has further served the District of Columbia as Vice Chairperson of the Washington DC Board of Veterinary Examiners since 2012; and

WHEREAS, as the leader of the Humane Rescue Alliance, Lisa LaFontaine has established herself as a leading voice in the national animal welfare community and helped Humane Rescue Alliance to maintain its reputation as an outstanding organization worthy of emulation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lisa LaFontaine Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Lisa LaFontaine’s positive impact on the animal welfare community in the District of Columbia and honors her years as an advocate for animals.

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

22-168

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To congratulate Roots Activity Learning Center on its 40<sup>th</sup> anniversary and to recognize the organization for its many accomplishments and achievements.

WHEREAS, Roots Activity Learning Center was founded in 1977 by Bernida Thompson, Ed.D, with the philosophy that exposure is the key to intelligence;

WHEREAS, Roots Activity Learning Center is an independent educational institution located in Ward 4 that is committed to serving the specific needs of children of African heritage;

WHEREAS, in 1999, at the community's urging, Dr. Bernida Thompson opened Roots Public Charter School, a protégé of the Roots Activity Learning Center;

WHEREAS, Roots Activity Learning Center is comprised of many distinguished alumni, whom contribute greatly to the Ward 4 community, the District of Columbia, and the United States;

WHEREAS, for the past 40 years, Roots Activity Learning Center has contributed greatly to the diverse educational landscape of Ward 4 and the District of Columbia; and

WHEREAS, under the leadership of current Principal Ida Fleming, Roots Activity Learning Center continues to provide services and resources to the Ward 4 community and will celebrate its 40<sup>th</sup> anniversary on October 8, 2017 at Martin's Crosswinds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Roots Activity Learning Center 40<sup>th</sup> Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates Roots Activity Learning Center for 40 years of distinguished service in Ward 4 and the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-169

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Dr. Frank Smith, Jr. for his contributions as a civil rights activist, educator, and community activist, and for his outstanding work in public service as Councilmember to Ward 1 of the District of Columbia.

WHEREAS, Dr. Frank Smith Jr. was the Councilmember for Ward 1 of the District of Columbia for 16 years and was pivotal in the creation of a monument commemorating the Civil Rights movement, and the contributions of African American Soldiers who fought in the Civil War;

WHEREAS, Dr. Smith was born to Frank and Flora Smith on September 17, 1942, in Newman, Georgia;

WHEREAS, during his time at Morehouse College, Dr. Smith quickly became engaged in the civil rights movement and was selected as president of the Atlanta Student Movement and was a founding member of the Student Non-violent Coordinating Committee (“SNCC”);

WHEREAS, in 1962, Dr. Smith took part in SNCC’s voter registration efforts in Holly Springs, Mississippi, while also helping launch the Head Start early education program in the Mississippi Delta, and playing a role in making it possible for the Mississippi Freedom Democratic Party to take part in the Democratic National Convention of 1964;

WHEREAS, in 1968, Dr. Smith began working with the Institute of Policy Studies in the District of Columbia;

WHEREAS, Dr. Smith further emerged himself in community activism, was elected to serve as an Advisory Neighborhood Commission commissioner and later elected to the District of Columbia Board of Education in 1979;

WHEREAS, in 1982, Dr. Smith was elected to represent Ward 1 on the Council of the District of Columbia;

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WHEREAS, during Dr. Smith's 16 years as the Ward 1 Councilmember, he served as chair of the Housing and Economic Development Committee, as well as in the Washington Metropolitan Area Transportation Authority, and the Baseball Commission;

WHEREAS, as a Councilmember, Dr. Smith established the Neimiah Project, an effort aimed at revitalizing communities in the District, created subsidies for housing down payments and a lottery system for disposing of condemned housing, and introduced urban homestead legislation;

WHEREAS, in 1992, Dr. Smith formed the African American Civil War Memorial Freedom Foundation to plan the building of a monument on the U Street Corridor to commemorate the contributions of the 209,145 United States Colored Troops who fought in the Civil War;

WHEREAS, Dr. Smith has served as Founding Director of the African American Civil War Museum since its inception in January 1999;

WHEREAS, Dr. Smith has received numerous awards for his service, including, the Visionary Historian Award by the Historical Society of Washington, DC, and the Presidential Renaissance Medallion award by Morehouse College; and

WHEREAS, Dr. Smith and his wife, Winifred Carson-Smith, continue to serve the District of Columbia, championing causes focused on history, cultural enrichment, education, and politics.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dr. Frank Smith, Jr. Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and congratulates Dr. Frank Smith, Jr. for his work as a civil rights activist, and for his dedicated public service to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-170

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the importance of registered nurses and efforts to improve our healthcare system, and to declare September 24 through September 30, 2017, as “National Active Aging Week” in the District of Columbia.

WHEREAS, National Active Aging Week will take place from September 24 through September 30, 2017, and will celebrate and promote the benefits of a healthy lifestyle;

WHEREAS, initiated in 2003 by the International Council on Active Aging, National Active Aging Week takes place each year during the last week of September and draws attention to and celebrates the positivity of aging;

WHEREAS, National Active Aging Week showcases the capabilities of older adults as fully participating members of society and spotlights the role models that lead the way;

WHEREAS, National Active Aging Week will include theme days to spotlight key topics such as physical activity, skin health, and nutrition;

WHEREAS, National Active Aging Week challenges society’s diminished expectations of aging by showing that, regardless of age or health conditions, adults older than 50 years of age can live as fully as possible in all areas of life—physical, social, spiritual, emotional, intellectual, vocational, and environmental;

WHEREAS, the District of Columbia Office of Aging is committed to promoting the health and wellness of District of Columbia senior residents, and senior wellness centers provide services that focus on wellness, health promotion, and disease prevention; and

WHEREAS, the District of Columbia will continue to wholeheartedly support and encourage all of its aging residents to lead healthy and active lifestyles.

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RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Active Aging Week Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the impact of the International Council on Active Aging and its contributions as it strives to provide safe and high-quality resources and activities to older adults; and declares September 24 through September 30, 2017, as “National Active Aging Week” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-171

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and celebrate African Immigrant Heritage Month by honoring the great contributions of Americans of African immigrant heritage in the United States, and to declare September 2017 as “African Immigrant Heritage Month” in the District of Columbia.

WHEREAS, African heritage was first observed in 2010 in the District of Columbia to promote cross-cultural awareness and solidarity among the District’s ethnically diverse communities of African descent;

WHEREAS, the District of Columbia is home to approximately 16,000 African-born residents, 17% of the entire immigrant population, and the highest proportion of African-born residents of any major city in the United States;

WHEREAS, the African population represent a multitude of languages, cultural beliefs and practices, religions, educational backgrounds, and socio-economic characteristics;

WHEREAS, African Immigrant Heritage Month serves as a platform to connect African residents to government and community-based organizations available in the District and to underline that living in a multicultural city strengthens the resilience and enriches the community all-around;

WHEREAS, this year, the Mayor’s Office on African Affairs (“MOAA”) will celebrate the 8<sup>th</sup> annual African Heritage Month;

WHEREAS, MOAA will host a DC Africa Celebration and it will take place on September 28, 2017, at the University of the District of Columbia, UDC Theater of the Arts;

WHEREAS, celebrations will focus on bringing together diverse African communities and the wider District community through traditional African music, dance, performances, and

**ENROLLED ORIGINAL**

food to showcase the burgeoning contributions Africans make to the cultural and economic vitality of the city;

WHEREAS, since its inception in 2010, the DC Africa Celebration hosted by MOAA has become one of the District’s most anticipated African cultural events, drawing thousands of attendees, a testament to the unprecedented growth of the District’s African community;

WHEREAS, MOAA, under the leadership of Director Mamadou Samba, continues to improve the quality of life of African residents of the District of Columbia by addressing a broad range of social and economic needs through strategic management, public and private partnerships, supporting the creation of policies, promoting community relations, civic engagement, and community-based grants; and

WHEREAS, African Washingtonians are leaders who have made unique contributions to the cultural and economic renaissance of the District’s African community, and many other areas that are critical to building a stronger and more sustainable District of Columbia for future generations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “African Immigrant Heritage Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors the contributions of its African immigrant residents, and declares September 2017 as “African Immigrant Heritage Month” in the District of Columbia.

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

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-172

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor Berean Baptist Church on its 140<sup>th</sup> anniversary, and recognize it for its contributions to the Ward 4 community.

WHEREAS, Berean Baptist Church is celebrating the journey to 140 years of community welfare and ministerial services;

WHEREAS, Berean Baptist Church is located at 924 Madison Street, N.W., in the District of Columbia;

WHEREAS, Berean Baptist Church was founded in 1877 and was so named because the members hoped to emulate the Bereanites of old in that they “perceived the word with all readiness and searched the scriptures daily”;

WHEREAS, since its founding, Berean Baptist Church has continued to create strong ties to the local community through its services, education, and outreach events;

WHEREAS, Berean Baptist Church has dutifully served Ward 4 neighborhoods, especially 16<sup>th</sup> Street Heights, Crestwood, Brightwood Park, and Northwest Washington Brightwood Park; and

WHEREAS, since 1985, Reverend Robert G. Childs, a former At-Large member of the District of Columbia Board of Education, has presided over Berean Baptist Church.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Berean Baptist Church 140-Year Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Berean Baptist Church for its many contributions to Ward 4 and the District of Columbia over the past 140 years.

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



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize, honor, and express deep appreciation to Stephen H. Greenleigh for his tireless commitment to the revitalization and development of Adams Morgan.

WHEREAS, Stephen H. Greenleigh was born in Los Angeles, California in 1937;

WHEREAS, Stephen H. Greenleigh graduated from Mamaroneck High School in 1953, attended Colgate University, graduating magna cum laude and Phi Beta Kappa in 1957, and then entered Yale Law School, from which he graduated in 1962;

WHEREAS, Stephen H. Greenleigh was admitted to the DC Bar in 1963 and remained an active member for 54 years, began his legal career in public service, and for 22 years was involved in developing and implementing legislation and other legal strategies to better balance the nation's energy needs with growing environmental concerns;

WHEREAS, Stephen H. Greenleigh held positions with the United States Atomic Energy Commission and its statutory successors, the United States Energy Research & Development Administration and the United States Department of Energy;

WHEREAS, Stephen H. Greenleigh oversaw the Department of Energy's environmental, health, and safety programs and chaired a Presidential Task Force on Nuclear Licensing Reform, was an original member of the Senior Executive Service, and was honored with the designation Meritorious Senior Executive by President Ronald Regan in 1983;

WHEREAS, Stephen H. Greenleigh left public service in 1984 to pursue the development of previously underserved areas of the District, including the Anacostia and Adams Morgan neighborhoods;

WHEREAS, Stephen H. Greenleigh has served on the boards of the Adams Morgan Business & Professional Association and the Adams Morgan Main Street;

WHEREAS, Stephen H. Greenleigh co-founded the Adams Morgan Partnership Business Improvement District (“AMPBID”) in 2005 and has been co-president of the board since its inception;

**ENROLLED ORIGINAL**

WHEREAS, Stephen H. Greenleigh ensured that AMPBID was able to supplement the work of the Department of Public Works with a clean team, hire off-duty Metropolitan Police Department officers to work closely with those on duty to provide more effective security for the commercial corridor, and fund promotional and marketing activities, enabling Adams Morgan to become a first-class, vibrant, multicultural commercial center;

WHEREAS, Stephen H. Greenleigh’s work with AMPBID allowed Adams Morgan to be included in the District’s Great Streets Program thus enabling Adams Morgan businesses to obtain rehabilitation grants, and leading to greater cooperation between the area's residents and businesses resulting in many achievements, such as relaxation of the terms of a previously strict liquor license moratorium; and

WHEREAS, Stephen H. Greenleigh’s work with AMPBID helped Adams Morgan to be named by the American Planning Association as one of the "Ten Great Neighborhoods in America" representing the gold standard in terms of having a true sense of place, cultural and historic interest, community involvement, and a vision for tomorrow.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stephen H. Greenleigh Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Stephen H. Greenleigh for his tireless commitment to the revitalization and development of Adams Morgan.

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

22-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare October 3, 2017, as “News Engagement Day” in the District of Columbia and to emphasize the benefits of an informed public and each person’s civic responsibility to stay up-to-date with local, national, and international news.

WHEREAS, United States President and Founding Father James Madison observed in 1822 that “Nothing could be more irrational than to give the people power, and to withhold from them information without which power is abused. A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps both;”

WHEREAS, a Pew Research Center survey has found that getting informed by the news is no longer a national priority and 29% of young adults can be categorized as “newsless” despite the fact that the proliferation of easy-access news platforms in the 21st century provides innumerable opportunities to engage with the news;

WHEREAS, it is imperative that more individuals, regardless of generation, must engage with news if news media institutions are to invigorate and sustain a democracy empowered by an informed public;

WHEREAS, the District of Columbia is home to 2 universities with accredited journalism and communication programs and is the site of news bureaus for every major media company in the United States and from around the world;

WHEREAS, journalism programs at universities in 47 states and the District of Columbia are in a coordinated effort to help show current and future generations that being informed is empowering, enjoyable, and essential for a healthy democracy; and

WHEREAS, on October 3, 2017, the Journalism Division at American University will conduct its fourth annual “News Games” which awards prizes from news organizations such as NBC-4, the Newseum, WAMU, and NPR to students who show strong engagement with the news of the District of Columbia, the nation, and the world.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “News Engagement Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia hereby declares October 3, 2017, as “News Engagement Day” in the District of Columbia to recognize and honor the role that the free and responsible press plays in the maintenance and strengthening of democracy.

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

22-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare October 2017 as “Domestic Violence Awareness Month” in the District of Columbia.

WHEREAS, domestic violence is a pattern of abusive behavior used to exert power and control over an intimate partner;

WHEREAS, the dignity, safety, and well-being of all residents is the foundation of a vibrant and healthy community;

WHEREAS, intimate partner violence is an epidemic in the District of Columbia, where, in 2016, there were 17 domestic violence-related homicides;

WHEREAS, domestic violence does not discriminate on the basis of age, gender identity, sexual orientation, disability, socio-economic status, religion, or race;

WHEREAS, an estimated one out of every 4 women will experience domestic violence at some point in her lifetime, and, based on that information, there may be as many as 89,000 victims of domestic violence residing in the District;

WHEREAS, 36,699 domestic violence-related calls were made to the Office of Unified Communications in 2016 – approximately one call every 14 minutes – which represents a 10% increase from 2014;

WHEREAS, 5,578 petitions for Civil Protection Orders were filed in 2016, representing a 10% increase over 2014;

WHEREAS, all forms of domestic violence, including physical, psychological, emotional, and economic abuse, have devastating long-term effects on victims, and demand a response from the District’s legal and social services systems, as well as overall resources;

WHEREAS, many victims are forced to remain in dangerous and at times lethal situations due to their inability to access long-term affordable housing;

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WHEREAS, according to the 2016 Homeless Point-in-Time count report, 20% of the District's homeless families reported a history of domestic violence, and 10% were currently homeless as a direct result of a violent incident;

WHEREAS, nationally, domestic violence affects employment, resulting in \$3 billion to \$5 billion worth of lost wages and reduced productivity each year;

WHEREAS, domestic violence has a major effect on children and teens, and the building blocks of healthy relationships and consequences of abuse must be addressed both in schools and in the community;

WHEREAS, there are victims of domestic violence who because of their cultural heritage, sexual orientation, or gender identity deserve a specialized service response that is informed by their cultural expectations and norms;

WHEREAS, the District has taken important steps of increasing funding support to help victims of domestic violence by providing life-saving public emergency services, establishing 24-hour hotlines, providing support for domestic violence housing, and, through the efforts of the Office of Victim Services and Justice Grants and the Department of Human Services, ensuring that high-quality services are available to every victim seeking help; and

WHEREAS, eradicating domestic violence requires the commitment and support of the government, in addition to continued public awareness, acknowledgment, and responsibility by and for all.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Awareness Month Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes the severity of the domestic violence crisis in the District of Columbia and continues to raise public awareness and bring this often-hidden issue into the open, and declares October of 2017 as "Domestic Violence Awareness Month" in the District of Columbia.

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

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-176

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize, honor, and express our overwhelming gratitude to Tony Cibel, owner of Tony and Joe's Seafood Place at Georgetown's Washington Harbour, for his years of dedicated service and many contributions to the citizens and the city of Washington, D.C., and to declare October 9, 2017, as "Tony Cibel Day" in the District of Columbia.

WHEREAS, 30 years ago Tony Cibel and Joe Renaldi started Tony and Joe's Seafood Place located at Georgetown's Washington Harbour;

WHEREAS, Tony and Joe's Seafood Place opened at Georgetown's Washington Harbour in 1987 and remains the only original restaurant still located at Georgetown's Washington Harbour;

WHEREAS, Tony and Joe's Seafood Place is family owned and operated with 3 generations currently managing and working in the establishment;

WHEREAS, in 2011, Tony and Joe's was hardest hit in Georgetown flooding, sustaining the most damage of any area business impacted by the flood, being under more than 10 feet of water;

WHEREAS, on October 9, 2017, Tony and Joe's will celebrate its 30<sup>th</sup> anniversary and Tony Cibel's 80<sup>th</sup> birthday;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tony and Joe's Seafood Place Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia is immensely proud to recognize, honor, and express our overwhelming gratitude to Tony Cibel, wishes him a very happy 80<sup>th</sup> birthday, and declares October 9, 2017, as "Tony Cibel 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

22-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To honor and recognize the small business community development field of the District of Columbia for their many contributions to improving the quality of life for residents of the District of Columbia.

WHEREAS, the District of Columbia has a rich spectrum of community development entities including nonprofit and for-profit affordable housing developers, housing counseling and human services agencies, workforce development providers, small business technical assistance providers and associations, community lenders, community development intermediaries, and government agencies that have made tremendous contributions to improving the quality of life of low-moderate income residents and the economic vitality of our community;

WHEREAS, affordable housing developers have created and preserved thousands of quality, affordable homes throughout the District of Columbia for the benefit of low-moderate rate income residents;

WHEREAS, small business technical assistance providers, community lenders, and business associations have fostered opportunities for entrepreneurs to start and expand business, creating jobs for District residents;

WHEREAS, community development practitioners shape policies and legislation, strengthen programs, and generally improve the infrastructure of community development activity in the District;

WHEREAS, the Coalition for Nonprofit Housing & Economic Development (“CNHED”) is committed to highlighting the accomplishments and dedication of, and crucial need for, these organizations and efforts;

WHEREAS, CNHED has designated early October, annually, to be the time of recognition for these organizations and their efforts to enable all district residents to be a part of thriving, livable communities that are socially, racially, and economically just; and



**ENROLLED ORIGINAL**

WHEREAS, during the week of October 2 through October 6, 2017, the government and the citizens of the District of Columbia will join together to celebrate the many accomplishments and importance of our community development sector.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Community Development Week Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the multitude of organizations engaged in community development, both nonprofit and for-profit, along with their government agency partners, for their accomplishments and exemplary dedication to all residents of the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To honor the Southwest Waterfront AARP Chapter on the occasion of its 25<sup>th</sup> anniversary and to recognize the dedication and commitment of its President, Betty Jean Tolbert Jones, for her service to the Southwest community;

WHEREAS, for the past 25 years, the Southwest Waterfront AARP Chapter has provided a variety of volunteer experiences and opportunities to keep members, their families, friends, neighbors, and other community members actively engaged, healthy, well-informed, educated, and connected to each other, the community, and the District of Columbia as a whole;

WHEREAS, the mission of the Southwest Waterfront AARP Chapter is to increase its community presence through programs that help make lives of the 50-plus population better;

WHEREAS, the Southwest Waterfront AARP Chapter achieves its mission through community health, wellness and resource fairs, community food drives, grocery distribution projects, program dialogues with community leaders and local service representatives, historic and educational tours, partnerships with community organizations such as the Southwest Neighborhood Assembly, as well as government agencies, and chapter support of community schools, libraries, and scholarship programs;

WHEREAS, the Southwest Waterfront AARP Chapter has been an active participant in Age Friendly D.C. Initiatives, Martha’s Table, and Capitol Area Food Bank volunteer events, and “You’ve Earned Your Say,” an AARP Initiative to share members’ ideas to strengthen Social Security and Medicare;

WHEREAS, the Southwest Waterfront AARP Chapter has presented monetary support via their Education Awards to Amidon Bowen Elementary School and Jefferson Academy, as well as the Southwest Neighborhood Assembly’s Scholarship Fund, the District of Columbia Public Library Southwest branch, and the Thurgood and Cecilia Marshall Southwest Community Center;

**ENROLLED ORIGINAL**

WHEREAS, the Southwest Waterfront AARP Chapter has presented several programs on senior financial literacy, the Wharf development, and the southwest small area neighborhood plan;

WHEREAS, several Southwest Waterfront AARP Chapter members advocate for improved conditions of nursing homes in the city and better facilities for residents through their testimony at Council of the District of Columbia hearings;

WHEREAS, the Southwest Waterfront AARP Chapter members created “Day of Service” programs at Hadley Hospital Nursing Home to provide educational experiences and physical activity for the residents; and

WHEREAS, the District of Columbia and Council of the District of Columbia are privileged and honored to recognize the Southwest Waterfront AARP Chapter on this, its 25<sup>th</sup> anniversary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Southwest Waterfront AARP Chapter’s 25<sup>th</sup> Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the Southwest Waterfront AARP Chapter for its commitment to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To honor the Thelma D. Jones Breast Cancer Fund on the occasion of the 5<sup>th</sup> anniversary of its founding, and to recognize Thelma D. Jones on the occasion of her 65<sup>th</sup> birthday celebration on September 20, 2017, to be held at St. Augustine’s Episcopal Church in Southwest Washington, D.C.

WHEREAS, Thelma D. Jones is a native of Snow Hill, North Carolina and one of numerous children born to Lizzie Banks Harper and Junious E. Harper;

WHEREAS, upon graduating from Durham College in Durham, North Carolina, Thelma D. Jones migrated to Washington, D.C. and subsequently gained employment with the World Bank in the nation’s capital, where after 33 years of service, she retired in 2006;

WHEREAS, while there, she played a major role in the strategic design and implementation of the World Bank’s Community Outreach Program, with a primary focus on youth and education, employment training, neighborhood revitalization, volunteer training, humanitarian relief efforts, and local and global partnership development;

WHEREAS, Thelma D. Jones extended her education and skills in the areas of executive management, group facilitation, leadership strategies, neighborhood activism, and advocacy at Georgetown University, George Washington University, and Trinity University;

WHEREAS, Thelma D. Jones’ professional and civic affiliations include her role as Founder and President Emeritus of the African-American Association at the World Bank-IMF from 1999 to present, Board Member and President of the Southwest Neighborhood Assembly starting in 1982, and Chairperson of the Youth Activities Task Force from 2012 to present;

WHEREAS, she has authored over 700 articles as a staff writer for *The Southwester*, a neighborhood monthly newspaper;

WHEREAS, Thelma D. Jones is the embodiment of community activism, social justice, and volunteerism who has worked tirelessly for breast cancer awareness, education reform,

## ENROLLED ORIGINAL

youth development, racial equality, and family unity, and has inspired thousands, both locally and globally;

WHEREAS, Thelma D. Jones has over 5 years' experience as a breast cancer survivor, advocate, certified breast health educator, and breast care community navigator in historically underserved communities;

WHEREAS, she has empowered women with the skills and tools necessary to maintain their health, connected women to community resources that support health and well-being, facilitated access to screening and treatment, forged partnerships with fundraising organizations, promoted cancer survivorship classes, and engaged in high-profile events to raise national awareness;

WHEREAS, Thelma D. Jones has notably served as a panelist with Dr. Jill Biden, Health and Human Services Secretary Kathleen Sebelius, and Jennifer Aniston at the White House during Breast Cancer Awareness Month, receiving the White House Champion of Change Award;

WHEREAS, awards and honors presented to Thelma D. Jones include The Pink Lady Award as an honoree in April, 2013; the Thelma D. Jones Breast Cancer Fund at the D.C. Cancer Consortium in September, 2012; the "*Standing in the Gap*" Outstanding Volunteer Award from the D.C. Campaign to Prevent Teen Pregnancy in October, 2012; and the Mayor's 2010 Community Service Award in the category of Lifetime Achievement in August, 2010;

WHEREAS, Thelma D. Jones has been widely featured in local media, including by the White House, Komen for the Cure, the Smith Center, and the Washington Mystics;

WHEREAS, Thelma D. Jones belongs to Christ United Methodist Church in the District of Columbia, where its members, many of whom are former anti-apartheid activists, provide various forms of assistance to an orphanage, a church, and HIV-AIDS program in South Africa's black township of Soweto; and

WHEREAS, the District of Columbia and the Council of the District of Columbia are privileged and honored to recognize the Thelma D. Jones Breast Cancer Fund on this, its 5<sup>th</sup> anniversary and Thelma D. Jones on this, her 65<sup>th</sup> birthday.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Thelma D. Jones 65<sup>th</sup> Birthday and Thelma D. Jones Breast Cancer Fund's 5<sup>th</sup> Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes the Thelma D. Jones Breast Cancer Fund and Thelma D. Jones for her commitment to the District of Columbia.

**ENROLLED ORIGINAL**

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

22-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To declare the week of September 24 through September 30, 2017 as “Adult Education and Family Literacy Awareness Week” in the District of Columbia.

WHEREAS, the week of September 24 through September 30, 2017 is National Adult Education and Family Literacy Awareness Week;

WHEREAS, literacy is integral to the quality of life and necessary to create productive workers, family members, and citizens of all ages;

WHEREAS, the need for a highly literate community continues to grow rapidly as the District of Columbia’s economy grows increasingly knowledge-based and technology-driven;

WHEREAS, nearly 60,000 District residents lack a high school credential and thousands more lack basic literacy and numeracy skills;

WHEREAS, adults with at least some postsecondary education are more likely to find jobs that pay family-sustaining wages and are therefore better able to provide a stable home for themselves and their families;

WHEREAS, the most effective way to improve the academic success of a child is to improve the educational level of the parent; and

WHEREAS, literacy skills impact every aspect of an adult’s life, including the ability to read to their children and be fully involved in their education, earning a family-supporting wage, making informed healthcare decisions, and understanding voting issues and other civic engagements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adult Education and Family Literacy Awareness Week Recognition Resolution of 2017”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes the week of September 24 through September 30, 2017, as “Adult Education and Family Literacy Awareness Week” in the District of Columbia and encourages District residents to learn more about the importance of literacy at all ages and become involved with adult learners and literacy programs in our 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

22-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize and honor members of DC Force, the Greater Washington area’s first all-girl baseball team, for its outstanding performance at the 2017 Girls Baseball National Championship in Rockford, Illinois.

WHEREAS, DC Girls Baseball is one of few regional organizations focused on encouraging, developing, and promoting the inclusion of girls in baseball;

WHEREAS, the mission of DC Girls Baseball is to foster and advocate for girls who want to play baseball and to increase opportunities for them to continue to play the game they love;

WHEREAS, DC Girls Baseball currently has over 70 girls between the 7 and 14 years of age on its growing roster and has attracted players from as far away as Michigan, Massachusetts, Florida, Georgia, and the Carolinas;

WHEREAS, DC Girls Baseball works in partnership with national organizations such as Baseball for All and local organizations such as the Capitol City Little League, Northwest Little League, Banneker City Little League, and DC Dynasty Baseball to promote broader inclusion of girls in baseball;

WHEREAS, DC Girls Baseball first competed in October 2015, when 5 girls—Paloma Benach, Harper Dunn, Elena Houghton, Ella Comfort-Cohen, and Tess Usher—traveled to Atlanta to participate in an all-girls tournament;

WHEREAS, nearly 2years later, in July 2017, DC Girls Baseball sent 17 District of Columbia-area girls across 2 teams to Rockford, Illinois to compete in the 2017 Girls Baseball National Championship, the largest all-girls baseball tournament held in the country to date, sponsored by Baseball for All;

WHEREAS, the 11U team consisting of Sophia Trendl, Ella Comfort-Cohen, Maggie Heaphy, Kahlan LaCount, Carlin Lacques, Shalvah Lazarus, Amelia Overton, Sophia Page,

**ENROLLED ORIGINAL**

Anya Prokop, Maya Schindler, Alice Stillerman, and Tess Usher fought to a respectable fourth place finish at the tournament;

WHEREAS, the 13U team consisting of Paloma Benach, Anya Bergfeld, Rebekah Camp, Ciara Crowley, Oliva Csedrik, Jordan Eyster, Elena Houghton, Daphnie Kadish, Katy Whipple, Gabi Yulo, Brittany Apgar, and Margaret Rocchio claimed a first place victory as tournament champions;

WHEREAS, over the course of the tournament, DC Force finished 5-0 and outscored its opponents 47-14;

WHEREAS, Paloma Benach of Northwest D.C. led the team with a .778 batting average;

WHEREAS, in addition to being tournament champions, DC Girls Baseball was recognized as Baseball for All Ambassadors for its work promoting girls baseball and excellence among female athletes; and

WHEREAS, DC Girls Baseball continues to empower girls through an intergenerational mentorship with the Eastern Women’s Baseball Conference, one of the most-active women’s baseball leagues in the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Force Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes members of DC Force, Coach Ava Benach, and the broader DC Girls Baseball organization for their regional leadership in the sport of baseball, outstanding national performance in girls baseball, and continued commitment to inspiring and empowering young female athletes.

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

22-182

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize Hispanic Heritage Month by honoring the histories, cultures, and contributions of American citizens whose ancestors came from Mexico, the Caribbean, Central and South America, and Spain.

WHEREAS, Hispanic heritage was first observed in 1968 as Hispanic Heritage Week under President Lyndon B. Johnson;

WHEREAS, Hispanic Heritage Week was expanded to a month by President Ronald Reagan on August 17, 1988;

WHEREAS, Hispanic Heritage Month is observed from September 15 to October 15;

WHEREAS, September 15 is significant because it is the anniversary of the independence of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua;

WHEREAS, September 16 and September 18 are significant because Mexico and Chile celebrate their respective independence days on those dates;

WHEREAS, Hispanic Heritage Month extends to October because October 12 is Día de la Raza;

WHEREAS, many Hispanic Americans are the decedents of the Arawaks (Puerto Rico), the Aztecs (Mexico), the Incas (South America), the Maya (Central America), and the Tainos (in Cuba, Puerto Rico, and other places), and Africa and Spain;

WHEREAS, the Mayor’s Office on Latino Affairs was established in 1976 by the Council as a key component of the District of Columbia Latino Community Development Act, D.C. Law 1-86, and consequently strengthened the relationship between the community and the Mayor, the Council, District government agencies, private businesses, and community-based organizations;

WHEREAS, Pedro Casanave was a Spanish merchant who became the fifth mayor of Georgetown (modern-day D.C.);

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WHEREAS, notable Hispanic Americans include Franklin R. Chang-Díaz (Costa Rican American, astronaut), Ileana Ros-Lehtinen (Cuban American, United States Congresswoman), Fernando Bujones (Cuban American, ballet dancer), Ana Sol Guitierrez (Salvadoran American, Maryland State Delegate), Christy Turlington (Salvadoran American, model), Francisco Rubio (Salvadoran American, astronaut), Raul Diaz Arce (Salvadoran American, soccer player), Nancy Lopez (Mexican American, professional golfer), Ellen Ochoa (Mexican American, astronaut), Sandra Cisneros (Mexican American, author), Lin Manuel Miranda (Puerto Rican American, playwright), Sonia Sotomayor (Puerto Rican American, Supreme Court Justice,), and Jose Andres (Spanish American, chef);

WHEREAS, Hispanics have had a profound and positive influence on the United States and the District through centuries-old traditions and customs that are embraced and valued in the District;

WHEREAS, President Obama signed an Executive Order in 2012 called the Deferred Action for Childhood Arrivals to provide legal status for undocumented young children who arrived into the United States;

WHEREAS, Deferred Action for Childhood Arrivals recipients are referred to as “Dreamers” and many of them reside in and make significant contributions to the District; and

WHEREAS, many Hispanics in the District are Dreamers and are in urgent need for the District to support the Deferred Action for Childhood Arrivals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hispanic Heritage Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the exceptional contribution of Hispanic residents during Hispanic Heritage Month.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the life and contributions of Evelyn Sommers on the occasion of her passing.

WHEREAS, Evelyn Sommers served as the executive director of the District of Columbia Nurses Association (“DCNA”) from 1980 to 2002;

WHEREAS, Evelyn Sommers mentored and inspired the careers of a cadre of nurses and other leaders in health care and social activism in the District of Columbia and around the United States;

WHEREAS, Evelyn Sommers guided the nurses leadership in generating significant progress for the nursing profession and quality patient care locally through DCNA and nationally through their elected offices at the American Nurses Association;

WHEREAS, Evelyn Sommers’ background in journalism and political science, strategic insight, outreach to experts in various fields, understanding of human and financial resources, and determination to organize, educate, mobilize and activate led to DCNA collective bargaining victories in representation, negotiations, and arbitrations resulting in dramatic economic gains for nurses and improved patient care for consumers;

WHEREAS, Evelyn Sommers’ tenure as executive director saw a 10-fold increase in the number of nurses DCNA represented in the District for collective bargaining, including nurses at D.C. General Hospital, the V.A. Medical Center, the D.C. Department of Health and Human Services, Howard University Hospital, the Washington Hospital Center, Capitol Hill Hospital, Children’s National Medical Center, Greater Southeast Community Hospital, and Columbia Hospital for Women;

WHEREAS, Evelyn Sommers guided DCNA in developing a strong voice in the District’s legislative arena and supporting legislative initiatives such as the Patient’s Bill of Rights and a Family and Medical Leave Act that is more liberal than federal legislation;

**ENROLLED ORIGINAL**

WHEREAS, Evelyn Sommers was an effective leader in the fight for pay equity for District of Columbia employees and for the healthcare safety net for District of Columbia residents;

WHEREAS, Evelyn Sommers fostered passage in the District of a comprehensive and progressive Nurse Practice Act, one of the first in the country that ensured the right of nurses to practice to the full extent of their education and scope of their profession;

WHEREAS, Evelyn Sommers made sure that Advanced Practice Registered Nurses in the District won prescriptive authority, admitting privileges, and the right to practice to their full professional scope without supervision by non-nurses or discrimination by other providers;

WHEREAS, Evelyn Sommers led DCNA’s PAC to becoming a major political force and analyzed nurse voters in each ward, so that DCNA members could prove decisive voters;

WHEREAS, Evelyn Sommers, after her retirement from DCNA and with her husband John Sommers, opened and supported a school in Kenya that has graduated hundreds of students who have since attended college or become gainfully employed;

WHEREAS, Evelyn Sommers, after her retirement from DCNA, took on the task of becoming President of the Board of Directors of the District of Columbia chapter of the YWCA, which at the time was facing a number of financial changes; and

WHEREAS, along with then-Executive Director Tamara Smith, Evelyn Sommers and the volunteers and staff worked together to develop and implement an action plan that ensured considerable expansion of the YWCA, which is today a vital District of Columbia community resource to women in need throughout the city.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Evelyn Sommers Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors the contributions and legacy of Evelyn Sommers.

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

22-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the life of Dasia Lashae “Lundy” Redd and posthumously declare May 15, 2017, as “Dasia Lashae “Lundy” Redd Day” in the District of Columbia.

WHEREAS, Dasia Lashae “Lundy” Redd was born in Clinton, Maryland on November 25, 1996 to Kia Redd and Warren (Dee) Jefferson and raised in Washington, D.C.;

WHEREAS, Dasia Lashae “Lundy” Redd attended District of Columbia public schools and graduated in 2014 from Duke Ellington School of the Arts, where she received an award for best actress;

WHEREAS, Dasia Lashae “Lundy” Redd was a Wiz Kid cheerleader with the Washington Wizards professional basketball team;

WHEREAS, Dasia Lashae “Lundy” Redd attended Victory Christian Ministries International in her early adult life under the pastorate of Pastors Tony and Cynthia Brazelton;

WHEREAS, Dasia Lashae “Lundy” Redd began entertaining at the early age of 12 years, enjoying being in the recording studio in her spare time, writing songs and competing with her mother in singing;

WHEREAS, Dasia Lashae “Lundy” Redd began to take her rap skills more seriously at the age of 16 years, spending endless hours in the recording studio;

WHEREAS, Dasia Lashae “Lundy” Redd, with her mother’s encouragement, sent a video to Rick Ross of Maybach Music Group (“MMG”);

WHEREAS, Dasia Lashae “Lundy” Redd was invited by Rick Ross to come to Atlanta, where she began building relationships with platinum artists in pursuit of her goal of representing the District of Columbia as an MMG artist;

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WHEREAS, Dasia Lashae “Lundy” Redd, while still early in her music career, last performed in Ohio, opening for Rick Ross and Gucci Mane, had upcoming performances with artists Future and Lil Uzi, and a planned feature for Larry June;

WHEREAS, Dasia Lashae “Lundy” Redd was known by family and friends as a fashionable, humble, sometimes feisty, compassionate person who was protective of everyone in her circle and loved life and people; and

WHEREAS, Dasia Lashae “Lundy” Redd passed away on May 15, 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dasia Lashae “Lundy” Redd Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the life and accomplishments of Dasia Lashae “Lundy” Redd and posthumously declares May 15, 2017, as “Dasia Lashae “Lundy” Redd 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

22-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the outstanding public achievements of Tom Lewis on the occasion of his retirement from The Fishing School’s Board of Directors.

WHEREAS, Tom Lewis was born in 1939 in Chadbourn, North Carolina and raised in poverty in Elizabethtown, North Carolina as one of 16 children in his household;

WHEREAS, Tom Lewis dropped out of high school in 10th grade and began working as a migrant farmhand on the Eastern Seaboard;

WHEREAS, Tom Lewis was drafted in 1961 to serve in the U.S. Army, where he was able to earn his General Education Diploma;

WHEREAS, Tom Lewis, upon his discharge from the U.S. Army in 1963, worked odd jobs in New York City while providing support to his family back home;

WHEREAS, Tom Lewis joined the Washington, D.C. Metropolitan Police Department (“MPD”) in 1965 and served as a police officer for more than 20 years, witnessing the riots following the assassination of Dr. Martin Luther King, Jr. and seeing the District repeatedly succumb to crime and violence;

WHEREAS, Tom Lewis went from classroom to classroom teaching students how to become upstanding citizens as part of MPD’s Officer Friendly program, seeing firsthand the needs of the city’s youth whose mothers were addicts and fathers were absent or incarcerated;

WHEREAS, Tom Lewis earned his bachelor’s degree in administration of justice from American University in 1975 after 6 years of working days, attending school at night, and raising 3 children with his wife;

WHEREAS, Tom Lewis became a licensed social worker and an ordained Baptist minister in 1984;

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WHEREAS, Tom Lewis, in 1990, a few years after his retirement from the MPD, renovated a former crack house on what was once deemed “the worst street in America” and transformed it into The Fishing School;

WHEREAS, Tom Lewis was inspired by the adage that states “If you give a man a fish, you will feed him for a day; teach him how to fish, and he will feed himself for a lifetime,” to name the organization The Fishing School;

WHEREAS, Tom Lewis recognized that education can unlock the door to knowledge and opportunity and break the cycle of poverty, and started the work of The Fishing School by providing after-school tutoring and life skills training for 5 students from the Wylie Street, Northeast community;

WHEREAS, The Fishing School has served over 5,000 students and their families since its humble beginnings in 1990, and today, the award-winning, out-of-time school program has expanded its services, continuing both Mr. Lewis’ legacy and its mission to offer every child a brighter future;

WHEREAS, Tom Lewis remained actively involved in The Fishing School as a member of its Board of Directors; and

WHEREAS, September 22, 2017 marks the date of Mr. Lewis’ retirement from The Fishing School’s Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tom Lewis Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia congratulates and thanks Tom Lewis for his 50-year career as a public servant, the founding of The Fishing School, and his service on The Fishing School’s Board of Directors.

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

22-186

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To celebrate the life, career, and contributions of Dick Gregory.

WHEREAS, Dick Gregory was born Richard Claxton Gregory on October 12, 1932 in St. Louis, Missouri as the son of Lucille and Presley Gregory;

WHEREAS, Dick Gregory was a talented athlete who earned a track scholarship to Southern Illinois University;

WHEREAS, Dick Gregory began his comedy career while serving in the United States Army and not long afterwards began his professional career as a comedian in Chicago, Illinois;

WHEREAS, Dick Gregory garnered success as a comedian, recording a series of comedy records and appearing on television shows, starting with *Tonight Starring Jack Paar*;

WHEREAS, Dick Gregory made his mark as a comedian during the 1960s increase in popularity of satire in the United States with his sharp commentary on racism, segregation, and political issues;

WHEREAS, Dick Gregory was the first black comedian to successfully cross over to the mainstream audiences, opening the door for older black comics as well as inspiring generations of younger comedians;

WHEREAS, Dick Gregory was a civil rights activist and diet guru who played a prominent role in the civil rights movement and used his voice to fight for social justice in the 1960s, protesting against the Vietnam War and racial injustice;

WHEREAS, Dick Gregory was a longtime resident of the District of Columbia; and

WHEREAS, Dick Gregory passed away August 19, 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dick Gregory Recognition Resolution of 2017”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia honors the life, career, contributions, and legacy of Dick Gregory, comedian and activist, and offers condolences on the occasion of his passing.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-187

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize the life and contributions of Dr. Samuel H. Jordan on the occasion of his passing.

WHEREAS, Dr. Samuel H. Jordan was born October 31, 1932 in Petersburg, Virginia;

WHEREAS, Dr. Samuel H. Jordan received his bachelor’s degree from the University of the District of Columbia, where he studied administration and supervision;

WHEREAS, Dr. Samuel H. Jordan was also awarded an honorary doctorate from Southeastern University in the District of Columbia;

WHEREAS, Dr. Samuel H. Jordan started his career as an advisor to Mayor Walter E. Washington;

WHEREAS, Dr. Samuel H. Jordan was appointed Director of the D.C. Office of Emergency Preparedness by Mayor Marion S. Barry and Mayor Sharon Pratt Kelly, and chaired the Mayor’s Special Events Task Force, a body of local and federal transportation and public safety officials charged with ensuring a comprehensive safety plan whenever a major event or protest was held in the Nation’s Capital;

WHEREAS, Dr. Samuel H. Jordan also held the distinction of being the District’s Coordinator for the Presidential Inaugural Committee through 7 administrations;

WHEREAS, Dr. Samuel H. Jordan coordinated the District’s response to all major marches, demonstrations, and special events for over 30 years, including the urban riots of 1968, the Air Florida crash of 1982, and the Million Man March of 1995;

WHEREAS, Dr. Samuel H. Jordan assisted Dr. Martin Luther King, Jr. and the Southern Christian Leadership Conference with the March on Washington in 1969;

WHEREAS, Dr. Samuel H. Jordan was a faithful and passionate public servant in the District of Columbia government for more than 40 years;

**ENROLLED ORIGINAL**

WHEREAS, Dr. Samuel H. Jordan also dedicated himself to community uplift and worked as an advocate for youth and those most in need;

WHEREAS, Dr. Samuel H. Jordan received the Greater Washington Urban League’s Whitney M. Young, Jr. Award for community service in 1997 among many others;

WHEREAS, Dr. Samuel H. Jordan was recognized throughout the District for being an activist who worked tirelessly to improve the quality of life for District residents; and

WHEREAS, Dr. Samuel H. Jordan passed away on June 29, 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dr. Samuel H. Jordan Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Dr. Samuel H. Jordan’s life and legacy of public service and expresses condolences on his passing.

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

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-188

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To honor the life, contributions, and career of Donnie Simpson in celebration of his 40 years of broadcasting in Washington, D.C.

WHEREAS, Donnie Simpson exhibits a love for music and radio that started as a child growing up in Detroit, where his mother owned Simpson Record Shop, a bustling Motor City Mom & Pop, started in 1966;

WHEREAS, Donnie Simpson decided to become a disc jockey after WJLB, a popular Detroit radio station, broadcast live one day from his mother's shop, and he was asked to read live commercial spots that day, by legendary disc jockey Al Perkins, who was greatly impressed by the then 15-year-old with the big voice;

WHEREAS, Donnie Simpson became a teen reporter for WJLB, and soon thereafter was given his own radio show at 15 years of age;

WHEREAS, Donnie Simpson, after 8 years on Detroit airwaves, joined WKYS-FM in Washington, D.C., and became the morning show host and program director, leading the station to such unprecedented ratings success that Billboard magazine selected him as the country's #1 Program Director of The Year, and Air Personality of The Year in 1983;

WHEREAS, Donnie Simpson, in 1993, took his talents to WPGC-FM in Washington, D.C., but not before embarking on a television career;

WHEREAS, Donnie Simpson in the early 1980s was the backup sports anchor for legendary sportscaster George Michael on WRC-TV, the NBC station in Washington, D.C.;

WHEREAS, Donnie Simpson later joined Black Entertainment Television ("BET") as host of the ultra-popular show *Video Soul*, paving his way into television history, being considered one of the nation's first video jockeys;

WHEREAS, Donnie Simpson remained at BET for 14 years, performing hundreds of memorable live interviews with many of the greatest recording artists of the era;

## ENROLLED ORIGINAL

WHEREAS, Donnie Simpson also appeared on the popular sitcoms, *Martin* and *The Jamie Foxx Show*, and moved from television to the silver screen by appearing in such classic films as *Krush Groove* and *The Five Heartbeats*;

WHEREAS, Donnie Simpson, as an active community volunteer, has served as Honorary Chairman of the National Black Family Reunion and has assisted in fundraising efforts for AIDS research and the United Negro College Fund;

WHEREAS, Donnie Simpson and his wife have established The Donnie & Pam Simpson Scholarship Fund to help minority college hopefuls in need of assistance in getting the opportunity they deserve;

WHEREAS, Donnie Simpson, in 2005, stayed on the air for 16 hours and raised over \$220,000 for the victims of Hurricane Katrina;

WHEREAS, Donnie Simpson, in January 2010, after 30 years on morning radio, took a 5½-year hiatus from the airwaves, but on August 17, 2015, he returned to host the afternoon drive at Majic 102.3, an Urban One, Inc. Radio One station in Washington, D.C., with his return becoming the No. 1 trending story on Facebook and Twitter during his first few days on air;

WHEREAS, Donnie Simpson was inducted into the R&B Music Hall of Fame on October 4, 2015, as the only non-musician to be inducted;

WHEREAS, Donnie Simpson's consistent No. 1 ratings success and reputation have earned him "Icon" status among his peers, The White House, and his millions of fans worldwide; and

WHEREAS, Donnie Simpson is a trailblazer and a true media legend.

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

Sec. 2. The Council of the District of Columbia salutes and thanks Donnie Simpson for his life and career as a media icon, and congratulates him on his 40 years of broadcasting in Washington, D.C.

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

22-189

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To posthumously honor the life of Unique Davis in recognition of gun violence awareness.

WHEREAS, Unique Davis was murdered in front of her home on September 2, 2017;

WHEREAS, Unique celebrated her birthday on September 1, 2017;

WHEREAS, Unique was 19 years old;

WHEREAS, Unique was a recent graduate of Anacostia High School;

WHEREAS, Unique was a lifelong resident of the District of Columbia;

WHEREAS, Unique planned to start her first post-high school job at FedEx on September 3, 2017;

WHEREAS, the murder of Unique has yet to be solved and the suspect is still at large;  
and

WHEREAS, Unique will be deeply missed by her friends, family, former classmates, and community in Southeast, Washington, D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Unique Davis Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Unique Davis.

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

22-190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 3, 2017

To recognize posthumously Ms. Theresa Jones for her contributions as a community leader and advocate, and her outstanding service to various organizations in the District of Columbia.

WHEREAS Theresa Jones was born in the District of Columbia in 1933;

WHEREAS, she attended District of Columbia public high schools and graduated from Dunbar Public High School in 1951;

WHEREAS, Theresa Jones attended Minor Teachers College and holds a Master’s degree in Human Services from Lincoln University in Pennsylvania;

WHEREAS, while raising her family in public housing, she began organizing tenants and her efforts were so successful that she soon became a prime mover in her housing cooperative complex;

WHEREAS, from there, Theresa Jones became the tenant representative on the DC Rent Commission, and was soon hired by the Southeast Neighborhood House, where her formal community service experience began;

WHEREAS, Theresa Jones’s employment history also included working at the Southeast Neighborhood House and as Executive Director of Chase Incorporated;

WHEREAS, Theresa Jones served as an Assistant Branch Chief for the United Planning Organization (“UPO”);

WHEREAS, Theresa Jones received several long-service awards for her years at UPO, and, during that time, she tackled the likes of The East of the River Needs Assessment project, the Emergency Shelter Housing program, the Neighborhood Market Survey, and Crisis Intervention for utility payments;

WHEREAS, when she left UPO in 2004 Theresa Jones was the Public Policy Analyst;

ENROLLED ORIGINAL

WHEREAS, some of her volunteer board service work is quite historic to Anacostia and to Washington, D.C. , including The Head Start Program, Home Rule, the DC Statehood Commission, and the Rent Control Commission, to name a few;

WHEREAS, Theresa Jones is perhaps most known for her work as Advisory Neighborhood Commissioner of Single Member District 8D07 and immediate past Chair of Advisory Neighborhood Commission 8D;

WHEREAS, Theresa Jones was one of the original board members of the Anacostia Neighborhood Museum, and the Anacostia Economic Development Corporation;

WHEREAS, over her 40 plus years of public service, Theresa Jones worked tirelessly for poor and disenfranchised communities located east of the Anacostia River, and much of that work was done on her own time and at her own expense;

WHEREAS, Theresa Jones often enlisted her children to help, and she worked holidays and weekends to get turkeys to needy families at Thanksgiving and Christmas;

WHEREAS, Theresa Howe Jones has raised 7 children who among them hold 7 high school diplomas (4 of them from District of Columbia public schools), 4 undergraduate degrees, and one post-graduate degree;

WHEREAS, after retiring in 2004, she remained active, including service on the Board of the Anacostia Economic Development as well as active engagement with the United Black Fund and Anacostia Community Museum;

WHEREAS, Theresa Jones stated that one of the proudest moments in her life was to witness an African-American elected and take the oath to become the 44th President of the United States of America;

WHEREAS, because of her tireless efforts across Ward 8 communities, Theresa Jones is known as an East of the River legend;

WHEREAS, Theresa Jones continues to serve as an example and as an inspiration to the next generation of District leaders; and

WHEREAS, Theresa Jones impacted the lives of hundreds of District residents through her many service over years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Theresa Jones Recognition Resolution of 2017”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and celebrates the life and legacy of Theresa Jones.

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**

B22-528            Keene School Disposition and Lease Approval Act of 2017

Intro. 10-16-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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B22-529            Rebate Reform Amendment Act of 2017

Intro. 10-17-17 by Councilmember McDuffie and referred to the Committee on Business and Economic Development

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B22-530            Child and Youth Safety Amendment Act of 2017

Intro. 10-19-17 by Councilmember Grosso and referred to the Committee on Labor and Workforce Development

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B22-531            Lois Mailou Jones Alley Designation Act of 2017

Intro. 10-23-17 by Councilmember Nadeau and referred to the Committee of the Whole

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**PROPOSED RESOLUTIONS**

- PR22-553      Veritas of Washington LLC Disapproval Resolution of 2017
- Intro. 10-17-17 by Councilmembers Gray, Cheh, Silverman, R. White, Grosso, and Chairman Mendelson and Retained by the Council
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- PR22-554      Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017
- Intro. 10-16-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
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- PR22-555      Truxton Circle Parcel Surplus Declaration and Approval Resolution of 2017
- Intro. 10-16-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR22-556      Truxton Circle Parcel Disposition Approval Resolution of 2017
- Intro. 10-16-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR22-557      Child Support Guideline Commission Meridel Bulle-Vu Appointment Resolution of 2017
- Intro. 10-16-17 by Chairman Mendelson and referred to the Committee of the Whole
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- PR22-558      Child Support Guideline Commission Councilmember Charles Allen Appointment Resolution of 2017
- Intro. 10-16-17 by Chairman Mendelson and referred to the Committee of the Whole
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PR22-559      Child Support Guideline Commission Tianna Gibbs Appointment  
Resolution of 2017

Intro. 10-16-17 by Chairman Mendelson and referred to the Committee of  
the Whole

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PR22-560      Public Charter School Board Naomi Shelton Confirmation Resolution of 2017

Intro. 10-17-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Education

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PR22-561      District of Columbia Housing Authority Board of Commissioners  
Joshua Lopez Confirmation Resolution of 2017

Intro. 10-17-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Housing and Neighborhood Revitalization

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PR22-562      District of Columbia Board of Ethics and Government Accountability  
Darrin Sobin Confirmation Resolution of 2017

Intro. 10-17-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Judiciary and Public Safety

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PR22-563      District of Columbia Corrections Information Council Governing  
Board Katharine Aiken Huffman Reappointment Resolution of 2017

Intro. 10-17-17 by Chairman Mendelson and referred to the Committee of  
the Whole

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- PR22-564      Director of the District Department of Transportation Jeff  
Marootian Confirmation Resolution of 2017
- Intro. 10-18-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Transportation and the Environment
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- PR22-565      Water and Sewer Authority Board of Directors Krystal Brumfield  
Confirmation Resolution of 2017
- Intro. 10-18-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Transportation and the Environment
- 
- PR22-566      Pink Belts, LLC Disapproval Resolution of 2017
- Intro. 10-20-17 by Councilmembers Gray, Cheh, Silverman, T. White,  
Grosso, R. White, and Chairman Mendelson and Retained by the Council
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- PR22-569      Communicable Diseases Contracted By Students Regulations  
Approval Resolution of 2017
- Intro. 10-20-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Education with comments from the Committee  
on Health
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- PR22-570      Communicable Diseases Contracted By Employees  
Regulations Approval Resolution of 2017
- Intro. 10-20-17 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Education with comments from the Committee  
on Health
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PR22-571      District of Columbia State Athletics Commission Mrs. Diana  
Parente Resolution of 2017

Intro. 10-23-17 by Chairman Mendelson at the request of the Mayor  
and referred to the Committee on Education

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COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE & COMMITTEE ON HEALTH  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
&  
COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
COMMITTEE ON HEALTH

ANNOUNCE A PUBLIC HEARING

on

**Bill 22-177, Interstate Medical Licensure Compact Approval Act of 2017**

and

**Bill 22-275, Making Rodent Syndicates Flee Restaurants, Interior Settings, Basements and Yards  
Amendment Act of 2017**

on

**Wednesday, December 6, 2017  
9:30 a.m., Council Chambers, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember Vincent C. Gray announce a public hearing before the Committee of the Whole and the Committee on Health on **Bill 22-177**, the “Interstate Medical Licensure Compact Approval Act of 2017,” and **Bill 22-275**, the “Making Rodent Syndicates Flee Restaurants, Interior Settings, Basements and Yards Amendment Act of 2017.” The hearing will be held at 9:30 a.m. on Wednesday, December 6, 2017 in the Council Chambers (Room 500) of the John A. Wilson Building.

The stated purpose of **Bill 22-177** is to authorize the Mayor to join the Interstate Medical Licensure Compact; to provide for the eligibility of physicians to receive an expedited medical license; to determine the application procedures to receive an expedited license; to impose fees for the issuance of an expedited license; to provide for the renewal of an expedited license; to require the establishment of a database of physicians who have applied for an expedited license; to provide for the conduct of joint investigations; to provide for disciplinary actions against physicians granted an expedited license; to establish the Interstate Medical Licensure Compact Commission; to authorize the Mayor to appoint commissioners to the Commission; to define the powers and duties of the Commission; to provide for the operations of the Commission to enforce rules and provisions of the Compact; to provide for the resolution of disputes among Commission members; and to outline the criteria and procedures for withdrawal from the compact. The stated purpose of **Bill 22-275** is to amend the Rodent Control Act of 2000 to modify the definitions of certain terms; to require businesses with a Public Health: Food Establishment Retail endorsement to create a plan to mitigate infestations of rats; to amend Chapter 25 of the District of Columbia Municipal Regulations to require newly built or converted food establishments to design space to mitigate infestations of rats; and to give the Department of Health additional authority and ongoing funding to remedy health code violations related to rat harborage when a property owner will not.

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 Monday, December 4, 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 Tuesday, December 5, 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 20, 2017.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

COUNCILMEMBER DAVID GROSSO  
COMMITTEE ON EDUCATION  
ANNOUNCES A PUBLIC HEARING

on

**B22-313, Healthy Students Amendment Act of 2017; B22-456, Universal Free Lunch for All  
Amendment Act of 2017, and the State of School Food Services**

on

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

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

The stated purpose of B22-313 is to make changes to nutrition and wellness policies in District Schools. The legislation proposes to change nutrition-content requirements; expand breakfast after the bell and alternate serving models for breakfast participation programs; encourage schools to purchase food in a manner consistent with the Good Food Purchasing Program's core values; require OSSE to submit a report to the Mayor and Council regarding best practices for developing a central kitchen; and require that DCPS and public charter school students participate in specified amounts of age-appropriate physical education per week. The stated purpose of B22-456 is to require public schools, public charter schools, and some private schools to offer free lunch to all students. The hearing will also serve as an opportunity for the Committee to receive testimony on the broader topic of school food services.

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

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, [astrange@dccouncil.us](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, DC 20004. The record will close at 5:00 p.m. on Thursday, November 30, 2017.

*This revised notice reflects the addition of B22-456, Universal Free Lunch for All Amendment Act of 2017 to the agenda.*

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE AND  
COMMITTEE ON FINANCE AND REVENUE  
NOTICE OF A JOINT PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
AND  
COUNCILMEMBER JACK EVANS  
COMMITTEE ON FINANCE AND REVENUE  
ANNOUNCE A JOINT PUBLIC HEARING**

on

**Bill 22-464, Washington Metrorail Safety Commission Board of Directors Appointment  
Amendment Act of 2017**

on

**Wednesday, November 15, 2017  
9:30 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember Jack Evans announce the scheduling of a joint public hearing of the Committee of Whole and the Committee on Finance and Revenue on Bill 22-464, the “Washington Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2017.” The hearing will be held on Wednesday, November 15, 2017 at 9:30 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 22-464 is to authorize the Mayor to appoint one Member and the Alternate Member, with the advice and consent of the Council, to the Board of Directors of the Washington Metrorail Safety Commission (“Board”). The Council will have the authority to appoint the other Member to the Board. The Board Member initially appointed by the Mayor shall serve a 2-year term and the Alternate Member initially appointed by the Mayor shall serve a 3-year term. The Board Member initially appointed by the Council shall serve a 4-year term.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, November 13, 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 November 13, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, November 29, 2017.

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

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**COUNCILMEMBER ANITA BONDS, CHAIRPERSON**  
**COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

**ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE**

*on*

**Bill 22-0505, “Reverse Mortgage Foreclosure Prevention Act of 2017”**

*and*

**Bill 22-0448, “Senior Tenants and Residents with Disabilities Rental Assistance Program Amendment Act of 2017”**

*on*

Wednesday, November 29, 2017, at 10:00 AM  
John A. Wilson Building, Room 412  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Wednesday, November 29, 2017, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0505, “Reverse Mortgage Foreclosure Prevention Act of 2017”, and Bill 22-0448, “Senior Tenants and Residents with Disabilities Rental Assistance Program Amendment Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The purpose of Bill 22-0505 is to establish a new program in the Department of Housing and Community Development (DHCD), the Reverse Mortgage Foreclosure Prevention Program. The program will provide financial assistance in the form of a zero interest loan to seniors who meet the eligibility requirements. The max amount that can be provided to a single homeowner over a five year period is \$50,000.

The purpose of Bill 22-0448 is to establish a new rental subsidy program for seniors and tenants with disabilities and specifies that the maximum amount that may be disbursed per recipient is \$500 per month.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email [omontiel@dccouncil.us](mailto:omontiel@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 28, 2017. Persons wishing to testify are encouraged to **submit 15 copies**

**of written testimony.** Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on December 13, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

**ANNOUNCES A PUBLIC HEARING ON**

**PR 22-0528, “Public Employee Relations Board Barbara Somson Confirmation Resolution  
of 2017”**

**Monday, November 13, 2017, 1pm  
Hearing Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public hearing before the Committee on PR 22-528, the “Public Employee Relations Board Barbara Somson Confirmation Resolution of 2017.” The hearing will be held at 1p.m. on Monday, November 13, 2017, in Room 123 of the John A. Wilson Building.

The purpose of PR 22-0528 is to confirm the appointment of Ms. Barbara Samson as a member of the Public Employee Relations Board (PERB). PERB is an impartial, quasi-judicial, independent agency that resolves labor-management disputes between agencies of the District government and labor organizations representing agency employees. The purpose of this hearing is to receive public testimony on this nominee’s appointment as a board member.

Those who wish to testify before the Committee are asked to contact Mr. Charnisa Royster at [labor@dccouncil.us](mailto:labor@dccouncil.us) or (202) 724-7772 by close of business Thursday, November 9, 2017, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If a witness is unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at [labor@dccouncil.us](mailto:labor@dccouncil.us) or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, November 20, 2017.



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

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**NOTICE OF PUBLIC HEARING ON**

**Water Rate Increases in the District  
and  
B22-507, the Lead Pipe Replacement and Disclosure Amendment Act of 2017**

November 17, 2017 at 11:00 a.m.  
in Room 500 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On November 17, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on water rate increases in the District and on Bill 22-507, the Lead Pipe Replacement and Disclosure Amendment Act of 2017. The hearing will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

District residents have experienced several water rate increases in the past few years, with the most recent increase applying to their October 2017 water bills. The DC Water and Sewer Authority (DC Water) maintains that these rate increases are necessary to fund the operation of the utility and several large capital projects that will improve the health of the District's waterways. Many District residents are already struggling to afford their water bills, however, and continued increases will be a significant burden. At the hearing, the Committee will discuss the need for these increases, how long District residents can expect them to continue, and whether there are less burdensome alternatives. The Committee will also hear testimony on Bill 22-507, the Lead Pipe Replacement and Disclosure Amendment Act of 2017, which would create a voucher program to assist low-income District residents replace lead pipes.

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 December 1, 2017.

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

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

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

**THE DEPARTMENT OF HUMAN SERVICES' RAPID RE-HOUSING PROGRAM**

**Thursday, December 14, 2017, 11:00 a.m.  
Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Thursday, December 14, 2017, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, will hold a public oversight roundtable on the Department of Human Services' (DHS) Rapid Re-Housing program. The roundtable will take place in the Council Chambers, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 11:00 a.m.

Rapid Re-Housing is a program that provides housing relocation and stabilization services as well as time-limited rental assistance, as necessary, to help a homeless individual or family move as quickly as possible into permanent housing. The intended goal of the program is ensure the recipients achieve stability in permanent housing such that they may remain in the housing even when the assistance ends. DHS utilizes Rapid Re-Housing as an essential tool which allows for an assessment and tailoring of services for individuals and families with housing as a platform. The Committee is interested in learning more about the program's governing laws and regulations; capacity and implementation; success rates; and possible areas for improvement. The Committee will also explore further jurisdictional comparisons and best practices.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Tuesday, December 12, 2017**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on December 29, 2017.**

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

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

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PR22-0454, the “Office of Disability Rights Matthew McCullough Confirmation Resolution of 2017”**

**Monday, December 4, 2017, 11:00 a.m.  
Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, announces a public roundtable to be held on Monday, December 4, 2017, at 11:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC, 20004.

PR22-0454, the “Office of Disability Rights Matthew McCullough Confirmation Resolution of 2017” would confirm the appointment of Mr. Matthew McCullough as Director of the Office of Disability Rights.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, November 30, 2017**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on December 11, 2017.**

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

**ANNOUNCES A PUBLIC ROUNDTABLE**

on

**PR 22-0531, "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"**

**Tuesday, October 31, 2017, 11:30 a.m.  
Hearing Room 123, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public roundtable before the Committee on **PR 22-0531, 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**. The roundtable will be held at 11:30 a.m. on Tuesday, October 31, 2017, in Room 123 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at [labor@dccouncil.us](mailto:labor@dccouncil.us) or (202) 724-7772 by close of business Friday, October 27, 2017, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; 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 by email to Ms. Royster at [labor@dccouncil.us](mailto:labor@dccouncil.us) or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 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 November 7, 2017.

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

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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”****PR 22-526, THE “MEDICAL MARIJUANA RECIPROCITY RULEMAKING APPROVAL  
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” and PR 22-526, the “Medical Marijuana Reciprocity Rulemaking Approval 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. **This notice is revised to reflect the addition of Proposed Resolution 22-526 to the agenda.**

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 purpose of Proposed Resolution 22-526 is to approve proposed rules adopted by the Department of Health governing the participation of qualifying patients in the District's Medical Marijuana Program.

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  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION  
NOTICE OF JOINT PUBLIC ROUNDTABLE  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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COUNCILMEMBER ANITA BONDS, CHAIRPERSON  
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

AND

COUNCILMEMBER TRAYON WHITE, SR.  
WARD 8

ANNOUNCE A JOINT PUBLIC ROUNDTABLE ON

**Housing in Your Neighborhood**

*on*

Wednesday, November 8, 2017, at 6:00 PM  
R.I.S.E. Demonstration Center  
2730 Martin Luther King, Jr. Ave., SE  
Washington, DC 20032

On Wednesday, November 8, 2017, Councilmember Anita Bonds and Ward 8 Councilmember Trayon White, Sr. will hold a public roundtable to discuss housing issues facing the Ward 8 community. The purpose of the roundtable is to provide Ward 8 residents an opportunity to voice concerns regarding affordable housing and other housing-related issues. The roundtable will focus on housing issues related to community land agreements, vacant and blighted properties, historical preservation, affordable housing needs, and distressed common interest communities, such as condominium associations, cooperatives, and HOAs.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email [omontiel@dccouncil.us](mailto:omontiel@dccouncil.us), and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 7, 2017. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 22, 2017.

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

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

on

**Issues Facing District of Columbia Youth**

on

**Thursday, December 7, 2017  
4:00 p.m., Hearing Room 412, 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 student related issues with a focus on Pre-K3 through 12<sup>th</sup> grade. The roundtable will be held at 4:00 p.m. on Thursday, December 7, 2017 in Hearing Room 412 of the John A. Wilson Building.

The purpose of this roundtable is to hear testimony from District of Columbia youth regarding issues that impact their lives as they make their way through the public education system.

Youth, aged 21 and younger, who wish to testify can sign up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, December 5, 2017. Persons wishing to testify are encouraged to bring 10 copies of their written testimony. Individuals can also email Ashley Strange, Committee Assistant, [astrange@dccouncil.us](mailto:astrange@dccouncil.us), and provide their name, age, telephone number, school (if applicable), current grade (if applicable), organizational affiliation and title (if any) by 5:00pm on December 5. Each person should limit their testimony to three (3) minutes in order to permit each witness an opportunity to testify.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004. The record will close at 5:00 p.m. on Thursday, December 21, 2017.



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

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**NOTICE OF JOINT PUBLIC ROUNDTABLE ON**

**Summer Modernizations of District of Columbia Public Schools**

November 15, 2017 at 11:00 a.m.  
in Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On November 15, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, and Councilmember David Grosso, Chairperson of the Committee on Education, will hold a joint public roundtable to discuss the Department of General Services (“DGS”) summer modernizations of District of Columbia Public Schools (“DCPS”) school facilities. The roundtable will begin at 11:00 in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the hearing is to learn about the progress of the District’s school modernizations over the summer of 2017. The hearing will review DGS and DCPS’s collaboration on these projects, as well as the agencies’ engagement with members of the twenty schools undergoing. Finally, the roundtable will also review modernizations over the fall of 2016 and spring of 2017.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](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 29, 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. 22-86** Request to reprogram \$3,500,000 of Fiscal Year 2017 Special Purpose Revenue funds budget authority from the Office of the Chief Financial Officer (OCFO) to the Business Improvement Districts Transfer agency was filed in the Office of the Secretary on October 20, 2017. This reprogramming is needed to ensure sufficient budget authority is available to cover revenue collected from BID entities.

RECEIVED: 14 day review begins October 23, 2017

**Reprog. 22-87** Request to reprogram \$14,250,000 of Fiscal Year 2017 Local funds budget authority from multiple agencies to the Workforce Investments account was filed in the Office of the Secretary on October 23, 2017. This reprogramming is needed to cover compensation costs associated with District employees.

RECEIVED: 14 day review begins October 24, 2017

**Reprog. 22-88** Request to reprogram \$2,081,045 of Fiscal Year 2017 Local funds budget authority from the Office of the Inspector General (OIG) was filed in the Office of the Secretary on October 23, 2017. This reprogramming ensures OIG has adequate funding to support information technology infrastructure to meet security needs.

RECEIVED: 14 day review begins October 24, 2017

**Reprog. 22-89** Request to reprogram \$27,677,880 of Fiscal Year 2017 Local funds budget authority from several agencies to the Housing Production Trust Fund Subsidy was filed in the Office of the Secretary on October 23, 2017. This reprogramming allocates funding projected from year-end surplus.

RECEIVED: 14 day review begins October 24, 2017

**Reprog. 22-90** Request to reprogram \$27,370 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 23, 2017. This reprogramming supports traffic infrastructure development for traffic signal work at various locations in the District of Columbia.

RECEIVED: 14 day review begins October 24, 2017

**Reprog. 22-91** Request to reprogram \$2,848,551 of Fiscal Year 2017 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 23, 2017. This reprogramming is needed to address budget pressures for water and electricity costs within the Energy - Centrally Managed division.

RECEIVED: 14 day review begins October 24, 2017

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: October 27, 2017  
Protest Petition Deadline: December 11, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 14, 2018

License No.: ABRA-107468  
Licensee: Shredder, LLC  
Trade Name: Capitale  
License Class: Retailer’s Class “C” Nightclub  
Address: 1730 M Street, N.W.  
Contact: David Chung: (703) 623-5510

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 8, 2018 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 1:30 p.m.**

**NATURE OF OPERATION**

A Retailer’s Class C Nightclub that will serve pre-prepared sandwiches, alcoholic beverages and non-alcoholic beverages. Offering Entertainment, Dancing, Cover Charge and a Sidewalk Café with 10 seats. Total Occupancy Load of 280.

**HOURS OF OPERATION INSIDE PREMISES AND FOR SIDEWALK CAFE**

Sunday through Thursday 6:00 am – 3:00 am, Friday and Saturday 6:00 am – 4:00 am

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR SIDEWALK CAFE**

Sunday through Thursday 9:00 am – 2:00 am, Friday and Saturday 9:00 am – 3:00 am

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES ONLY**

Sunday through Thursday 9:00 am – 3:00 am, Friday and Saturday 9:00 am – 4:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-102578

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

Applicant: Soapstone Market LLC

Trade Name: Soapstone Market

ANC: 3F04

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

4465 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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 - 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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-021578

License Class/Type: B / Retail - Grocery

Applicant: 1807 Corporation

Trade Name: Dupont Market

ANC: 2B01

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

1807 18TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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	9 am - 10 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 11 pm	9 am - 10 pm
Saturday:	7 am - 11 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-103124

License Class/Type: B / Retail - Grocery

Applicant: Four Brothers, LLC

Trade Name: Rioja Market

ANC: 1C03

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

1813 A COLUMBIA RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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 - midnight	9 am - 10 pm
Monday:	7 am - midnight	9 am - 10 pm
Tuesday:	7 am - midnight	9 am - 10 pm
Wednesday:	7 am - midnight	9 am - 10 pm
Thursday:	7 am - midnight	9 am - 10 pm
Friday:	7 am - midnight	9 am - 10 pm
Saturday:	7 am - midnight	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-086470

License Class/Type: B / Retail - Class B

Applicant: F & A, Inc.

Trade Name: Anacostia Market

ANC: 8A06

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

1303 GOOD HOPE RD SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	24 Hours -	7 am - 12 am
Monday:	24 Hours -	7 am - 12 am
Tuesday:	24 Hours -	7 am - 12 am
Wednesday:	24 Hours -	7 am - 12 am
Thursday:	24 Hours -	7am - 12 am
Friday:	24 Hours -	7 am - 12 am
Saturday:	24 Hours -	7am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-082431

License Class/Type: B / Retail - Grocery

Applicant: Foggy Bottom Grocery, LLC

Trade Name: FoBoGro

ANC: 2A07

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

2140 F ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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 - 3 am	9 am - 12 am
Monday:	7 am - 3 am	9 am - 12 am
Tuesday:	7 am - 3 am	9 am - 12 am
Wednesday:	7 am - 3 am	9 am - 12 am
Thursday:	7 am - 3 am	9 am - 12 am
Friday:	7 am - 3 am	9 am - 12 am
Saturday:	7 am - 3 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-091196

License Class/Type: B / Retail - Grocery

Applicant: A AND A LLC

Trade Name: Georgia Line Convenience Store

ANC: 4D04

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

5125 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 10pm	12 pm - 10 pm
Monday:	6 am - 10pm	9 am - 10pm
Tuesday:	6 am - 10pm	9 am - 10pm
Wednesday:	6 am - 10pm	9 am - 10pm
Thursday:	6 am - 10pm	9 am - 10pm
Friday:	6 am - 12 am	9 am - 10pm
Saturday:	6 am - 12 am	9 am - 10pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-078242

License Class/Type: B / Retail - Class B

Applicant: E & K, Limited Liability Company

Trade Name: 13th Street Market

ANC: 1A04

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

3582 13TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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 - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/27/2017

Notice is hereby given that:

License Number: ABRA-095905

License Class/Type: B / Retail - Grocery

Applicant: S & B Market, LLC

Trade Name: MLK Mini Market

ANC: 8C03

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

3333 MARTIN LUTHER KING JR AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
12/11/2017

A HEARING WILL BE HELD ON:  
1/8/2018

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 - 9 pm	9 am - 9 pm
Monday:	7 am - 9 pm	9 am - 9 pm
Tuesday:	7 am - 9 pm	9 am - 9 pm
Wednesday:	7 am - 9 pm	9 am - 9 pm
Thursday:	7 am - 9 pm	9 am - 9 pm
Friday:	7 am - 9 pm	9 am - 9 pm
Saturday:	7 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 27, 2017
Protest Petition Deadline: December 11, 2017
Roll Call Hearing Date: January 8, 2018
Protest Hearing Date: February 14, 2018

License No.: ABRA-107949
Licensee: Presidential on First, LLC
Trade Name: DECLARATION - NATS PARK
License Class: Retailer's Class C Restaurant
Address: 1237 First Street, S.E.
Contact: Alan Popovsky: (202) 246-1653

WARD 6 ANC 6D SMD 6D02

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 January 8, 2018 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 4:30 p.m.

NATURE OF OPERATION

New Class "C" Restaurant serving pizza, salads, and other entrees for lunch and dinner Monday-Friday, and brunch on Saturday and Sunday, with a seating capacity of 110 inside, a Total Occupancy Load of 155 inside, and a Sidewalk Cafe with 14 seats outside. The licensee has requested an Entertainment Endorsement to provide Live Entertainment.

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

Sunday 10:00 am - 2:00 am
Monday -Thursday 11:00 am - 2:00 am
Friday - Saturday 11:00 am - 3:00 am

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

Sunday 10:00 am - 12:00 am
Monday - Thursday 11:00 am - 12:00 am
Friday - Saturday 11:00 am - 1:00 am

PROPOSED HOURS OF ENTERTAINMENT

Sunday 10:00 am - 11:00 pm
Monday - Thursday 11:00 am - 11:00 pm
Friday - Saturday 11:00 am - 1:00 am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: October 27, 2017  
 Protest Petition Deadline: December 11, 2017  
 Roll Call Hearing Date: January 8, 2018  
 Protest Hearing Date: February 14, 2018

License No.: ABRA-107912  
 Licensee: 2121 K Street, LLC  
 Trade Name: Homeslyce  
 License Class: Retailer's Class "C" Restaurant  
 Address: 2121 K Street, N.W.  
 Contact: Jeff Jackson: 202-251-1566

WARD 2

ANC 2A

SMD 2A06

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 January 8, 2018 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 4:30pm**.

**NATURE OF OPERATION**

New Restaurant with a full-service pizza bar. Requesting an Entertainment Endorsement to provide Live Entertainment. Sidewalk Café with 20 seats. Total Occupancy Load is 100.

**HOURS OF OPERATION INSIDE PREMISES**

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 4 am

**HOURS OF OPERATION FOR SIDEWALK CAFÉ**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES AND FOR SIDEWALK CAFÉ**

Sunday through Thursday 11 am – 2 am, Friday and Saturday 11 am – 3 am

**HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES**

Sunday through Thursday 6 pm – 1:30 am, Friday and Saturday 6 pm – 2:30 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: October 27, 2017  
 Protest Petition Deadline: December 11, 2017  
 Roll Call Hearing Date: January 8, 2018  
 Protest Hearing Date: February 14, 2018

License No.: ABRA-074960  
 Licensee: Parki, Inc  
 Trade Name: Imperial Liquors  
 License Class: Retailer’s Class “A” Liquor Store  
 Address: 1033 Connecticut Avenue, N.W.  
 Contact: Chrissie Chang: (703) 992-3994

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this licensee has requested to transfer the license to a new location under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 8, 2018 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 SUBSTANTIAL CHANGE**

Licensee requests to transfer license from 1050 17<sup>th</sup> Street, N.W. to a new location at 1033 Connecticut Avenue, N.W. Establishment is a Retailer’s Class A which sells liquor. Licensee has also requested a Change of Hours of Operation and Alcoholic Beverage Sales.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday closed, Monday through Saturday 10am – 10pm

**PROPOSE HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/13/2017

**\*\*CORRECTION**

Notice is hereby given that:

License Number: ABRA-094996

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

Applicant: MOM'S ORGANIC MARKET INC.

Trade Name: MOM'S Organic Market

ANC: 5D01

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

**\*\*1501 NEW YORK AVE NE**

**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:	9AM - 8PM	10AM - 8PM
Monday:	9AM - 9PM	10AM - 9PM
Tuesday:	9AM - 9PM	10AM - 9PM
Wednesday:	9AM - 9PM	10AM - 9PM
Thursday:	9AM - 9PM	10AM - 9PM
Friday:	9AM - 9PM	10AM - 9PM
Saturday:	9AM - 9PM	10AM - 9PM

**ENDORSEMENT(S): Tasting**

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
10/13/2017

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-094996

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

Applicant: MOM'S ORGANIC MARKET INC.

Trade Name: MOM'S Organic Market

ANC: 5D01

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

**\*\*1401 NEW YORK AVE NE**

**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:	9AM - 8PM	10AM - 8PM
Monday:	9AM - 9PM	10AM - 9PM
Tuesday:	9AM - 9PM	10AM - 9PM
Wednesday:	9AM - 9PM	10AM - 9PM
Thursday:	9AM - 9PM	10AM - 9PM
Friday:	9AM - 9PM	10AM - 9PM
Saturday:	9AM - :9PM	10AM - 9PM

**ENDORSEMENT(S): Tasting**

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: October 27, 2017  
Protest Petition Deadline: December 11, 2017  
Roll Call Hearing Date: January 8, 2018  
Protest Hearing Date: February 14, 2018

License No.: ABRA-108125  
Licensee: Spero LLC  
Trade Name: Reverie  
License Class: Retailer’s Class “C” Restaurant  
Address: 3210 Grace Street, N.W.  
Contact: Angie Fetherston: 240-515-5385

WARD 2

ANC 2E

SMD 2E05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 8, 2018 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 4:30pm.**

**NATURE OF OPERATION**

New Restaurant with upscale casual modern American food. Summer Garden with 30 seats. Total Occupancy Load is 64.

**HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN**

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 27, 2017
Protest Petition Deadline: December 11, 2017
Roll Call Hearing Date: January 8, 2018
Protest Hearing Date: February 14, 2018

License No.: ABRA-107968
Licensee: Sushi Nakazawa DC, LLC
Trade Name: Sushi Nakazawa DC
License Class: Retailer's Class "C" Restaurant
Address: 1100 Pennsylvania Avenue, N.W.
Contact: Stephen J. O'Brien: 202-625-7700

WARD 2

ANC 2C

SMD 2C01

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 January 8, 2018 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 1:30pm.

NATURE OF OPERATION

New Restaurant, offering sushi in the omakase style and crafting a tasting menu within the style of Edomae sushi. Total Occupancy Load is 70 with seating for 60.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 8 am - 2 am, Friday and Saturday 8 am - 3 am

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
NOTICE OF PUBLIC HEARING**

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Wednesday, November 15, 2017 at 6 p.m. at the DHCD 1<sup>st</sup> Floor Conference Room, located at 1800 Martin Luther King Jr. Avenue, SE, Washington, DC 20020, to consider the proposed disposition of the property noted below.

Square	Lot	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
5936	0802	3401 13th St SE	Vacant Lot	8	RA-1	No	Congress Heights

The above property was included in a round of Solicitation for Offer issued by DHCD to the general public on June 22, 2016. The property was awarded to Flywheel Development, through a competitive selection process. A project summary of Flywheel Development's proposal will be posted on the DHCD web site.

The public hearing is being conducted in order to assure that citizens are informed about the selling of the property identified above to the named buyer, and to ensure that all citizens have the opportunity to present publicly their views concerning such sale.

If you would like to present oral testimony, you are encouraged to register in advance either by e-mailing Chantese Rogers at [chantese.rogers@dc.gov](mailto:chantese.rogers@dc.gov), or by calling 202-478-1355. Please provide your name, address, telephone number, and organization affiliation, if any. Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter and language translation services are available upon request by calling Pamela Hillsman at 202-442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. Deadline for requiring services of an interpreter is 7 days prior to the hearing. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted at the hearing, or until 4:45 p.m., Thursday, November 16, 2017, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue, SE, Washington, D.C. 20020.

**DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT**

**PUBLIC HEARING NOTICE**  
**Wednesday, November 15, 2017**  
**& Thursday, November 16, 2017**

**District of Columbia's Fiscal Year 2017 Consolidated Annual  
Performance Evaluation Plan (CAPER)**

Polly Donaldson, Director, DC Department of Housing and Community Development (DHCD or the Department) will conduct two public hearings on Wednesday, November 15, and Thursday, November 16 2017, to discuss the District's Fiscal Year (FY) 2017 performance in its use of funds received from the U.S. Department of Housing and Urban Development (HUD). DHCD received approximately \$29,792,105 from HUD in Fiscal Year 2017 through four programs: the Community Development Block Grant (CDBG) Program; the HOME Investment Partnerships Program; the Emergency Shelter Grant (ESG) Program; and the Housing for Persons with AIDS (HOPWA) Program. DHCD administers the CDBG and HOME funds directly; the Department entered into an agreement with the DC Department of Human Services (DHS) for the Prevention of Homelessness to administer the ESG grant; and transferred the HOPWA grant to the DC Department of Health (DOH).

In preparation for the submission of the FY 2017 Consolidated Annual Performance and Evaluation Report (CAPER) to HUD, DHCD is soliciting public comment on the District's effectiveness during FY 2017 using federal funds to meet the District's housing and community development needs. These comments will be included in part of DHCD's and the District's evaluation, as required by federal regulations (24 CFR 91.520). These hearings are reserved for a discussion of the District's FY 2017 performance.

This year two hearings will be held to facilitate public comments. The first hearing will be held on Wednesday, November 15, 2017, at the Latino Economic Development Center, 641 S St NW, Washington, DC at 6:30pm (accessible from the Green/Yellow Line Shaw/Howard Metro station). The second hearing will be held on Thursday, November 16, 2017 at Marshall Heights Community Development Organization, 3939 Benning Rd, NE, Washington, DC at 6:30pm (accessible from the Orange Line Minnesota Ave Metro Station). If you would like to testify, you are encouraged to register in advance either by e-mail at [DHCDEVENTS@dc.gov](mailto:DHCDEVENTS@dc.gov) or by calling Pam Hillman (202) 442-7251. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service will be provided by calling (800) 201-7165. Sign language interpretation and language translation services will be available upon request by calling Tilla Hall, seven days prior to the hearing on (202) 442-7239. Persons, who require interpretation or language translation, must specify the language of preference (i.e. Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language interpretation service will be provided to pre-registered persons only.

**OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC DISPOSITION HEARING  
PURSUANT TO D.C. OFFICIAL CODE §10-801  
FOR EASTERN BRANCH BOYS AND GIRLS CLUB**

Pursuant to D.C. Official Code § 10-801 *et seq.*, the District will conduct a public disposition hearing to receive comments on the proposed uses of the Eastern Branch Boys and Girls Club property, located at 261 17th Street S.E., Washington, D.C. (“Property”). This public disposition hearing will be held to obtain community comments and suggestions on the proposed use of the Property. Received comments and suggestions will be submitted to the Council of the District of Columbia for its review.

The date, time and location of the public disposition hearing is:

**Date:** Thursday, November 16, 2017

**Time:** 6:30 p.m. – 8:30 p.m.

**Location:** St. Coletta of Greater Washington  
1901 Independence Avenue SE  
Washington, D.C. 20003

Written public comments and suggestions will be accepted in person at the public disposition hearing and via email to [miguel.garcia@dc.gov](mailto:miguel.garcia@dc.gov) until Thursday, November 16, 2017.

You may contact Miguel Garcia, DMPED Project Manager, at (202) 727-9742 or via the email above should you have any questions about the public disposition hearing.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, DECEMBER 13, 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 ONE**

19619            **Application of Matt Medvene**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5203.3 from the roof top architectural elements requirements of Subtitle E § 206.1, to construct a third story addition, and convert a single family dwelling to a flat in the RF-1 Zone at premises 765 Girard Street N.W. (Square 2886, Lot 288).  
ANC 1B

**WARD THREE**

19638            **Application of BB&H Joint Venture**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 203.1(j), to permit the continued use of the property as an accessory parking lot in the MU-7 Zone at premises 4422 Connecticut Avenue N.W. (Square 1971, Lot 822).  
ANC 3F

**WARD FIVE**

19640            **Application of Basilica of the National Shrine of the Immaculate Conception**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 710.3(a)(4) from the parking lot location requirements of Subtitle C § 710, to continue the existing parking lot use in the RA-1 Zone at premises 300 Michigan Avenue N.E. (Parcel 121/22).  
ANC 5A

**WARD TWO**

19641            **Application of Robert and Kathryn McPhail**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 601.1(c) from the alley lot use permissions of Subtitle U, Chapter 6, to permit the use of an existing two-story alley lot building as a one-family dwelling in the R-20 Zone at premises 3208 Volta Place (Rear) N.W. (Square 1255, Lot 210).  
ANC 2E



## BZA PUBLIC HEARING NOTICE

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WARD SEVEN

19642            **Application of Samuel Akingbade**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC 7C            10, for a variance from the lot dimension requirements of Subtitle D § 302.1, to  
construct a new semi-detached, one-family dwelling in the R-2 Zone at premises  
725 49<sup>th</sup> Street N.E. (Square 5179, Lot 78).

WARD THREE

19643            **Application of William Calomiris**, pursuant to 11 DCMR Subtitle X, Chapter 9,  
ANC 3D            for a special exception under Subtitle D § 5201 from the rear yard setback  
requirements of Subtitle D § 5004.1, to permit an existing accessory structure in  
the R-15 Zone at premises 3112 New Mexico Avenue N.W. (Square 1625, Lot  
24).

WARD SEVEN

19627            **Appeal of ANC 7F**, pursuant to 11 DCMR Subtitle Y § 302, from the decision  
ANC 7F            made on February 2, 2015 by the Zoning Administrator, Department of Consumer  
and Regulatory Affairs, to issue building permit B1501924, to construct a 71-unit  
apartment house in the RA-3 Zone at premises 4000 Benning Road N.E. (Square  
5081, Lot 52).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.\*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning,

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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

ለሙከራ ስርዓታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

[Zelalem.Hill@dc.gov](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.

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.

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FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202)  
727-6311.

**FREDERICK L. HILL, CHAIRPERSON  
LESYLLEÉ M. WHITE, MEMBER  
CARLTON HART, VICE-CHAIRPERSON,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
ONE BOARD SEAT VACANT  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:** **Thursday, December 7, 2017, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 17-12 (Forest City SEFC, LLC – Text and Zoning Map Amendments @ SEFC-1 Zone)**

**THIS CASE IS OF INTEREST TO ANC 6D**

On June 16, 2017, the Office of Zoning received a petition from Forest City SEFC, LLC (the “Applicant”) requesting approval of text amendments to Subtitle K, Chapter 2 of the Zoning Regulations (the “SEFC zones”) and related amendments to the Zoning Map for Parcels A, D, E, F, G, H, I, and K of the Southeast Federal Center (Square 743, Lot 94; Square 744, Lot 807; Square 770, Lot 40; Square 771, Lots 811, 813, and 814; Square 853, Lot 800, and portions of Square 883 with the SEFC zone) (“Property”). The Office of Planning submitted its report in support of setting the petition down for a public hearing on July 13, 2017. On July 24, 2017, the Commission voted to set down the petition for a public hearing. The Zoning Commission determined that the case will be heard as a rulemaking case.

The property that is the subject of this petition consists of the parcels that are currently located in the SEFC-1 zone and consists of two tracts: the western tract is comprised of the parcels that are bounded by M Street, S.E., 1 Street, S.E., N Place, S.E., Canal Street, S.E., and New Jersey Avenue, S.E.; and the eastern tract is comprised of parcels that are bounded by M Street, S.E., 4<sup>th</sup> Street, S.E., the US DOT headquarters, Tingey Street, S.E., and the Navy Yard. The Property is located in the Mixed-Use High Density Residential/High Density Commercial land use category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

Broadly, the amendments would eliminate the current combined lot development (“CLD”) “trading” scheme and instead identify which parcels will be developed with commercial office use and which parcels will be developed with a mix of residential and commercial uses.

To implement these changes, the property within Square 743 (Parcels A, F, and G of the SEFC Master Plan) will be rezoned to the proposed SEFC-1A zone, which will permit a 6.0 floor area ratio (“FAR”) as a matter of right for any permitted use (including commercial office), and permit an additional 1.0 FAR for any permitted use, with Zoning Commission design review. The property within Square 743 known as “Parcel A” will be permitted to achieve 130 feet in height as a matter of right; Parcels F and G will be permitted to achieve 110 feet in height as a matter of right and 130 feet with design review, if permitted by the Height Act.

The remaining properties that are the subject of this petition will be rezoned to the new SEFC-1B zone. The SEFC-1B zone is functionally the same as the current SEFC-1 Zone District, but eliminates the use of CLDs. The SEFC-1B zone will permit a density of 6.0 FAR as a matter of right, with a maximum of 3.0 FAR for nonresidential uses. An additional 1.0 FAR (for residential use only) is permitted with design review. The SEFC-1B zone will permit a height of 110 feet as a matter of right; a height of 130 feet will be permitted on Parcel H with design review, if permitted by the Height Act.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in **bold strikethrough** text):

*1.a Amend Subtitle K, § 200, GENERAL PROVISIONS, by amending § 200.3 as follows:*

**200 GENERAL PROVISIONS**

...<sup>1</sup>

200.3 The SEFC-1 ~~zone~~ provides zones provide for high-density mixed-use development with ground floor retail, ~~and with bonus density and height for development proximate to the Navy Yard Metrorail Station and the proposed 1½ Street, and with~~ review of the relationship of new buildings to the M Street, S.E. corridor and the adjacent Washington Navy Yard. The SEFC-1 zones consist of the SEFC-1-A zone, which permits high-density commercial or residential use with ground floor retail on Parcels A, F, and G near the Navy Yard Metrorail Station entrance, and the SEFC-1B zone, which promotes a mix of high-density residential and medium-density commercial development with ground floor retail on Parcels D, E, K, H, and I.

...

*1.b Amend Subtitle K, § 201, DEVELOPMENT STANDARDS (SEFC-1), by amending § 201.3 as follows:*

**201 DEVELOPMENT STANDARDS (SEFC-1)**

201.1 The development standards in Subtitle K §§ 202 through 210 control the bulk of structures in the SEFC-1 ~~zone~~ zones.

...

*1.b Amend Subtitle K, § 202, DEVELOPMENT STANDARDS (SEFC-1), by amending § 202.1, delete § 202.2 and replace it with a new § 202.2, as follows:*

**202 DENSITY – FLOOR AREA RATIO (FAR)(SEFC-1)**

202.1 The maximum permitted floor area ratio (FAR) for ~~building~~ buildings in the SEFC- 1A zone (i.e., Parcels A, F, and G) shall be 6.0 ~~with a maximum of 3.0 FAR for non-~~

<sup>1</sup> The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

~~residential uses; except that a building within Parcels A, F, G, H, and I shall be permitted a maximum density of 7.0 FAR, provided that:~~ **shall be permitted, if reviewed and approved by the Zoning Commission pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241. To the extent that the additional 1.0 FAR is devoted to residential uses, a minimum of eight percent (8%) of the additional density gained pursuant to this section shall be devoted to three (3) bedroom units, provided that such units may be located anywhere within the residential building. The reduction or elimination of this requirement may be permitted by the Commission upon a showing by the applicant that exceptional circumstances affecting the property make compliance with this requirement difficult or impossible**

202.1

**The maximum permitted FAR for buildings in the SEFC-1-B zone shall be 6.0 with a maximum of 3.0 FAR for non-residential uses; except a maximum density of 7.0 FAR shall be permitted on Parcels H or I only, if reviewed and approved by the Zoning Commission, pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241, provided that:**

- (a) The additional 1.0 FAR is devoted solely to residential uses, which for the purposes of this subsection does not include a hotel; and
- (b) A minimum of ~~ten~~**eight** percent (~~40-8~~%) of the additional density gained pursuant to this section shall be devoted to three (3) bedroom units, provided that such units may be located anywhere within the residential building. The reduction or elimination of this requirement may be permitted by the Commission upon a showing by the applicant that exceptional circumstances affecting the property make compliance with this requirement difficult or impossible.

~~Combined lot development of two (2) or more lots within the SEFC-1 zone, whether contiguous or non-contiguous, is permitted for the purpose of allocating density for residential and non-residential uses, regardless of any other limitation on floor area by uses as established in this chapter, in accordance with Subtitle K § 240, provided that:~~

- (a) ~~The aggregate residential and non-residential floor area shall not exceed the matter of right maximum height or density of the SEFC-1 zone;~~
- (b) ~~A site that is permitted a height of one hundred thirty feet (130 ft.) is permitted a maximum non-residential density of 6.5 FAR through combined lot development; and~~
- (c) ~~Ground floor area required for ground floor street oriented preferred uses required in accordance with Subtitle K § 237.5 may not be transferred to any other lot through combined lot development.~~

...

*1.c Amend Subtitle K, § 203, HEIGHT, by amending §§ 203.1 and 203.2, as follows:*

**203 HEIGHT (SEFC-1)**

203.1 The maximum permitted building height, not including the penthouse, in the SEFC--1 ~~zone~~ zones shall be one hundred and ten feet (110 ft.), except as set forth below ~~that~~:

- (a) ~~A site that has frontage on any portion of New Jersey Avenue, S.E., that is south of and within three hundred twenty two feet (322 ft.) of M Street, S.E.,~~ **Parcel A** is permitted a maximum height of one hundred thirty feet (130 ft.); and
- (b) ~~For a site within Parcels A, F, G, or~~ **and H** utilizing the bonus density permitted pursuant to ~~§1803.7 (b),~~ the maximum permitted building height shall be ~~that permitted by the Act to Regulate the Height Act.~~ **one hundred thirty feet (130 ft.), if reviewed and approved by the Zoning Commission pursuant to the standards and procedures of Subtitle K §§ 237.4 and 241.**

203.2 Sites fronting on M Street, S.E., east of 4th Street, S.E., are restricted to a height of ninety feet (90 ft.). A building height of one hundred ten feet (110 ft.) maximum is permitted if reviewed and approved by the Zoning Commission pursuant to the procedures of Subtitle K § ~~241~~ **241**. For the purposes of this review, the Zoning Commission shall consider the relationship of the new building to the Navy Yard to the east and may require graduated height and/or design features because of the building's proximity to the Navy Yard.

...

*1.d Amend Subtitle K, § 237, USE PERMISSIONS, by amending §§ 237.4(a) and 237.4(a)(12) as follows:*

**237 USE PERMISSIONS**

...

237.4 Within the SEFC-1 zone zones, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242:

- (a) All buildings and structures that have frontage along M Street, S.E., **or utilizes additional density or height pursuant to Subtitle K §§ 202 or 203;** subject also to the applicant proving that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:
  - (1) Are of superior quality;

- (2) For buildings on Parcel A, accommodate the design of the public entrance to the Navy Yard Metrorail Station on Parcel A. The applicant shall demonstrate proactive engagement with the

Washington Metrorail Area Transit Authority (WMATA) in the planning and design of Parcel A as a part of the above design review as set for the below:

- (A) If the applicant moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A; and
- (B) If WMATA moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A;
- (3) Ensure the provision of 1½ Street, S.E. and N Street, S.E. as open and uncovered multimodal circulation routes; and
- (4) Provide three (3) bedroom dwelling units as required pursuant to Subtitle K § 202.1;

...

*I.e Amend Subtitle K, § 240, COMBINED LOT DEVELOPMENT PROCEDURES (SEFC-1 AND SEFC-4), by deleting the section as follows:*

240 [DELETED]

~~240 COMBINED LOT DEVELOPMENT PROCEDURES (SEFC-1 AND SEFC-4)~~

~~240.1 Combined lot development is permitted within the SEFC 1 zone in accordance with Subtitle K § 202.3, and in the SEFC 4 zone in accordance with Subtitle K §§ 230.6 and 230.7.~~

~~240.2 No allocation of gross floor area shall be effective unless an instrument, legally sufficient to effect such a transfer, is filed with the Zoning Administrator in accordance with this section.~~

~~240.3 The instrument shall bind the present and future owners of the respective SEFC 1 lots so as to permanently devote residential and non residential gross floor area on~~



~~site equal to that square footage transferred or received, and shall specify the allocation of residential and non-residential uses among the lots.~~

~~240.4 The instrument shall bind the present and future owners of the SEFC 4 lots that are situated within the open space area, as described in Subtitle K § 200.8(b), to permanently forego the development of such square footage as was transferred to a lot in the development area and shall specify the amount of square footage transferred.~~

~~240.5 The Office of the Attorney General shall certify the instrument for legal sufficiency. The instrument shall also contain a certification by the Office of Planning attesting to:~~

~~(a) The lots' eligibility to send and receive allocated residential and nonresidential uses; and~~

~~(b) The accuracy of the computations with respect to the amount of residential and non-residential uses or density reallocated or transferred.~~

~~240.6 The District of Columbia need not be made a party to the instrument if the instrument provides that it shall neither be modified nor terminated without the express permission of the Zoning Commission of the District of Columbia.~~

~~240.7 The instrument shall be recorded for all affected lots in the Office of Recorder of Deeds, so that the notice of restrictions and transfer shall run with the title and deed to each affected lot and so that the land records that pertain to each affected lot accurately reflect the amount and type of density associated with the lots.~~

~~240.8 A certified copy of the recorded instrument shall be filed with the Zoning Administrator before approval of any building permit application that is affected by such allocation of uses or density.~~

This public hearing will be conducted in accordance with the rulemaking case provisions of 11 DCMR Subtitle Z, Chapter 5.

### **How to participate as a witness.**

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

**Time limits.**

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail ([donna.hanousek@dc.gov](mailto:donna.hanousek@dc.gov)), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- |    |               |                |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals   | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**

**Do you need assistance to participate?** If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

**¿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.

**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.

**참여하시는데 도움이 필요하세요?** 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

**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。

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.

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።

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Section 3(b)(11), (15), and (17) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11), (15), and (17) (2012 Repl. & 2017 Supp.)), hereby gives notice of her adoption of the following amendments to Chapter 84 (General Educational Development (GED<sup>®</sup>) Testing) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the final rulemaking is to alleviate undue barriers for test applicants in establishing their eligibility to take the GED tests in the District that were recently discovered during the implementation of the most recent rulemaking on this chapter, published in the *D.C. Register* on April 8, 2016 at 63 DCR 5227.

The Notice of Proposed Rulemaking was published in the *District of Columbia Register* on August 11, 2017, at 64 DCR 7949. The comment period officially closed on September 11, 2017. OSSE did not receive any comments and has not made any changes in the Final Rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 84, GENERAL EDUCATIONAL DEVELOPMENT (GED<sup>®</sup>) TESTING, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:**

**Add new Subsections 8402.6 and 8402.7 to Section 8402, ELIGIBILITY REQUIREMENTS, as follows:**

8402.6 Verification of an applicant's residence in the District of Columbia by the State Superintendent shall be valid for twelve (12) months so long as the applicant has maintained residency in the District. If the applicant's address of residency has changed since the verification of residency, the applicant shall re-establish residency in the District by presenting documentation in compliance with D.C. Official Code §§ 38-309-310.

8402.7 Notwithstanding Subsection 8402.1, an applicant that is currently enrolled as a resident student, as set forth in 5-A DCMR §§ 100 *et seq.*, in a District of Columbia public school or public charter school's established GED program, may provide proof of enrollment to establish residence in the District of Columbia.

Amend Subsection 8403.1(a) in Section 8403, RETESTING, as follows:

**8403           RETESTING**

8403.1

...

- (a) Thirty (30) calendar days since the date of their failed attempt, if the applicant has taken the corresponding GED Ready<sup>®</sup> test, the official practice test for the GED<sup>®</sup> test and achieved a result of “likely to pass” or “too close to call” within the last one hundred eighty (180) days; or

...

## 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 an amendment to Chapter 48 (Medicaid Program: Reimbursement) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules establish updated methods and standards for the reimbursement of inpatient hospital services provided by specialty hospitals through the District Medicaid program. Specifically, these rules make three (3) changes to the reimbursement methodology for Medicaid reimbursement to specialty hospitals classified as rehabilitation hospitals. First, Subsections 4814.12 through 4814.14 have been amended to adjust the initial year in which reimbursement rates for rehabilitation hospitals are rebased from Fiscal Year (FY) 2019 to FY 2018. The next year in which reimbursement rates for rehabilitation hospitals will be rebased will be FY 2023, aligning with the rebasing schedule for other types of specialty hospitals. Second, Subsections 4814.3 and 4814.6 have been amended to clarify that inpatient psychiatric services provided to individuals under age twenty-one (21) and individuals age sixty-five (65) and over may be eligible for reimbursement subject to federal and District regulatory requirements. Finally, Subsection 4814.11 has been amended to clarify what is included in the Medicare inflation factor.

These rules correlate to a proposed amendment to the District of Columbia State Plan for Medical Assistance (State Plan). The corresponding State Plan Amendment (SPA) requires approval by the Council of the District of Columbia (Council) and the Centers for Medicare and Medicaid Services (CMS). The Council approved the corresponding SPA through the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775 (August 26, 2017)). These rules are contingent upon approval of the corresponding SPA by CMS, which was approved on September 15, 2017 with an effective date of October 1, 2017. The estimated impact to annual aggregate expenditures for the SPA is \$1,787,071 in Fiscal Year 2018 and \$1,890,415 in Fiscal Year 2019.

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007498. No comments were received and no substantive changes have been made. The Director has adopted these rules as final on October 17, 2017 and they shall become effective on the date of publication of this rulemaking in the *D.C. Register*.

**Chapter 48, MEDICAID PROGRAM: REIMBURSEMENT, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 4814, SPECIALTY INPATIENT SERVICES: GENERAL PROVISIONS, is amended as follows:**

**4814 SPECIALTY INPATIENT SERVICES: GENERAL PROVISIONS**

- 4814.1 The District of Columbia's Medicaid program shall reimburse claims associated with discharges from specialty hospitals, occurring on and after October 1, 2014, in accordance with the methodology described in Sections 4814 through 4819 of these rules. A claim eligible for payment shall reflect an approved specialty inpatient hospital stay of at least one (1) day or more by a beneficiary who is eligible for Medicaid.
- 4814.2 A specialty hospital shall be reimbursed either on a per diem (PD) or a per stay (PS) basis using the All Payer Refined-Diagnostic Related Group (APR-DRG) perspective payment system. DHCF adopted the APR-DRG classification system, as contained in the 2014 APR-DRG Classification System Definitions Manual, version 31.0, for purposes of calculating rates set forth in this section. Subsequent versions representing significant changes to the APR-DRG Classification System Definitions Manual may be adopted by DHCF at a later date.
- 4814.3 For purposes of Medicaid reimbursement, a specialty hospital meets the definition of a "special hospital" that is set forth in 22-B DCMR § 2099. Specialty hospitals classified as psychiatric hospitals shall be eligible for reimbursement of: (1) inpatient psychiatric services for individuals under age twenty-one (21) in accordance with the requirements set forth in 42 CFR § 440.160; and (2) inpatient hospital services for individuals age sixty-five (65) or over in accordance with federal and District regulatory requirements. Specialty hospitals classified as rehabilitation hospitals or long term care hospitals (LTCHs) shall be eligible for reimbursement for services that meet the definition at 42 CFR § 440.10.
- 4814.4 For discharges occurring on or after October 1, 2014, the following types of specialty hospitals in the District shall be reimbursed on a PD basis as described at Section 4815:
- (a) Psychiatric hospitals;
  - (b) Pediatric hospitals not eligible for APR-DRG payment under Sections 4800-4813; and
  - (c) Rehabilitation hospitals.
- 4814.5 For discharges occurring on or after October 1, 2014, LTCHs in the District shall be reimbursed on a PS basis as described at Section 4816.

- 4814.6 Out-of-District hospitals that deliver services meeting the requirements set forth in Subsection 4814.3 shall be reimbursed in accordance with the requirements set forth in Sections 4813, 4814, and 4815.
- 4814.7 A hospital entering the District of Columbia market after October 1, 2014 shall demonstrate substantial compliance with all applicable laws and policies, including licensure, prior to contacting DHCF to initiate the rate setting process, including classification as either a per diem or per stay hospital.
- 4814.8 Each hospital classified within the specialty category shall have a hospital-specific base PD rate calculated in accordance with Section 4815 or base PS rate calculated in accordance with Section 4816. For purposes of this section, the base year period shall be Fiscal Year (FY) 2013, or October 1, 2012 through September 30, 2013.
- 4814.9 Cost classifications and allocation methods shall be applied in accordance with the CMS Guidelines for Form CMS 2552-10 and the Medicare Provider Reimbursement Manual 15, or subsequent superseding issuances from CMS.
- 4814.10 The hospital-specific cost-to-charge ratio (CCR) for specialty hospitals located in the District shall be calculated annually in accordance with 42 CFR § 413.53 and 42 CFR §§ 412.1 through 412.125, as reported on cost reporting Form HFCA 2552-10, Worksheet C Part I, or its successor. For purposes of specialty hospital reimbursement, organ acquisition costs shall not be included in the CCR calculation.
- 4814.11 Effective FY 2016, beginning on October 1, 2015, and annually thereafter, except during a rebasing year, DHCF shall apply an inflation adjustment to the then current base per diem or per stay rate associated with each specialty hospital. The inflation adjustment factor shall be calculated by multiplying the current base rate by the Medicare inflation factor as set forth in 42 USC § 1395ww (including multifactor productivity, statutory and any other relevant adjustments to the market basket rate of increase) to equal the adjusted base rate. DHCF shall base the inflation adjustment factor on the appropriate, hospital type specific inflation factor proposed under the Medicare program, set forth in the Hospital Inpatient Prospective Payment Systems (PPS) for general hospitals and the LTCH PPS for the same federal FY in which the rates will be effective.
- 4814.12 Except as provided in Subsections 4814.13 and 4814.14, effective in FY 2019, which begins on October 1, 2018, and every four (4) years thereafter (*i.e.*, quadrennially), the base rate for each specialty hospital shall be rebased as follows:
- (a) For rebasing occurring quadrennially on October 1, the updated base rate shall be based on each hospital's submitted cost reports for the hospital's



fiscal year that ends prior to October 1, of the prior calendar year, including case mix, claims, and discharge data; and

- (b) Any hospital that enters the District of Columbia market during a non-rebasing year shall be paid a rate equal to the base rate associated with a comparable specialty hospital until the next rebasing period, provided at least twelve (12) months of data are available prior to rebasing.

- 4814.13 For specialty hospitals classified as rehabilitation hospitals, effective FY 2018, which begins on October 1, 2017, the base rate for each rehabilitation hospital shall be rebased using the methodology outlined in Subsection 4814.12.
- 4814.14 Following the FY 2018 rebasing for rehabilitation hospitals described in Subsection 4814.13, the base rate for each rehabilitation hospital shall be rebased effective FY 2023, beginning on October 1, 2022, and every four (4) years thereafter (*i.e.*, quadrennially).
- 4814.15 Out-of-District specialty hospitals, not located in Maryland, shall be reimbursed for inpatient discharges in the same manner as general hospitals, pursuant to Sections 4800 through 4813.
- 4814.16 In the event that an out-of-District hospital offers inpatient specialty services that are distinct from services offered by other hospitals, DHCF may consider alternative reimbursement for those specialty inpatient services, provided the needs of Medicaid beneficiaries cannot be met by an in-District hospital.
- 4814.17 Maryland hospitals shall be reimbursed for specialty inpatient hospital services in accordance with Subsection 4800.12.
- 4814.18 All specialty hospital inpatient stays and non-emergency transfers shall be prior authorized pursuant to Subsection 4800.5.
- 4814.19 A specialty hospital located in an EDZ shall receive an increased reimbursement rate pursuant to Subsection 4810.1.
- 4814.20 Reimbursement of same-day discharges shall occur in accordance with Subsections 4812.1 through 4812.2.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendment to Chapter 46 (Medicine) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for physicians. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

This rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007502. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 20, 2017 and will be effective upon 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 4606, CONTINUING EDUCATION REQUIREMENTS FOR NONPRACTICING PHYSICIANS, is amended as follows:**

**Subsection 4606.4 is amended to read as follows:**

4606.4 An applicant for renewal, reactivation, or reinstatement of a license who has not been actively practicing medicine for a period of one (1) to five (5) years shall submit proof pursuant to § 4606.7 that the applicant has completed acceptable continuing medical education for each year after December 31, 1988, that the applicant has not been actively practicing medicine as follows:

- (a) Twenty-five (25) hours of credit in continuing medical education meeting the requirements of Category 1;
- (b) Twenty-five (25) hours of credit in continuing medical education meeting the requirements of either Category 1 or Category 2; and

- (c) Beginning with the renewal period ending December 31, 2018, two (2) AMA/PRA Category I or Category I-equivalent hours in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 4607.4, and which shall count towards the hours required under paragraphs (a) and (b). Category I-equivalent hours shall be acceptable so long as they have been prescribed by the American Academy of Family Physicians or another entity approved by the Board.

**Section 4607, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:**

**A new Subsection 4607.4 is added to read as follows:**

- 4607.4 Continuing medical education hours that are completed, pursuant to § 4606.4(c) of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician to care effectively and respectfully for patients who identify as LGBTQ, which may include:
- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
  - (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
  - (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
  - (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
  - (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
  - (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
  - (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

**Section 4614, CONTINUING EDUCATION REQUIREMENTS FOR PRACTICING PHYSICIANS, is amended as follows:**

**Subsection 4614.2 is amended to read as follows:**

4614.2 Physicians actively practicing medicine in the District of Columbia shall submit proof of having completed fifty (50) American Medical Association Physician Recognition Award (AMA/PRA) Category I hours of Board of Medicine approved continuing education credit during the two-year period preceding the date the license expires which, beginning with the renewal period ending December 31, 2018, shall include two (2) AMA/PRA Category I or Category I-equivalent hours in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) which meet the requirements of § 4614.9. Category I-equivalent hours shall be acceptable so long as they have been prescribed by the American Academy of Family Physicians or another entity approved by the Board.

**A new Subsection 4614.9 is added to read as follows:**

4614.9 Continuing medical education hours that are completed, pursuant to § 4614.2, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;

- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 51 (Anesthesiologist Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for anesthesiologist assistants. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

This rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007506. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 20, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 51, ANESTHESIOLOGIST ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 5108, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 5108.2 is amended to read as follows:**

- 5108.2 A licensee applying for renewal shall meet continuing education requirements by demonstrating that he or she has:
- (a) Been recertified by the National Commission for Certification of Anesthesiologist Assistants (NCCAA), or its successor organization; and
  - (b) Beginning with the renewal period ending December 31, 2018, completed two (2) continuing education hours in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) which meet the requirements of §§ 5108.5 and 5108.6.

**A new Subsection 5108.5 is added to read as follows:**

- 5108.5 Continuing education hours that are completed, pursuant to § 5108.2(b), in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:
- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
  - (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
  - (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
  - (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
  - (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
  - (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
  - (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

**A new Subsection 5108.6 is added to read as follows:**

- 5108.6 A licensee applying for renewal shall, at the Board's request, provide proof of having completed the continuing education hours required by § 5108.2(b) which shall contain the following information:
- (a) The name of the program, its location, and a description of the subject matter covered;
  - (b) The dates on which the applicant attended the program;
  - (c) The hours of credit claimed; and
  - (d) Verification of completion of the credits by signature or stamp of the sponsor.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 52 (Naturopathic Medicine) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for naturopathic physicians. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

This rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007509. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 20, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 52, NATUROPATHIC MEDICINE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 5206, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 5206.4 is amended to read as follows:**

5206.4 An applicant for renewal of a license shall:

- (a) Have completed thirty (30) hours of approved continuing education credit during the two (2) year period preceding the date the license expires, which, beginning with the renewal period ending December 31, 2018, shall include two (2) hours of continuing education credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 5206.11;
- (b) Attest to completion of the required continuing education credit on the renewal application form; and



- (c) Be subject to a random audit.

**Subsection 5206.5 is amended to read as follows:**

5206.5 To qualify for a license a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001) for five (5) years who submits an application to reactivate a license shall submit proof pursuant to § 5206.8 of having completed fifteen (15) hours of approved continuing education credit in the year immediately preceding the date of the application. Beginning with the renewal period ending December 31, 2018, two (2) of the fifteen (15) hours of approved continuing education, shall relate to cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) and shall meet the requirement of § 5206.11.

**Subsection 5206.6 is amended to read as follows:**

5206.6 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001) for more than five (5) years who submits an application to reactivate a license shall submit proof pursuant to § 5206.8 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Thirty (30) hours of approved continuing education credit, which, beginning with the renewal period ending December 31, 2018, shall include two (2) hours of continuing education credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 5206.11; and
- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a naturopathic physician.

**Subsection 5206.7 is amended to read as follows:**

5206.7 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 5206.8 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Thirty (30) hours of approved continuing education credit, which, beginning with the renewal period ending December 31, 2018, shall include two (2) hours of continuing education credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer,

or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 5206.11; and

- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a naturopathic physician.

**A new Subsection 5206.11 is added to read as follows:**

5206.11 Continuing education hours that are completed in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 80 (Surgical Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for surgical assistants. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

This rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007512. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 20, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 80, SURGICAL ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 8008, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 8008.2 is amended to read as follows:**

8008.2 An applicant for renewal of a license to practice as a surgical assistant shall submit proof pursuant to § 8008.6 of having completed during the two-year (2) period preceding the date the license expires approved continuing education units (CEUs) constituting:

- (a) Fifty (50) hours of CEU credit as specified in § 8009.2; and
- (b) Beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 8009.3, and which shall count towards the hours required under paragraph (a).

**Subsection 8008.4 is amended to read as follows:**

8008.4 A surgical assistant who is required to obtain continuing education units pursuant to § 8008.2 may, in lieu of meeting the requirement of that section through the completion of CEUs approved by the Board pursuant to § 8009, furnish proof satisfactory to the Board that the surgical assistant holds a current valid certification from the American Board of Surgical Assistants or the National Surgical Assistant's Association and has completed fifty (50) hours of CEUs over a two-year (2) period as part of that certification. Nothing in this subsection shall waive the requirement of § 8008.2(b).

**Subsection 8008.5 is amended to read as follows:**

8008.5 An applicant for reactivation of an inactive license or reinstatement of a license to practice as a surgical assistant shall submit proof pursuant to § 8008.6 of having completed during the two-year (2) period immediately preceding the date of application approved CEUs, including, beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 8009.3.

**Section 8009, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:****Subsection 8009.3 is renumbered as 8009.4.****A new Subsection 8009.3 is added to read as follows:**

8009.3 CEU credit hours that are completed, pursuant to § 8008.2(b) of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;

- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 81 (Polysomnography) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for polysomnographers. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

This rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007515. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 20, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 81, POLYSOMNOGRAPHY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 8106, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 8106.3 is amended to read as follows:**

8106.3        A licensed polysomnographic technologist shall earn a minimum of twenty (20) continuing education credits during the two (2) year period immediately preceding the date of any subsequent license renewal. Beginning with the renewal period ending December 31, 2018, two (2) of the twenty (20) continuing education credits shall be in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 8107.6.

**Section 8107, APPROVED CONTINUING EDUCATION PROGRAMS, is amended as follows:**

**A new Subsection 8107.6 is added to read as follows:**

8107.6 CEU credit hours that are completed, pursuant to § 8106.3 of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and
- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 106 (Trauma Technologists) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking is necessary to update the District of Columbia Municipal Regulations pertinent to the Board of Medicine in order to reflect additional continuing education requirements imposed by the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 for trauma technologists. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

This rulemaking was published in the *D.C. Register* on August 4, 2017 at 64 DCR 007517. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 20, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 106, TRAUMA TECHNOLOGISTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 10608, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:**

**Subsection 10608.2 is amended to read as follows:**

10608.2 An applicant for renewal of a license to practice as a trauma technologist shall submit proof pursuant to § 10608.5 of having completed during the two-year (2) period preceding the date the license expires approved continuing education units (CEUs) constituting:

- (a) Fifty (50) hours of CEU credit as specified in § 10609.2; and
- (b) Beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 10609.3, and which shall count towards the hours required under paragraph (a).



**Subsection 10608.4 is amended to read as follows:**

10608.4 An applicant for reactivation of an inactive license or reinstatement of a license to practice as a trauma technologist shall submit proof pursuant to § 10608.5 of having completed during the two-year (2) period immediately preceding the date of application approved CEUs, including, beginning with the renewal period ending December 31, 2018, two (2) hours of CEU credit in cultural competence or appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression (LGBTQ) that meets the requirement of § 10609.3.

**Section 10609, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:****Subsection 10609.3 is renumbered § 10609.4.****A new Subsection 10609.3 is added to read as follows:**

10609.3 CEU credit hours that are completed, pursuant to § 10608.2(b) of this chapter, in cultural competence and appropriate clinical treatment specifically for individuals who are LGBTQ shall, at a minimum, provide information and skills to enable a physician assistant to care effectively and respectfully for patients who identify as LGBTQ, which may include:

- (a) Specialized clinical training relevant to patients who identify as LGBTQ, including training on how to use cultural information and terminology to establish clinical relationships;
- (b) Training that improves the understanding and application, in a clinical setting, of relevant data concerning health disparities and risk factors for patients who identify as LGBTQ;
- (c) Training that outlines the legal obligations associated with treating patients who identify as LGBTQ;
- (d) Best practices for collecting, storing, using, and keeping confidential, information regarding sexual orientation and gender identity;
- (e) Best practices for training support staff regarding the treatment of patients who identify as LGBTQ and their families;
- (f) Training that improves the understanding of the intersections between systems of oppression and discrimination and improves the recognition

that those who identify as LGBTQ may experience these systems in varying degrees of intensity; and

- (g) Training that addresses underlying cultural biases aimed at improving the provision of nondiscriminatory care for patients who identify as LGBTQ.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

## RULEMAKING NUMBER 23 –2017-01 - NATURAL GAS

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of the adoption of amendments to Chapter 23 (Natural Gas) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”). The Commission issued a Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register* on August 25, 2017, giving notice of the Commission’s intent to adopt amendments to Section 2315, Gas Procurement Report, of Chapter 23 of the Commission’s rules.<sup>1</sup> No Comments were filed.

2. As indicated in the NOPR, the purpose of the amendments was to update the Gas Procurement Reporting requirements. Accordingly, the Commission, at its regularly scheduled open meeting held on October 18, 2017, took final action to adopt Section 2315 as proposed in the NOPR published in the August 25, 2017, *DC Register*. The following rules will become effective upon publication of the Notice of Final Rulemaking (“NOFR”) in the *D.C. Register*.

**Chapter 23, NATURAL GAS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 2315, GAS PROCUREMENT REPORT, is amended to read as follows:**

**2315 GAS PROCUREMENT REPORT**

2315.1 On December 1st, biennially, the Washington Gas Light Company (WGL or Company), shall file a Gas Procurement Report (GPR) setting forth the Company’s gas procurement strategies and practices.

2315.2 The GPR shall contain the following information:

- (a) Actual annual and monthly gas supply, billing determinants and costs, including weighted average cost of gas, as allocated to major classes of service by jurisdiction;
- (b) Actual margins for delivery to Interruptible Sales and special contract customers;
- (c) An outline of the efforts made to obtain and maintain a reliable gas supply at reasonable costs; and
- (d) An outline and discussion of the decision-making basis and planning procedures utilized by WGL in its gas procurement activities.

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<sup>1</sup> 64 DCR 8481-8482 (August 25, 2017).

- 2315.3 The GPR shall consist of information that the Commission has directed be included, as well as other considerations agreed upon by the members of the Gas Procurement Working Group (GPWG). The GPWG, which shall consist of representatives from the Staff of the Commission (Staff), the Office of the People's Counsel (OPC) and WGL, shall meet periodically to discuss and refine the GPR. However, WGL, not the GPWG, shall formulate the GPR.
- 2315.4 The GPWG shall review and discuss gas procurement planning activities and strategies. The GPWG shall transfer technical knowledge to the Staff which will ultimately assist in the Commission's review and evaluation of the Company's planning activities and strategies.
- 2315.5 OPC and the public may file comments not later than ninety (90) days from the date of the GPR's submission to the Commission.
- 2315.6 WGL should submit reply comments, if any, not later than thirty (30) days from the submission of comments of OPC or the public.
- 2315.7 The Commission shall review the GPR, OPC's comments, along with any public comments, and any reply comments and thereafter make public its evaluation of the GPR.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL 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 to the adoption of amendments to Chapter 7 (Admissions and Academic Standards) of Title 8 (Higher Education), Subtitle B (University of the District of Columbia), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to establish a Metropolitan Area Residents rate for the University of the District of Columbia David A. Clarke School of Law, beginning in the fall semester of 2018.

The substance of the rules adopted herein was published in the *D.C. Register* on June 16, 2017 at 64 DCR 005691 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on September 19, 2017, and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:**

**Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS, Subsection 728.1, is amended as follows:**

728.1 The following tuition and fees have been approved by the Board of Trustees consistent with D.C. Official Code § 38-1202.06(8):

**Subsections 728.5 and 728.6 are amended as follows:**

728.5 DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS  
FULL TIME PROGRAM STUDENTS (FALL & SPRING SEMESTERS ONLY)

	<u>Per Semester</u>
Washington, D.C. Residents	\$5,919.00
Metropolitan Area Residents *	\$8,878.00
All Other Residents	\$11,837.00

\*Applies only to students who enroll for the first time at the UDC David A. Clarke School of Law for the fall semester of 2018 or thereafter.

728.6 DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS  
ALL OTHER STUDENTS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$402.00
Metropolitan Area Residents*	\$601.00
All Other Residents	\$802.00

\*Applies only to students who enroll for the first time at the David A. Clarke School of Law for the fall semester of 2018 or thereafter.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL 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 the adoption of amendments to Chapter 7 (Admissions and Academic Standards) of Title 8 (Higher Education), Subtitle B (University of the District of Columbia), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to adjust tuition rates for degree granting programs beginning in the fall semester of 2018.

The substance of the rules adopted herein was published in the *D.C. Register* on June 16, 2017 at 64 DCR 005693 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on September 19, 2017, and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:**

**Subsections 728.1 – 728.8 of Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS, are amended as follows:**

728.1 The following tuition and fees have been approved by the Board of Trustees consistent with D.C. Official Code § 38-1202.06(8):

728.2 COMMUNITY COLLEGE ASSOCIATE DEGREE-GRANTING PROGRAMS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$111.00
Metropolitan Area Residents	\$187.00
All Other Residents	\$316.00

728.3 FLAGSHIP BACCALAUREATE DEGREE-GRANTING PROGRAMS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$308.00
Metropolitan Area Residents	\$356.00
All Other Residents	\$647.00

728.4 FLAGSHIP GRADUATE DEGREE-GRANTING PROGRAMS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$488.00
Metropolitan Area Residents	\$552.00
All Other Residents	\$939.00

728.5 DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS  
FULL TIME PROGRAM STUDENTS (FALL & SPRING SEMESTERS ONLY)

	<u>Per Semester</u>
Washington, D.C. Residents	\$5,919.00
All Other Residents	\$11,837.00

728.6 DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS  
ALL OTHER STUDENTS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$402.00
All Other Residents	\$802.00

728.7 SCHOOL OF ENGINEERING BACCALAUREATE DEGREE-GRANTING  
PROGRAMS

	<u>Per Credit Hour</u>
Washington, D.C. Residents	\$320.00
Metropolitan Area Residents	\$370.00
All Other Residents	\$671.00

728.8 Definitions

- (a) **Full-Time Students.** Any undergraduate or community college student enrolled in at least twelve (12) credits hours per semester, or any graduate student enrolled in at least nine (9) credit hours per semester, shall be considered a full-time student for the purposes of calculation of tuition in accordance with this chapter. Full-time undergraduate and community college students shall be charged tuition for each semester in which they are enrolled in the amount of twelve (12) credit hours, regardless of the number of credit hours actually taken. Full-time graduate students shall be charged tuition for each semester in which they are enrolled in the amount of nine (9) credit hours, regardless of the number of credit hours actually taken.



- (b) **Metropolitan Area Residents.** Any individual who can establish residency in one of the following counties shall be considered a Metropolitan Area Resident: Montgomery County, Maryland; Prince George's County, Maryland; Arlington County, Virginia; City of Alexandria, Virginia; Fairfax County, Virginia. The standards used to establish residency shall be the same standards used to establish residency for District residents.



5721	Excess Utility Charges
5722	Security Deposits
5723	Repayment of Security Deposits and Move-Out Inspections
5724	Rent Collection
5725	Returned Checks
5726	Retroactive Rent
5727	Abatement of Rent
5728	[RESERVED]
5729	[RESERVED]
5730	Grievance Policy
5731	Filing a Complaint
5732	Informal Settlement of Complaints
5733	Request for Hearing
5734	Selection of Hearing Officers
5735	Authority of Hearing Officers
5736	<i>Ex parte</i> Communications
5737	Rights of Complainants
5738	Nonpayment of Rent: Escrow Deposit Required
5739	Failure to Appear
5740	Hearing Procedures
5741	Transcript of Procedures
5742	Decision of the Hearing Officer
5743	Briefs in Support of or Taking Issue with the Decision of the Hearing Officer
5744	Effect of Decision
5745	Decision of the Executive Director of DCHA
5746	Notice to Vacate Premises
5747	Records
5748	Transfer Policy
5749	Mandatory Transfers
5750	Voluntary Transfers
5751	Family Right to Move
5752	Owner Termination of Tenancy
5753	DCHA Termination of Assistance
5754	Voluntary Termination of Tenancy
5755	Dwelling Lease: Lease Provisions
5756	Changes to the Lease
5757	Lessee Rights and Responsibilities
5758	DCHA Responsibilities
5759	Repair Procedure
5760	Charge to the Tenant for Repairs and Services
5761	Right to Enter Dwelling
5762	Move-In and Move-Out Inspections
5763	Annual Inspection
5764	Reasonable Accommodations: Introductions
5765	Reasonable Accommodations: Application of Reasonable Accommodations Policy

5766	Reasonable Accommodations: Person with a Disability
5767	Request for Reasonable Accommodations
5768	Request for Reasonable Accommodations by RAD/PBV Participants and Applicants
5769	Occupancy of Accessible Unit
5770	Grievances
5771	Service or Assistance Animals
5772	Recertification/Lease Renewal
5773	Barring Policy
5774	Vehicle Policy
5775	Achieving Your Best Life Program in RAD Covered Projects
5776	Resident Participation
5799	Definitions

## **5700 RAD-CONVERTED HOUSING: GENERAL PROVISIONS**

- 5700.1 This Chapter 57 of Title 14 DCMR supplements the Section 8 Administrative Plan and sets forth rules which govern the operation of housing converted under the Rental Assistance Demonstration (“RAD”) from public housing to housing funded by long-term, project-based Section 8 rental assistance contracts in the District of Columbia (hereinafter “RAD properties” or “RAD Covered projects”), under the authority of the District of Columbia Alley Dwelling Act of 1934 (D.C. Official Code §§ 5-101 to 5-116 (2012 Repl.)).
- 5700.2 The rules set forth in this Chapter 57 shall reflect the requirements of Federal law as detailed by HUD in the Code of Federal Regulations; as well as the Violence Against Women Act (“VAWA”), as amended (42 US-C §§ 13981 *et seq.*); the Fair Housing Act (42 USC §§ 3601, *et seq.*); and the Privacy Act of 1974 (5 USC § 552a); as well as the requirements of the Consolidated and Further Continuing Appropriations Act of 2012, approved November 18, 2011 (Pub. L. No. 112-55), as amended by the Consolidated Appropriations Act, 2014, approved January 17, 2014 (Pub. L. No. 113-76), the Consolidated and Further Continuing Appropriations Act, 2015, approved December 6, 2014 (Pub. L. No. 113-235), and Division L, Title II, Section 237 of the Consolidated Appropriations Act, enacted December 18, 2015 (Pub. L. No. 114-113), collectively, the “RAD Statute.”
- 5700.3 In implementing these rules, DCHA is committed, wherever practicable, to ensuring that the residents’ transition from public housing to project-based voucher-funded housing is as seamless as possible and that the residents of a project maintain, to the extent practical and possible, those rights that they had as public housing residents.

**5701 AMENDMENT OF RULES**

5701.1 Any revision or amendment of this Chapter 57 shall be consistent with the provision of the District of Columbia Administrative Procedures Act (D.C. Official Code §§ 2-501 *et seq.* (2016 Repl.), except as provided for in this section.

5701.2 The rules under this Chapter 57 may be amended by DCHA as follows:

- (a) By publication as a notice in the D.C. Register where amendments are required pursuant to Federal law and regulation, and where the Federal regulation has been issued pursuant to the Federal Administrative Procedure Act; or
- (b) Where Federal regulation provides any discretionary element to DCHA in adopting a policy, amendments shall be published as rules.

5701.3 Any amendment to the rules pursuant to § 5701.2 shall be posted in all appropriate management offices of RAD Covered projects.

**5702 IMPLEMENTATION OF POLICIES**

5702.1 Whenever the policies established under this Chapter 57 require DCHA to provide additional procedural details affecting tenants of RAD Covered projects, the details provided by DCHA shall be consistent with the policies established by HUD, the rules under this Chapter 57, and other provisions of law. Action by DCHA to implement the policies shall be in accordance with this section.

5702.2 The following areas of policy established in this subtitle may be supplemented for implementation purposes by DCHA:

- (a) Section 5720 of this title, relating to the actual utility allowance established for particular property, and any subsequent revision of such allowances, consistent with the policies in § 5720;
- (b) Section 5721 of this title, relating to the actual excess utility charges established for major electrical appliances and for checkmeter charges, and any subsequent revision of the allowances, consistent with the policies in § 5721;
- (c) Section 5756 of this title, relating to changes in the standard form dwelling lease which may be required to implement the policies of this subtitle, and any subsequent revision of those chapters or HUD regulations or provisions of Federal law, consistent with the policies in § 5756 or HUD regulations; and

- (d) Section 5760 of this title, relating to charges to the tenant for costs of repair or other services in accordance with a standard schedule of charges or time required for maintenance activity, consistent with the policies in § 5760.

5702.3 DCHA issuances in areas of policy listed in § 5702.2 shall be as follows:

- (a) The issuance or other proposed action shall be developed in accordance with the policies of this subtitle and HUD regulations and guidance;
- (b) DCHA shall provide a thirty (30) day written notice of the proposed issuance or action to all affected tenants, setting forth the proposed action or modification, the reasons for the proposed action or modification, and provide the tenant an opportunity to present written comment. The notice shall be as follows:
  - (1) Delivered directly or mailed to each tenant; or
  - (2) Posted in at least three (3) conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the management office of the affected property, if any; and
  - (3) Delivered to all members of the tenants’ association of the affected property; and
- (c) DCHA shall take into consideration any comments received during the thirty (30) day comment period prior to the proposed issuance or action becoming effective.

**5703 WAIVER OF RULES**

5703.1 Upon determination of good cause, the Executive Director of DCHA may waive any provision of this subtitle, subject to statutory limitations of Federal and District law. Each waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds on which the waiver is based.

**5704 RULES GOVERNING ADMINISTRATION OF SECTION 8 PROGRAM**

5704.1 The District of Columbia Housing Authority pursuant to requirements and funding from the U.S. Department of Housing and Urban Development administers rental allowance programs under Section 8 of the Housing Act of 1937.

5704.2 HUD requires each public housing authority that manages a Section 8 program to adopt an administrative plan setting forth how it implements the requirements of the Section 8 program and any allowable local policies adopted for that program.

5704.3 The adopted plan for the District of Columbia is the District of Columbia Housing Authority's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs. Copies of the plan are available for review at the District of Columbia Housing Authority, Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002 and on the District of Columbia Housing Authority's website.

**5705 [RESERVED]**

**5706 SELECTION OF AND ASSIGNMENT TO RAD PROPERTIES**

5706.1 Applicants that wish to reside in a RAD Covered Project must apply to either of the Public Housing Waiting Lists, in accordance with the procedures set forth in Chapter 61 of this Title 14.

5706.2 All vacant RAD units shall be assigned to applicants on the Public Housing Waiting Lists, in accordance with the preferences and procedures set forth in Chapter 61 of this Title 14, except where alternative requirements or procedures are provided in this Chapter 57.

5706.3 For applicants that elect to apply to the First Available Waiting List in accordance with Section 6101.6, such applicant shall be considered for a vacancy at any public housing project or RAD Covered Project.

5706.4 For applicants that elect to apply to Site-Based Waiting Lists in accordance with Subsection 6101.7, such applicants shall be permitted to select from both public housing projects and RAD Covered Projects.

5706.5 For applicants applying to Private Mixed Finance Projects, participant selection and assignment shall be in accordance with Section 6113 of this Title 14.

**5707 ELIGIBILITY**

5707.1 The procedures for collecting required information, determining eligibility, and briefing applicants shall be governed by Sections 6106 and 6107 of this Title 14, except as otherwise provided in this Chapter 57. Applicants to Private Mixed Finance Projects shall also be subject to any additional eligibility requirements specified under Section 6113 of this Title 14.

5707.2 DCHA shall consider an applicant eligible for selection for a RAD unit if the applicant meets the following criteria:

- (a) Qualifies as a Family, as defined in Section 5705 of this chapter;
- (b) Annual income does not exceed the income limits for admission under Section 5708 of this chapter;
- (c) Family meets applicant family selection criteria under Section 6109 of this Title 14;
- (d) Family size meets the occupancy standards established by DCHA under Section 5709 of this chapter; and
- (e) Family provides all required information and signs all required documentation, including proof of citizenship or eligible immigrant status.

**5708 INCOME LIMITS**

5708.1 To be eligible for admission to the RAD program, an applicant's annual household income shall be within the income limits for low income families, as established by HUD.

5708.2 HUD establishes low income limits based on eighty percent (80%) of the area median income, very low income limits based on fifty percent (50%) of the area median income, and extremely low income limits based on thirty percent (30%) of the area median income.

5708.3 Income limits shall be applied at the time of eligibility determinations by the Client Placement Division.

5708.4 Based on HUD regulations, DCHA shall ensure that actual admission of eligible low income families from the waiting lists is as follows: at least seventy-five percent (75%) shall be families with extremely low incomes at the time of commencement of occupancy.

**5709 SUBSIDY STANDARDS / VOUCHER SIZE**

5709.1 The Voucher size is used to determine the maximum rent subsidy for a Family assisted in the HCVP.

5709.2 The following requirements apply when DCHA determines Voucher size under the subsidy standards:

- (a) The subsidy standards shall provide for the lowest number of bedrooms needed to house a Family without overcrowding;
- (b) The subsidy standards shall be consistent with space requirements under the Housing Quality Standards contained in § 5321;



- (c) The subsidy standards shall be applied consistently for all families of like size and composition;
- (d) A child who is temporarily away from the home because of placement in foster care is considered a member of the Family in determining the Voucher size;
- (e) A live-in aide, approved by DCHA, shall be counted in determining the Voucher size;
- (f) Foster children and adult wards shall be included in the determination of the Voucher size; and
- (g) The Voucher size for any Family consisting of a single person shall only be a one (1)-bedroom.

5709.3 DCHA shall assign one (1)-bedroom for the Head of Household and/or a Spouse and an additional bedroom for each two (2) persons within the household with the following exceptions:

- (a) Children of the opposite gender shall be allocated separate bedrooms once one of the children is over the age of five (5) or if one of the children will turn five (5) within the initial term of the voucher.
- (b) Children of the same gender shall be allocated one (1) bedroom. Beginning at age thirteen (13), if there is a difference of five (5) years or more, children of the same gender shall have separate bedrooms.
- (c) Adult Family members shall not be allocated a bedroom with a minor.
- (d) A bedroom shall not be assigned to an unborn child; and
- (e) A live-in aide approved by DCHA shall be allocated an individual bedroom.

5709.4 Considerations to persons attending school away from home shall be in accordance with DCHA policies regarding absent Family members under § 5319.

5709.5 In determining the Voucher size for a particular Family, DCHA may grant an exception to the subsidy standards set forth in this § 5709 if DCHA determines that the exception is justified by the age, sex, gender identity, health, or disability of one (1) or more of the Family members.

- 5709.6 For a single person who is not elderly, disabled, or a remaining Family member as explained in § 5317.8, an exception cannot override the regulatory limit of a one (1) bedroom unit.
- 5709.7 The Family shall request any exceptions to the Voucher sizes in writing to DCHA. The request shall explain the need or justification for a larger Family unit size, and shall include appropriate documentation. Family requests based on health-related reasons shall be verified by a knowledgeable professional source (such as a doctor or health professional).
- 5709.8 DCHA shall notify the Family of its determination within thirty (30) days of receiving the Family's request for an exception. If a participant Family's request is denied, the notice shall inform the Family of their right to an informal hearing under Sections 5730 through 5747 of this chapter.

## **5710 BRIEFING**

- 5710.1 The purpose of the briefing is to fully inform the applicant Family about the RAD Project-Based Program.
- 5710.2 DCHA shall give each Family accepted into the RAD Project-Based Program an oral briefing and provide the Family with a briefing packet containing written information about the RAD Project-Based Program.
- 5201.3 Families may be briefed individually or in groups. At the briefing, DCHA shall ensure effective communication in accordance with the requirements of relevant sections of the following federal and local statutes:
- (a) Section 504 of the Rehabilitation Act (29 USC §§ 701, *et seq.*);
  - (b) The D.C. Language Access Act (D.C. Official Code §§ 2-1931, *et seq.* (2016 Repl.));
  - (c) The Fair Housing Act (42 USC §§ 3601, *et seq.*);
  - (d) The D.C. Human Rights Act (D.C. Official Code §§ 2-1401.01, *et seq.* (2016 Repl.)); and
  - (e) The Americans with Disabilities Act (42 USC §§ 12101, *et seq.*).
- 5710.4 DCHA shall ensure that the briefing site is accessible to individuals with disabilities. Applicants with disabilities may request that DCHA provide other reasonable accommodations when conducting briefings.
- 5710.5 The Head of Household shall be required to attend the briefing. DCHA will encourage other adult Family members to participate in the briefing. All adult

Family members are responsible for complying with RAD Project-Based Program rules even if they do not attend the briefing.

5710.6 Families that attend group briefings and still need individual assistance shall be referred to an appropriate DCHA staff person.

**5711 NOTIFICATION AND ATTENDANCE**

5711.1 The RAD Program shall notify Families in writing, by first class mail or hand delivery, of their eligibility for assistance at the time that they are invited to attend a briefing. The notice shall identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

**5712 ORAL BRIEFING**

5712.1 Each briefing shall provide information on the following subjects:

- (a) How the RAD Project-Based Program works;
- (b) Family and owner responsibilities;

**5713 BRIEFING PACKET**

5713.1 Documents and information provided in the briefing packet shall include the following:

- (a) A description of the method used to calculate the Housing Assistance Payment (HAP) for a Family, including:
  - (1) How DCHA determines the payment standard for a Family;
  - (2) How DCHA determines Total Tenant Payment (TTP) for a Family; and
  - (3) Information on the payment standard and utility allowance schedule;
- (b) An explanation of how DCHA determines the maximum allowable rent for an assisted unit;
- (c) The HUD-required Lease Addendum which shall be included in the lease.
- (d) A statement of DCHA policy on providing information about families to RAD Covered Project owners;
- (e) DCHA subsidy standards including when and how exceptions are made;

- (f) The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*;
- (g) Information on federal, state, and local equal opportunity laws and a copy of the housing discrimination complaint form;
- (h) Information on an applicant or participant's rights under VAWA, including the right to confidentiality and the exceptions;
- (i) Notice that if the Family includes a person with disabilities, the Family may request a list of available accessible units available in the RAD Project-Based Program;
- (j) The Family Obligations under the Program;
- (k) The grounds on which DCHA may terminate assistance or a lease for a Family because of Family action or failure to act;
- (l) RAD Project-Based informal hearing procedures including when DCHA and the owner of the RAD Covered Project are required to offer a Family the opportunity for an informal hearing, and how to request a hearing;
- (m) The publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a Family shall avoid and the penalties for program abuse.

#### **5714 APPROVAL OF REQUEST FOR TENANCY**

5714.1 Prior to approving the assisted tenancy at a RAD property, DCHA shall ensure that all required actions and determinations have been completed. These actions include ensuring:

- (a) That the unit is eligible;
- (b) That the unit has been inspected by DCHA and meets the HQS;
- (c) That the lease offered by the owner is approvable and contains the following:
  - (1) The initial lease terms and the renewal term;
  - (2) Who is responsible for payment of utilities;
  - (3) The names of the occupants; and

(4) The required Tenancy Addendum;

- (d) That the rent to be charged by the owner for the unit is reasonable in accordance with Section 5717 of this Chapter 57;
- (e) Where the Family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the Family, that the share of rent to be paid by the Family is set in accordance with Subsection 5717.2 of this Chapter 57;
- (f) That the owner is an eligible owner, has been neither disapproved by DCHA nor debarred by HUD, and has no prohibited conflicts of interest; and
- (g) That the unit is accessible when the tenant has a disability.

5714.2 DCHA shall complete its determination within ten (10) business days of receiving all required information listed in § 5212 of this Title 14.

5714.3 If the terms of the Request for Tenancy Approval or the proposed lease are changed for any reason, including but not limited to negotiation with DCHA, DCHA shall obtain corrected copies of the RTA and proposed lease.

5714.4 Corrections to the RTA or the proposed lease shall only be accepted as hard copies, in person, by mail, by fax, or electronically to an authorized DCHA email address.

5714.5 If DCHA determines that the tenancy cannot be approved for any reason, the owner and the Family shall be notified in writing and given the opportunity to address any reasons for disapproval. DCHA's notice shall instruct the owner and Family of the steps that are necessary to approve the tenancy.

5714.6 If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), DCHA shall attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy shall be approved.

## **5715 SEPARATE AGREEMENTS**

5715.1 Owners and tenants may execute agreements for services, appliances (other than for range and refrigerator), and other items outside those which are provided under the lease if the agreement is in writing and approved by DCHA.

5715.2 Any appliance, service, or other item which is routinely provided to nonsubsidized tenants as part of the lease (such as air conditioning, dishwasher, or garage) or are permanently installed in the unit cannot be put under separate agreement and shall be included in the lease. For there to be a separate agreement,

the tenant shall have the option of not utilizing the service, appliance, or other item.

5715.3 DCHA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

5715.4 If the tenant and owner have come to an agreement on the amount of Charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they shall be allowed. Costs for seasonal items can be spread out over twelve (12) months.

5715.5 Copies of all separate agreements shall be provided to DCHA.

#### **5716 HOUSING ASSISTANCE PAYMENT CONTRACT EXECUTION**

5716.1 Owners who have not previously participated in the voucher program shall attend a meeting with DCHA in which the terms of the Tenancy Addendum and the HAP contract shall be explained. DCHA may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCVP.

5716.2 The owner and the assisted Family shall execute the dwelling lease, and the owner shall provide a copy to DCHA with signatures. DCHA shall ensure that both the owner and the assisted Family receive copies of the dwelling lease.

5716.3 The owner and DCHA shall execute the HAP contract with notarized signatures. DCHA shall not execute the HAP contract until the owner has submitted IRS form W-9. DCHA shall ensure that the owner receives a copy of the executed HAP contract.

#### **5717 RENT CALCULATIONS**

5717.1 Initial Contract Rent. The amount to DCHA must not exceed the lowest of:

- (a) An amount determined by DCHA, not to exceed one hundred ten percent (110%) of the applicable fair market rent for the unit bedroom size minus any utility allowance; or
- (b) The reasonable rent as determined in accordance with 24 CFR § 983.302; or
- (c) The rent requested by the owner.

5717.2 Tenant Rent. Notwithstanding provisions which may appear elsewhere in this subtitle, each tenant shall pay, as Tenant Rent, the greater of the following:

- (a) Income-based rent as the greater of one twelfth (1/12) of thirty percent (30%) of adjusted income; or
- (b) One twelfth (1/12) of ten percent (10%) of the annual income. The value of any assets or imputed income from assets shall not be used in the calculation of income based rent. Actual net income from assets greater than the threshold described above shall be included in the determination of adjusted income;
- (c) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or
- (d) The minimum rent, as determined in accordance with Subsection 5717.3.

5717.3 Minimum Rent. Based on information provided pursuant to Subsections 5717.1, 5717.2, and this subsection, rent charged shall be the lesser of:

- (a) An amount based on a percentage of household income pursuant to Subsections 5717.2 (a) or (b); or
- (b) \$0, for families which DCHA has determined do not have any adjusted income, as defined in Section 5705, as determined by DCHA at certification or recertification.

## **5718 EARNED INCOME DISREGARD**

5718.1 Definitions. The following definitions apply for purposes of this section.

- (a) Baseline income. The annual income immediately prior to implementation of the disallowance described in Subsection 5718.3 of this section of a person who is a member of a qualified family.
- (b) Disallowance. Exclusion from annual income.
- (c) Previously unemployed includes a person who has earned, in the twelve months prior to employment, no more than would be received for ten hours of work per week for fifty weeks at the established minimum wage.

5718.2 Qualified family. A family residing in public housing:

- (a) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;

- (b) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- (c) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance -- provided that the total amount over a six-month period is at least \$ 500.

5718.3 Disallowance of earned income

- (a) Initial twelve (12)-month exclusion. During the 12-month period beginning on the date on which a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from the annual income of a qualified family any increase in the income of the family member as a result of employment over the baseline income of that family member.
- (b) Phase-in of rent increase. Upon the expiration of the 12-month period defined in paragraph (a) of this subsection and for the subsequent 12-month period, the PHA must exclude from the annual income of a qualified family at least fifty percent (50%) of any increase in income of such family member as a result of employment over the family member's baseline income.
- (c) Maximum two (2)-year disallowance. The disallowance of increased income of an individual family member as provided in paragraph (a) or (b) of this subsection is limited to a lifetime twenty-four (24)-month period. It applies for a maximum of twelve (12) months for disallowance under paragraph (a) of this subsection and a maximum of 12 months for disallowance under paragraph (b) of this subsection, during the 24-month period starting from the initial exclusion under paragraph (a) of this subsection.
- (d) No rent phase in. Upon the expiration of the Earned Income Disregard, the rent adjustment shall not be subject to rent phase-in. Instead, rent will automatically rise to the appropriate level.



5718.4 Inapplicability to admission. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

## 5719 CHANGES IN RENT

### 5719.1

- (a) Rent Phase-In. If a tenant's monthly rent increases by more than the greater of ten percent (10%) or twenty-five dollars (\$25) purely as a result of conversion, the rent increase will be phased in over a period of five (5) years.
- (b) Five Year Phase-in Formula:
  - (1) Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – twenty percent (20%) of difference between most recently paid TTP or flat rent and the Calculated RADTTP
  - (2) Year 2: Year 2 annual recertification and any interim recertification prior to Year 3 annual recertification – twenty-five percent (25%) of difference between most recently paid TTP and the Calculated RAD TTP
  - (3) Year 3: Year 3 annual recertification and any interim recertification prior to Year 4 annual recertification – thirty-three percent (33%) of difference between most recently paid TTP and the Calculated RAD TTP
  - (4) Year 4: Year 4 annual recertification and any interim recertification prior to Year 5 annual recertification – fifty percent (50%) of difference between most recently paid TTP and the Calculated RAD TTP
  - (5) Year 5 annual recertification and all subsequent recertifications – Full Calculated RAD TTP
- (c) Once the Calculated RAD TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

5719.2 Any changes in Tenant Rent shall be stated in a special supplement to the lease, which shall, upon issuance, become a part of the dwelling lease. The special supplement to the lease shall constitute the tenants thirty (30) days' written notice of an increase in Tenant Rent. The family shall be provided a copy of the special supplement to the lease.

- 5719.3 All changes in Tenant Rent, whether after an interim or regular recertification, shall be implemented in accordance with 14 DCMR §§ 6118, 6119, and this chapter.
- 5719.4 In properties where utilities and other essential services are supplied to the tenant by DCHA, Tenant Rent payable to DCHA under the dwelling lease shall be the same as total tenant payment.
- 5719.5 Tenant Rent shall be computed after both annual income and adjusted income have been verified.
- 5719.6 The tenant shall receive retroactive credit to credit an administrative error.
- 5719.7 Tenants occupying property for a portion of a month at the time of move-in shall be charged a pro-rata share of the full monthly rate determined by DCHA.
- 5719.8 Allowances and special deductions:
- (a) In properties where tenants are responsible for paying for their own utility bills, the utility allowance shall be subtracted from the total tenant payment to determine the Tenant Rent payable to DCHA. If the Tenant Rent resulting from the subtraction of the utility allowance from the total payment is negative, DCHA shall send a monthly check in the amount of the difference to the tenant.
  - (b) At Redeveloped Properties or Service Rich Properties, as defined in 14 DCMR Section 6113, which an Association Fee is assessed, residents at such properties may be required to pay an amount calculated to equal the Association Fee attributable to the unit and shall be granted an allowance reflecting the Association Fee payment. The allowance shall be subtracted from the Tenant Rent to determine the tenant payment as follows:
    - (1) Any utility allowance shall be deducted from the Tenant Rent first. The allowance for the Association Fee shall be deducted from any remaining positive amount. If the deduction of the utility allowance results in a negative rent there shall be no charge for an Association Fee and no deduction for the Association Fee allowance. If the deduction of the Association Fee allowance results in a negative amount, the required Association Fee payment from the tenant and its associated allowance shall be reduced so that the Tenant Rent is zero.
    - (2) If the tenant fails to pay the Association Fee on time, the fee shall be converted to rent, not to exceed thirty percent (30%) of adjusted income, when added to the monthly rent, for the month in which

the fee was paid.

- (3) If the Association Fee is paid after entry of judgment as part of the payment required to avoid eviction, the fee shall be recorded as the Association Fee, and the ledger shall be updated to reflect the tenant's payments.

## **5720 UTILITY ALLOWANCE**

- 5720.1 DCHA shall establish on a project basis, in accordance with Federal regulations, appropriate utility allowances for tenants with individual utility meters.
- 5720.2 Allowances shall be based on average consumption levels and information provided by the D.C. Public Service Commission regarding rates approved for utility companies supplying electricity or gas to those dwelling units.
- 5720.3 Average consumption level calculations shall take into account major equipment provided by DCHA at the project or property and shall make allowance for minor equipment normally provided by the tenant, except that items provided by the tenant listed in § 5721.1 of this chapter shall not be considered in development of average consumption calculations.
- 5720.4 As utility rates in the District of Columbia are revised, DCHA shall revise its utility allowances when the computation of the rate change(s) in relation to DCHA's utility allowance results in a change in excess of ten percent (10%) in the monetary allowance for a specific utility. When DCHA revises a utility allowance, it shall do the following:
- (a) Provide notice to tenants regarding increases or decreases in Tenant Rent due to revised utility allowances;
  - (b) Make Tenant Rent increases effective at the start of the first month following thirty (30) days' notice to the tenant, and make Tenant Rent decreases effective at the start of the first month following the change in utility allowance; and
  - (c) Prepare and execute a special supplement to the dwelling lease, with an explanation of the reason(s) for the change.
- 5720.5 Actual charges billed directly to the tenant shall be his or her responsibility, regardless of whether the charges are above or below the utility allowance approved by DCHA.
- 5720.6 The DCHA shall also establish appropriate utility allowances, on a project basis, for tenants with checkmeters where DCHA pays the utility supplier but individual units have checkmeters that measure consumption rates for the unit.

5720.7 The DCHA shall be authorized to obtain records of tenants' utility consumption and related charges billed data from utility companies for tenants with individual utility meters who pay for their own electricity or gas.

**5721 EXCESS UTILITY CHARGES**

5721.1 Tenants who do not pay for their own electricity shall be charged reasonable amounts for electricity consumed as a result of major electrical appliances which are not provided by DCHA. Major electrical appliances include the following:

- (a) Clothes dryer(s);
- (b) Food freezer(s);
- (c) Additional refrigerator/freezer(s);
- (d) Air conditioner(s);
- (e) Washing machine(s); and
- (f) Dish washers.

5721.2 Excess utility charges for air conditioners shall only be applied during the months of May, June, July, August and September.

5721.3 Excess utility charges and any revisions to these charges, shall be established by DCHA on the basis of the provisions of § 5720 of this chapter, including consumption calculations.

5721.4 It is the responsibility of the tenant to obtain the approval of DCHA prior to the installation of any electrical appliance listed in § 5721. 1. Excess utility charges shall be incurred at the start of the month following installation. DCHA shall prepare and execute a special supplement to the lease to reflect excess utility charges.

5721.5 Excess utility charges required under §§ 5721.1 and 5721.7 shall not become due and collectible until the first (1st) day of the second month following the month in which the charge is incurred.

5721.6 Upon receipt of a report from a tenant indicating an appliance is inoperable in his or her unit, DCHA shall assess the applicable charge until such time as the appliance in question is removed from the dwelling unit.

5721.7 Tenants who do not pay for their own utilities, but who occupy a unit with a checkmeter system for individual units, shall be charged reasonable amounts for

utility consumption in excess of the appropriate utility allowance established by DCHA for that unit.

- 5721.8 Where DCHA converts a specific property to a checkmeter system, there shall be a transition period of at least six (6) months during which no excess utility charges shall be charged against the tenant. During this transition period, DCHA shall do the following:
- (a) Advise the tenant of the amounts which would be charged, based on checkmeter readings;
  - (b) Advise tenants with high utility consumption rates on methods for reducing their usage; and
  - (c) Give specific thirty (30) day notice to the tenant of the effective date after which utility charges shall be assessed. DCHA shall prepare and execute a special supplement to the lease to implement excess utility charges related to checkmeter systems.

## **5722 SECURITY DEPOSITS**

- 5722.1 Each new tenant household shall be required to make a security deposit to DCHA prior to the execution of the dwelling lease.
- 5722.2 The security deposit shall be a flat fee assessment as follows:
- (a) Fifty dollars (\$50) - elderly family households; or
  - (b) One hundred dollars (\$100) - family households.
- 5722.3 The security deposit shall be due in full at the time of the execution of the dwelling lease.
- 5722.4 The security deposit shall be retained by DCHA until the tenant vacates the unit.
- 5722.5 Whenever a tenant is relocated from one (1) DCHA unit to another, the tenant may choose to have the security deposit transferred to the new unit and dwelling lease agreement.
- 5722.6 If the unit from which the tenant is transferring has tenant-caused damages, or there are other unpaid charges due from the tenant, DCHA may deduct those amounts due as provided in § 5723 of this chapter, and require a new security deposit from the tenant prior to execution of a new lease for the unit to which the tenant is moving.

**5723            REPAYMENT OF SECURITY DEPOSITS AND MOVE-OUT INSPECTIONS**

- 5723.1            The amount of the security deposit to be refunded shall be based on the following:
- (a)            Actual unpaid repair costs for damages to the premises beyond normal wear and tear;
  - (b)            Total rent delinquency charges;
  - (c)            Total unpaid service charges; and
  - (d)            Proper notice by the tenant to DCHA of intent to vacate in accordance with § 5723.5 of this chapter.
- 5723.2            If the security deposit is insufficient to cover those charges, the tenant shall be billed for the difference.
- 5723.3            If there are no charges, or if the charges are less than the security deposit, the difference shall be refunded to the tenant.
- 5723.4            In order to determine the amount of security deposit to be returned to the tenant, DCHA shall conduct a move-out inspection with the departing tenant.
- 5723.5            When tenants have provided thirty (30) days' notice of intent to vacate their unit, DCHA shall notify the tenant in writing of the date and time of the move-out inspection at least ten (10) days before the intended inspection.
- 5723.6            If it is discovered that repairs to the unit are needed due to the tenant's abuse or neglect, DCHA shall assess the tenant for the cost of the repairs.
- 5723.7            At the time of the move-out inspection, the tenant shall be required to furnish a forwarding address for the purposes of either forwarding the tenant's refund check, or a bill for additional monies due. DCHA shall provide a written statement of deficiencies, and the amount of the charge for repair, to the tenant, and shall refund any security deposit due within forty-five (45) days of termination of tenancy.
- 5723.8            A tenant vacating a unit shall be eligible for a refund if that tenant has a credit balance after any charges have been deducted from the tenant's account.
- 5723.9            Tenants who vacate a unit without giving proper notice of intent to vacate shall relinquish any right to possession of the unit or the security deposit.
- 5723.10           The Lessee shall return all keys and other entry devices whenever the unit is vacated. Failure to return keys or other entry devices will result in a charge in

accordance with a schedule of charges as posted in the property management office.

**5724 RENT COLLECTION**

5724.1 Rental payments and excess utility or other charges where applicable, for each month shall be due on the first (1st) day of each month. A payment received by the tenth (10th) day of the month shall not be considered delinquent.

5724.2 Current rent shall be the amount charged monthly as Tenant Rent to a tenant for the use and occupancy of a specified dwelling unit.

5724.3 The DCHA shall advise the tenant in writing of any other charge(s) being assessed and the amount due as follows:

- (a) Excess utility charges shall be assessed as provided in § 5714 of this chapter;
- (b) Charges for services performed and for maintenance charges as a result of tenant damage (as provided in § 5753 of this subtitle) shall be due and payable the first day of the second month following completion of repairs or performance of service, provided the tenant was provided one (1) month notice of the charge prior to the due date; and
- (c) Court costs shall be due and payable at the time the tenant is required to pay the amount which made the court charge necessary.

5724.4 All payments shall be submitted by the tenant to the location designated by DCHA, and shall be made only by check or money order.

5724.5 Rent payments, or excess utility or other charges where applicable, received after the tenth (10th) day of the month shall be considered delinquent, and a late charge of ten dollars (\$10) shall be assessed against the tenant. No more than one (1) late charge shall be assessed each month.

**5725 RETURNED CHECKS**

5725.1 Tenants whose checks are returned for insufficient funds shall be assessed a fifteen dollar (\$15) returned check fee, and shall be required to make payment within five (5) working days, from the date of the returned check notice, for the amount outstanding. This payment shall be in the form of a “money order” or “cashier’s check.”

5725.2 Each tenant having two (2) checks returned, within a twelve (12) month period, for insufficient funds, shall be required to submit all future payments in the form of a “cashier’s check” or “money order.”

**5726 RETROACTIVE RENT**

5726.1 Retroactive rent charges, determined in accordance with § 5719 of this subtitle, shall be due in full within thirty (30) days of notification.

5726.2 Partial payments of amounts due may be authorized by DCHA if it is determined that the tenant’s failure to promptly report the change(s) in income, which resulted in the retroactive rent, was not willful.

**5727 ABATEMENT OF RENT**

5727.1 In the event that a unit is rendered uninhabitable and repairs are not made as provided for in § 5758, DCHA shall abate the tenant's total tenant payment in proportion to the seriousness of the damage and loss in value as a dwelling.

5727.2 No abatement of rent shall occur if the tenant fails to cooperate with workmen seeking to make the repairs, rejects alternative accommodations, or if the damage was caused by the tenant, the tenant’s household, or guests.

5727.3 Evidence that a unit was uninhabitable under § 5758, and that abatement is required, may include a vacate order by a District Housing Inspector, or other substantial documentation.

**5728 [RESERVED]**

**5729 [RESERVED]**

**5730 GRIEVANCE POLICY**

5730.1 The rules of procedure outlined in Sections 5730 through 5747 shall govern conferences and hearings resulting from complaints filed by individual participants and applicants for housing in a RAD Covered Project, including RAD units within any Private Mixed Finance Project except as otherwise specified in a regulatory and operating agreement or RAD control agreement.

5730.2 The procedures shall provide a means for review of grievances through administrative means short of taking action through the appropriate judicial proceeding, but in no way waive the complainant’s right to judicial proceedings.

5730.3 The grievance procedure shall not be used to review complaints or grievances related to initiating or negotiating changes to existing policies set forth in this chapter, class grievances, or disputes between residents that do not involve the Project Owner or contract administrator.



**5731 FILING A COMPLAINT**

- 5731.1 Any resident of or applicant for a RAD Covered Project may file with DCHA or the Project Owner a complaint requesting an administrative determination of his or her rights for any dispute he or she may have with respect to a Project Owner's action or failure to act in accordance with the individual's lease or the contract administrator's action or failure to act in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
- 5731.2 The complaint shall be mailed or personally presented either orally or in writing to the DCHA Office of Fair Hearings or to the office of the property in which the complainant resides during normal office hours, but not later than thirty-five (35) calendar days after the DCHA or Project Owner's act or failure to act that constitutes the basis for the grievance. For complaints concerning termination of assistance by DCHA, complainants shall request an informal hearing within thirty-five (35) calendar days of the date of the issuance of the recommendation for termination of assistance by DCHA.
- 5731.3 The complaint shall state the particular grounds on which it is based and the action or relief requested. Upon request, DCHA or office of the property in which the complainant resides will assist a complainant in putting his or her complaint in writing.
- 5731.4 Upon receipt of the complaint, the DCHA Office of Fair Hearings or the office of the property in which the complainant resides shall provide the complainant with a receipt indicating a complaint was filed and information explaining the complainant's right to a fair hearing and outlining the RAD Grievance Procedures. If the complaint is filed at the office of the property in which the complainant resides, that office shall provide a copy of the complaint to OFH.

**5732 INFORMAL SETTLEMENT OF COMPLAINTS**

- 5732.1 Except for complaints filed by applicants that have already participated in an informal conference pursuant to Section 6107 or for complaints concerning termination of assistance, within three (3) business days of receipt of the complaint, the Project Owner shall schedule a conference with the complainant to informally discuss the complaint with the objective of reaching a settlement without a formal hearing.
- 5732.2 The Project Owner shall convene the informal settlement conference within ten (10) business days of the date the complaint was filed.
- 5732.3 If a settlement is reached, within ten (10) business days of the conference, the terms of the settlement shall be put in writing by the Project Owner, signed by each party. A copy of the settlement shall be given to the complainant and DCHA, who shall retain a copy for the complainant's DCHA file.

5732.4 If a settlement cannot be reached, the Project Owner shall prepare and serve on the complainant a written answer to the complaint within ten (10) business days of the conference with the complainant. The answer shall specify the following:

- (a) The Project Owner's proposed disposition of the complaint and the specific reasons therefore;
- (b) The right of the complainant to a hearing, and the procedure for requesting a hearing; and
- (c) The time allowed to request a hearing.

5732.5 The answer shall be served upon the complainant as follows:

- (a) Where the complainant is a resident, by personally serving the answer on the complainant or leaving a copy at the dwelling unit with a person of suitable age, or posting on the door of complainant's unit if no one is at home; or
- (b) Where the complainant is an applicant, by sending the answer by first class mail, postage prepaid, to complainant's address as it appears in the records of DCHA.

### **5733 REQUEST FOR HEARING**

5733.1 If the complainant is not satisfied with the proposed disposition of his or her complaint, he or she may submit in person or by mail a written request for a hearing. Upon request, DCHA or the Project Owner will assist a complainant in putting his or her request for a hearing in writing. The written request shall be provided:

- (a) To the Office of Fair Hearings (OFH); or
- (b) To the OFH through the office of the property in which the complainant resides.

On determinations of ineligibility for applicants for RAD Covered Projects, the notice will include the complaint form by which families can request a hearing and return it to DCHA. The complaint form will also be available to applicants and residents at all DCHA offices.

For a determination to terminate assistance, the notice will include the complaint form by which families can request a hearing and return to DCHA.

- 5733.2 A complainant's request for a hearing shall be in writing and shall be filed as follows:
- (a) If the complainant is a resident, within seven (7) business days from the date the answer is served;
  - (b) If the complainant is an applicant, within ten (10) business days from the date the answer is mailed; or
  - (c) If the complainant's hearing request concerns a determination to terminate assistance, within thirty-five (35) calendar days from the date of the issuance of the recommendation for termination of assistance by DCHA.
- 5733.3 If the complainant does not request a hearing within the time specified in §§ 5733.2(a)-(b), the Project Owner's disposition of the complaint under § 5732.4 shall become final. If the complainant does not request a hearing within the time specified in § 5733.2(c), DCHA's determination to terminate assistance shall become final. This shall not constitute a waiver of the complainant's right to contest DCHA's or Project Owner's actions in an appropriate judicial proceeding.
- 5733.4 Once a timely request for a hearing has been filed, the Housing Assistance Payments (HAP) will continue to the current landlord in accordance with the current HAP contract in effect at the time of the request for a hearing until a final determination has been made in accordance with this chapter.
- 5733.5 Upon receipt of a request for a hearing, OFH shall assign a hearing officer to the complaint from the pool of hearing officers selected pursuant to § 5734.1, on a rotating basis to the extent possible.
- 5733.6 Within fifteen (15) business days, OFH shall schedule a hearing time, date and place, reasonably convenient to both the complainant and DCHA, and shall notify the complainant and DCHA.
- 5733.7 Within thirty (30) days of the date the hearing is scheduled, OFH shall convene the hearing, unless rescheduled for good cause.
- 5733.8 Requests to reschedule a Hearing shall be subject to the following conditions:
- (a) Either party may request to reschedule an Informal Hearing any time prior to the first scheduled Informal Hearing date or prior to any subsequent hearing date, only if the requesting party can demonstrate good cause and if delay will not result in harm or prejudice to the other party.
  - (b) Notwithstanding the paragraph above, OFH will reschedule a Hearing as a reasonable accommodation if the complainant can demonstrate that a disability prevented them from rescheduling within the prescribed time

periods.

**5734 SELECTION OF HEARING OFFICERS**

- 5734.1 The DCHA shall select six (6) impartial, disinterested members of any bar in good standing to be available to serve as hearing officers.
- 5734.2 If the complainant objects to the hearing officer, DCHA and the complainant shall attempt to agree upon another member of the pool of hearing officers.
- 5734.3 If DCHA and the complainant cannot agree, DCHA shall select any individual to serve as a member of the hearing panel, the complainant shall select any individual to serve as a member of the panel and these two (2) individuals shall select a third member. The choice of the individuals who comprise the hearing panel shall not be limited to the six (6) member pool of hearing officers.
- 5734.4 If the individuals selected by DCHA and the complainant cannot agree on a third member, such a member shall be selected by an independent arbitration organization as provided in 24 CFR § 966.55(b)(1)(2002).
- 5734.5 Any individual who made or approved the decision under review or a subordinate of that individual may not serve as a hearing officer pursuant to § 5734.1 or as a member of a hearing panel pursuant to § 5734.3 or § 5734.4.

**5735 AUTHORITY OF HEARING OFFICERS**

- 5735.1 The hearing officer shall have all powers necessary to conduct a fair and impartial hearing, including the following:
- (a) To administer or direct the administration of oaths and affirmations;
  - (b) To examine witnesses and direct witnesses to testify;
  - (c) To rule upon offers of proof and receive relevant evidence;
  - (d) To regulate the course of the hearing and the conduct of the parties, other participants, and their counsel;
  - (e) To arrange a conference for settlement or to simplify the issues by agreement of the parties;
  - (f) To consider and rule upon procedural requests; and
  - (g) To take any action authorized by this chapter.

5735.2 The hearing officer shall have the power to grant appropriate relief not in conflict with controlling law and regulations, including the following:

- (a) Rental abatements;
- (b) Monetary damages;
- (c) Relocation of residents to other DCHA owned or operated housing units;
- (d) The ordering of repairs and/or accessibility features by DCHA;
- (e) Remanding to a program specialist for further review or recalculation;
- (f) Granting a voucher or voucher extension;
- (g) Participant recertification;
- (h) Adjustment to total tenant payment;
- (i) Reversal of termination; and
- (j) Scheduling continuances and rescheduling.

5735.3 Temporary relocation of residents to private housing units available to the agency shall be authorized and may be ordered if the hearing officer finds that the unit is so seriously deficient that it poses a significant threat to the health or safety of the resident.

5735.4 If DCHA does not take immediate action to correct the threat and fails to demonstrate that suitable public housing is available, the hearing officer may order DCHA to temporarily relocate the resident to a suitable private housing unit, providing DCHA fails to demonstrate that suitable housing is available.

### **5736 EX PARTE COMMUNICATIONS**

5736.1 The hearing officer shall not consult any person, or party on any fact at issue except after notice and opportunity for all parties to participate.

5736.2 No employee, or agent, of the District of Columbia government engaged in the investigation and prosecution of a case shall participate or advise in the proposed decision in that case except as a witness or counsel in the hearing or other public proceedings.

**5737 RIGHTS OF COMPLAINANTS**

5737.1 The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which shall include the following:

- (a) The right to be represented by legal counsel or another person chosen as a representative; at their own expense, provided that if the family has not notified DCHA in writing at least three business days in advance of their intention to be represented, the hearing officer shall grant any request from DCHA for a continuance.;
- (b) The right to a private hearing, unless the complainant requests a public hearing;
- (c) The opportunity to examine, before the hearing, documents, records, and regulations of DCHA that are relevant to the hearing. Any document not so made available after a request for the document has been made by the complainant may not be used as evidence by DCHA at the hearing;
- (d) When requested, DCHA shall provide to the complainant, at no charge, fifty (50) pages of documents, records, and unpublished regulations of DCHA relevant to the hearing. A reasonable charge of not more than twenty five cents (25¢) per page may be assessed for reproducing material in excess of fifty (50) pages requested by the complainant. If the documents are provided electronically or on a CD, DCHA is authorized to charge for the cost of the CD and the total number of pages produced electronically;
- (e) The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by DCHA, and to confront and cross-examine all witnesses on whose testimony or information DCHA relies;
- (f) The right to a decision based solely upon the facts presented at the hearing;
- (g) The right to arrange, in advance, and at his or her expense, to receive a transcript of the hearing;
- (h) The right to request a reasonable accommodation for a disability.

**5738 NONPAYMENT OF RENT: ESCROW DEPOSIT REQUIRED**

5738.1 Before a hearing is scheduled in any grievance involving the amount of rent claimed due by DCHA, the complainant shall pay to the DCHA an amount equal

to the amount of the rent due and payable as of the first of the month preceding the month in which the act or failure to act took place.

5738.2 The complainant shall thereafter deposit the same amount of the monthly rent in the escrow account designated by DCHA monthly when due until the complaint is resolved as a result of the hearing.

5738.3 The failure to make the payments shall result in the termination of the grievance procedure and the Contract Administrator’s or the Project Owner’s proposed disposition of the complaint pursuant to Subsection 5732.4 will become final.

5738.4 Failure to make payment shall not constitute a waiver of any right the complainant may have to contest DCHA’s disposition of the complainant’s grievance in an appropriate judicial proceeding.

**5739 FAILURE TO APPEAR**

5739.1 If either party fails to appear at a hearing, the hearing officer may do the following:

- (a) Postpone the hearing for up to five (5) business days;
- (b) With the consent of both parties, reschedule the hearing for a later date;
- (c) Make a determination that the complainant has waived his or her right to a hearing, if the complainant fails to appear. The waiver shall not constitute a waiver of complainant’s right thereafter to contest DCHA’s action in an appropriate judicial proceeding;
- (d) Grant an exception if the family is able to document an emergency situation that prevented them from attending or requesting a postponement of the hearing or if requested as a reasonable accommodation for an individual with a disability.

**5740 HEARING PROCEDURES**

5740.1 At the hearing, the complainant shall make a showing of entitlement to the relief sought. If in the opinion of the hearing officer the complainant fails to do so, the hearing officer may render a decision in favor of DCHA without further presentation of evidence.

5740.2 If the hearing officer decides the complainant has made a sufficient showing, DCHA shall justify the action or inaction against which the complaint is directed or the proposed position in its answer to the complaint by a preponderance of the evidence.

- 5740.3 Both parties to the hearing may present evidence and arguments in support of their positions, controvert evidence and cross-examine all witnesses for the other side.
- 5740.4 The hearing shall be conducted informally by the hearing officer, and oral or documentary evidence relevant to the facts and issues raised by the complaint and answer may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- 5740.5 The hearing officer shall require DCHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly manner.
- 5740.6 Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the hearing or in a decision adverse to the interest of the disorderly party and granting or denial of the relief sought, as appropriate.

#### **5741 TRANSCRIPT OF PROCEDURES**

- 5741.1 Normally, verbatim transcripts shall not be made of the proceedings. However, if either party desires a transcript, the party shall do the following:
- (a) Secure, at his or her own expense, the services of a qualified transcriber service, subject to the approval of the hearing officer;
  - (b) Pay all costs incurred directly to the reporting firm; and
  - (c) Furnish a copy of the transcript to the hearing officer for his or her certification and incorporation into the record of the proceedings.
- 5741.2 Either party may, at his or her own expense, make a tape recording of the proceeding upon disclosure to the hearing officer and the other party.

#### **5742 DECISION OF THE HEARING OFFICER**

- 5742.1 The hearing officer shall prepare a written decision, together with the reasons therefor, within ten (10) business days after the close of the hearing. Copies of the decision shall be mailed to the complainant, DCHA and OFH.
- 5742.2 The decision of the hearing officer shall be binding on DCHA, which shall take all actions, or refrain from actions, necessary to carry out the decision, unless the Executive Director or an official delegated by the Executive Director does the following:
- (a) Determines that the complaint does not concern a DCHA act or failure to act as prescribed by the complainant's lease or DCHA rules, policies or



regulations, that adversely affect the complainant's rights, duties, welfare or status;

- (b) Determines that the decision of the hearing officer is contrary to applicable federal or District of Columbia law or regulations or requirements of the Annual Contributions Contract between HUD and DCHA; or
- (c) Determines that the decision of the hearing officer exceeds the authority of the hearing officer under the DCHA hearing procedures.

5742.3 The Executive Director or designee of the Executive Director shall make the determination within the time provided in § 5745.1, and promptly notify all parties to the hearing of his or her determination.

**5743 BRIEFS IN SUPPORT OF OR TAKING ISSUE WITH THE DECISION OF THE HEARING OFFICER**

5743.1 Any party may file a brief with OFH in support of or in opposition to the hearing officer's proposed decision within ten (10) business days after service of the decision;

**5744 EFFECT OF DECISION**

5744.1 A decision of the hearing officer may be appealed by filing a Petition for Review with the District of Columbia Court of Appeals.

**5745 DECISION OF THE EXECUTIVE DIRECTOR OF DCHA**

5745.1 Within seven (7) business days after expiration of the time for filing briefs as provided in § 5743, the Executive Director of DCHA, upon consideration of the record, together with any briefs, shall make a determination of the enforceability of the hearing officer's decision as provided in §§ 5742.2 (a) and (b) and (c).

5745.2 The Executive Director of DCHA may modify or set aside, in whole or in part, the decision of the hearing officer.

5745.3 In any case in which the Executive Director of DCHA proposes to modify or set aside all or any part of the hearing officer's decision, the Executive Director shall serve on each party a proposed decision, including findings of fact and conclusions of law.

5745.4 The parties shall be given fourteen (14) days from the date of receipt of the Executive Director's proposed decision to file exceptions. Each party may request oral argument when submitting exceptions.

5745.5 A final decision shall be made by the Executive Director of DCHA within fourteen (14) days after exceptions to the proposed decision have been filed, and an oral argument held, if requested. Copies of the final decision shall be served on all parties.

#### **5746 NOTICE TO VACATE PREMISES**

5746.1 If the complaint relates to the termination of a dwelling lease through the service of a Notice to Vacate upon the complainant, and the hearing officer's determination upholds the action to terminate the tenancy, DCHA shall take no further action to evict the resident until it has served upon the resident a Notice to Vacate; provided, that the notice shall not be subject to the filing of a complaint under the grievance procedure.

5746.2 A Notice to Vacate shall not be issued prior to the date that the Hearing Officer's final decision under § 5742.1 is delivered or mailed to the complainant.

5746.3 Whenever a Notice to Vacate is given to the complainant, he or she shall be informed in writing of the following:

- (a) If he or she fails to vacate the premises within the appropriate period, further appropriate legal actions shall be taken against him or her; and
- (b) If suit is brought against him or her, the resident may be required to pay court costs and attorney fees incurred.

#### **5747 RECORDS**

5747.1 The Central Grievance Files shall be maintained in a central location by the Office of Fair Hearings and shall be made promptly available to interested members of the public for inspection and copying pursuant to procedures established by the OFH.

5747.2 Subject to § 5737.1(d), a reasonable charge of not more than twenty-five cents (25¢) per page may be assessed for copying any document in the Central Grievance Files.

#### **5748 TRANSFER POLICY**

5748.1 It shall be the policy of the District of Columbia Housing Authority (DCHA) to transfer Families from one dwelling unit to another to alleviate conditions of hardship caused by physical conditions or to address changed family circumstances. Transfers may result from actions mandated by DCHA or result from requests by Families. To facilitate such transfer, DCHA may offer units in its traditional public housing or in its RAD inventory, excluding RAD units within any Private Mixed Finance Project. Notwithstanding the foregoing,

Families residing within any Private Mixed Finance Project may also be transferred within or between any Private Mixed Finance Project in accordance with any applicable regulatory and operating agreement or RAD control agreement.

- 5748.2 It is DCHA's policy that transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Families can be transferred to accommodate a disability.
- 5748.3 Transfers will be processed by the Office of the Director of Property Management Operations. Families may apply to their property manager for a transfer, but all paperwork, verifications and unit assignments shall be processed by the Office of the Director of Property Management Operations. Applications for transfer must be made in writing, must state the reason(s) for requesting the transfer, and must provide any supporting documentation. Families may use the "Tenant Request for Transfer" form available in each property management office or at the DCHA central office.
- 5748.4 Mandatory Transfers and Priority Voluntary Transfers shall take precedence over new admissions. New admissions shall take precedence over Standard Voluntary Transfers. DCHA shall assign vacant units that it does not need to house Mandatory Transferees or Priority Voluntary Transferees, using a ratio of five units for initial occupancy by applicants on the Public Housing Waiting Lists, to one unit for a Family from the DCHA Transfer Waiting List.
- 5748.5 Upon acceptance of the new dwelling unit, the Lessee must execute a new lease agreement. All causes of action of any nature whatsoever available to DCHA or the Project Owner at the previous dwelling unit shall be actionable by DCHA or the Project Owner of the previous dwelling unit after transfer, whether such transfer is a Mandatory Transfer or a Voluntary Transfer. This regulation does not waive any statute of limitations otherwise applicable to such claims.
- 5748.6 Sections 5748 through 5751 govern all transfers initiated by DCHA or requested by participating Families in RAD Covered Projects.

#### **5749 MANDATORY TRANSFERS**

- 5749.1 The DCHA may initiate Mandatory Transfers for households in order to alleviate certain housing conditions. The following represent examples of such conditions:
- (a) To relocate Families that are living in dwelling units with conditions that represent an emergency or a threat to life, health, or safety (*e.g.*, fire, flood, no water) as determined by DCHA, another governmental entity, or as a result of a judicial proceeding;
  - (b) To place households in units of the correct size when authorized members

of a Family (*i.e.*, household members listed on lease or certified by the DCHA) are under-occupying (assigned dwelling units are too large for the household) or over-occupying (assigned dwelling units are too small for the household) their assigned dwelling units in relation to the occupancy standards as set forth in Section 5709 of this chapter;

- (c) To relocate households to alleviate threat of attack by criminal elements as verified and documented by the DCHA Police Department or any other police department or law enforcement agency authorized to operate in the District of Columbia;
- (d) To permit Property Owner to make significant repairs, modernize, rehabilitate, or demolish dwelling unit(s) or apartment building(s);
- (e) To relocate households to facilitate the future rehabilitation of a dwelling unit;
- (f) To permit occupancy of a unit with accessibility feature by a transferring Family or eligible applicant with a verified need for such a unit;
- (g) To alleviate any other conditions of hardship as determined by DCHA or to effectuate DCHA goals and/or objectives.

5749.2 Families subject to a Mandatory Transfer shall receive a “Notice of Mandatory Transfer.” The Notice shall include the following:

- (a) Statement of the reason for the transfer;
- (b) Location of the new dwelling unit;
- (c) Statement regarding how the move will be financed; and
- (d) The specific date by which the move must occur.

5749.3 Families subject to a Mandatory Transfer will receive one offer of transfer. The offer of transfer shall be for a dwelling unit meeting the needs of the household in accordance with DCHA occupancy standards and, if the household includes a member with a disability, a dwelling unit that has features appropriate for the disability or one that is adaptable.

5749.4 Applications for a transfer must be made to the Property Manager of the Family's RAD Covered Project, but all paperwork verification and unit assignments shall be made by the Office of the Director of Property Management Operations, except in the case of a Family request for a transfer as a reasonable accommodation of a disability in which case the request will be processed by the Office of the ADA/504 Coordinator and the Client Placement Division.

5749.5 DCHA shall, at its sole discretion, elect to either bear the cost of a Mandatory Transfer by providing funds to the affected household or to move the household with its own resources, which may include the use of DCHA staff and/or a moving contractor.

5749.6 A Family that receives a written offer of a new dwelling unit and who refuses to move by the date specified in the Notice of Mandatory Transfer shall be issued a Notice to Quit or Cure.

5749.7 DCHA shall relocate to a vacant, non-accessible unit, within six (6) months, the remaining household members occupying a unit with accessibility features after the death, or relocation for any other reason, of the disabled household member who required the accessibility features of such Unit.

5749.8 The decision to initiate a Mandatory Transfer pursuant to this chapter may be made only after review and approval by a supervisor in the Office of the Director of Property Management Operations.

**5750 VOLUNTARY TRANSFERS**

5750.1 DCHA will approve transfer requests for Families that are compliant with the terms and conditions of their leases and have resided in their dwelling units for at least one year. Families with a disabled household member that request reasonable accommodation transfers, as described below, are not subject to the one-year limitation.

5750.2 A Family is compliant with the terms and conditions of its lease if:

- (a) Current on rent payments and/or on any repayment agreement;
- (b) Current with recertification process;
- (c) Is not subject to a citation for any lease violation;
- (d) Has a good housekeeping record as evidenced by a housekeeping inspection; and
- (e) Is not subject to a Notice to Correct or Vacate or a Notice to Vacate.

5750.3 Any Family that is subject to a Notice to Vacate, is not compliant with terms of lease.

5750.4 Each member of the Family must be compliant with the terms and conditions of the lease.

- 5750.5 DCHA may deny requests for transfers by Families that are not compliant with the terms of their leases.
- 5750.6 Transfers processed under this section will not take priority over Mandatory Transfers or new admissions, except as provided under Subsection 5748.4.
- 5750.7 DCHA shall acknowledge receipt of each Tenant Request for Transfer. The date of acknowledgment shall serve as the Tenant Request for Transfer date, which will be used by DCHA to determine the Family's place on the Transfer Waiting List.
- 5750.8 DCHA shall notify the Family, in writing, in no more than thirty (30) days from the date of acknowledgment, what action it has taken with regard to the Tenant Request for Transfer, *e.g.*, approval, disapproval, or further review of the Request is required. If further review is necessary due to a lack of supporting documentation, DCHA shall notify the Family, in writing, of what additional documentation is required. Once such documentation is received, DCHA shall notify the Family, in writing, in more than thirty (30) days from the date of receipt, what action it has taken with regard to the Tenant Request for Transfer.
- 5750.9 Although DCHA approves a Tenant Request for Transfer, a unit may not be immediately available. When a unit is available, DCHA shall issue the Family a "Notice of Transfer Assignment." The Notice will direct the Family when and where to report to inspect the new dwelling unit.
- 5750.10 The Family must be compliant with the terms and conditions of the lease at the time that its name reaches the top of the Transfer Waiting List. If the Family is not compliant with the terms and conditions of the lease as outlined in Subsection 5750.2, DCHA may withdraw the Family's transfer approval.
- 5750.11 If the Family accepts the new dwelling unit, the Family shall execute a Notice of Lease Termination at the property from which he/she is moving, upon completion of the arrangement for transfer to the new location.
- 5750.12 Upon acceptance of the new dwelling unit, the Family must execute a new lease, which, if applicable, accepts liability for any outstanding conditions related to the prior lease agreement.
- 5750.13 Families who are approved for a Voluntary Transfer shall bear the cost of moving to the new dwelling unit. The new dwelling unit shall not be held for more than fifteen (15) calendar days from the date of the unit availability. If a Family, who has an approved transfer, does not move into the new dwelling unit within fifteen (15) calendar days from the date of the unit's availability, the unit offer shall be withdrawn and the Family's name shall be removed from the Transfer Waiting List.

- 5750.14 If a Family refuses a Voluntary Transfer to the property of his/her own choice, the Family's name shall be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action. If a Family did not identify a property, he/she may be offered up to two locations. If the Family refuses the first, his/her name may be returned to the Transfer Waiting List to await the availability of another unit. If the Family rejects the second assignment, his/her name will be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action.
- 5750.15 All actions or inactions by DCHA under this section are subject to the Family Grievance Procedure that is outlined in Sections 5730 *et seq.*
- 5750.16 The following conditions shall represent Priority Voluntary Transfers. Families who are approved for a Priority Voluntary Transfer will be transferred based on the hierarchy set forth in Subsection 5748.4 and on the date that the "Family Request for Transfer" was acknowledged by the DCHA:
- (a) Families that have a verified and approved reasonable accommodation for a fully accessible unit or a unit with accessible features and that do not currently reside in a unit that provides the approved reasonable accommodation;
  - (b) The Family or a member of the Family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move;
  - (c) DCHA has terminated the HAP contract with the Property Owner.
- 5750.17 The following conditions shall dictate DCHA's priority for Standard Voluntary Transfers. Families who are approved for a Voluntary Transfer will be transferred based on the hierarchy set forth below and on the date that the "Family Request for Transfer" was acknowledged by the DCHA:
- (a) First priority will be given to situations of a life threatening medical or public safety nature. These situations may include serious medical conditions, crimes, instances of domestic violence not covered under Subsection 5749.1(e), hate crimes, or other situations which endanger a Family or household member's life from something other than the condition of the unit or the building. These life-threatening conditions must be documented and verified.
  - (b) Second Priority shall be given to Families with an approved reasonable accommodation transfer who do not qualify for a Mandatory Transfer

under Subsection 5749.1(c). These transfers would include transferring Families to accessible or adaptable dwelling units or sites where conditions are documented to be more favorable for their disabilities than the unit or site from which they are seeking to transfer.

- (c) Third Priority shall be given to Families that are over or under housed. These transfers would permit Families to reside in dwelling units of the correct size for household members listed on their lease or those recognized by the DCHA as a result of its recertification process. To determine whether a dwelling unit is too small or too large, DCHA shall use the occupancy standards outlined at Section 5709 of this chapter. If DCHA approves a Family's request for transfer, the household must transfer as one unit. The DCHA will not split families.
- (d) Fourth Priority shall be given to issues of convenience as described by Families requesting transfers.

## **5751 FAMILY RIGHT TO MOVE**

- 5751.1 The Family may terminate its assisted lease at any time after the first year of occupancy, subject to the terms of the lease. The Family must provide advance written notice of intent to vacate to the Property Manager of the RAD Covered Project (with a copy to DCHA), in accordance with the lease.
- 5751.2 Prior to or at the time of submitting a written notice of intent to vacate in accordance with Subsection 5751.1, the Family may request the opportunity for continued tenant-based rental assistance in the form of a tenant-based voucher under the Housing Choice Voucher Program. To request a tenant-based voucher, the Family must submit a written request to the Property Manager of the RAD Covered Project. Requests for continued tenant-based assistance will only be accepted from Families that meet the eligibility requirements of Subsection 5751.3.
- 5751.3 Tenants are eligible for continued tenant-based assistance, pursuant to Subsection 5751.2, only if:
  - (a) By the date requested for lease termination, the Family will have resided continuously in a RAD unit for at least one calendar year; and
  - (b) On the date of request for continued tenant-based assistance pursuant to Section 5751.2, the Family is compliant with the terms and conditions of its lease, in accordance with Sections 5750.2 – 5750.4.
- 5751.4 If, on the date of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is available, DCHA shall offer the Family a tenant-based



voucher. Notwithstanding the foregoing, subject to applicable federal requirements, if DCHA has already issued seventy-five percent (75%) of its total turnover vouchers in any single calendar year to Families of RAD units, DCHA shall place the Family on the RAD tenant-based voucher transfer list governed in accordance with Subsection 5751.6.

- 5751.5 If, at the time of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is not available, DCHA shall place the Family on the transfer list governed in accordance with Subsection 5751.6.
- 5751.6 Families requesting continued tenant-based assistance shall be prioritized based on the date on which the Family submitted its request for continued tenant-based assistance pursuant to § 5751.2. Families on the RAD/PBV tenant-based voucher transfer list shall take priority over all other applicants for tenant-based vouchers. Notwithstanding the foregoing, subject to applicable federal requirements, once DCHA has issued seventy-five percent (75%) of its total turnover vouchers to Families of RAD units in any single calendar year, the priority given to Families placed on the RAD tenant-based voucher transfer list shall be governed by Chapter 76 of this title.
- 5751.7 If, at the time a Family reaches the top of the RAD tenant-based voucher transfer list, (i) a voucher is available and (ii) the Family has priority over all other applicants for tenant-based vouchers, based on the provisions of Subsection 5751.6, DCHA shall offer the Family a tenant-based voucher.
- 5751.8 When DCHA is required to offer a Family a tenant-based voucher pursuant to Sections 5748 through 5752, DCHA shall provide written notice of its offer to the Family. The Family must submit a written acceptance of the tenant-based voucher to DCHA within thirty (30) days of the notice of offer. Failure to submit a written acceptance of the voucher to DCHA within thirty (30) days of the notice of offer shall result in the Family being placed back on the RAD tenant-based voucher transfer list with a priority date set to the date of expiration of the notice of offer.
- 5751.9 If a Family timely accepts an offer to receive a tenant-based voucher, DCHA shall issue the Family a tenant-based voucher. Notwithstanding, if at the time of acceptance, the Family is not compliant with the terms and conditions of its lease, in accordance with Subsections 5750.2 – 5750.4, DCHA may rescind its offer to issue a tenant-based voucher.
- 5751.10 Once issued, a tenant-based voucher shall expire at the earlier of one hundred eighty (180) days from the date of its issuance, or the date DCHA has terminated the HAP Contract on the Family's existing unit with notice to the Household.
- 5751.11 If a Family locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:

- (a) Provision of a lease-up packet;
- (b) Inspection of the new unit for compliance with HQS; and
- (c) Approval of the lease-up lease package and the lease terms, including the gross rent and the contract rent, subject to a rent reasonableness determination.

5751.12 If the tenant-based voucher expires before the Family initiates the lease-up process, pursuant to Subsection 5751.11:

- (a) The Family may continue its lease where it is currently leasing, provided that:
  - (1) The Family has not yet given notice to terminate its lease to the owner; or
  - (2) The Family has delivered to the owner a notice rescinding the Family's earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and
  - (3) The HAP Contract has not otherwise been terminated by DCHA.
- (b) The Family is not required to provide new lease-up or other documents to DCHA, and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the continued tenant-based assistance.
- (c) The Family's prior Total Tenant Payment continues in effect.
- (d) The Family shall not be eligible for another Tenant-Based voucher for twenty-four (24) months from the issuance of the expired voucher.

**5752 OWNER TERMINATION OF TENANCY**

5752.1 The Project Owner may not terminate a participant's tenancy except on the following grounds:

- (a) Serious or repeated violation of the terms and conditions of the valid, written lease;
- (b) Violation of federal or local law that imposes obligations on the participant in connection with the occupancy or use of the premises;

- (c) Criminal activity or alcohol abuse pursuant to Subsections 5752.4 and 5757.9; or
- (d) Other good cause pursuant to Subsection 5752.5.

5752.2 The Project Owner may only evict the participant from the unit by instituting a court action.

5752.3 Nonpayment by DCHA is not grounds for termination of tenancy.

- (a) The family is not responsible for payment of the portion of the rent to Project Owner covered by DCHA's payment under the HAP contract between the Project Owner and DCHA.
- (b) DCHA's failure to pay the HAP to the Project Owner is not a violation of the lease between the participant and the Project Owner.

5752.4 Evicting Participants for Criminal Activity

- (a) The Project Owner may terminate tenancy for any of the following types of criminal activity:
  - (1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including Project Owner staff residing on the premises);
  - (2) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
  - (3) Any violent criminal activity on or near the premises by a tenant, household member, or guests, or any such activity on the premises by any other person under the participant's control.
- (b) The Project Owner may terminate tenancy if the participant is:
  - (1) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees; or
  - (2) Violating a condition of probation or parole imposed under Federal or District of Columbia law.
- (c) The Project Owner may terminate tenancy, and evict by judicial action, a family for criminal activity by a covered person in accordance with this

section if the Project Owner determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

- (d) The Project Owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

5752.5 “Other Good Cause” for Termination of Tenancy

- (a) The Project Owner may not terminate the tenancy for “other good cause” during the initial lease term unless the Project Owner is terminating the tenancy based on the family’s action or failure to act.
- (b) “Other good cause” for termination of tenancy by the Project Owner may include, but is not limited to, the following:
  - (1) Failure by the participant to accept the offer of a new lease or revision after the initial lease term; or
  - (2) A family history of disturbances of neighbors or destruction or property, or of living or housekeeping habits resulting in damage to the unit or premises.
- (c) “Other good cause” for termination of tenancy by the Project Owner does not include:
  - (1) The Project Owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
  - (2) A business or economic reason for termination of tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental rate).

5752.6 Notice of Termination of Tenancy

- (a) Project Owner Notice of Grounds for Termination

The Project Owner must give the participant written notice that specifies the grounds for termination of tenancy during the term of the lease.

- (1) The tenancy does not terminate before the Project Owner has given this notice, and the notice must be given before commencement of the eviction action.

- (2) The notice of grounds may be included in, or may be combined with, any Project Owner eviction notice to the tenant.
- (a) If the Project Owner determines that a Participant is in violation of the Dwelling Lease, except for lease violations predicated on the performance of an illegal act or non-payment of rent, the Participant shall be issued a thirty (30)-day notice to correct or vacate, stating in writing the violation(s) which provides the basis for the termination, the Participant's right to cure the violations, and instructions on how to cure the violations.
- (1) The notice shall inform the Participant of his or her right to file an administrative complaint in accordance with Sections 5730 through 5747 of this title; and
  - (2) If a Participant has filed a complaint, in accordance with Sections 5730 through 5747 of this Title, in response to service of a notice to correct or vacate or a notice of lease termination in the case of failure to pay rent and has not prevailed, the Participant shall be issued a notice to vacate. The Participant shall be subject to legal action to gain possession of the unit (eviction).
  - (3) Project Owner shall issue a thirty (30)-day written notice to correct or vacate in the case of failure to pay rent.
  - (4) Project Owner shall issue a thirty (30)- day notice to vacate to the Participant, for lease violations, predicated on criminal activity that threatens the resident's health, safety or right to peaceful enjoyment of the Development or drug related criminal activity on or off the Leased Premises or the Development.
  - (5) The Project Owner will not issue a thirty (30)- day notice to correct or vacate, or notice to vacate, where the Project Owner has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.
  - (6) Project Owner shall give DCHA a copy of any eviction notice to the tenant.
  - (7) Project Owner shall promptly notify DCHA when a Project Owner institutes legal action to gain possession of the dwelling unit (eviction).
- (c) DCHA will provide adequate written notice of termination of the lease.

## 5752.7 Termination of Tenancy Decisions

- (a) If the law and regulation permit the Project Owner to take an action, but do not require action to be taken, the Project Owner may take or not take the action in accordance with the Project Owner's standards for eviction. The Project Owner may consider all of the circumstances relevant to a particular eviction case, such as:
  - (1) The seriousness of the offending action;
  - (2) The effect on the community of denial or termination or the failure of the Project Owner to take such action;
  - (3) The extent of participation by the leaseholder in the offending action;
  - (4) The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;
  - (5) The demand for assisted housing by families who will adhere to lease responsibilities;
  - (6) The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; and
  - (7) The effect of the Project Owner's action on the integrity of the program.
- (a) The Project Owner may require a participant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants terminations.
- (b) In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the Project Owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. The Project Owner may require the participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
- (c) The Project Owner's termination of tenancy actions must be consistent with fair housing and equal opportunity provisions of 24 CFR § 5.105, and

with the provisions of protections of victims of domestic violence, dating violence, or stalking in 25 CFR part 5, subpart L.

5752.8 Participants who refuse to vacate their unit after appropriate notice shall be subject to legal action to gain possession of the dwelling unit (eviction).

5752.9 Participants shall be solely responsible for the protection, care and disposition of the Participant's possessions during, and after an eviction.

### **5753 DCHA TERMINATION OF ASSISTANCE**

5753.1 DCHA may terminate program assistance for the Participant for any grounds authorized in accordance with HUD requirements.

5753.2 If DCHA terminates program assistance for the Participant, the lease terminates automatically.

5753.3 Upon notification that Project Owner has instituted a legal action to gain possession of the dwelling unit, DCHA shall issue to the Participant a Recommendation for Termination of Assistance.

5453.4 Pursuant to 24 CFR § 983.258, Housing Assistance Payments shall continue until the Tenant Rent of a new admission to a RAD Covered Project equals the rent to the owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within one hundred eighty (180) days following the date of the last housing assistance payment by the PHA. After the 180-day period, the unit shall be removed from the HAP contract pursuant to 24 CFR § 983.211.

### **5754 VOLUNTARY TERMINATION OF TENANCY**

5754.1 The Participant may terminate tenancy at any time after the first year of occupancy by giving advance written notice of intent to vacate to the Project Owner (with a copy to DCHA) in accordance with the lease.

5754.2 Termination of Tenancy by Participant requires that the Participant, all household members, guests as well as all others defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant(hereinafter referred to collectively as "others"), vacate the Leased Premises on or before the date specified in Participant's written notice.

5754.3 Participant may terminate tenancy by giving:

- (a) At least thirty (30) days' notice;
- (b) The notice must be in writing;
- (c) On forms approved by DCHA completed with the assistance of DCHA if necessary; and
- (d) Submitted to the Project Owner.

5754.4 The Participant shall leave the Leased Premises in as clean and good condition as Participant received at the start of Lessee's occupancy; wear and tear excepted; and return all keys and all other entry devices to the Project Owner.

5754.5 If the Participant is no longer in occupancy of the unit or is deceased, a remaining household member, or another adult identified in § 5754.5(c) below, must notify the Authority of the Participant's death or departure within fourteen (14) days of the date the Participant vacates the Leased Premises or dies. Within thirty (30) days thereafter, or within fourteen (14) days of the Project Owner's issuance of a Notice to Vacate the premises, whichever is later, in order to sustain continued occupancy for the remaining household members at the Leased Premises, the remaining household member or other adult must submit a written application to become head of household. Details on the application process and exclusions from this rule are as follows:

- (a) This subsection does not apply if the head of household vacates the unit pursuant to the issuance of a notice to correct or vacate or a notice to vacate. In such circumstances, the remaining family members must vacate the unit. If the remaining family members do not vacate the unit, they shall be deemed unauthorized occupants;
- (b) The applicant to be made Participant, and if applicable, the other remaining Household Members must be eligible for continued occupancy and not be in serious violation of the material terms of the Dwelling Lease. DCHA will screen the application in accordance with federal law and regulations as well as DCHA's admissions and occupancy policies and regulations. Applicant(s) will be notified in writing of the disposition of the application:
  - (1) If the application is approved, the new Participant shall enter into a new lease agreement with the Project Owner within seven (7) working days of the date of approval of the application;
  - (2) Any balance on the rental account existing prior to a remaining household member becoming the Participant is the responsibility of the newly designated Participant as head of household. Any



obligations for rent, causes of action arising under the original Lease, stipulations of settlement, consent judgments, judgments, or repayment agreements of the prior Participant shall be deemed part of the new Dwelling Lease and tenancy and shall be the responsibility of the new Participant designated as head of household and actionable against such new Participant; or

- (3) If the applicant and other remaining Household Members are not approved to continue to occupy the Leased Premises, and such remaining members do not vacate, they will be deemed unauthorized occupants and thus occupying premises without the consent of DCHA and the Project Owner and shall be subject to eviction by the Project Owner. The applicant may file a grievance regarding the denial of his or her application in accordance with DCHA's grievance procedures; and
- (c) If there are no remaining adult household members, or none who are able to serve as head of household, but the unit continues to be occupied by household members who are minor children and/or adults unable to serve as head of household, then an adult who is not listed on the lease may apply to become Participant and Head of Household. The following shall apply under these circumstances:
- (1) The applicant to be Participant must produce evidence of a care giving relationship with the remaining minor children or disabled adults. Such documentation may include, but is not limited to, court order; notarized authorization from the children's legal guardian; school or medical records; public benefit records; and sworn statements from medical, legal, or social service professionals;
  - (2) Where the remaining family members are minors, the applicant to be Lessee must either (i) obtain Custodial Power of Attorney; or (ii) commence legal proceedings to obtain legal guardianship or custody of the minor children. So long as such proceeding is pending, and the applicant has produced evidence of a caregiving relationship, and meets DCHA's other screening criteria, DCHA shall consider the applicant to be eligible to be Participant and Head of Household;
  - (3) In the case of (c)(2), above, the applicant's eligibility to be Participant and Head of Household is contingent on legal proceedings pending or being resolved in favor of the applicant. If a court of competent jurisdiction denies the applicant's petition for custody or guardianship, no appeal is pending, and the appeal period has expired, DCHA will determine the applicant ineligible

to be Head of Household and DCHA and the Project Owner may issue a Notice to Vacate. In that event, another remaining adult household member may submit an application to be Participant and Head of Household within thirty (30) days of the issuance of the Notice, and the DCHA will process such application in accordance with the requirements of this section; and

- (4) Where more than one adult have competing claims to become Participant and Head of Household as caregivers of the remaining minor children, DCHA shall follow the ruling of a court of competent jurisdiction regarding the custody or guardianship of the children.

5754.6 The Participant shall be liable for rent until the earlier of the time the Project Owner has taken possession of the Unit, or such time as all of the following are completed:

- (a) The proper written notice has been given;
- (b) The required vacate forms are completed with the assistance of DCHA if necessary;
- (c) The keys are turned in; and any other entry devices; and
- (d) Participant and all household members, guests as well as all others defined as any person under the Participant's control or on the Leased Premises with Participant's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Participant (hereinafter referred to collectively as "others"), have vacated the Leased Premises.

**5755 DWELLING LEASE: LEASE PROVISIONS**

5755.1 Each Dwelling Lease shall be administered in accordance with the provisions stipulated, and kept current at all times.

5755.2 Required Information. Each family admitted for occupancy in low rent housing operated by DCHA shall enter into a written dwelling lease with DCHA prior to occupancy of the leased premises. The lease must specify the following:

- (a) The names of DCHA and the tenant;
- (b) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- (c) The term of the lease (initial term and any provision for renewal);

- (d) The amount of the Tenant Rent to DCHA. The rent to DCHA is subject to change during the term of the lease in accordance with HUD requirement;
- (e) A specification of what services, maintenance, equipment, and utilities are to be provided by DCHA;
- (f) The composition of the household as approved by DCHA (family members and any DCHA-approved live-in aide). The family must promptly inform DCHA of the birth, adoption, or court-awarded custody of a child. The family must request DCHA approval to add any other family member as an occupant of the unit; and
- (g) HUD's regulations in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply.

5755.3 Term of Lease and Renewal.

- (a) The initial lease term must be for at least twelve (12) months.
- (b) The lease must provide for automatic renewal after the initial term of the lease. The lease may provide either:
  - (1) For automatic renewal for successive definite terms (*e.g.*, month-to-month or year-to-year); or
  - (2) For automatic indefinite extension of the lease term.
- (c) The term of the lease terminates if any of the following occurs:
  - (1) The DCHA terminates the lease for good cause;
  - (2) The tenant terminates the lease;
  - (3) The DCHA and the tenant agree to terminate the lease;
  - (4) DCHA terminates assistance for the family.

**5756 CHANGES TO THE LEASE**

5756.1 DCHA shall add names to the lease after initial occupancy only in accordance with Section 6117 of this title. Any person using or occupying the Leased Premises not in compliance with Section 6117 of this title is an unauthorized occupant without tenancy or other rights under the Dwelling Lease, including any person using or occupying the Leased Premises without approval from DCHA.

- 5756.2 Changes to the Dwelling Lease shall be made only in writing and shall be signed by the Lessee, and an authorized representative of DCHA, except the following changes, which may be executed unilaterally by DCHA:
- (a) Any change in rent, either an increase or decrease, shall be stated in a special supplement which shall, upon issuance, become part of the lease;
  - (b) Changes to implement excess utility charges;
  - (c) Any revision to reflect change in family composition other than head of household, consistent with Subsections 5755.2 and 5755.3;
  - (d) Changes to implement Subsection 5752;
  - (e) Late charges assessed pursuant to Subsection 5724.5;
  - (f) Special supplements to a lease executed pursuant to Subsection 5756.6;
  - (g) Changes in the amount of security deposit provided in Section 5722;
  - (h) Changes in DCHA's policies, rules and regulations; and
  - (i) Charges assessed pursuant to the Schedule of Charges posted in the Property Manager's Office.
- 5756.3 The DCHA shall provide the Lessee with a copy of any changes to the Dwelling Lease made in accordance with Subsection 5756.2.
- 5756.4 Unless a shorter time period is provided, a new Dwelling Lease shall be executed, within thirty (30) days whenever the following conditions occur:
- (a) The status of the head of household is altered pursuant to Subsection 5752 of this title 14; or
  - (b) When a family is transferred from one dwelling unit to another.
- 5756.5 Any Lessee wishing to vacate his or her unit shall do so in accordance with Sections 5748 to 5752 (*See* RAD Transfers) of this title. Lessees wishing to vacate prior to the end of the month shall be liable for the entire month's rent.
- 5756.6 Lessees who execute a new lease as a result of a transfer from one unit to another, or as a result of any other requirement for a new lease, shall remain liable for any delinquent rent or other charges relating to the prior lease. The DCHA may unilaterally execute a special supplement to the new lease which assesses the amount due under the prior lease.

**5757 LESSEE RIGHTS AND RESPONSIBILITIES**

5757.1 Lessees shall be responsible for their actions and the actions of household members, guests, and any person under the Lessee's control or on the Leased Premises with Lessee's consent.

5757.2 Lessees are responsible for maintaining their units in accordance with the provisions of the lease, including but not limited to, the following responsibilities:

- (a) To comply with all obligations imposed upon Lessees by applicable provisions of building and other District of Columbia housing codes materially affecting health and safety;
- (b) To keep the premises (and such other areas as may be assigned for his or her exclusive use) in a clean and safe condition;
- (c) To dispose of all ashes, garbage, rubbish, and other waste from the premises in a sanitary and safe manner;
- (d) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appurtenances, including elevators;
- (e) To refrain from, and to cause his or her household, guests and Others, to refrain from, destroying, defacing, and/or damaging/removing any part of the premises or project; including but not limited to storing, hanging or leaving household or other personal property of any type, including clothes, on the exterior of the Leased Premises unless the area is specifically designated for that purpose by DCHA. "Others" is defined as any person under the Lessee's control or on the Leased Premises with Lessee's consent, including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Lessee (hereinafter referred to collectively as "Others");
- (f) Not to assign the lease or to sublease the premises;
- (g) Lessee shall have no other primary residence;
- (h) Not to provide accommodations for boarders or lodgers;
  - (1) Each guest shall not stay overnight for more than ten (10) consecutive days without the prior written permission of DCHA;
  - (2) Each guest shall not stay overnight for more than thirty (30) non-consecutive days within a twelve (12) month period without the prior written permission of DCHA; and

- (3) DCHA may deny permission for longer stays for the following reasons;
  - (i) Persons who have been barred from the property;
  - (ii) Persons who are on a lifetime sex offender list;
  - (iii) Persons fleeing prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the laws of the place from which the individual flees;
  - (iv) Persons whose past conduct has disturbed the peaceful enjoyment of DCHA residents;
  - (v) Persons who have damaged DCHA property; and
  - (vi) Persons with current restraining orders to stay away from the unit or the property;
- (i) To use the premises solely as a private dwelling for the Lessee and the Lessee's household as identified in the lease, and not to use or permit its use for any other purpose;
- (j) To abide by necessary and reasonable rules, regulations and policies, issued by DCHA for the benefit and well-being of the housing project and the Lessees, which shall be posted in the Development office and incorporated by reference in the lease;
- (k) To pay reasonable charges (other than normal wear and tear) for the repair of damages to the premises, project building, facilities or common areas caused by the Lessee, household members, guests and any Others under the Lessee's control or on the Leased Premises with Lessee's consent;
- (l) To conduct himself or herself, and cause other persons who are on the premises with his or her consent to conduct themselves, in a manner which will not disturb his or her neighbors peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition; including but not limited to:
  - (1) By taking precautions to prevent fires and not using portable heating device unless they been provided by DCHA;
  - (2) By not disabling any fire alarm device or causing a false fire alarm;

- (3) By not storing excess amounts of personal property; and
- (4) By not removing or tampering with any smoke detector, including removing any working batteries, so as to render the smoke detector inoperative;
- (m) To keep no dogs, cats or other animals in or on the premises, unless specifically permitted by DCHA in writing;
- (n) Not to place fixtures, or fences in or about the premises without the prior written permission of DCHA. No repairs or alterations to the Leased Premises may be made, including, but not limited to, painting, wallpapering, doors, gates, window bars, carpets, storage sheds, and antenna or satellite dishes, without the prior written approval of DCHA. Upon completion, any such repairs or alterations, made with or without prior written consent, become part of the Leased Premises. If the Lessee changes locks, installs an alarm or security system, or adds locks to the dwelling unit, he or she shall notify DCHA and shall make duplicate keys available to and/or provide DCHA with access codes in order for DCHA to gain emergency access; and
- (o) Not to permit anyone who is currently barred from the Leased Premises or Development to occupy, stay overnight, or visit the Leased Premises, or to invite them to the Leased Premises or anywhere else on the Development at any time for any purpose, unless authorized in writing by DCHA in advance. Any person not identified in Subsection 5773.2 as an authorized person may be subject to the issuance of a Bar Notice for the period of time specified in the Bar Notice. DCHA will post a list of barred individuals in the property management office.

5757.3 The Lessee shall have the right to the exclusive use of the Leased Premises, including the dwelling unit identified in the lease and in the case of a townhouse, row house or single family home, all buildings or additional areas provided for the exclusive use of the Lessee, including the yard and any outbuildings, subject to the restrictions and obligations contained in the lease.

5757.4 At those properties where there is a defined front or rear yard assigned to the Lessee for his or her exclusive use, the Lessee shall be responsible for maintaining the individually defined lawn areas around his or her respective dwelling unit, cutting the grass, and keeping his or her lawn free of trash and garbage.

5757.5 Lessees who do not maintain these areas shall be given forty-eight (48) hour notice by DCHA to correct unsightly lawn areas. Lessees who fail to comply within forty-eight (48) hours of being notified by DCHA shall be in violation of the lease.

- 5757.6 Lessees shall report immediately to DCHA of any need for repairs to the Leased Premises or of any unsafe conditions in the common areas or the grounds surrounding the Leased Premises. Notification of repairs shall be in writing or by a telephone call to DCHA's Control Center and the Lessee shall obtain a control number for each repair. The number for the Control Center can be obtained from the Management office or the Central Office. Lessees in Developments managed by companies under contract with DCHA will provide notice as reasonably required by the management companies
- 5757.7 Lessees shall take reasonable steps to conserve energy and water and avoid unreasonable use of water, gas and/or electricity including but not limited to non-routine washing of vehicles or any other unreasonable use of utilities.
- 5757.8 Lessees shall not have waterbeds on the Leased Premises without prior written approval of DCHA, which approval may be withheld in DCHA's sole discretion.
- 5757.9 Lessee is responsible for all actions or inactions of all guests, household members, and all others on the property with the consent of Lessee and/or the consent of household members. The aforementioned parties, including the Lessee, are obligated to the following:
- (a) To not engage in the manufacture, sale, or distribution of any alcoholic beverages or openly consume alcoholic beverages in any common areas in the Development or otherwise consume alcoholic beverages in a manner that impairs the physical environment of the Development or may be a threat to the health, safety or right to peaceful enjoyment of the Development by other residents, service providers, or DCHA staff;
  - (b) To not engage in:
    - (1) Any criminal activity that threatens residents' health, safety or right to peaceful enjoyment of the Development;
    - (2) Violent criminal activity or possess any firearm or ammunition for a firearm;
    - (3) Drug-related criminal activity on or near the premises, which is grounds for termination of tenancy.
  - (c) The Project Owner may evict a family if the Project Owner determines that a household member is illegally using a drug or when the Project Owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.



- (d) Lessee shall not flee to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the laws of the place from which the individual flees or violate a condition of probation or parole imposed under federal or state law.

## **5758 DCHA RESPONSIBILITIES**

5758.1 DCHA shall be responsible for maintenance and repair of dwelling units in accordance with the provisions of the lease, including the following responsibilities:

- (a) To maintain the premises and the project in decent, safe and sanitary condition;
- (b) To comply with the requirements of the District of Columbia building codes, housing codes and appropriate regulations materially affecting health and safety;
- (c) To make necessary repairs to the premises;
- (d) To keep project buildings, facilities and common areas, not otherwise assigned to the tenants for maintenance and upkeep, in a clean and safe condition;
- (e) To maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances, including elevators, supplied or required to be supplied by DCHA;
- (f) To provide and maintain appropriate receptacles and facilities (except containers for the exclusive use of an individual tenant family) for the deposit of ashes, garbage, rubbish and other waste removed from the premises by the tenant; and
- (g) To supply running water, hot water and heat at appropriate times of the year (according to the District of Columbia Housing Code) except where the building that includes the dwelling unit is not required by law to be equipped for that purpose or where heat or hot water is operated by an installation within the exclusive control of the tenant and supplied by a direct utility connection.

## **5759 REPAIR PROCEDURE**

5759.1 Upon receipt of a repair request from a tenant, or in the case of a DCHA initiated repair, DCHA shall inspect the unit to determine the repair required. If the repair

cannot be completed during the first visit, repairs shall be scheduled for a later time.

5759.2 When repair work is completed, the tenant shall be required to sign a DCHA form indicating that the work was performed and indicating whether the repair work was satisfactory or unsatisfactory.

5759.3 In the event the premises are rendered uninhabitable, as determined by DCHA, as a result of damages to the premises that create a hazard to life, health, or safety of the occupant, the following steps shall be taken:

- (a) The tenant shall immediately notify DCHA of the damage;
- (b) The DCHA shall be responsible for repair of the unit within a reasonable time; provided, that if the damage was caused by the tenant, tenant's household or guests, the reasonable cost of the repairs shall be charged to the tenant; and
- (c) DCHA shall offer standard alternative accommodations, if available, in circumstances where necessary repair cannot be made within a reasonable time.

## **5760 CHARGE TO THE TENANT FOR REPAIRS AND SERVICES**

5760.1 Charges shall be assessed against the tenant for repairs to the dwelling unit beyond normal wear and tear, for damage caused by the tenant, members of the tenant's household, or guests.

5760.2 Where inspection of the unit indicates tenant-caused damage, DCHA shall advise the tenant of such finding, the reason why tenant cause was determined, and that the tenant shall be assessed repair costs.

5760.3 Repairs shall be performed in accordance with § 5759 of this chapter. After completion of repairs, DCHA shall determine the reasonable cost of the repair and shall notify the tenant in writing of the charge to be assessed in accordance with § 5724 of this title and of the tenant's right to contest the assessment under the DCHA grievance procedures set forth in Sections 5730 *et seq.*

5760.4 The reasonable cost of repair shall be determined based on cost of materials and cost of labor. Cost of labor shall be the actual time spent on repairs, or the maximum time allowed under DCHA maintenance standards, whichever is less.

5760.5 Charges to tenants for other DCHA services, such as tenant lockouts, shall be determined on the same basis as § 5760.4.

- 5760.6 In the event of a fire caused intentionally or by the neglect or negligence of the Lessee, household members, guests or Others, Lessee is subject to the following:
- (a) Lessee is responsible for the payment of the lesser of the:
    - (1) Costs for the repair of the fire damage; or
    - (2) The insurance deductible, if any, afforded by any insurance policy held by DCHA and applicable to the damages caused by the fire at the Leased Premises or Development;
  - (b) DCHA may terminate the Lease for any fire on the Leased Premises caused intentionally or negligently by the Lessee or Others that has resulted in a risk to the health or safety of any person or in damage to property.

## **5761 RIGHT TO ENTER DWELLING**

- 5761.1 The DCHA shall, upon written notice to the Lessee of at least two (2) days, be permitted to enter the dwelling unit during reasonable hours for the purpose of performing routine inspections or maintenance, make improvements or repairs, take photographs or otherwise record and document the condition of the unit or repairs, or to show the Leased Premises for releasing.
- 5761.2 The DCHA shall enter the Leased Premises at any time without advance notice when it has reasonable cause to believe that an emergency exists, or when the Lessee has agreed to such entry.
- 5761.3 In the event that the Lessee and all adult household members are absent from the premises at the time of entry, DCHA shall leave on the premises a written statement specifying the date, time and purpose of entry prior to leaving the premises.
- 5761.4 If the Lessee changes or adds the following to the dwelling unit, he or she shall notify DCHA and shall make duplicate keys, entry codes, or any applicable access to the dwelling available to DCHA, within twenty four (24) hours of the change:
- (a) Any locks, and/or;
  - (b) Any entry devices, including but not limited to any and all security devices.

## **5762 MOVE-IN AND MOVE-OUT INSPECTION**

- 5762.1 DCHA shall conduct a move-in inspection with the new tenant the same day as the Dwelling Lease is signed for occupancy. DCHA and the tenant shall sign the

unit inspection form certifying the condition of the unit, and the equipment provided with the unit, at the end of the inspection.

- 5762.2 The DCHA shall conduct a move-out inspection within twenty-four (24) hours of becoming aware that a tenant has vacated a unit or with the tenant on the day the tenant is scheduled to vacate.
- 5762.3 Tenants shall be asked to explain the nature and cause of any damage to the premises not documented during prior unit inspections.
- 5762.4 The tenant and DCHA shall sign the unit inspection form certifying the condition of the unit, equipment in the unit and assigning tenant responsibility for repair as provided in § 5760 of this chapter.
- 5762.5 The DCHA shall furnish the vacated tenant with a statement of total charges for any damages within ten (10) working days after completion of the repairs.

#### **5763 ANNUAL INSPECTION**

- 5763.1 Each occupied unit shall be inspected annually by DCHA. A written notice of inspection shall be given to the tenant at least two (2) days in advance.
- 5763.2 Tenant-caused damage discovered during this inspection shall be assessed to the tenant after completion of the repairs in accordance with § 5760 of this chapter.

#### **5764 REASONABLE ACCOMMODATIONS: INTRODUCTION**

- 5764.1 The District of Columbia Housing Authority (DCHA) is committed to operating all of its housing programs in a fair and impartial way. In addition to requiring fairness and impartiality without regard to race, color, sex, sexual orientation, family responsibilities, national or ethnic origin, religion, age, personal appearance, familial status, marital status, political affiliation, source of income, matriculation and place of residence or business, DCHA is committed to providing programs in a way that does not discriminate against individuals with disabilities.
- 5764.2 A Reasonable Accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that provides a person with a disability the opportunity to participate in or benefit from, a program (housing or non-housing) or activity.

#### **5765 REASONABLE ACCOMMODATIONS: APPLICATION OF REASONABLE ACCOMMODATION POLICY**

- 5765.1 This chapter applies to individuals with disabilities in the following programs provided by the DCHA:

- (a) Applicants of all Rental Assistance Demonstration (RAD) and Project Based Voucher Programs (PBV);
- (b) Participants in the RAD and PBV Programs; and
- (c) Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the DCHA, its agents or contractors including all non-housing facilities and common areas owned or operated by the DCHA.

**5766 REASONABLE ACCOMMODATIONS: PERSONS WITH A DISABILITY**

5766.1 A person with a disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities.

5766.2 As used in this definition, the phrase “physical or mental impairment” includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities, or
- (c) Such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, drug addiction and alcoholism, among others.

5766.3 Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

5766.4 The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program or activities, or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

**5767 REQUESTS FOR REASONABLE ACCOMMODATIONS**

5767.1 A person with a disability may request a reasonable accommodation at any time during the application process or participation in the RAD/PVB Programs of DCHA. All requests must be reduced to writing by the individual, DCHA staff or any person identified by the individual.

5767.2 Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case by case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate. The following provisions apply to Requests for Reasonable Accommodations:

- (a) All applicants will be provided the Request for a Reasonable Accommodation Form with the application, and upon request.
- (b) All participants will be provided the Request Form again at the time of recertification, and upon request.
- (c) DCHA will respond in writing to all requests for reasonable accommodation.
- (d) All decisions to grant or to deny reasonable accommodations will be communicated in writing and in the form requested by the individual.

5767.3 Examples of reasonable accommodations may include, but are not limited to:

- (a) Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability that is on the lease;
- (b) Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;
- (c) Allowing a live-in aid to reside in an appropriately sized DCHA unit;
- (d) Transferring a participant to a larger size unit to provide a separate bedroom for a person with a disability;
- (e) Transferring a participant to a unit on a lower level or a unit that is completely on one level;
- (f) Making documents available in large type, computer disc or Braille;

- (g) Making interpreters available to meet with staff or at resident meetings;
- (h) Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
- (i) Permitting an outside agency or family member to assist a participant or an applicant in meeting screening criteria or meeting essential lease obligations;

**5768 REQUEST FOR REASONABLE ACCOMMODATION BY RAD/PBV PARTICIPANTS AND APPLICANTS**

5768.1 Requested accommodations will not be approved if one of the following would occur as a result:

- (a) A violation of District of Columbia and/or federal law;
- (b) A fundamental alteration in the nature of the RAD/PBV program;
- (c) An undue financial and administrative burden on owner of the RAD/PBV property;
- (d) A structurally unfeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

5768.2 All requests for reasonable accommodation shall be reduced to writing on the reasonable accommodation form by the participant, applicant, DCHA staff, or any person identified by the individual. This form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation. The reasonable accommodation form shall be submitted to DCHA’s Office of the 504/ADA Coordinator for processing.

5768.3 The 504/ADA Coordinator shall request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation form as well as suggested reasonable accommodations to assist the participant in the opportunity to fully enjoy the dwelling unit or non-housing program.

5768.4 The following may provide verification of a participant’s disability and the need for the requested accommodation:

- (a) Physician;
- (b) Licensed health professional;

- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

- 5768.5 The participant will be notified in writing of the final reasonable accommodation determination by the ADA/504 Coordinator. If the accommodation is approved, the participant will be notified of the projected date for implementation. If the accommodation is denied, the participant will be notified of the reasons for denial.
- 5768.6 All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the Office of the Deputy Executive Director for Operations, in consultation with the PBV/RAD property owner, for implementation. All requests for reasonable accommodation that are approved by the Office of the Deputy Executive Director for Operations will promptly be implemented or begin the process of implementation.
- 5768.7 If a request for a reasonable accommodation is denied pursuant to the reasons provided in § 5768.1, DCHA will seek to provide the individual with a disability an alternative opportunity to fully participate in the program or activity provided by DCHA.
- 5768.8 DCHA shall not require a participant with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a RAD/PBV participant with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS compliant unit in that participant's project or an adjacent project, DCHA may offer to transfer the participant to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. However, if that participant rejects the proffered transfer, DCHA shall make modifications to the participant's unit unless doing so would be structurally impracticable or would result in an undue administrative and financial burden.
- 5768.9 If the participant accepts the transfer, DCHA will work with the participant to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within 30 days of the assignment of the dwelling unit, DCHA shall pay the reasonable moving expenses. Nothing contained in this paragraph is intended to modify the terms of DCHA's Tenant and Assignment Plan and any participant's rights thereunder.
- 5768.10 Reasonable Accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. Interpreters and readers will be made available upon request.



**5769 OCCUPANCY OF ACCESSIBLE UNIT**

5769.1 DCHA has RAD/PBV units designated for persons with mobility, sight and hearing impairments referred to as accessible units.

5769.2 DCHA will offer these accessible units to families in the following order:

- (a) First: Current occupant of public housing or RAD/PBV unit who has a disability that requires the special features of that unit;
- (b) Second: An eligible qualified applicant on the public housing waiting list having a disability that requires the special features of the unit; and
- (c) Third: If there are no eligible qualified applicants on the public housing waiting list, a non-disabled applicant will be offered the unit. DCHA will require that the non-disabled applicant agree to sign a lease that requires the applicant to move to an available non-accessible unit when either a current participant or applicant needs the special features of the unit.

5769.3 A Reasonable Accommodation Waiting List will be created and maintained by date and time of request pursuant to the order of families created by § 5769.2.

5769.4 The first qualified current participant in sequence on the list of participants seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

5769.5 Upon inspection of the offered unit, the participant or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. DCHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

5769.6 A current participant will receive two (2) offers of accessible units before his/her name is moved to the end of the Reasonable Accommodation Waiting List.

5769.7 An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.

**5770 GRIEVANCES**

5770.1 The RAD/PBV applicant or participant complainant may file a complaint in accordance with DCHA's grievance procedure (Sections 5730 *et seq.*) following a decision by the ADA/504 Coordinator.

5770.2 Rental Assistance Demonstration participant and applicant complainant may file a complaint in accordance with DCHA's grievance procedure (Sections 5730 through 5747) following a decision by the ADA/504 Coordinator.

5770.3 An applicant or participant may, at any time, exercise their right to appeal a DCHA decision through HUD or the Department of Justice.

#### **5771 SERVICE OR ASSISTANCE ANIMALS**

5771.1 Participants in DCHA programs, including RAD/PBV projects, with disabilities are permitted to have service animals, if such animals are necessary as a reasonable accommodation for their disabilities. RAD/PBV participants or applicants, who need a service animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy set forth in this chapter.

5771.2 Participants at any PBV/RAD property who are approved to have a service animal as a reasonable accommodation may keep the animal provided they comply with the following requirements:

- (a) Register the animal with the property manager;
- (b) Update the registration for the animal annually;
- (c) Provide proof the animal has been vaccinated in accordance with applicable local law;
- (d) Execute a lease addendum providing for the proper care and maintenance of the animal and the unit occupied by the animal in accordance with the RAD/PBV project rules; and
- (e) Continuously provide the proper maintenance and care for the animal and assure that the animal does not otherwise impair the peaceful enjoyment of the property by other residents.

5771.3 DCHA requires that a PBV/RAD participant or applicant with a service animal provide written certification:

- (a) From a third party, such as a health care provider, that the participant or a member of his or her family is a person with a disability and that an animal of the type proposed is reasonably necessary to meet the needs of the person with disabilities; and
- (b) From a third party knowledgeable about the service animal, such as a trainer or veterinarian, that:

- (i) The animal has the capability and individualized training, where necessary, such as for a Seeing Eye dog, to work for the benefit of the person with a disability;
- (ii) The animal is a domesticated animal and does not pose a risk of serious bites or lacerations, nor is the animal considered to be dangerous, aggressive, vicious, intimidating or detrimental to the health and safety of other residents or employees.

**5772 RECERTIFICATION/LEASE RENEWAL**

- 5772.1 Thirty (30) days before the date for recertification/lease renewal for a participant in the RAD/PBV Program, the PBV/RAD property owner or manager will provide a notice along with a package to the family to initiate the recertification/lease renewal process.
- 5772.2 If requested as a reasonable accommodation by an individual with a disability, the PBV/RAD property owner or manager shall provide the notice of recertification/lease renewal in an accessible format.
- 5772.3 The PBV/RAD property owner or manager shall also mail the notice to a third party if requested as a reasonable accommodation for an individual with disabilities. This accommodation will be granted upon verification that it meets the need presented by the disability.
- 5772.4 The recertification/lease renewal package will include a Notice of Rights and Opportunities which will include a description of the following:
- (a) The right of a participant to request a reasonable accommodation for any member of the family who has a disability in order to allow the individual with a disability to better use the residence and DCHA's facilities and programs;
  - (b) The right to file a grievance in accordance with DCHA's Rental Assistance Demonstration Program; and
  - (c) The right of participants to request a grievance or informal hearing, as appropriate, in matters such as reasonable accommodations or any issue in which the participant feels that DCHA or the PBV/RAD property owner or manager has unfairly modified his/her rights, welfare, or status and about which the participant has been unable to resolve with the property manager, the ADA/504 Coordinator or the department involved.
- 5772.5 Where personal interviews are required as part of the recertification/lease renewal process, individuals with disabilities who are unable to come to PBV/RAD property manager's offices, will be granted an accommodation by conducting the

recertification/lease renewal interview at the individual's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

5772.6 If the family does not cancel a recertification/lease renewal interview scheduled at the PBV/RAD property manager's offices or is not at home at the time of a scheduled home visit, PBV/RAD Property manager may initiate action to terminate the family's assistance. However, an exception may be granted if the family is able to document an emergency situation that prevented them from canceling or attending the interview or if requested as a reasonable accommodation for an individual with a disability.

### **5773 BARRING POLICY**

5773.1 DCHA has the right to refuse entrance or access to any of its properties to any person not authorized under the meaning of § 5773.3.

5773.2 Definitions. For the purposes of this subchapter, the following definitions shall apply:

(a) "DCHA property" is defined as RAD Covered Projects and related facilities that are either

(1) Owned, operated, or managed by DCHA; or

(2) Assisted in development or administration by DCHA.

(b) "A resident's guest" is any individual who is an invitee of, and can identify by name and unit number, an individual who is a member of a household under lease with DCHA, and such individual is available and willing to accept the guest and responsibility for the actions of the guest.

5773.3 No person may enter upon a DCHA property unless that person is authorized to be on the property. The only persons authorized to be on a DCHA property are:

(a) Residents of the property;

(b) Members of the resident's household;

(c) A resident's guests, except as provided in § 5773.6;

(d) Persons authorized under § 5773.4;

(e) Organizations with a license to use a portion of a property for specified purposes, and including the invitees of a licensee;

- (f) Persons employed by or doing business with the property owner at the property; and
- (g) Persons engaged in the legal or law enforcement community who are engaging in activities directly related to civil or criminal matters, such as process servers, investigators, attorneys or other individuals legitimately on a property for such purpose.
- (h) Persons authorized after consultation with the Resident Council as provided under Subsection 5773.4 below.

5773.4 Any person, not otherwise authorized under § 5773.3, seeking access to a DCHA property for legitimate business or social purposes shall be admitted as follows:

- (a) Any such person or organization shall submit a written request to the property management office of the respective DCHA property to which the person is seeking access.
- (b) The property owner, in consultation with the Resident Council of the respective property, shall review the request and respond to the request in writing within ten (10) business days of the request stating approval or disapproval of the request. If the property owner has not responded within ten (10) business days, the request is deemed approved.

5773.5 Any person not identified in § 5773.3 as an authorized person may be subject to the issuance of a Bar Notice for the period of time specified in the Bar Notice, not to exceed five years.

5773.6 Resident's guests may be subject to the issuance of a Temporary or Extended Bar Notice barring them from a specified development pursuant to the following:

- (a) Any resident's guest who engages in any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or employees of the DCHA property or who violates DCHA policy may be barred for a temporary or extended period of time as specified in paragraphs (b) and (c) below.
- (b) A Temporary Bar Notice shall remain in effect for the first infraction for sixty (60) days, the second infraction for six (6) months, and the third infraction for one (1) year for the following infractions:
  - (1) Entering DCHA property without presenting identification or properly signing the visitor log, unless identified as a guest by the resident they are visiting;

- (2) Being on DCHA property at a location or unit not specified on the guest pass or visitor log, unless the person is on the most direct route to or from such location, or accompanied personally by the resident being visited;
  - (3) Residing as an unauthorized occupant in a DCHA property dwelling unit; or
  - (4) Engaging in excessively loud or disruptive conduct or otherwise disturbing the peace of residents or employees of the DCHA property.
- (c) An Extended Bar Notice shall remain in effect for five (5) years for the following:
- (1) Persons issued more than four (4) bar notices for activities identified in § 5773.6(b);
  - (2) Engaging in conduct that is dangerous to the health or safety of residents or employees of a DCHA property;
  - (3) Engaging in activities involving illegal drugs, violence, weapons, theft, assault, and serious damage to property; and
  - (4) Persons evicted from DCHA property on the basis of such person's criminal or illegal activity.
- (d) Nothing contained in this chapter shall prevent a guest of a DCHA property resident from access or entry to the resident's dwelling unit for legitimate business or social purposes except as they may have been barred as provided in §§ 5773.6(b) or (c).

5773.7 Bar Notices issued to unauthorized persons under § 5773.5 or to guests under § 5773.6 may only be issued to bar such individuals from a particular DCHA property. Bar Notices may not be issued to bar persons from public streets or sidewalks, or from private property adjoining DCHA property.

5773.8 Bar Notices shall be served to persons pursuant to the following:

- (a) Personal delivery or attempted delivery in writing of Bar Notices shall be made to each person barred from a DCHA property.
- (b) The Bar Notice shall identify the basis for the issuance of the Bar Notice and the time period for which the person is barred from DCHA property. The Bar Notice shall reflect the date, method and manner of delivery upon

the barred person. The Bar Notice does not have to be delivered to the person on DCHA property.

- (c) A copy of the Bar Notice issued to a guest will be provided to the resident, if the guest has identified the unit number and name of the resident. A resident may file a grievance pursuant to the provisions of Sections 5730 through 5747 of this chapter if a guest of the resident has been barred.

5773.9 Bar Notices shall only be issued by the following persons:

- (a) Members of the DCHA Office of Public Safety including sworn officers and special police officers;
- (b) Members of the Metropolitan Police Department;
- (c) Members of cooperative law enforcement task forces as may be authorized by the Chief of DCHA Office of Public Safety; and
- (d) Private security providers contracted by DCHA or DCHA's agent.

5773.10 Bar Notices and Barring Policy information shall be made available as follows:

- (a) The DCHA Office of Public Safety shall keep copies of all Bar Notices and records of the expiration dates thereof;
- (b) A copy of the Barring Policy, as set forth in this chapter, shall be provided to each applicant upon signing a lease for a unit at a DCHA property;
- (c) A copy of the Barring Policy, as set forth in this chapter, shall be provided to the Resident Council for the property; and
- (d) A copy of the Barring Policy, as set forth in this chapter, shall be available at the management office for each DCHA property.

5773.11 The issuance of a Bar Notice requires the following:

- (a) The barred person must immediately leave the DCHA property from which the person was barred and not return to that DCHA property for the period the Bar Notice remains in effect.
- (b) Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later return to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person may be arrested for "unlawful entry" pursuant to D.C. Official Code § 22-3302 (2012 Repl.) as amended.

- 5773.12 Any barred person may submit a written request for a temporary lift of an Extended or Temporary Bar Notice to the Chief of the DCHA Office of Public Safety.
- (a) The written request shall state the specific location and time period during which the barred person is seeking access, and the reason for the request of the temporary lift, including any documentation of a request for a reasonable accommodation.
  - (b) A temporary lift shall be for a period of not more than eight hours during one calendar day.
  - (c) A barred person may only be granted two (2) temporary lifts during any calendar year of the imposition of a Bar Notice.
  - (d) Any barred person who commits a subsequent infraction on DCHA property during a period of a temporary lift shall be prohibited from requesting additional requests for temporary lifts during the remaining term of the Bar Notice.
  - (e) The Chief of DCHA Office of Public Safety will review the request of temporary lift and respond in writing within ten (10) days of the submission.

## **5774 VEHICLE POLICY**

5774.1 All RAD Covered Projects are private property and parking is prohibited unless approved by the owner. In addition, the owner has the right to tow any unauthorized vehicle on RAD Covered Projects as provided in this chapter.

### **5774.2 Definitions**

- (a) "Abandoned Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that:
  - (1) Is inoperable and left unattended on public property for more than seventy-two (72) hours;
  - (2) Has remained illegally on public property for more than 72 hours;
  - (3) Has remained on public property for more than 72 hours and is:
    - (i) Not displaying current valid registration; or
    - (ii) Displaying registration of another vehicle;



- (4) Has remained on RAD Covered Project for more than 72 hours and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from view of individuals on the adjoining properties; or
- (5) Has remained unclaimed on RAD Covered Project for 72 hours after proper notice as provided for in Subsection 5774.6 below.
- (b) "Junk Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is wrecked, dismantled, or in irreparable condition.
- (c) "Nuisance Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is a danger to the public health, safety, and welfare of residents or employees including, but not limited to, vehicles that are on cinder blocks/bricks, harbors rats, snakes or other vermin, have open and accessible interior or trunk, or exhibits broken windows, torn sheet metal, or exposed sharp metal.
- (d) "RAD Covered Project" shall mean all property, including parking lots, sidewalks or internal driveways or streets that is a part of DCHA's RAD Project-Based Program.
- (e) "Public Property" shall mean all property, including public streets, alleys, parking lots or other real property owned by the District of Columbia government.

#### 5774.3 Vehicles on Public Property

- (a) If the RAD Covered Project owner observes an Abandoned, Nuisance, or Junk Vehicle on a public street or other public property, the owner of the RAD Covered Project may contact the District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division to have the vehicle removed from public property within the RAD Covered Project.
- (b) Owners of a RAD Covered Project may not remove an Abandoned, Nuisance or Junk Vehicle located on Public Property. Only the District of Columbia Department of Public Works may remove such vehicles.

5774.4 Stolen Vehicles. If the owner of the RAD Covered Project determines that a vehicle is stolen, whether on RAD Project-Based Property or Public Property, the owner may notify the Metropolitan Police Department of the stolen vehicle or may request that DCHA's Office of Public Safety report the vehicle stolen on the requisite Metropolitan Police Department report form.

## 5774.5 Removal of Vehicles from RAD Covered Projects

- (a) If the owner of a RAD Covered Project determines that a vehicle is a Nuisance Vehicle located on the RAD Covered Project, the owner may immediately remove the vehicle from the RAD Covered Project.
- (b) If the owner determines a vehicle is an Abandoned or Junk Vehicle located on a RAD Covered Project for more than 72 hours, a Notice of Infraction may be issued and a Warning Notice to Remove the Vehicle affixed to the vehicle.
- (c) The Notice of Infraction may be issued and Warning Notice may be affixed by DCHA's Office of Public Safety, Metropolitan Police Department or other authorized appropriate District of Columbia officials.
- (d) The owner of the Abandoned or Junk Vehicle will have 72 hours to remove the vehicle from the RAD Covered Project.
- (e) Prior to initiating towing procedures, the owner of a RAD Covered Project will attempt to identify and contact the owner of the vehicle via telephone. In the event the RAD property owner is able to contact the vehicle owner, the RAD property owner will advise the owner of the following:
  - (1) The owner's vehicle is parked on a RAD Covered Project;
  - (2) The owner's timely removal of the vehicle is necessary to avoid the vehicle being towed;
  - (3) The vehicle was issued a Notice of Infraction for being parked on a RAD Covered Project; and
  - (4) The process for recovering the vehicle if towed from the RAD Covered Project.

## 5774.6 Towing of Vehicles.

- (a) The owner of the RAD Covered Project will make two attempts to contact the owner of a vehicle that has been issued a Notice of Infraction for being parked on DCHA's Property as provided for above. The attempts will be no less than twenty-four (24) hours apart.
- (b) If the owner of the RAD Covered Project is unable to contact the owner of a vehicle after two attempts, the property owner will proceed with the removal of the vehicle from the RAD Covered Project.

- (c) If the vehicle is not removed from the RAD Covered Project within 72 hours of the issuance of the Notice of Infraction and Warning Notice, the owner of the RAD Covered Project will have the vehicle removed by contacting either:
- (1) The District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division; or
  - (2) A tow crane operator licensed with the District of Columbia.

**5775 ACHIEVING YOUR BEST LIFE PROGRAM IN RAD COVERED PROJECTS**

- 5775.1 Achieving Your Best Life (“AYBL”), governed by rules found at 14 DCMR §§ 9800 *et seq.*, is a program that allows public housing residents in the District to increase earned income and to prepare to purchase a home or rent in the private market without government assistance.
- 5775.2 When a public housing project converts under RAD, those tenants who have already entered into an AYBL contract as required under 14 DCMR § 9817 will remain in the AYBL program until the AYBL contract terminates. The regulations enumerated at 14 DCMR §§ 9800 *et seq.* will continue to govern these residents’ participation in the ABYL program, even though DCHA will no longer be functioning as landlord for the property.
- 5775.3 Until the AYBL contract terminates, monthly tenant rent shall be reduced by the amount paid that month by a household member into an AYBL account.
- 5775.4 Residents of units funded by project-based voucher assistance are not eligible for admission to the ABYL program.

**5776 RESIDENT PARTICIPATION**

- 5776.1 The RAD Project-Based Property Owner shall recognize a legitimate resident organization and will give reasonable consideration to concerns raised by a legitimate resident organization.
- 5776.2 “Legitimate resident organization” is defined as a resident organization that:
- (a) Has been established by the residents of a RAD Project-Based Property;
  - (b) Meets regularly;
  - (c) Operates democratically;
  - (d) Is representative of all residents in the RAD Project-Based Property; and

- (e) Is completely independent of the property owner, management, and their representatives.

5776.3

Protected activities. Property owners must allow residents and resident organizations to conduct the following activities, and will not prior permission to conduct them.

- (a) Distributing leaflets in lobby areas;
- (b) Placing leaflets at or under residents' doors;
- (c) Distributing leaflets in common areas;
- (d) Initiating contact with residents;
- (e) Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
- (f) Posting information on bulletin boards;
- (g) Assisting resident to participate in resident organization activities;
- (h) Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
- (i) Formulating responses to Project Owner's requests for:
  - (1) Rent increases;
  - (2) Partial payment of claims;
  - (3) The conversion from project-based paid utilities to resident-paid utilities;
  - (4) A reduction in resident utility allowances;
  - (5) Converting residential units to non-residential use, cooperative housing, or condominiums;
  - (6) Major capital additions; and

(7) Prepayment of loans;

(j) Other reasonable activities related to the establishment or operation of a resident organization.

5776.4 Meeting space.

(a) Property owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:

(1) Residents or a legitimate resident organization and used for activities related to the operation of the legitimate resident organization; or

(2) Residents seeking to establish a legitimate resident organization or collectively address issues related to their living environment.

(b) Resident and resident organization meetings must be accessible to people with disabilities.

(c) Property owners may charge a reasonable, customary, and usual fee for the use of such facilities, if approved by HUD.

5776.5 Funding.

(a) Property owners will provide twenty-five dollars (\$25) per occupied unit annually for resident participation, of which at least fifteen dollars (\$15) per occupied unit shall be provided to the legitimate resident organization.

(b) These funds must be used for:

(1) Resident education;

(2) Organizing around tenancy issues; or

(3) Training activities.

(c) In the absence of a legitimate resident organization, property owners must make resident participation funds available to residents for organizing activities. Residents must make requests for these funds in writing to the project owner. These requests will be subject to approval by the property owner.

5776.6 Resident Organizers.

- (a) Property owners will allow resident organizers to assist residents in establishing and operating resident organizations.
- (b) Resident organizers are residents or non-residents who assist residents in establishing and operating a resident organization, and who are not employees or representatives of current or prospective property owners, managers, or their agents.

5776.7 Property Owner Responsibilities.

- (a) When requested by residents, a property owner shall provide appropriate guidance to residents to assist them in establishing and maintaining a resident organization.
- (b) A property owner shall provide the residents or any legitimate resident organization with current information concerning the owner's policies on tenant participation in management.
- (c) In no event shall a property owner recognize a competing resident organization once a legitimate resident council has been established. Any funding of resident activities and resident input into decisions concerning the property shall be made only through the officially recognized resident organization.
- (d) If requested, a property owner shall negotiate with the legitimate resident organization on all uses of community space for meetings, recreation and social services and other resident participation activities pursuant to HUD guidelines. Such agreements shall be put into a written document to be signed by the property owner and the resident organization.
- (e) The property owner and resident organization shall put in writing in the form of a Memorandum of Understanding the elements of their partnership agreement and it shall be updated at least once every three (3) years.

**5799 DEFINITIONS**

5799.1 When used in this subtitle, the following terms and phrases shall have the meaning ascribed:

**Adjusted Income** - is annual income less the following amounts:

- (a) Four hundred eighty dollars (\$ 480) for each dependent;
- (b) Four hundred dollars (\$ 400) for any elderly family;

- (c) For any family that is not an elderly family but has a handicapped member other than the head of household or spouse, handicapped assistance expenses in excess of three percent (3%) of annual income, but this allowance shall not exceed the employment income received by family members who are eighteen (18) years of age or older as a result of the assistance to the handicapped or disabled person;
- (d) For any elderly family, one of the following:
  - (1) That has no handicapped assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent (3%) of annual income;
  - (2) That has handicapped assistance expenses greater than or equal to three percent (3%) of annual income, an allowance for handicapped assistance expenses computed in accordance with paragraph (c) of this definition, plus an allowance for medical expenses that is equal to the family's medical expenses; or
  - (3) That has handicapped assistance expenses that are less than three percent (3%) of annual income, an allowance for combined handicapped assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent (3%) of annual income; and
  - (4) Child care expense.

**Annual Contributions Contract (ACC)** - The written grant agreement between HUD and a PHA under which HUD agrees to provide funding for a program (*e.g.*, public housing or Housing Choice Vouchers (HCV)) under the Act, and the PHA agrees to comply with HUD requirements for the program.

**Annual Income** - the anticipated total income from all sources received by the head of household and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the twelve (12) month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, nonrecurring or sporadic, and exclusive of certain other types of income specified in paragraphs (b) and (c) of this definition.

- (a) Annual Income includes, but is not limited to, the following:
- (1) The full amount, before any payroll deduction, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses, and other compensation for personal services;
  - (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
  - (3) Interest, dividends, and other net income of any kind from real or personal property greater than one thousand dollars (\$ 1,000) per year. Expenditures for amortization of capital indebtedness shall be used as deduction in determining net income. All allowance for depreciation is permitted only as authorized in paragraph (a)(2) of this definition. Net income from assets will be included in Annual Income for the purposes of this title if net income from assets exceeds \$ 1,000. Notwithstanding this threshold, all assets with a value greater than fifteen thousand dollars (\$ 15,000) must be reported annually. Regardless of the value of the assets, imputed income from assets will not be included in Annual Income.
  - (4) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment;
  - (5) Payments in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay;
  - (6) Welfare Assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of



shelter and utilities, the amount of welfare assistance income to be included as income shall consist of the following:

- (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated shall be the amount resulting from one application of the percentage;
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
  - (8) All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit; and
  - (9) Any earned income tax credit to the extent it exceeds income tax liability.
- (b) Annual Income does not include such temporary, nonrecurring or sporadic income as the following:
- (1) Casual, sporadic or irregular gifts;
  - (2) Amount that are specifically for or in reimbursement of the cost of medical expenses;
  - (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
  - (4) Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the costs of tuition, fees, books and equipment. Any amounts of such scholarships, or payments to veterans not used for the

above purposes that are available for substances are to be included in income; and

- (5) The hazardous duty pay to a family member in the Armed Forces away from home and exposed to hostile fire.
- (c) Other types of income not included in Annual Income are as follows:
- (1) Income from employment of children (including foster children) under the age of eighteen (18) years;
  - (2) Payments received for the care of foster children;
  - (3) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that include assistance under the 1937 Act. The following types of income are subject to such exclusion:
    - (i) Relocation payments made under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC §§ 4621-4638);
    - (ii) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 USC §§ 2011-2029);
    - (iii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 USC §§ 5044(f), 5058);
    - (iv) Payments received under the Alaska Native Claims Settlement Act (43 USC § 1626(a));
    - (v) Income derived from certain submarginal land of the United States that is held in trust for certain Indian Tribes (25 USC § 459e);
    - (vi) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 USC §§ 8621-8629);

- (vii) Payments received from the Job Training Partnership Act (29 USC 1552(b));
  - (viii) Income derived from disposition of funds of the Grant River Band of Ottawa Indians (Pub. L. No. 94-540, 90 Stat. 2503-2504); and
  - (ix) The first two thousand dollars (\$ 2,000) of per capital shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC §§ 1407-1408) or from funds held in trust for an Indian Tribe by the Secretary of Interior (25 USC § 117).
- (d) If it is not feasible to anticipate a level of income over a twelve (12) month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

**Applicant/Applicant Family** - a person or a family that has applied for housing assistance as a familial unit.

**Contract Administrator** - HUD or DCHA (under an Annual Contributions Contract with HUD) that executes a HAP Contract with a Project Owner.

**Contract Rent** - The total amount of rent specified in the HAP Contract as payable to the Project Owner for a unit occupied by an eligible family. In PBV, the contract rent is referred to as "Rent to Owner."

**Days** - calendar days, unless otherwise specified (where a specified number of days ends on a weekend or a holiday, the prescribed period shall end on the next working day following the weekend or holiday).

**DCHA** - the District of Columbia Housing Authority.

**Dependent** - a member of the family household (excluding foster children) other than the family head of household or spouse who is under eighteen (18) years of age or is a disabled person or handicapped person, or is a full time student.

**Disabled Person** - a person who is under a disability as defined § 233 of the Social Security Act (42 USC § 423), or in § 102 of the Developmental Disabilities Services Facilities Construction Amendments of 1970 (42 USC § 269(1)). Section 233 of the Social Security Act defines disability as follows:

- (a) “Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for continuous period of not less than twelve (12) months; or
- (b) In the case of an individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in § 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he or she has previously engaged with some regularity and over a substantial period of time."

**Displaced Person-** a person(s) displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

**Dwelling Lease** - a written agreement between a tenant and owner of the RAD Covered project for the use and occupancy of a specific dwelling unit.

**Elderly Family** - a family whose head or spouse, or whose sole member, is at least sixty-two (62) years of age, or a disabled person or a handicapped person, and may include two (2) or more elderly, disabled or handicapped persons living together, or one (1) or more elderly, disabled or handicapped persons living together, or one (1) or more persons living with another person who is determined to be essential to his or her care or wellbeing.

**Emergency Category-** Applicants in this category are those who are:

- (a) Involuntarily displaced and not living in standard, permanent replacement housing (including applicants that are homeless (no fixed address), living in transitional housing, or living in a licensed shelter for the homeless); or the applicant will be involuntarily displaced within no more than six months from the date of any preference status certification by the family or verification of the family's status (An applicant may not qualify for this preference if he/she: (1) refused to comply with applicable polices for locally or federally assisted housing program(s), including notice of a mandatory transfer issued by DCHA or failure to comply with procedures with respect to the occupancy of under occupied or overcrowded public housing units; or (2) failed to accept a transfer to another housing unit in accordance with a court decree or HUD-approved desegregation plan; or (3) was displaced as a result of a

DCHA initiated eviction; or (4) voluntarily left public housing in an effort to avoid the public or assisted housing waiting lists by claiming he/she is now in an emergency category status.);

- (b) Living in substandard housing as determined by a certified inspector pursuant to the building and/or housing codes of the District of Columbia (or other applicable jurisdiction), at the time of preference verification;
- (c) Paying more than fifty percent (50%) of income for rent for at least ninety (90) days at the time of the preference verification. (Applicant family may not qualify for this preference if it is paying more than fifty percent (50%) of income for rent because the applicant's housing assistance was terminated as a result of the applicant family's failure to comply with local or federal housing program policies and procedures or if the applicant is paying more than 50% as a result of a DCHA initiated eviction);
- (d) Involuntarily displaced as a victim of recent or continuing domestic violence, *i.e.*, actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household;
- (e) Involuntarily displaced by recent or continuing hate crimes, *i.e.*, actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the person's race, color, religion, sex, national origin, disability, sexual orientation, or familial status; or
- (f) Involuntarily displaced as a result of inaccessibility of a housing unit or a member of applicant family has mobility or other impairment that makes the member unable to use critical elements of the unit.

**Family** - the following person or persons:

- (a) Two (2) or more persons who are either related by blood, marriage or operation of law, or give evidence of a stable relationship which has existed over a period of time;
- (b) An elderly family as defined in this chapter (including disabled or handicapped persons);
- (c) A single person who is a displaced person as defined in this chapter.

- (d) The remaining member(s) of a HMA tenant family; or
- (e) A single person who is not an elderly family or a displaced person as defined in this chapter, where approved by HUD pursuant to 24 CFR, Part 912.3.

The term "Family" does not include a non-immigrant student alien (and related family members) as defined by HUD pursuant to § 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 USC § 1101(a)(15)(i)).

**Fair Market Rent (FMR)** - The cost in a particular housing market area of privately owned, decent, safe and sanitary rental housing. HUD establishes and publishes in the Federal Register FMRs for dwelling units of varying sizes for each metropolitan area. FMRs are gross rent estimates, *i.e.*, they include the cost of tenant-paid utilities. See 24 CFR part 888 subpart A.

**First Available Unit** - An Applicant with an application date earlier than an Applicant on a Site-Based Waiting List at a development with an available unit shall be selected from the waiting list for a unit at that property. For example, an eligible Applicant with an application date of March 1, 2008 who has selected the "First Available Unit Option" shall be selected from the waiting list before any eligible Applicant on the Site-Based Waiting List with an application date and time after March 1, 2008. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

**Full Time Student**- a person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

**Handicapped Assistance Expenses** - reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a handicapped or disabled family member and that are necessary to enable a family member (including the handicapped or disabled member) to be employed; Provided, that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

**Handicapped Person**- a person having a physical or mental impairment as follows:

- (a) Is expected to be of long, continued and indefinite duration;
- (b) Substantially impedes his or her ability to live independently; and

- (c) Is of such a nature that such ability could be improved by more suitable housing conditions.

**Head of Household-** the family member who is held responsible and accountable for the family (and whose name is identified as responsible on the dwelling lease).

**Housing Assistance Payment (HAP)** - The payment made by the Contract Administrator to the Project Owner of an assisted unit as provided in the HAP Contract. Where the unit is leased to an eligible household, the payment is the difference between the contract rent for a particular assisted unit and the tenant rent payable by the family.

**Housing Choice Voucher Program (HCVP)** – a program that provides tenant-based rental assistance pursuant to Section 8 of the Housing Act of 1937.

**Housing Quality Standards (HQS)** - Standards set forth in 24 CFR § 982.401 that must be met by all units in the HCV program before assistance can be paid on behalf of a household. The HQS in 24 CFR § 982.401 apply to PBV, in accordance with 24 CFR § 983.101. Generally, Voucher Agencies must conduct HQS inspections of PBV projects not less than biennially during the term of the HAP Contract.

**HAP Contract** - The contract entered into by the Project Owner and the contract administrator that sets forth the rights and duties of the parties with respect to the Covered Project and the payments under the contract.

**HUD** - the U.S. Department of Housing and Urban Development.

**Leased Premises** - Leased Premises includes the Lessee's dwelling unit as specified in the lease and any other buildings or areas that are provided for the exclusive use of the Lessee.

**Lessee** - The "Lessee" is the individual(s) that sign(s) the Lease with the owner of the RAD Covered project. Each Lessee is individually, jointly and severally responsible for performance of all obligations under the lease including, but not limited to, the payment of rent and other charges, as defined herein. No individual, other than the signatory to the lease, is deemed to be a Lessee or have any rights of a Lessee.

**Low Rent Housing** - housing owned by DCHA under the United States Housing Act of 1937.

**Lower Income Family-** a family whose annual income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

**Medical Expenses** - those medical expenses, including medical insurance premiums, that are anticipated during the twelve (12) month period for which annual income is computed, and that are not covered by insurance.

**Mixed Finance Project** – A project developed under 24 C.F.R. § 905.604.

**Net Family Assets-** the value of equity in real property, savings, stocks, bonds and other forms of capital investments, excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted as part of annual income.) In determining net family assets, HMA shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for admission or reexamination, as applicable, in excess of the consideration received therefore. In the case a disposition as part of a separation or divorce settlement, the disposition shall not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

**Notice to Correct or Vacate** - a written notice of termination of the lease advising the tenant that if he or she does not correct violations of his or her lease as stated in the notice, his or her tenancy will terminate on the effective date indicated in the notice and he or she will be required to vacate the premises. This notice shall serve as the notice required for eviction by District law and by 24 CFR § 966.4.

**Notice to Vacate-** a written notice of termination of the lease, as of the effective date of the notice, for reasons set forth in the notice, and specifying a period of time by which the tenant shall vacate the premises to prevent initiation of appropriate legal action to recover the premises.

**Prepayment** - The satisfaction (*i.e.*, payment in full) of the underlying mortgage prior to its maturity date. Prepayment is one of the eligibility triggering events for RAD conversion under Section III of this Notice.

**Private Mixed Finance Project** – A Mixed Finance Project whose owner is not substantially controlled by DCHA or a wholly-owned subsidiary of



DCHA. For the purposes of this definition, “substantial control” is defined as greater than fifty percent (50%) voting power.

**Priority Applicant**- an applicant for admission to housing who meets the criteria of § 6105 of this title.

**Project** - For purposes of determining a RAD transaction, a “project” is a structure or group of structures that in HUD’s determination are appropriately managed as a single asset. In determining whether a combination of structures constitute a project, HUD will take into account types of buildings, occupancy, location, market influences, management organization, financing structure or other factors as appropriate. For a RAD PBV conversion, the definition of “project” in 24 CFR § 983.3 continues to apply for all references to the term in 24 CFR § 983.

**Project-Based Voucher (PBV)** - A component of a PHA’s HCV program, where the PHA attaches voucher assistance to specific housing units through a PBV HAP Contract with an owner. Unlike a tenant-based voucher, the PBV assistance remains attached to the unit when the family moves, and assists the next eligible family to move into the PBV unit. The PBV program is administered by HUD’s Office of Public and Indian Housing.

**Project Owner** - For purposes of Sections 5700 through 5775, the term Project Owner refers to the owner of the Covered Project, including but not limited to any owner pursuant to a HAP Contract. For purposes of HAP Contracts, an Owner is a private person, partnership, or entity (including a cooperative), a non-profit entity, a PHA or other public entity, having the legal right to lease or sublease the dwelling units subject to the HAP Contract.

**Public Housing** - see Low Rent Housing.

**Public Housing Advisory Board (Resident Advisory Board)** - District of Columbia Public Housing Advisory Board, established by Mayor's Order 86-1.

**Public Housing Agency (PHA)** - A Public Housing Agency that administers programs under the Act, which could include public housing and HCVs. In addition to this general definition, the term PHA, as used in this Notice, refers to the owner of a First Component Converting Project (even if the project is a Mixed Finance Project and the PHA does not own ACC units).

**Public Housing Project** - Per 24 CFR § 905.108 the term “public housing” means low-income housing, and all necessary appurtenances thereto, assisted under the Act, other than assistance under 42 USC § 1437f of the Act (Section 8). The term “public housing” includes dwelling units in a

Mixed Finance Project that are assisted by a PHA with public housing Capital Fund assistance or Operating Fund assistance. When used in reference to public housing, the term “project” means housing developed, acquired, or assisted by a PHA under the Act, and the improvement of any such housing. Each public housing project has a project identification number in the Public and Indian Housing Information Center (PIC), though a PHA may propose to convert individual sites within the public housing project.

**RAD Covered Project** - The post-conversion property, including but not limited to buildings, the common areas of the buildings and grounds associated with all the buildings, with assistance converted from one form of rental assistance to another under the Rental Assistance Demonstration.

**Site-Based Waiting Lists** - An Applicant who has applied to be placed on the Site-Based Waiting List at multiple developments will be selected from those respective lists by date and time of application. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

**Tenant** - a lessee under the dwelling lease.

**Tenant Rent** - the amount payable monthly by a tenant as rent to the owner of the RAD converted project under a dwelling lease as defined in 24 CFR part 5. Where all utilities and other essential housing services are supplied the tenant by the owner, Tenant Rent shall be the same as total tenant payment. Where some or all utilities and other essential housing services are not supplied to the tenant by the owner, and the cost is billed directly to the tenant, Tenant Rent shall be the amount of the total tenant payment less applicable utility allowances. Tenant rent shall be reduced by any amount paid that month by a household member into an Achieving Your Best Life (AYBL) escrow account, until the AYBL contract terminates. *See 14 DCMR § 5775.*

**TTP** - The total tenant payment as calculated pursuant to 24 CFR part 5.

**Uniform Federal Accessibility Standards (UFAS)** - Construction standards with minimum requirements for accessibility for dwelling units constructed or substantially altered with the assistance of federal funds as detailed at 24 CFR part 8 and the addendums thereto.

**Utility Allowance** - As defined in 24 CFR part 5, the amount that a PHA or Project Owner determines is reasonable for tenant-paid utility costs. In the case where the utility allowance exceeds the Total Tenant Payment (as defined at 24 CFR § 5.613), the tenant is reimbursed in the amount of such excess.

**Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, Sections 6100 through 6111, are amended to read as follows:**

**6101 APPLICATION FOR ASSISTANCE**

6101.1 DCHA maintains the following waiting lists:

(a) Public Housing Waiting Lists:

(1) First Available Waiting List; and

(2) Site-Based Waiting List;

(b) Housing Choice Voucher Program Wait List – including applicants for tenant-based voucher assistance and project-based voucher assistance under the Partnership Program (operated in accordance with the rules set forth in Chapter 93 of this Title 14); and

(c) Moderate Rehabilitation Program Wait List.

6101.2 Each Applicant seeking public housing assistance owned, operated or administered by DCHA, or rental assistance through the Housing Choice Voucher Program, Moderate Rehabilitation Program, or the Rental Assistance Demonstration must submit a completed application with DCHA.

6101.3 Applications must be returned to DCHA via the methods as determined by DCHA at the time of the opening of the waiting list(s) pursuant to Section 6104.

6101.4 An Applicant may apply for one, some or all of the programs that DCHA owns and operates or administers.

6101.5 If an Applicant applies for public housing, the Applicant shall select to be on either the First Available Waiting List or the Site-Based Waiting list.

6101.6 If an Applicant for public housing chooses to be on the First Available Waiting List then his or her application shall be considered for a vacancy at any public housing or RAD Covered Project.

6101.7 If an Applicant for public housing chooses to be on the Site-Based Waiting List, Applicants shall select up to three (3) individual public housing or RAD Covered Projects where they wish to reside.

6101.8 As part of the Housing Choice Voucher and Moderate Rehabilitation Programs application process, Applicants shall be given the opportunity to select the Housing Choice Voucher Program and/or the Moderate Rehabilitation Program

for housing assistance.

- 6101.9 A review of all applications shall be conducted by DCHA based on the data contained in the application. This review is limited to determining the completeness of the application.
- 6101.10 Only completed applications will be accepted by DCHA for processing.
- 6101.11 If DCHA determines that an application is incomplete, DCHA shall return the incomplete application to the Applicant to the address listed on the application and advise the Applicant that the application is incomplete and what missing information is required to complete the application.
- 6101.12 Once the completed application is submitted to DCHA, the Applicant shall receive a confirmation of receipt either electronically, in person or via first class mail.
- 6101.13 DCHA shall record the date and time that the completed application was received.
- 6101.14 Applicants shall be placed on the DCHA waiting list(s) based on date and time of their completed application and any program preferences selected on the application pursuant to Sections 6102, 6103, 6105, and 6111 of this chapter.
- 6101.15 A person with a disability may request a reasonable accommodation at any time during the application process pursuant to Chapter 74 of Title 14.

## **6102 APPLICATION PROCESS AND REVIEW**

- 6102.1 Upon receipt of a completed application, DCHA shall place the Applicant on the selected waiting list(s) based on the date and time that the application was received, the type and unit size required based on occupancy guidelines and applicable Special Programs and/or allocations, and any preference(s) established by DCHA.
- 6102.2 Each Applicant shall be assigned a unique Client Identification Number (CIN) for identification purposes.
- 6102.3 Placement on DCHA's waiting list(s) does not guarantee the family admission to public housing, RAD, the Housing Choice Voucher Program, or the Moderate Rehabilitation Program.
- 6102.4 Periodically, as vacancies occur or are anticipated at DCHA owned and operated public housing projects or at RAD Covered Projects, or as Housing Choice Vouchers become available or units become available in the Moderate Rehabilitation Program, Applicants near the top of the applicable waiting list(s) shall be interviewed in order to obtain and verify any and all information

necessary to make an eligibility determination in accordance with Sections 6106, 6107, 6108, and 6109.

- 6102.5 Public housing and Moderate Rehabilitation Applicants who have been deemed eligible shall be placed in the selection pool.
- 6102.6 DCHA shall review the application for any current debt owed to any public housing authority, Project Owner, or Housing Choice Voucher programs via the HUD Enterprise Income Verification system “EIV” or any other income or debt verification source.
- 6102.7 If a current debt is found, DCHA shall notify the Applicant of the debt amount, to whom it is owed and the consequences of an unresolved debt at the time of the eligibility determination.
- 6102.8 If the current debt is unresolved at the time of the eligibility determination the Applicant may be deemed ineligible.
- 6102.9 The Applicant shall be allowed to submit mitigating circumstances to demonstrate an Applicant’s suitability to receive housing assistance.
- 6102.10 Applicants in the public housing selection pool shall be offered housing units that meet their occupancy and accessibility needs as the appropriately sized units become available.
- 6102.11 Eligible Applicants for the Housing Choice Voucher Program are offered a voucher as vouchers become available pursuant to Chapter 76.
- 6102.12 Eligible Applicants for the Moderate Rehabilitation Program shall be placed in a selection pool and offered a unit as units become available pursuant to Chapter 76.
- 6102.13 The determination of eligibility and the process for the ultimate determination of ineligibility, including the informal conference and the option to request a review by an independent third party reviewer, are found in Section 6107 of this chapter.

**6103 MAINTENANCE OF THE WAITING LIST(S)**

- 6103.1 The waiting list(s) shall be maintained to ensure that Applicants are referred to appropriate developments, unit types (for example for public housing, RAD, Mixed Population, General Population or accessible) and sizes or housing programs.
- 6103.2 Applicants are responsible for updating their application when there are changes in the family composition, income, address, telephone number, and acceptance of housing assistance. Failure to update the application timely may result in a delay

in housing, being deemed eligible for housing or the Applicant being changed to inactive status from the waiting list(s).

- 6103.3 DCHA shall update its waiting list(s) periodically and to meet the needs of those requiring housing assistance, as needed. When this occurs, DCHA will send update forms to the affected Applicants.
- (a) The request for an update to a housing application shall provide a deadline by which the Applicant must respond and shall state that failure to respond shall result in the Applicant's being withdrawn from the waiting list(s) or changed to inactive status.
  - (b) Applicants must complete an update form electronically, by telephone or mail, or by any other means established by DCHA within the time frame specified in the request for update package. Once the update is received the appropriate changes shall be made to the Applicant's file and the Applicant shall maintain their application date and time.
- 6103.4 Applicants who do not return the completed update form within the specified time frame shall have their waiting list status changed to inactive:
- (a) An Applicant whose status is inactive will not be actively considered for DCHA housing assistance.
  - (b) If an inactive Applicant submits a completed update form at any time after the expiration of the specified update time frame, then the Applicant shall be restored to an active status on the waiting list based on the Applicant's original application date and time provided that the Applicant was deemed inactive after October 1, 2003.
- 6103.5 Changes in an Applicant's circumstances while on any of DCHA's waiting list(s) may affect the family's qualification for a particular development, bedroom size or entitlement to a preference. When an Applicant reports a change that affects their placement on the waiting list(s), the waiting list(s) shall be updated accordingly.
- 6103.6 When selecting Applicants from the Public Housing Waiting Lists, DCHA shall use the Applicant's family composition and any reasonable accommodations requests to determine the appropriate bedroom size and unit characteristics.
- 6103.7 Applicants on the wait list(s) who have requested a fully accessible unit, a unit with accessible features or any other reasonable accommodation through the reasonable accommodation process, must meet all requirements of the accommodation prior to being deemed eligible. All reasonable accommodations shall be verified and approved by the Office of the ADA/504 Coordinator prior to a unit offer.

- 6103.8 Applicant families with members with disabilities who have verified and approved reasonable accommodations for fully accessible units or units with accessible features shall receive priority for those units that are designated as fully accessible units or designed with specific accessibility features.
- 6103.9 The only other system for assigning priority to eligible public housing Applicants is date and time of application, unless otherwise specified in this chapter under, for example, Sections 6111, 6112 or 6113.
- 6103.10 Applicants housed in public housing, RAD, Housing Choice Voucher or Moderate Rehabilitation programs do not qualify for the “homeless” preference category and shall have the preference removed.
- 6103.11 Selection for Public Housing and RAD:
- (a) Applicants seeking housing assistance in the public housing or RAD programs shall choose either the First Available Unit Waiting list or the Site-Based Waiting list.
  - (b) Applicants shall not be placed on the First Available Unit waiting list and the Site-Based Waiting List at the same time. Applicants who select both shall be listed only on the Site-Based Waiting lists that the Applicant selected.
  - (c) Applicants who do not select developments on the Site-Based Waiting List or the First Available Waiting Unit Waiting List shall be placed automatically on the First Available Unit Waiting list.
  - (d) Applicants shall only be listed at developments that have bedroom size and unit characteristics for which the family is authorized to occupy based on family composition and any reasonable accommodation requests.
  - (e) Applicants may select up to three (3) developments on the Site-Based Waiting list. An Applicant who has selected multiple developments on the Site-Based Waiting List, and has the earliest application date and time, shall be offered the first available unit of their site(s) selection.
  - (f) An Applicant who has selected the Site-Based Waiting List may not change his/her development selection after the application is received unless there is a change in their family circumstances that would require a change in bedroom size or unit characteristics. However, if the site selected can accommodate the required change, DCHA shall not approve a change in the site selection. The Applicant shall maintain his/her original application date and time for the newly selected site.

- (g) An Applicant on the Site-Based Waiting List may elect to voluntarily remove their selection from the Site-Based Waiting List to the First Available Waiting List and maintain their original application date and time.
- (h) Any Applicant on the First Available Waiting List may not change their selection from the First Available Waiting List to the Site-Based Waiting List.

#### **6104 TEMPORARY CLOSURE OF THE WAITING LIST**

6104.1 If the number of families on the Public Housing Waiting Lists or Housing Choice Voucher Program Waiting List is such that there is no reasonable prospect that additional applicants for specific units types or sizes can be housed within the next twelve (12) months, the Executive Director, DCHA may approve action to do the following:

- (a) Suspend the taking of further applications for certain unit types, unit sizes, or projects developed for special purposes; and
- (b) Limit application taking to certain specified periods of the year.

6104.2 When action is taken to suspend, limit or reopen the taking of applications, DCHA shall make known to the public through publication of notice in the *D.C. Register* and in newspaper(s) of general circulation, minority media, and other suitable means the following:

- (a) The nature of the action; and
- (b) The effective date of the action.

6104.3 Action to suspend, limit or reopen the taking of applications shall not take effect without at least ten (10) calendar days advance notice to the public in accordance with Subsection 6104.2.

6104.4 Notwithstanding the suspension of application taking, DCHA may continue to take applications from priority applicants eligible for priority placement on the waiting list pursuant to Subsection 6105.2 of this chapter.

#### **6105 PREFERENCES FOR PUBLIC HOUSING**

6105.1 At the time of application, applicants self-certify their preference. Verification of a preference is not required until an applicant reaches the top of the waiting list. Applicants will be required to provide verification that they meet the preference as part of the eligibility determination process.



6105.2 The granting of a preference does not guarantee admission to public housing. Preferences are used merely to establish the order of placement on the waiting list. Every applicant for public housing or the Housing Choice Voucher Program must also meet DCHA's Applicant Selection Criteria outlined in Section 6109 below.

(a) Preferences

(1) Mixed Population Properties

- (i) the following admission preference system will be applied in the selection of otherwise eligible applicants from Public Housing Waiting Lists (based on the time and date of application) for a public housing or RAD unit offered in mixed population properties:

Preference #1: Elderly Families and/or Disabled Families

Preference #2: Near Elderly Families

Preference #3: All Other Families

- (ii) no individual shall be considered a person with disabilities, for purposes of eligibility for public housing or RAD under this Title, solely on the basis of any current drug or alcohol dependence.

- (2) General Population Properties - the following applicant admission categories, including percentages, will be applied to the selection of otherwise eligible applicants from the Public Housing Waiting Lists (based on the time and date of application) for public housing or RAD units offered in general population properties:

Category #1: Working Families (50% Annually)

Category #2: All Other Families (40% Annually)

- (3) Emergency Category - Up to ten percent (10%) (not to exceed one hundred (100) units) annually of all applicants housed in the general and/or mixed-population properties will be selected from qualified applicants in the Emergency Category. Emergency Category is defined in 14 DCMR § 5705.

- (b) If there are no applicants on the waiting list that qualify for the Emergency Category, otherwise eligible applicants will be selected for admission.

- (c) The admission systems described above will work in combination with requirements to match the characteristics of applicant families to the type of units available, including units for targeted populations, *e.g.*, elderly, disabled. The ability to provide public housing for qualified applicants will depend on the availability of appropriately sized public housing or RAD units.

6105.3 The DCHA shall select families from the waiting list in the Emergency Category by date and time of application, except when a situation is a federally or locally declared natural disaster or civil disturbance, in which case the Executive Director has the discretion to waive date and time of application in selection. Any determination by the Executive Director to waive the date and time of application must be in writing stating the maximum number of applications that will be selected under these provisions or any limits on time for the waiver, with such waiver being approved for form and legal sufficiency by General Counsel and published in the *D.C. Register*.

6105.4 The preferences for admission to the Housing Choice Voucher Program are found in the DCHA's Administrative Plan for the Section 8 Certificate and Housing Voucher Programs.

## **6106 ELIGIBILITY**

6106.1 DCHA shall consider an applicant eligible for selection for public housing or the Housing Choice Voucher Program if the applicant meets the following criteria:

- (a) Qualifies as a family, as defined in Section 5999 of this chapter;
- (b) Annual income does not exceed the income limits for admission under Section 6108 of this chapter;
- (c) Family meets applicant family selection criteria under Section 6109 of this chapter;
- (d) Family size meets the occupancy standards established by DCHA under Section 6110 of this chapter; and
- (e) Family provides all required information and signs all required documentation, including proof of citizenship or eligible immigrant status.

6106.2 DCHA shall consider an applicant eligible for selection for a RAD unit if the applicant meets the criteria set forth in Section 5707 of this Title 14.

- 6106.3 For applicants near the top of the waiting list, the Client Placement Division will mail written notice to the last address provided in order to obtain information needed for a determination of eligibility. The letter will state:
- (a) The date and time of the eligibility interview;
  - (b) The location where the eligibility interview will be held; and
  - (c) The documents the applicant should bring to the eligibility interview.
- 6106.4 A family or applicant may make one request to reschedule an eligibility interview for the convenience of the applicant up to thirty (30) days after the scheduled eligibility interview date. However, DCHA will reschedule an eligibility interview as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.
- 6106.5 If an applicant does not respond to notice of an eligibility interview and does not request an alternate appointment in advance of the scheduled interview date, then the applicant shall be deemed inactive on the waiting list for the type housing assistance offered. If the applicant informs DCHA that the applicant remains in need of the housing assistance at any time after the scheduled interview date, then the applicant shall be restored to active status on the waiting list for the relevant type of housing assistance with the applicant's original application date. The applicant shall be scheduled for another eligibility interview based on the restored application date and any updated applicant information.
- 6106.6 The eligibility interview will be held in order to collect eligibility data, determine eligibility and identify any special problems or needs. As part of the eligibility determination, an applicant will be provided the opportunity to complete a reasonable accommodation request. All information shall be verified as a part of the eligibility determination.
- 6106.7 During the eligibility interview, the Client Placement Division shall assist the applicant in completing any forms necessary. The following forms, as applicable, are to be completed or signed by the applicant:
- (a) Privacy Act Notice;
  - (b) Asset Certification Form – only assets with a value greater than fifteen thousand dollars (\$15,000) or which generate a net income of greater than one thousand dollars (\$1,000) per year must be reported and documented. DCHA will rely on applicants certification as to value of assets and whether net income from assets exceeds the threshold established above;
  - (c) Verification of Date of Birth for each Household Member;

- (d) Social Security Number Certifications:
  - (1) Social Security Numbers for each Household Member six (6) years old or older; or
  - (2) Certification of inability to meet the documentation requirement where an applicant has a Social Security Number but no documentation; or
  - (3) Certification that Social Security Numbers have not been issued.
- (e) Picture ID for family members age eighteen (18) or older;
- (f) Declaration of Section 214 Status (Non-citizen Rule);
- (g) Verification of Preference or Admission Category;
- (h) Verification of Full-time Student Status Form;
- (i) Certification of Disability Form;
- (j) Statement of Child Care Expense Form;
- (k) Zero Income Statement;
- (l) Verification of Income from Assets;
- (m) Statement of Child Support;
- (n) Income Verification (Employment, Public Assistance, Social Security); and
- (o) Other forms, as may be required.

6106.8 At the end of the eligibility interview, the Client Placement Division shall provide the applicant with written notification of any missing or incomplete forms, information on how to determine if any debt remains unpaid to DCHA or any HCVP or RAD Project Owner, or any additional information which is to be provided by the applicant.

6106.9 If an applicant cannot complete all the necessary forms at the time of the interview, the interviewer may request that any additional required forms be completed by the applicant within a specified timeframe not to exceed ten (10) days.

- 6106.10 A written receipt shall be provided to the applicant for any additional information provided.
- 6106.11 Applicants who do not provide the additional items requested by DCHA pursuant to Subsection 6106.9 within ten (10) days, may request one (1) extension of time not to exceed ten (10) days.
- 6106.12 Applicants who do not provide additional items requested by DCHA pursuant to Subsection 6106.9 within ten (10) days, or within any additional period allowed under Subsection 6106.11, shall be removed from the waiting list(s).
- 6106.13 If an applicant experiences difficulty in securing verification in the prescribed form, DCHA may accept other documents to expedite the certification process (for example, baptismal or school records could be used as proof of birth).
- 6106.14 Briefings.
- (a) Applicants must attend a full briefing prior to issuance of a Housing Choice Voucher unless this requirement is waived by the Executive Director in emergency cases.
  - (b) DCHA will mail notice of the briefing via U.S. mail to the last address provided by the applicant or existing participant.
  - (c) Families or applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next available briefing and notified by mail of its date and time. If a family or applicant fails to attend a scheduled briefing another notice will be mailed for a second briefing date.
  - (d) If an applicant fails to attend two (2) scheduled briefings, and does not notify DCHA in advance of their inability to attend the second briefing appointment, then the applicant shall be deemed inactive on the waiting list. If the applicant informs DCHA that the applicant remains in need of the housing assistance at any time after becoming inactive then the applicant shall be restored to active status on the waiting list with the applicant's original application date.
  - (e) If vouchers of the type that would have been issued to the applicant at the missed briefings are still available and the inactive applicant asserts the need for housing assistance less than thirty (30) days after initial eligibility determination then a new briefing appointment shall be made with the applicant.
  - (f) If the inactive applicant requests assistance more than thirty (30) days after the initial eligibility determination by DCHA, and vouchers of the

type that would have been issued to the applicant at the missed briefings are still available; DCHA shall schedule the restored applicant for another eligibility interview. If the applicant is determined to be eligible, the applicant shall be scheduled for a full briefing. If vouchers of the type that would have been issued are not available, the applicant will be restored to the waiting list as an active applicant with the date and time of the original application.

## **6107 ELIGIBILITY DETERMINATION**

- 6107.1 After reviewing the application, additional supporting documents and obtaining necessary verifications, DCHA shall determine the applicant's eligibility in accordance with Section 6106 of this chapter.
- 6107.2 Applicants determined to be eligible for housing shall be placed in the selection pool.
- 6107.3 DCHA must mail a letter to each applicant determined to be ineligible and the notification of ineligibility shall contain:
- (a) The date and time of the informal conference;
  - (b) The location where the informal conference will be held;
  - (c) The reason for the determination of ineligibility;
  - (d) The applicant's right to bring new or additional information to the informal conference;
  - (e) The type of additional documentation or information DCHA may need in order to reconsider an applicant's eligibility for the public housing, RAD, and Housing Choice Voucher programs; and
  - (f) The applicant's right to bring an attorney or any other representative to the informal conference.
- 6107.4 The informal conference shall be scheduled and/or rescheduled as follows:
- (a) The date of the informal conference shall be no sooner than fifteen (15) days and no later than thirty (30) days after the postmark date of DCHA's letter to the applicant.
  - (b) A family or applicant may request to reschedule an informal conference for the convenience of the applicant any time up to two (2) days after the scheduled informal conference date. If a family or applicant fails to attend the conference rescheduled for their convenience they may make one final

request for rescheduling any time up to two (2) days after the rescheduled informal conference date.

- (c) Notwithstanding Subparagraph (b) above, DCHA will reschedule an informal conference as a reasonable accommodation if the applicant can demonstrate that a disability prevented them from rescheduling within the prescribed time period.

6107.5 If the applicant does not attend the informal conference, a supervisor in the Client Placement Division will conduct a review of the application to determine if the applicant is eligible for public housing or RAD. This supervisory review will take place even where no additional information is provided by the applicant or the applicant's representative.

6107.6 Applicants determined to be eligible after the supervisory review or the informal conference will be notified in writing and placed in the selection pool.

6107.7 When an applicant is determined ineligible after the informal conference or supervisory review, the Client Placement Division will issue a letter informing the applicant of their right to:

- (a) A review by an independent third party acceptable to DCHA willing to review applicant files pro bono; and
- (b) Bring a grievance pursuant to Chapter 63, Chapter 89, or Sections 5730 through 5747 of this title.

6107.8 When an applicant is determined ineligible for public housing, RAD, or the Housing Choice Voucher Program, the applicant will be removed from the waiting list(s) and his or her application will be retained up to three (3) years in an inactive status.

6107.9 Applicants who were determined ineligible solely by reason of an unpaid debt may, at any time during their inactive status, provide evidence that the debt has been paid or otherwise resolved. These applicants may be returned to the waiting list(s) with the same date and time of application as the date and time the applicant had when the applicant was placed on inactive status.

6107.10 Notwithstanding provisions which may appear elsewhere in this subtitle, a determination of eligibility for public housing, RAD, or HCVP under this chapter shall be valid for a period of one hundred eighty (180) days from the date of said determination.

**6108 INCOME LIMITS**

- 6108.1 To be eligible for admission to public housing or the Housing Choice Voucher Program an applicant's annual income shall be within the limits of lower income families established by HUD, based on the family size.
- 6108.2 Income limits for lower income families and very low income families shall be as established and revised periodically by HUD. HUD establishes low income limits based on eighty percent (80%) of the area median income, very low income limits based on fifty percent (50%) of the area median income, and extremely low income limits based on thirty percent (30%) of the area median income.
- 6108.3 Income limits shall be applied at the time of eligibility determinations by the Client Placement Division.
- 6108.4 Based on HUD regulations, DCHA shall ensure that actual admission of eligible lower income families from the Public Housing Waiting Lists is as follows: at least forty percent (40%) shall be families with extremely low incomes at the time of commencement of occupancy. Actual admission to RAD Covered Projects from the Public Housing Waiting Lists shall be governed by Section 5708 of this Title 14.

**6109 APPLICANT FAMILY SELECTION CRITERIA**

- 6109.1 This section applies to applicants for public housing, RAD, and the Housing Choice Voucher Program. All subsections of this section are applicable to applicants for public housing. Only Subsections 6109.3, 6109.4, 6109.6, 6109.7 and 6109.8 apply to applicants for public housing, RAD, and the Housing Choice Voucher Program.
- 6109.2 Information that will be considered in screening an applicant shall be reasonably related to assessing the applicant and other applicant family members listed on the application. The applicant's history (*e.g.*, employment history, personal habits or practices, and/or rental or personal credit history) must demonstrate the capacity to comply with the terms of the DCHA lease. If the applicant requires support (*e.g.*, live-in aide) to enable him/her to meet the standards identified below, the applicant must demonstrate that the necessary support would be available at the time of admission. Additionally, the applicant, including the applicant's family must be willing to:
- (a) Not interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community;
  - (b) Enhance and/or maintain the physical environment or financial stability of the project;



- (c) Help create an environment where young people, especially children, can live, learn, and develop into productive and responsible citizens;
- (d) Attend and complete DCHA's Community Living Training Program, prior to admission; and
- (e) Comply with the terms and conditions of the DCHA lease.

6109.3 DCHA will utilize the following methods in determining an applicant's eligibility for admission: reference checks, including current and/or previous landlords, consultations with current and/or former neighbors, conducting home visits, reviewing police reports and/or criminal background checks of each member of the applicant family, including juveniles, as may be permitted by law.

6109.4 Relevant information respecting personal habits or practices to be considered in the admission process, may include, but is not limited to, the following:

- (a) A reasonable cause to believe, supported by signed documentation, that any family member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of any DCHA programs by other residents, employees or community members; and
- (b) An applicant's past performance in meeting financial obligations, especially rental payment obligations. An applicant who is responsible for any debt to DCHA, any other housing authority, or any landlord participant in any federally assisted housing program (*e.g.*, the Housing Choice Voucher Program) may not be admitted or readmitted until the debt is paid or otherwise satisfied; and
- (c) A record of respecting the rights of others, as defined in the DCHA lease; and
- (d) The conviction of any applicant family member for a crime involving physical violence against persons or property or other criminal convictions that may adversely affect the health, safety, or welfare of other DCHA residents, staff, or other members of the community, *e.g.*, distribution or manufacture of illegal drugs or controlled substances, possession of an unlicensed firearm and/or ammunition, or child molestation; and
- (e) A determination that the applicant has committed fraud in connection with any Federal housing assistance program or any local housing assistance program; and

- (f) An applicant's misrepresentation of any information related to eligibility, including, but not limited to, the award of a preference for admission, family composition, or income.

6109.5 If an applicant is determined eligible and qualified for admission, the applicant will be referred to a public housing property for housing, consistent with Section 6111 of this title. Notwithstanding, prior to the applicant signing a DCHA lease, if the relevant property manager uncovers information regarding the applicant that would lead a reasonable person to believe that housing the applicant on the relevant property would interfere with the other residents' peaceful enjoyment of the premises by adversely affecting the health, safety, or welfare of the other residents or the community, the property manager shall so advise the Client Placement Division and refer the application for further consideration. The Client Placement Division will then conduct a further review of the application, taking into consideration the information provided.

6109.6 If unfavorable information is received as a result of the investigation conducted pursuant to Subsections 6109.2 or 6109.4 above, consideration shall be given to the time, nature, and extent of the applicant family's conduct, and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. Mitigating circumstances might include, but are not limited to:

- (a) Evidence of favorable changes in the applicant's pattern of behavior including the length of time since an offense or behavior was committed; or
- (b) Evidence of successful rehabilitation, *e.g.*, evidence that the responsible member of the applicant family is not likely to repeat the prior criminal behavior, evidence that neither the applicant nor any member of the applicant family is likely to cause harm to the other public housing or Housing Choice Voucher Program residents, DCHA staff, or other members of the community; or
- (c) Evidence of the applicant's participation in or willingness to participate in relevant social service activities or other appropriate counseling services; or
- (d) Evidence of the applicant's modification of previous disqualifying behavior, with indications of continuing support intended to assist the applicant in modifying the disqualifying behaviors.

6109.7 With respect to criminal conviction(s) or activity:

- (a) The DCHA may deny admission to public housing, RAD, or the Housing Choice Voucher Program to any applicant:

- (1) If any adult member of the applicant's family (or any non-adult member who has been convicted of a crime as an adult) has been convicted of a felony, or a misdemeanor involving destruction of property or acts of violence against another person; or
  - (2) If the applicant or a member of the applicant's family has participated in violent criminal behavior within the last five years for which he/she has not been convicted. This violent criminal behavior must be documented by an arrest record, parole violation report, law enforcement criminal history report, or other official law enforcement record.
- (b) DCHA shall deny admission to any applicant who has been evicted from housing assisted under the United States Housing Act, for drug-related criminal activity for a three year period beginning from the date of the eviction.
  - (c) In determining whether an applicant, as identified in Subparagraphs (a) and/or (b) will be admitted into public housing, RAD, or the Housing Choice Voucher Program, DCHA shall make an assessment of the applicant's (or the relevant member of the applicant's family) behavior to determine whether he/she currently demonstrates that he/she has been rehabilitated. Factors that DCHA may consider include, but are not limited to, the following: acknowledgment of culpability; adequate and suitable employment or participation in a generally recognized training program; substance abuse treatment, if necessary; successful completion of therapy directed at correcting the behavior that lead to the criminal activity; and existence of a support network or support systems.
  - (d) In collecting relevant information necessary to make the assessment described in Subparagraph (c) above, DCHA shall, at its sole discretion, determine the extent and depth of the verification for each applicant. Information may be requested from various sources, including, but not limited to, the applicant (by interview and/or home visit), landlords, clergy, employers, family members, social workers, parole officers, court records, drug treatment counselors, neighbors, and/or police department records.
  - (e) DCHA shall prohibit admission of any family that includes any individual who is subject to a lifetime registration requirement under any sex offender registration program (*e.g.*, state, local or international). DCHA shall, upon request, provide the tenant or applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.
  - (f) DCHA shall prohibit admission for any individual that has ever been convicted of drug-related criminal activity for the manufacture or

production of methamphetamine or production of methamphetamine on the premises of federally assisted housing.

- 6109.8 Care and consideration shall be used in soliciting personal information concerning the applicant and his/her family members, and appropriate authorizations shall be obtained for the release of information, as necessary, from each applicant family. Any information received regarding an individual applicant will be used solely for the purpose of determining eligibility and will not be released for any other use, unless such release is required by law. Failure to sign the required release forms or the failure to submit information determined necessary to establish eligibility, shall result in the applicant's removal from the waiting list(s). If the applicant is removed from the waiting list(s) because of such a failure, the informal conference procedures set forth in Section 6107 shall not apply.
- 6109.9 The DCHA Applicant Family Selection Criteria will not be used to determine eligibility of residents for continuing occupancy in the same public housing or RAD unit. Eligibility for continuing occupancy in the same unit will be made in accordance with the terms and conditions of the DCHA lease.
- 6109.10 Resident requests for transfers will be subject to this Section - Applicant Family Selection Criteria- and shall be a requirement for transfer of residents and the execution of new leases. This section will not be applicable to DCHA initiated transfers or approved emergency medical transfers.

## **6110 OCCUPANCY STANDARDS**

- 6110.1 Standards for admission and continued occupancy shall be established to avoid overcrowding and wasted space, and each dwelling unit shall be leased in accordance with the standards of this Subtitle and Subtitle A of this title. Applicants assigned to public housing shall be governed by the occupancy standards set forth in this Section 6110. Applicants assigned to RAD Covered Projects shall be governed by the occupancy standards set forth in Section 5709 of this Title 14.
- 6110.2 Tenants shall be assigned to dwelling units which consist of the number of rooms necessary to provide decent, safe and sanitary accommodations without overcrowding or wasting space. The following standards for unit size at admission, and for continued occupancy, shall apply:

Unit Size (Number of Bedrooms)	Minimum Number of Persons in Unit	Maximum Number of Persons in Unit
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	10
6	10	12

6110.3 Dwelling units shall be assigned in a manner that will eliminate the need for persons of the opposite sex, other than husband and wife, to occupy the same bedroom.

6110.4 Every member of the family, regardless of age, shall be considered a person when applying the standards for admission and continued occupancy. In accordance with Chapter 74, DCHA will consider unit assignment to a larger size to provide a separate bedroom for a disabled person, if verified as medically necessary.

6110.5 Each dwelling unit shall be used solely as a residence for the tenant and the tenant's family as represented in the application for housing, and the dwelling lease.

6110.6 When possible, occupancy shall be restricted at admission to minimum requirements to allow for family growth.

6110.7 Application of occupancy requirements for continued occupancy shall be consistent with Subsection 6114.7 and Subsection 6205.2 of this subtitle.

**6111 TENANT ASSIGNMENT**

6111.1 When an Applicant has been deemed eligible and a unit has become available for offer, DCHA shall review the Applicant's file to determine whether the information is current and correct. Information shall be considered current if it was verified by DCHA within no more than one hundred eighty (180) days prior to tenant assignment.

6111.2 If updated information is required, the Applicant shall be required to submit information in accordance with Section 6106 of this chapter before a unit is offered.

6111.3 Eligible Applicants shall be offered an appropriate unit, when available, consistent with the priorities and requirements of this title.

- 6111.4 Unit offers shall be made to Applicants with the earlier application date and time regardless of whether the Applicant selected the First Available Waiting List or a Site-Based Waiting List for the particular site selected.
- 6111.5 Suitable vacancies arising at a given time at any location shall be offered to the selected Applicant first in sequence at the time of vacancy; provided, that referrals may be made out of sequence in the following situations:
- (a) For Applicants with a preference or in the Emergency Category, assignments shall be made to units in sequence based upon the date and time of application, as indicated in Section 6105;
  - (b) For low income families, pursuant to Section 6105;
  - (c) For disabled families, pursuant to Section 6112; and
  - (d) For comprehensive modernization properties and new developments, pursuant to Section 6113.
- 6111.6 Each Applicant shall be assigned an appropriate unit in sequence based upon the date and time of application, suitable type or size or unit, preference, consistent with the objectives of Title VI of the Civil Rights Act of 1964, and applicable HUD regulations and requirements.
- 6111.7 Selection from the First Available Waiting List.
- (a) Eligible applicants with the earliest application date and time selecting a First Available Unit shall be offered the next available unit that matches the family bedroom size and required needs regardless of the development pursuant to this section.
  - (b) When an Applicant is offered a unit from the First Available Unit waiting list, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
  - (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection. If the Applicant refuses the second unit offer, the Applicant shall be removed from the public housing waiting list(s) but shall remain on the Housing Choice Voucher Program and Moderate Rehabilitation Program waiting lists.
  - (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next Applicant on the Public Housing Waiting Lists in accordance with this section.

- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all Public Housing Waiting Lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.8 Selection from the Site-Based Waiting List.

- (a) Eligible Applicants on the Site-Based Waiting List with the earliest date and time shall be offered the next available unit that matches the family bedroom size and unit characteristics pursuant to this section.
- (b) When an Applicant is offered a unit from the Site-Based Waiting List, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection at any of their selected sites when their name reaches the top of the waiting list(s). If the Applicant refuses the second unit offer, the Applicant shall be removed from all DCHA Public Housing Waiting Lists.
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next eligible Applicant on the Public Housing Waiting Lists in accordance with this section.
- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all Public Housing Waiting Lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.9 If the Applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents clear evidence to DCHA's satisfaction of his or her inability to move, refusal of the offer shall not count as one of the number of allowable refusals permitted the Applicant before removing the Applicant from the Public Housing Waiting Lists.

6111.10 If the Applicant presents evidence to the satisfaction of DCHA that acceptance of a given offer of a suitable vacancy may result in undue hardship not related to considerations of race, sex, color, or national origin, such as inaccessibility to employment, children's day care, refusal of such an offer shall not be counted as one of the number of allowable refusals permitted an applicant before removing the Applicant from the Public Housing Waiting Lists.

6111.11 If a non-disabled family refuses to accept a vacancy in an accessible unit, the refusal shall not be counted as one of the allowable refusals.

- 6111.12 The following requirements shall be applicable to any offered vacancies:
- (a) The unit offer shall be in writing and shall include the following:
    - (1) Identification of the property;
    - (2) Address and phone number of the property management office;
    - (3) The bedroom size and unit characteristics; and
    - (4) The time to contact the property and to view the unit.
  - (b) The Applicant must contact the property in accordance with this section; and
  - (c) After the Applicant has viewed the offered unit, the Applicant shall accept or reject the unit at that time.
- 6111.13 Applicants with preferences who reject two units for reasons other than those allowed in this section shall be removed from the public housing waiting list(s). If they are on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).
- 6111.14 Applicants with preferences who reject two units for reasons other than those allowed in section shall lose their preference provided in Subsection 6105.2 and shall be withdrawn from the Public Housing Waiting Lists. If the Applicant is on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).
- 6111.15 Selection from the Housing Choice Voucher Program Waiting List.
- (a) Applicants seeking a Housing Choice Voucher shall be placed on the Housing Choice Voucher Program waiting list according to the date and time of the application and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.
  - (b) When selecting Applicants from the waiting list for a Housing Choice Voucher, Applicants who have been deemed eligible shall be issued a voucher pursuant to Chapter 76 of this title.
- 6111.16 Selection from the Moderate Rehabilitation Program Waiting List.
- (a) Applicants seeking admission to the Moderate Rehabilitation Program shall be placed on the Moderate Rehabilitation Program waiting list according to the date and time of the application, and any application



preferences selected by the Applicant on the application pursuant to Chapter 76 of this title.

- (b) When selecting Applicants from the waiting list for the Moderate Rehabilitation Program, Applicants who have been deemed eligible shall be referred to the next available unit based on the family composition, pursuant Chapter 76 of this title.

**6113 TENANT ADMISSION AND OCCUPANCY: REDEVELOPED AND SERVICE RICH PROPERTIES**

6113.1 Scope.

Redeveloped Properties are mixed-finance communities owned by private entities which communities are created through HOPE VI or other public funding combined with private financing, which have some or all of their units assisted by operating funds or project-based rent subsidy payments provided by DCHA. Service Rich Properties may be DCHA-owned, conventional public housing or privately owned units assisted with operating funds provided by DCHA and managed by DCHA or third parties, which provide and/or oversee the delivery of services for residents.

6113.2 Overview.

- (a) Pursuant to the MTW Agreement between DCHA and the U.S. Department of Housing and Urban Development, dated July 25, 2004, as amended by an Agreement dated September 29, 2010, and as such agreement may be further amended, DCHA may, notwithstanding certain provisions of the Housing Act of 1937 and regulations issued pursuant thereto, adopt local rules for the governance of its public housing and housing choice voucher programs.
- (b) Accordingly, Section 6113 sets forth the regulatory framework for the property based rules and ongoing oversight or approvals governing: occupancy and re-occupancy; selection criteria; screening criteria; application processing; waiting lists; lease provisions; income determinations; and grievance procedures for properties officially designated as Redeveloped or Service Rich Properties by the DCHA Board of Commissioners.
- (c) Service Rich Properties operated as District of Columbia-licensed assisted living residences also shall operate subject to, and in accordance with the requirements of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), and regulations promulgated thereunder, Title 22 (Health), The Health Insurance Portability and Accountability Act

of 1996 (“HIPAA”), and any other applicable local or federal regulatory requirements.

6113.3 Selection Criteria.

- (a) The selection criteria, including all priorities and preferences for applicants for initial occupancy following construction and re-occupancy upon vacancy of units at Redeveloped or Service Rich Properties that are receiving operating subsidies or project-based rent subsidy payments from DCHA, are those incorporated in a regulatory and operating agreement or RAD control agreement by and between the owner and DCHA after consultation with representatives of the community and former and/or prospective residents. These selection criteria are hereinafter referred to herein as the “General Selection Criteria”.
- (b) While the General Selection Criteria may vary by property, selection and screening criteria for all properties shall include the mandatory federal standards with respect to certain types of criminal activity as specified in federal statute.
- (c) For UFAS-Accessible Units, besides the General Selection Criteria, occupancy of the Units shall be to a household qualified for the available bedroom size of the Unit and a verified need for the features of a UFAS-Accessible Unit in the following order of priority, with date and time of application or transfer request where there are multiple applicants within any one priority:
  - (1) First, to a qualified returning resident who previously resided in one of the developments being redeveloped.
  - (2) Second, to a qualified applicant referred by DCHA from its list of households designated in 2006 for interim assistance in accordance with the provisions of the Amended VCA.
  - (3) Third, to a qualified applicant referred by DCHA from its list of households designated in 2007 for interim assistance in accordance with the provisions of the Amended VCA.
  - (4) Fourth, to a qualified DCHA resident on DCHA’s Transfer List;
  - (5) Fifth, to a qualified public housing applicant on DCHA’s Waiting List;
  - (6) Sixth, to a qualified Housing Choice Voucher.

6113.4 Application Process.

Each property shall develop its own process for taking applications, subject to review and approval by DCHA.

- (a) Application forms for transferring or returning residents and applicants are developed by the owner for the Redeveloped Property and shall be subject to review and approval by DCHA.
- (b) Completed applications for returning residents, transferring residents or applicants shall be accepted at the property and shall be reviewed and approved in accordance with the criteria approved in accordance with Subsection 6113.2.
- (c) The occupancy and re-occupancy application and selection process shall be monitored by DCHA's Office of Asset Management.

6113.5 Waiting Lists.

- (a) Where the number of returning residents, transferring residents or new applicants exceeds the number of available units, applicants seeking to be housed at the property shall be placed on a waiting list.
  - (1) Waiting lists shall be maintained by the manager of the property based on the date and time of application and in accordance with the selection criteria developed for the property and approved by DCHA in accordance with Subsection 6113.2; or
  - (2) At certain properties, a basic eligibility determination for public housing shall be made by DCHA's Client Placement Division and eligible tenants shall be referred to the property where the property's selection criteria shall be applied.
- (b) A list of all properties, along with the status of each site based waiting list as either open or closed, shall be available from the DCHA's Client Placement Division. When a property makes a determination to open its waiting list, notice shall be provided to the DCHA resident advisory board and published in the *District of Columbia Register*.

6113.6 Lease Terms.

- (a) Leases for Redeveloped Properties or Service Rich Properties may be developed by the owner or manager, subject to the approval of DCHA for compliance with applicable local and federal provisions as well as DCHA's regulations, including the requirements regarding Special Supplements to Lease governed by the provisions of Subsection 6112.4 of Title 14.

- (b) Provisions relating to rent, rent collection, security deposits, excess utility charges, and such other provisions as DCHA may approve, may vary from the DCHA standard form of lease.

6113.7 Income Determinations.

Certification and recertification of income shall be performed by the manager of the property and monitored periodically by DCHA for compliance with applicable DCHA and federal regulations. At certain Service Rich Properties designated by DCHA, income for certification and recertification purposes may be disregarded for up to two (2) years of occupancy.

6113.8 Service Rich Properties – Assisted Living Residences.

- (a) Authority. HUD has authorized DCHA to operate certain of its Service Rich Properties as assisted living residences, as defined in the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)).
- (b) Eligibility; Continuing Occupancy.
  - (1) Families selected to live in a DCHA assisted living residence must meet assisted living-specific selection criteria, as outlined in site-based, site-managed community-specific eligibility criteria that are set forth in the Management Plan for the property, which DCHA will make available.
  - (2) Continued occupancy for families residing at DCHA assisted living residences will be based on adherence to the programmatic and occupancy requirements for the specific property, as set forth in the Dwelling Lease, Residential Agreement, and any Individual Service Plan, or any addenda thereto.
- (c) Grievance Rights.
  - (1) DCHA assisted living residences shall establish grievance procedures, which include informal and formal settlement procedures, (1) for all grievances arising public housing landlord tenant matters, that are consistent with the requirements of 24 CFR §§ 966.50 *et seq.*, and (2) for all grievances arising from assisted living matters, including transfer, discharge and relocation, the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)). The procedures shall be incorporated into the Dwelling Lease, as set forth in 24 CFR § 966.4(n), and shall be set

forth in the Residential Agreement, pursuant to D.C. Official Code § 44-106.02.

- (2) The grievance procedures shall provide:
  - (A) Informal Settlement of Grievance, as follows:
    - (i) If a Tenant wishes to grieve a decision of the administrator of the assisted living residence, he or she or his or her representative/surrogate must request an informal conference in writing within four (4) days of receiving the decision of the administrator in writing or within four (4) days of any alleged failure to act on the part of the administrator.
    - (ii) The request for an informal hearing must include a description of the nature of the complaint and issue to be grieved. Upon request, a facility employee shall help the resident complete the written request.
    - (iii) The administrator will provide the Tenant with a dated receipt when the request for an informal conference is filed. The informal conference will be scheduled at a mutually agreeable time and will be held within two (2) days of the receipt of the request by the administrator.
    - (iv) The Tenant may bring his or her representative/surrogate and an advocate if he or she wishes. A Supervisor of the Administrator will preside and render the decision resulting from the informal conference. A copy of the written decision will become a part of the Resident's clinical record.
    - (v) The Supervisor shall provide the decision in writing to the Resident within twenty four (24) hours of the completion of the informal conference. The decision shall include a summary of the discussion, the decision regarding the disposition of the complaint and the specific reasons for the decision. The decision summary will list the names of the participants, and the date of the meeting. When the written results of the decision are delivered to the Resident, they will include a description of the

options remaining to the Resident, including instructions on how to request a Formal Hearing.

- (vi) If the original decision is concerning a discharge, transfer or relocation and it is upheld, and if the Resident decides not to pursue a Formal Grievance Hearing, the Resident must comply with the decision within thirty (30) days of having received the Notice of Relocation, Transfer or Discharge prepared and delivered according to the provisions of D.C. Official Code § 44-1003.02(a).
- (B) Formal Grievance Hearing Regarding Involuntary Discharge, Transfer or Relocation, as follows:
- (i) If the Resident wishes to proceed with a formal hearing in order to contest the decision to involuntarily discharge, transfer or relocate the Resident, the Resident, his or her representative/surrogate or the Long-Term Care Ombudsman shall mail a written request to the Department of Health and deliver it to the Administrator within seven (7) calendar days after receiving a notice of discharge or transfer to another facility, or within five (5) calendar days after receiving a notice as described above, of relocation within the facility.
  - (ii) If the Resident elects to request a Formal Hearing, the Administrator will remind the Resident that if the original decision is upheld, then the Resident will be required to leave the facility by the fifth (5<sup>th</sup>) calendar day following his or her notification of the hearing decision or before the 31<sup>st</sup> calendar day following his or her receipt of notice of discharge required by D.C. Official Code § 44-1003.02(a), whichever is later. If the Resident is being required to relocate within the facility, he or she will be reminded by the Administrator that this must occur by the eighth (8<sup>th</sup>) calendar day following his or her receipt of the notice to relocate or the third (3<sup>rd</sup>) calendar day following his or her notification of the hearing decision, whichever is later. The Administrator shall provide all notices required under this paragraph in written and oral form.

- (iii) The Department of Health will designate an appointee of the Office of Administrative Hearings as the Hearing Officer.
- (iv) The Office of Administrative Hearings will schedule the formal hearing to occur within five (5) days of the request from the Resident.
- (v) The Resident may bring his/her representative/surrogate, and advocate or the Long-Term Care advocate to participate in the hearing. The facility shall have the burden of proof unless the ground for the proposed discharge, transfer, or relocation is a prescribed change in the resident's level of care, in which case the person(s) responsible for prescribing that change shall have the burden of proof and the resident shall have the right to challenge the level of care determination at the hearing. The Resident may not litigate Medicaid eligibility at the hearing.
- (vi) The Office of Administrative Hearings will provide the decision within seven (7) days of the completion of the hearing. The decision will become a part of the Resident's clinical record.
- (vii) If the original decision is upheld, the resident must leave the facility by the fifth (5<sup>th</sup>) calendar day after the receipt of the Hearing Officer's decision or the thirty-first (31<sup>st</sup>) day after receiving the discharge notification, whichever is later. If the original decision required relocation within the facility and it is upheld, this must occur before the third (3<sup>rd</sup>) calendar day after receiving the Hearing Officer's decision or by the eighth (8<sup>th</sup>) calendar day after having received the relocation notification, whichever is later. Notice shall be provided orally and in writing.
- (viii) If the resident prevails in contesting the notice then the discharge is rescinded unless administrator appeals the decision.
- (ix) Failure to request a formal grievance hearing shall not constitute a waiver by the Resident of his or her right thereafter to contest the Administrator's action

in disposing of the complaint in an appropriate judicial proceeding.

- (x) A decision by the Office of Administrative Hearings in favor of the Administrator or which denies the relief requested by the Resident in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the Resident may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.
  - (xi) If the Resident chooses to take the matter to court, he or she must make the filing within the thirty (30)-day notice period.
  - (xii) A Resident may seek judicial review of any decision of the Office of Administrative Hearings by filing a petition with the Court of Appeals of the District of Columbia; or any decision of DCHA by filing an action in District of Columbia Superior Court.
- (d) Rent Calculation and Rent Collection at DCHA Assisted Living Residences.
- (1) Tenant rent at DCHA assisted living residences shall be established as set forth at 14 DCMR § 6200, except as provided in subparagraphs (ii) and (iii) of this subsection.
  - (2) So long as a Family pays any applicable assisted living program fees timely, as provided in the Dwelling Lease, then for purposes of calculating adjusted income, as defined in 14 DCMR § 6099, to establish tenant rent for DCHA assisted living residences, such assisted living program fees shall be considered medical expenses and shall be deducted, in full, from the Family's annual income, as set forth in DCHA's approved 2014 Moving To Work Plan. In the event that adjusted income is zero dollars (\$0.00) or less, then rent shall equal zero dollars (\$0.00). Minimum rent, as defined by 14 DCMR § 6210, for assisted living residences, if any, shall be established by DCHA.
  - (3) Payments or allowances to residents of DCHA assisted living residences, for incidental living expenses under the provisions of any applicable assisted living program may be excluded from annual income for the purpose of calculating tenant rent.



- (4) The Dwelling Lease for DCHA assisted living residences will include an itemized list of all fees, how they are calculated and allowances or payments for incidental living expenses.
- (e) Assisted Living Residences - Resident Agreements.
- (1) For purposes of this Section 6113, the term “Residential Agreement” shall have the meaning and components according to the requirements of Section 44-106.2 of the D.C. Official Code. In addition, the Resident Agreement shall set forth the terms and conditions governing participation in the assisted living programming
  - (2) At DCHA assisted living residences, the Resident Agreement may include or incorporate Individual Service Plans, as defined by D.C. Official Code § 44-106.04, to be completed by the participating household members.
  - (3) Upon execution, the Resident Agreement and related documents will become part of the Dwelling Lease. Participating Families must comply with the terms and conditions of the Dwelling Unit Lease Agreement, Addenda, the Resident Agreement and any related documents.
  - (4) Failure to abide by the terms of the Resident Agreement and related documents shall be considered a violation of the Dwelling Lease Agreement.
- (f) Assisted Living Residences - Transfers.
- (1) A request by a Family to transfer to a DCHA assisted living residence, in accordance with 14 DCMR § 6400, will be deemed “a tenant initiated transfer” request if the Family accepts the offer of a unit at a DCHA assisted living residence.
  - (2) If a Family, which resides in a DCHA assisted living residence, no longer wishes to participate in the programing available at the assisted living residence, but remains compliant with the Dwelling Lease, then the Family will receive up to two (2) transfer offers of Conventional Public Housing units, in writing.
  - (3) A Family residing in a DCHA assisted living residence unit that receives a written offer to transfer into a new dwelling unit may refuse the offer on the basis of evidence, satisfactory to DCHA, that acceptance of the offered unit would cause undue hardship, as set forth in Subsection 6111.9, and such refusal shall not count

against one of tenant's allowable offers under paragraph ii of this subsection.

- (4) If a Family and refuses a second offered unit without good cause, then the Family may elect to stay at the assisted living residence, and shall comply with all applicable requirements, as set forth in the Dwelling Lease, or DCHA shall initiate discharge and termination processes, in accordance with Subsection 6113.8(h).
  - (5) Unless otherwise specified in the applicable Regulatory and Operating Agreement or Management Plan, or otherwise determined by DCHA, in the event of any family-initiated transfer to or from a DCHA assisted living residence to or from a conventional public housing unit as set forth in paragraph (f)(2) of this subsection, then the Family will be responsible for relocation costs.
  - (6) In addition to the foregoing requirements of this paragraph (g), any transfer of any resident from a DCHA assisted living residence shall be subject to, and in accordance with the applicable discharge and transfer requirements of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)).
- (g) DCHA Assisted Living Residences – Discharge/Termination.
- (1) Any termination of any tenancy at DCHA assisted living facility shall be subject to the applicable termination and discharge provisions (including tenants' rights and protections) of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), in addition to any other DCHA, District or federal requirements
  - (2) If DCHA determines that a Family residing in an assisted living residence is in violation of the Dwelling Lease, except for lease violations predicated on criminal activity that threatens the residents health, safety or right to peaceful enjoyment of the assisted living residence, drug related criminal activity on or off the Leased Premises or at the assisted living residence or violent criminal activity, DCHA shall issue to the Lessee a notice to cure or vacate, stating in writing the violation(s) which provides the basis for the termination the lessee's right to cure the violations and instructions on how to cure the violations, provided that such notice and any requirement that tenant vacate the assisted living residence shall be subject to requirements of any applicable

District or federal statute or regulation including those governing the assisted living residence or its services or programs. Administrator shall deliver notice orally and in writing.

- (3) The notice shall inform the Family of its right to file an administrative complaint in accordance with Subsection 6113.8 (c), and any other administrative rights to which Tenant may be entitled by virtue of any District or federal regulation or statute governing the assisted living residence or its services.
- (4) If a Lessee has filed a complaint requesting an administrative determination of his or her rights, in accordance with Subsection 6113.8(d), in response to service of a notice to cure or vacate or a notice of lease termination, and or such other notice required by District or federal regulation or statute including the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127; D.C. Official Code §§ 44-101.01 *et seq.* (2012 Repl.)), to which the assisted living facility, may be subject, and has not prevailed, the Lessee shall be issued a notice to vacate, as the time to cure has past and the Lessee shall be subject to legal action to gain possession of the unit (eviction).
- (5) If DCHA determines that a Family's violation of the Lease results from a change in circumstance which renders the Family ineligible for the services offered at the assisted living facility, which change is not at the fault or initiative of the Resident, then DCHA may, subject to availability and applicable requirements, transfer the Family to a unit in conventional public housing, in accordance with Subsection 6113.8(f).
- (6) In the event of any lease violations, predicated on criminal activity that threatens residents' health, safety or right to peaceful enjoyment of the assisted living residence, violent or drug related criminal activity on or off the Leased Premises or the assisted living residence, DCHA shall issue a notice to vacate, together with such other notice required by District or federal regulation or statute to which the assisted living facility or its programs or services may be subject.
- (7) DCHA will not issue a notice to cure or vacate, or notice to vacate, where DCHA has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.

**Chapter 64, LOW RENT HOUSING: PUBLIC HOUSING TRANSFER POLICY, Section 6400, TRANSFER POLICY, is amended as follows:**

**Subsection 6400.1 is amended to read as follows:**

6400.1 It shall be the policy of the District of Columbia Housing Authority (DCHA) to transfer tenants from one dwelling unit to another to alleviate conditions of hardship caused by physical conditions or to address changed family circumstances. Transfers may result from actions mandated by DCHA or result from requests by its tenants. To facilitate such transfer, DCHA may offer units in its traditional public housing or in its RAD inventory, excluding RAD units within any Private Mixed Finance Project (as defined under Title 14, Chapter 57, Subsection 5705.1). Notwithstanding the foregoing, tenants residing within any Private Mixed Finance Project may also be transferred within or between any Private Mixed Finance Project in accordance with any applicable regulatory and operating agreement or RAD control agreement.

**Chapter 89, INFORMAL HEARING PROCEDURES FOR APPLICANTS AND PARTICIPANTS OF THE HOUSING CHOICE VOUCHER AND MODERATE REHABILITATION PROGRAM, is amended by adding Section 8907 as follows:**

**8907 ADDITIONAL HEARING RIGHTS FOR RAD RESIDENTS**

8907.1 In addition to DCHA determinations that require an opportunity for an informal hearing, as proscribed in 14 DCMR § 8903, residents of RAD Project-based properties may request a hearing for any dispute that a resident may have with respect to:

- (a) A Project Owner action in accordance with the individual's lease; or
- (b) The contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

8907.2 The RAD Project Owner will conduct any hearings authorized only under this subsection.

8907.3 There is no right to an informal hearing for class grievances or for disputes between residents not involving the RAD Project Owner or DCHA.

8907.4 When making a determination that creates a hearing right, the Rad Project Owner shall notify the family that the family may ask for an explanation of the basis of the determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

8907.5 The RAD Project Owner shall provide an opportunity for an informal hearing before an eviction.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at [www.dcregs.gov](http://www.dcregs.gov), or by contacting Edward Kane, at the Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

- (1) Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599.
- (2) Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane at: [PublicationComments@dchousing.org](mailto:PublicationComments@dchousing.org).
- (3) No facsimile will be accepted.

## 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 6 (Campus Life) 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 rulemaking is to increase daily parking rates for current students, faculty, and staff with active University issued identification beginning in the fall semester of 2017.

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 6, CAMPUS LIFE, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:****Section 607, PARKING FEES, Subsection 607.4, is amended as follows:**

607.4           The daily parking fee for students, Faculty, and Staff with active University issued identification shall be four dollars (\$4.00) per day, except as otherwise provided in this chapter.

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: [alonzo.chisolm@udc.edu](mailto:alonzo.chisolm@udc.edu). Individuals wishing to comment by email must include the phrase "Comment to Proposed Rulemaking" in the subject line.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**NOTICE OF PROPOSED RULEMAKING**

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216); D.C. Official Code §§ 34-2202.03(3) and (11), and § 34-2202.16 (2012 Repl.); Wastewater System Regulation Amendment Act of 1985, effective March 12, 1986 (D.C. Law 6-95; D.C. Official Code §§ 8-105, *et seq.* (2013 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); hereby gives notice that at its regularly scheduled meeting on October 5, 2017, the Board adopted Board Resolution #17-69 to propose the amendment of Section 112 (Fees) and 199 (Definitions) of Chapter 1 (Water Supply), and Section 1510 (Hauled Wastewater) and 1511 (High Strength Waste Fee) of Chapter 15 (Discharges to Wastewater System), of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these amendments is to amend Waste Hauler Discharge Annual Permit Fee, Waste Hauling Disposal Fees, High Strength Waste Fees and associated regulations.

The Board requests comments on these proposed regulations.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**

**Section 112, FEES, Subsection 112.6, is amended to read as follows:**

112.6 Pretreatment fees shall be as follows:

Waste Hauler Discharge Annual Permit Fee per Vehicle	\$30.00
Waste Hauling Disposal Fees	
High strength grease trap waste	\$0.07 per gallon
High strength septage waste	\$0.07 per gallon
Domestic strength waste	\$0.003 per gallon
Low strength waste	\$0.003 per gallon
Industrial User Permit Fees	
Permit Initial Fee	\$2,000.00
Permit Renewal Fee	\$600.00
Industrial User Annual Compliance Fees	
Significant or Non-Significant Categorical Industrial User	
1 Outfall	\$2,500.00
2 or more Outfalls	\$3,500.00

Significant Non-Categorical Industrial User	
1 Outfall	\$2,500.00
2 or more Outfalls	\$3,500.00
Non-Significant Non-Categorical User	
1 Outfall	\$550.00
2 or more Outfalls	\$700.00
High Strength Waste Fees (Effective April 1, 2018)	
Biochemical Oxygen Demand (BOD)	\$0.135 per pound
Total Suspended Solids (TSS)	\$0.263 per pound
Total Kjeldahl Nitrogen (TKN) or Total Nitrogen (TN)	\$1.471 per pound
Total Phosphorus (TP)	\$4.524 per pound

**Section 199, DEFINITIONS, Subsection 199.1, is amended by adding the following terms and definitions to read as follows:**

**High Strength Grease Trap Waste** – wastewater from grease traps or interceptors, excluding oil-water interceptors.

**High Strength Septage Waste** – concentrated domestic wastewater from sources, including, but not limited to, portable toilets, septic tanks, and sewage ejector pumps or pits.

**Domestic Strength Waste** – domestic wastewater that does not exceed the domestic strength wastewater concentrations provided in 21 DCMR § 1511.2.

**Low Strength Waste** – non-domestic wastewater, including, but not limited to, groundwater and stormwater, that does not exceed the domestic strength wastewater concentrations provided in 21 DCMR § 1511.2.

**Chapter 15, DISCHARGES TO WASTEWATER SYSTEM, is amended as follows:**

**Section 1510, HAULED WASTEWATER, is amended in its entirety to read as follows:**

**1510 HAULED WASTEWATER**

1510.1 Unless authorized by DC Water, it shall be unlawful for any User to dispose of any hauled wastewater, comprising liquid or solid and liquid wastes, removed from septic tanks, grease abatement systems, portable toilets, or wastes from any other source, anywhere in the District of Columbia except at the Septage Receiving Facility located at the wastewater treatment facility at 5000 Overlook Ave., S.W.

1510.2 Any User intending to discharge hauled wastewater in the District of Columbia, shall apply for and obtain a Waste Hauler Discharge Permit.



1510.3 The application for issuance of a Waste Hauler Discharge Permit shall be submitted to DC Water at least thirty (30) days prior to discharge for a new permit or the expiration of a current permit and shall include the following information:

- (a) Name, address, and contact information;
- (b) Vehicle information for each vehicle used to discharge waste at the DC Water Septage Receiving Facility, including:
  - (1) Make, model and year of the vehicle;
  - (2) Tag number;
  - (3) State of registration;
  - (4) Serial number;
  - (5) Tank capacity;
  - (6) Garage address; and
  - (7) Insurance coverage;
- (c) Estimated number of loads per week;
- (d) Services provided (type of waste and service area);
- (e) List of commercial and industrial customers (if applicable) and type of waste or waste source;
- (f) Waste characterization data, if requested by DC Water;
- (g) Operating permits (if applicable); and
- (h) Certification statements (included on the application), signed by an authorized representative in accordance with § 1508.11.

1510.4 After evaluation of the information submitted, DC Water may:

- (a) Deny any application for a Waste Hauler Discharge Permit; or
- (b) Issue an invoice for the payment of Waste Hauler Discharge Annual Permit Fee as provided in Chapter 1 of this title, and upon payment, issue a Waste Hauler Discharge Permit subject to terms and conditions provided in the Waste Hauler Discharge Permit.

- 1510.5 Upon receiving a Waste Hauler Discharge Permit, the Waste Hauler shall comply with all permit conditions. Discharge of wastewater without a permit shall be prohibited, unless authorized in writing by DC Water.
- 1510.6 Waste Hauler Discharge Permits shall be effective for a period of one (1) year and may contain any or all of the following conditions:
- (a) Statement of duration;
  - (b) Statement of non-transferability;
  - (c) Load restrictions;
  - (d) Manifest requirements;
  - (e) Right of refusal;
  - (f) Hours of operation, and procedures for discharging outside of the normal hours of operation; and
  - (g) Additional requirements as DC Water may determine.
- 1510.7 Waste Hauler Discharge Permits are not transferable, unless DC Water specifically authorizes in writing.
- 1510.8 The permittee shall notify DC Water immediately if their license plate or registration changes on any of their permitted vehicles.
- 1510.9 Upon receiving notification from the permittee pursuant to 21 DCMR § 1510.8, DC Water shall issue a revised Waste Hauler Discharge Permit.
- 1510.10 The following wastes may not be discharged to the Septage Receiving Facility:
- (a) Waste that is not compatible with the District's wastewater treatment process, including, but not limited to, wastewater or additives containing petroleum products, solvents, formaldehyde, or 1,4-dichlorobenzene shall not be discharged at the Septage Receiving Facility.
  - (b) Hazardous waste or waste from trucks or tanks that previously contained hazardous waste.
  - (c) Waste from water or wastewater treatment plants or other non-domestic sources shall not be discharged at the Septage Receiving Facility unless DC Water specifically authorizes in writing. DC Water may require characterization of the discharge prior to authorization to discharge.

- (d) Waste from water or wastewater treatment plants or other non-domestic sources, except grease trap waste, shall not be mixed with waste from domestic sources.

1510.11 The waste hauler shall submit a manifest form to DC Water prior to entering the Blue Plains facility which shall contain the following information on each load:

- (a) Company name and Waste Hauler Discharge Permit number;
- (b) Vehicle make, model, and license number;
- (c) For each source, the customer's name, address and volume of hauled waste;
- (d) Type of waste(s) (for example: grease trap, and septic tank);
- (e) Total volume of the load; and
- (f) Driver certification statement.

1510.12 Disposal into the Septage Receiving Facility shall be in accordance with the following provisions:

- (a) No waste hauler may discharge without prior written authorization by DC Water.
- (b) Unless exempted by DC Water in writing, all loads shall comply with the District's pretreatment standards as provided in 21 DCMR § 1501;
- (c) DC Water reserves the right to refuse acceptance of any load;
- (d) A waste hauler may be required to provide a waste analysis of any load prior to discharge;
- (e) A waste hauler may be required to cease unloading operations at any time;
- (f) In the case of composite loads, any part of the load that is restricted or prohibited shall make the entire load unacceptable for discharge;
- (g) Upon request, any Waste Hauler shall provide DC Water personnel with access to the wastewater contained in the vehicle for collecting samples or taking instrument readings;
- (h) All haulers shall clean up all spills resulting from their discharge activity at the Septage Receiving Facility;

- (i) Additional expenses may be charged to the hauler if DC Water has to clean up any spills or deposits, unclog the septage discharge lines, or repair damage occurring as the result of the hauler's discharge activity; and
  - (j) Additional requirements as specified by DC Water in writing.
- 1510.13 Except as authorized by DC Water, the discharge of truck-hauled wastewater without a permit or in violation of a permit shall be punishable as provided in § 15 of the Act and as provided in 21 DCMR §§ 1513, 1516, and 1517.
- 1510.14 A Waste Hauler Discharge Permit may be suspended, terminated, or denied for good cause including, but not limited to, the following:
  - (a) Information indicating that the permitted discharge poses a threat to the treatment system or DC Water personnel;
  - (b) Violation of any terms or conditions of the Waste Hauler Discharge Permit;
  - (c) Obtaining a Waste Hauler Discharge Permit by misrepresentation or failure to disclose fully, all relevant facts;
  - (d) The unauthorized discharge of wastewater from non-domestic sources;
  - (e) Denying DC Water personnel access to a vehicle or its contents for purposes of collecting a sample and/or obtaining instrument readings;
  - (f) Failure to obtain or maintain appropriate current hauling licenses or permits from Federal, State, or local agencies;
  - (g) Failure to pay fees, including late fees, or administrative penalties or fines;
  - (h) Falsification of, failure to complete, or failure to fully disclose all relevant facts in any report, manifest form, or record required by the permit or requested by DC Water;
  - (i) Failure to comply with an enforcement action issued by DC Water; and
  - (j) Failure to clean up a spill or report a blockage.
- 1510.15 Waste Hauling Disposal Fees shall be assessed monthly in accordance with the fee schedule provided in 21 DCMR § 112.6 for each load of hauled wastewater received at the Septage Receiving Facility, based on the volume and type or strength of wastewater discharged.

- 1510.16 DC Water may establish custom waste hauling disposal fees for:
- (a) Waste generated outside the Blue Plains Service Area.
  - (b) Commercial (other than grease traps or interceptors) and industrial hauled waste based on the waste characteristics and other factors including, but not limited to, potential risk and wastestream variability.
- 1510.17 Custom waste hauler disposal fees may be revised by DC Water, at any time, based on new waste characteristic data and information.
- 1510.18 Additional fees may be assessed for hauled wastewater discharged outside of normal hours of operation, as determined by DC Water.
- 1510.19 DC Water shall determine the volume of wastewater discharged for billing based on either:
- (a) The actual volume of sewage discharged as determined by a method acceptable to DC Water; or
  - (b) The carrying capacity or a percentage of the carrying capacity of the waste hauler's vehicle, if the actual volume of sewage discharged cannot be determined by a method acceptable to DC Water.
- 1510.20 Users may petition the General Manager to reconsider the issuance, suspension, termination or denial of a Waste Hauler Discharge Permit or the terms or conditions of a Waste Hauler Discharge Permit within fifteen (15) calendar days of the effective date of the Waste Hauler Discharge Permit by submission of a Permit Appeal form. The submission of a Permit Appeal for reconsideration shall not stay compliance with Waste Hauler Discharge Permit conditions.
- 1510.21 Failure to submit a timely Permit Appeal for review shall be deemed to be a waiver of administrative appeal unless DC Water grants a time extension.
- 1510.22 In the Permit Appeal, the User shall indicate the discharge permit provisions objected to, the reasons for the objection, and the alternative condition(s), if any, it seeks to place in the Waste Hauler Discharge Permit.
- 1510.23 The General Manager will review and make a final decision on the Permit Appeal. The General Manager will send the User the final decision.
- 1510.24 If the Permit Appeal is denied by the General Manager or the User is not satisfied with the General Manager's final decision, the User may appeal the Permit Appeal decision as set forth in 21 DCMR § 1519 by filing a petition for an administrative hearing within fifteen (15) calendar days of the date of the General

Manager's final decision. The petition for an administrative hearing shall be filed in accordance with the requirements set forth in 21 DCMR § 412.

**Section 1511, HIGH STRENGTH WASTE FEE, is amended to read as follows:**

**1511 HIGH STRENGTH WASTE FEES**

1511.1 Permitted Significant Industrial Users discharging high strength wastewater into the District's wastewater system shall be assessed a high strength waste fee, in addition to the normal sewer charges, which are based on the volume of wastewater discharged and average daily concentration for the high strength waste constituent.

1511.2 The high strength waste fee shall be applied to those permitted discharges whose average daily concentration exceeds one (1) or more of the following domestic strength wastewater concentrations:

- (a) Biochemical Oxygen Demand (BOD) of three hundred milligrams per liter (300 mg/L) or Chemical Oxygen Demand (COD) of six hundred milligrams per liter (600 mg/L);
- (b) Total Suspended Solids (TSS) of three hundred milligrams per liter (300 mg/L);
- (c) Total Kjeldahl Nitrogen (TKN) or Total Nitrogen (TN) of forty- five milligrams per liter (45 mg/L); and
- (d) Total Phosphorus (TP) of six milligrams per liter (6 mg/L).

1511.3 High strength waste fees may be applied to additional constituents for other high strength wastewater based on criteria determined by DC Water, which shall be computed in a similar manner provided in 21 DCMR § 1511.4.

1511.4 The high strength waste fee shall be computed using the following formula for those constituents exceeding the values specified in 21 DCMR § 1511.2:

$$\text{High Strength Waste Fee} = V \times 8.34 \times [\text{FB} \times (\text{AB}-300 \text{ or } \frac{1}{2}(\text{AC}-600)) + \text{FS} \times (\text{AS}-300) + \text{FN} \times (\text{AN}-45) + \text{FP} \times (\text{AP}-6)]$$

Where:

- V = volume of sewage in millions of gallons discharged by the Significant Industrial User during the billing period.
- FB = the cost for treating BOD expressed in dollars/pound.

AB = the average daily concentration of BOD in the sewage discharged expressed in mg/L.

AC = the average daily concentration of COD in the sewage discharged expressed in mg/L.

Use the higher value of AB-300 or  $\frac{1}{2}(AC-600)$ .

FS = the cost for treating TSS expressed in dollars/pound.

AS = the average daily concentration of TSS in the sewage discharged expressed in mg/L.

FN = the cost for treating TKN or TN expressed in dollars/pound.

AN = the average daily concentration of TKN or TN in the sewage discharged expressed in mg/L.

FP = the cost for treating TP expressed in dollars/pound.

AP = the average daily concentration of TP in the sewage discharged expressed in mg/L.

- 1511.5 The cost for treating each high strength waste constituent shall be determined by DC Water as provided in 21 DCMR § 112.6.
- 1511.6 The volume of sewage from the Significant Industrial User shall be determined based upon either:
- (a) Metered or estimated water consumption for the billing period; or
  - (b) Metered or estimated wastewater discharge entering the sewer system.
- 1511.7 If estimated flows are used, the procedure for determining the flows shall be submitted by the Significant Industrial User and approved by DC Water.
- 1511.8 If metered wastewater discharged to the sewer system is used, the Significant Industrial User shall provide and maintain at their own expense, metering facilities as required to indicate accurately, to the satisfaction of DC Water, the volume of discharge to the sewer system.
- 1511.9 Flow data shall be submitted to DC Water in a format and content acceptable to DC Water monthly or at a frequency specified by DC Water.
- 1511.10 If wastewater flow data provided by the Significant Industrial User is not submitted to DC Water by the specified date, DC Water may calculate the high strength waste fee using the metered water consumption.

- 1511.11 The average daily concentration of each constituent shall be in a format and content specified by DC Water and submitted monthly or at a frequency specified by DC Water.
- 1511.12 The average daily concentration shall be based on one or more of the following:
- (a) All sampling and analysis results from sampling conducted by DC Water during the assessment period.
  - (b) All sampling and analysis results from sampling conducted by the Significant Industrial User during the assessment period, or as specified by DC Water, that DC Water determines is characteristic of the overall nature of such discharge.
  - (c) Historical records for the Significant Industrial User or other Significant Industrial Users having similar discharge characteristics.
- 1511.13 A Significant Industrial User may challenge the high-strength waste fee assessment or appeal the General Managers final decision in accordance with the procedures set for in chapter 4 of this title.

Comments on these proposed rules should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, by email to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com), or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from the DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.



## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Section 203(3) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.03(3) (2012 Repl.)); Wastewater System Regulation Amendment Act of 1985, effective March 12, 1986 (D.C. Law 6-95; D.C. Official Code §§ 8-105, *et seq.* (2013 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); hereby gives notice that at its regularly scheduled meeting on October 5, 2017, the Board adopted Board Resolution #17-67 to propose the amendment of Section 1501 (Discharge Standards and Sewer Use Requirements) and Section 1599 (Definitions), and the addition of new Section 1520 (Dental Amalgam Pretreatment Standards) of Chapter 15 (Discharges to Wastewater System) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these amendments is to amend requirements for Dental Amalgam Discharge Management and related definitions.

The Board requests comments on these proposed regulations.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 15, DISCHARGES TO WASTEWATER SYSTEM, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**

**Subsection 1501.10, of Section 1501, DISCHARGE STANDARDS AND SEWER USE REQUIREMENTS, is amended to read as follows:**

1501.10 An Industrial User facility that practices dentistry shall comply with the regulations in 40 CFR Part 441, the Dental Office Point Source Category, and the requirements set forth in Section 1520 of this chapter, as applicable.

**A new Section 1520, DENTAL AMALGAM PRETREATMENT STANDARDS, is added to read as follows:**

**1520 DENTAL AMALGAM PRETREATMENT STANDARDS**

1520.1 Except as provided in 21 DCMR § 1520.2 and § 1520.3, the requirements of this section shall not apply to the following exempt Dental Dischargers that:

- (a) Exclusively practice one or more of the following dental specialties: Oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics;
- (b) Discharge wastewater from a mobile unit operated by a dental practitioner; or
- (c) Do not discharge any amalgam process wastewater to the District’s wastewater system, such as Dental Dischargers that collect all dental amalgam process wastewater for transfer to a Centralized Waste Treatment facility as defined in 40 CFR Part 437.

1520.2 All active facilities that practiced dentistry in the District of Columbia on or before July 14, 2017, shall submit a Dental Discharge Questionnaire to DC Water by July 16, 2018.

- (a) The Dental Discharge Questionnaire, as provided by DC Water, shall include: the facility name, physical address, mailing address, contact information, name of all dental practitioners and owners, type of dental facility, current dental amalgam placement and removal information, discharge information, and signature.
- (b) The Dental Discharge Questionnaire and all other records and documents shall be submitted to:

District of Columbia Water and Sewer Authority  
 Wastewater Treatment/Pretreatment Program Manager  
 5000 Overlook Avenue, S.W.  
 Washington, D.C. 20032

1520.3 Dental Dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and submit the required One-Time Compliance Report to DC Water as required in 21 DCMR § 1520.6(c)(1), are exempt from any further requirements of this section.

1520.4 Any Existing Dental Discharger subject to the requirements of this section shall achieve the following pretreatment standards by July 14, 2020, except as provided in 21 DCMR §§ 1520.4(a)(1) (iii) and (v), and (2)(vi):

- (a) Removal of dental amalgam solids from all amalgam process wastewater by one of the following methods:
  - (1) Installation, operation, and maintenance of one or more amalgam separators that meet the following requirements:

- (i) Compliant with either the American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011) or the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions so long as that version requires amalgam separators to achieve at least a ninety-five percent (95%) removal efficiency. Compliance must be assessed by an accredited testing laboratory under ANSI's accreditation program for product certification or a testing laboratory that is a signatory to the International Laboratory Accreditation Cooperation's Mutual Recognition Arrangement. The testing laboratory's scope of accreditation must include ANSI/ADA 108–2009 or ISO 11143.
- (ii) The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
- (iii) A Dental Discharger that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies the requirements of subparagraphs 1520.4(a)(1)(i) and (ii) of this section until the existing separator is replaced as described in subparagraph 1520.4(a)(1)(v) of this section or until June 14, 2027, whichever is sooner.
- (iv) The amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).
- (v) In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of subparagraphs 1520.4(a)(1)(i) and (ii) of this section as soon as possible, but no later than ten (10) business days after the malfunction is discovered by the Dental Discharger, or an agent or representative of the Dental Discharger.
- (vi) The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the

amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

- (2) Installation, operation, and maintenance of one or more amalgam removal device(s) other than an amalgam separator. The amalgam removal device must meet the following requirements:
  - (i) Removal efficiency of at least ninety-five percent (95%) of the mass of solids from all amalgam process wastewater. The removal efficiency must be calculated in grams recorded to three decimal places, on a dry weight basis. The removal efficiency must be demonstrated at the maximum water flow rate through the device as established by the device manufacturer's instructions for use;
  - (ii) The removal efficiency must be determined using the average performance of three (3) samples. The removal efficiency must be demonstrated using a test sample of dental amalgam that meets the following particle size distribution specifications: sixty percent (60%) by mass of particles that pass through a 3150  $\mu\text{m}$  sieve but which do not pass through a 500  $\mu\text{m}$  sieve, ten percent (10%) by mass of particles that pass through a 500  $\mu\text{m}$  sieve but which do not pass through a 100  $\mu\text{m}$  sieve, and thirty percent (30%) by mass of particles that pass through a 100  $\mu\text{m}$  sieve. Each of these three specified particle size distributions must contain a representative distribution of particle sizes;
  - (iii) The device(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater;
  - (iv) The devices(s) must be accompanied by the manufacturer's manual providing instructions for use including the frequency for inspection and collecting container replacement such that the unit is replaced once it has reached the maximum filling level at which the device can perform to the specified efficiency;
  - (v) The device(s) must be inspected in accordance with the manufacturer's operation manual to ensure proper operation and maintenance, including confirmation that amalgam process wastewater is flowing through the amalgam separating portion of the device(s);

- (vi) In the event that a device is not functioning properly, it must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of subparagraphs 1520.4(a)(2)(i) through (iii) of this section as soon as possible, but no later than ten (10) business days after the malfunction is discovered by the Dental Discharger, or an agent or representative of the Dental Discharger;
  - (vii) The amalgam retaining unit(s) of the device(s) must be replaced as specified in the manufacturer's operating manual, or when the collecting container has reached the maximum filling level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first; and.
  - (viii) The demonstration of the device(s) under subparagraphs 1520.4(a)(2)(i) through (iii) of this section must be documented in the One-Time Compliance Report.
- (b) Implementation of the following best management practices (BMPs):
- (1) Waste amalgam including, but not limited to, dental amalgam from chairside traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to the District's wastewater system;
  - (2) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to the District's wastewater system must not be cleaned with oxidizing or acidic cleaners, including, but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than six (6) or greater than eight (8);
  - (3) Dental chairside traps, vacuum screens, and amalgam separator equipment must not be rinsed in a sink, toilet or into any other sanitary discharge connection;
  - (4) Dental Discharge facility staff must be trained in the handling and disposal of mercury amalgam materials and waste. Training shall be completed within one year for new hires and all staff shall be retrained once every three (3) years; and

- (5) The storage, handling and disposal/recycling of all amalgam waste must be in accordance with District of Columbia, state and federal requirements.

1520.5 Effective July 14, 2017, any New Dental Discharger subject to the requirements of this section must comply with the requirements of 21 DCMR §§ 1520.4(a) and (b) and the reporting and recordkeeping requirements of 21 DCMR § 1520.6 and § 1520.7.

1520.6 Dental Dischargers subject to the requirements of this section must comply with the following reporting requirements:

- (a) One-Time Compliance Report deadlines:
  - (1) For an Existing Dental Discharger, a One-Time Compliance Report must be submitted to DC Water no later than October 12, 2020, or ninety (90) calendar days after a transfer of ownership.
  - (2) For a New Dental Discharger, a One-Time Compliance Report must be submitted to DC Water no later than ninety (90) calendar days following the first introduction/discharge of wastewater into the District's wastewater system.
- (b) Signature and Certification. The One-Time Compliance Report must be signed and certified by a responsible corporate officer, a general partner or proprietor if the Dental Discharger is a partnership or sole proprietorship, or a duly authorized representative as defined in 21 DCMR § 1599.
- (c) The contents of the One-Time Compliance Report shall be as follows:
  - (1) The One-Time Compliance Report, as provided by DC Water, for Dental Dischargers subject to the requirements of this section that do not place or remove dental amalgam as described at 21 DCMR § 1520.3 must include: facility name, physical address, mailing address, contact information, name of the operator(s) (dental practitioners) and owner(s); and a certification statement that the Dental Discharger does not place dental amalgam and does not remove amalgam except in limited circumstances.
  - (2) The One-Time Compliance Report, as provided by DC Water, for Dental Dischargers subject to the requirements of this section must include:
    - (A) The facility name, physical address, mailing address, and contact information;

- (B) Name(s) of the operator(s) (Dental practitioners) and owner(s);
  - (C) A description of the operation at the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, year of installation;
  - (D) Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in 21 DCMR § 1520.4(a);
  - (E) Certification that the Dental Discharger is implementing BMPs specified in 21 DCMR § 1520.4(b) and will continue to do so;
  - (F) The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with 21 DCMR § 1520.4(a).
- (d) Replacement of amalgam separator or equivalent device. Existing and New Dental Dischargers shall submit an amended One-Time Compliance Report to DC Water no later than ninety (90) days after replacement, if the amalgam separator or equivalent device is replaced after the submittal of the One-Time Compliance Report.
  - (e) Transfer of ownership notification. If a Dental Discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to DC Water no later than ninety (90) days after the transfer.

1520.7 Dental Dischargers subject to the requirements of this section must comply with the following document retention requirements:

- (a) As long as a Dental Discharger subject to this section is in operation, or until ownership is transferred, the Dental Discharger or an agent or representative of the Dental Discharger must maintain the One-Time Compliance Report required in Subsection 1520.6 of this section and make it available for inspection in either physical or electronic form.

- (b) Dental Discharger or an agent or representative of the Dental Discharger must maintain and make the following documents available for inspection in either physical or electronic form, for a minimum of three years or until updated, whichever is longer:
- (1) Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.
  - (2) Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
  - (3) Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR § 261.5(g)(3) (Special requirements for hazardous waste generated by conditionally exempt small quantity generator) and 20 DCMR § 4261.7, and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.
  - (4) Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
  - (5) The manufacturers operating manual for the current device.
  - (6) Documentation of staff training and retraining, including the name of the staff person and date of training.

**Section 1599, DEFINITIONS, Subsection 1599.1, is amended by deleting the term WASA and adding the following terms and definitions to read as follows:**

**Amalgam Process Wastewater** - any wastewater generated and discharged by a Dental Discharger through the practice of dentistry that may contain dental amalgam.

**Amalgam Separator** - a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.

**DC Water or WASA – the District of Columbia Water and Sewer Authority.**

**Dental Amalgam** - an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.



**Dental Discharger** - a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a publicly owned treatment works (POTW).

**Duly Authorized Representative** – the individual designated by the responsible corporate officer or a general partner or proprietor if the Industrial User submitting the reports section is a partnership, or sole proprietorship respectively, if:

- (a) The authorization is made in writing by the responsible corporate officer or a general partner or proprietor;
- (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of facility of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (c) The written authorization is submitted to the DC Water.

**Existing Dental Discharger** - a Dental Discharger that is not a new source that discharged to the District's wastewater system on or before July 14, 2017.

**Mobile Unit** - a specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations.

**New Dental Discharger** - a Dental Discharger whose first discharge to the District's wastewater system occurs after July 14, 2017.

Comments on these proposed rules should be submitted in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, by email to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com), or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from the DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

## DEPARTMENT OF HEALTH CARE FINANCE

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl. & 2016 Supp.)) and Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to adopt, on an emergency basis, amendments to Chapter 9 (Medicaid Program) and Chapter 41 (Medicaid Reimbursement for Intermediate Care Facilities for Individuals with Intellectual Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules update the reimbursement methodology for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID). Each ICF/IID may be reimbursed when the Medicaid beneficiary is hospitalized or on a therapeutic leave of absence. The rules governing reserved bed days for nursing facilities and ICFs/IID are set forth in Section 950 (Payment for Reserved Beds) of Chapter 9. These proposed rules repeal the reserve bed day sections governing ICFs/IID in Section 950. These sections are now included as a new Section 4117 in Chapter 41 to ensure that all the rules governing reimbursement for ICFS/IID are included in one chapter. In addition, the “hospitalization” and “therapeutic leave of absence” categories of reserved bed days have been combined to afford increased flexibility in the utilization of reserved bed days.

The reimbursement methodology is also amended as follows: (1) in Section 4101.14 of Chapter 41, the frequency of acuity level assessments has been extended for low-acuity beneficiaries from once every twelve (12) months to once every three (3) years to lessen the administrative burden on providers and beneficiaries; (2) in Section 4107 of Chapter 41, the requirements to spend a certain percentage of Medicaid reimbursement funds on direct service delivery have been modified to require providers to expend ninety-five percent (95%) of funds in the Direct Service cost center and one-hundred percent (100%) of funds in the Active Treatment cost center, allowing providers to shift unspent reimbursement funds among certain other cost centers to cover over-expenditure in those cost centers; and (3) in Section 4105 the rebasing timeline has been changed from FY17 to FY18 due to the length of time to complete the audit process for provider cost reports and ongoing provider appeals associated with the cost report audit process. The rate schedule set forth in Section 4102.16 will be updated effective October 1, 2017 following the FY18 rebasing described in these rules. Finally, minor technical amendments and the addition of definitions have been made consistent with the changes described above. The aggregate impact of these changes is \$ 260,647.85 in FY18 and \$ 269,509.88 in FY19.

The corresponding State Plan Amendments (SPAs) to the District of Columbia State Plan for Medical Assistance (State Plan) must be approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) and the Council of the District of Columbia (Council). The Council approved the corresponding SPAs through the Fiscal Year

2018 Budget Support Emergency Act of 2017, approved July 20, 2017 (D.C. Act 22-104). Implementation of these proposed rules is contingent upon approval of the corresponding SPA by CMS, with an effective date of October 1, 2017 or the effective date established by CMS in its approval of the corresponding SPA, whichever is later.

Emergency action is necessary to ensure that ICFs/IID are able to use their Medicaid reimbursement funds in a way that will allow them to sustain the delivery of critically important healthcare services to vulnerable District Medicaid beneficiaries residing in these facilities.

The Director adopted these rules on October 11, 2017 and they shall become effective on October 1, 2017 or the effective date established by CMS, whichever is later. The emergency rules will remain in effect for one hundred and twenty days or until February 8, 2018, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director of DHCF gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 950, PAYMENT FOR RESERVED BEDS, is amended to read as follows:**

**950 PAYMENT FOR RESERVED BEDS**

950.1 Vendor payment for reserved bed days for hospitalization or therapeutic leaves of absence, for a resident of a nursing facility, when provided in the resident's plan of care, shall not exceed eighteen (18) days during any fiscal year, if there is a reasonable expectation that the resident will return to the nursing facility.

950.2 [REPEALED].

950.3 [REPEALED].

950.4 Payment for reserved bed days authorized in accordance with section 950.1 shall equal one hundred percent (100%) of the facility's per diem rate.

950.5 [REPEALED].

950.6 Each resident shall reside in the nursing facility for at least one (1) day as a condition of vendor payment for reserved bed days.

950.7 Each provider shall require the family member or caregiver to sign a leave and request form upon exit and return to the facility. The provider shall ensure that each family member or caregiver provide contact information.

- 950.8 Each provider shall discuss the resident's medical regimen with the family member or caregiver. The provider shall ensure that each family member or caregiver is provided a sufficient quantity of the resident's medication for the leave period.
- 950.9 Each provider shall report to DHCF any unusual incident that occurred during any therapeutic leave of absence.

**Chapter 41, MEDICAID REIMBURSEMENT FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, is amended as follows:**

**Section 4101, ACUITY LEVEL ASSIGNMENTS, is amended as follows:**

**4101 ACUITY LEVEL ASSIGNMENTS**

- 4101.1 Reimbursement rates shall be differentiated based on the individual's acuity level, as recommended by DDS, through the Level of Need Assessment and Risk Screening Tool (LON), and interdisciplinary teams of health and habilitation professionals, pursuant to the Individual Service Plan (ISP).
- 4101.2 Acuity levels higher than Acuity Level 1 (Base), specific to the medical and health needs of each qualified individual, shall be requested by the ICF/IID, recommended by DDS, and approved by DHCF.
- 4101.3 Reimbursement under this chapter shall be governed according to the following acuity levels:
- (a) Acuity Level 1 (Base) shall represent the health, habilitation, and support needs of a beneficiary whose level of care determination (LOC) reflects a need for ICF/IID services. Acuity Level 1 shall be the base acuity level.
  - (b) Acuity Level 2 (Moderate) shall represent the health, habilitation, and support needs of a beneficiary who:
    - (1) Meets the requirements of § 4101.3(a); and
    - (2) Requires moderate levels of services in order to effectively support functional impairments, as described in § 4101.6.
  - (c) Acuity Level 3 (Extensive – Behavioral) shall represent the health, habilitation, and support needs of a beneficiary who:
    - (1) Meets the requirements of § 4101.3(a); and

- (2) Requires services and interventions that can address conditions associated with an extensive intellectual and developmental disability and significant behavioral challenges as described in § 4101.7.
- (d) Acuity Level 4 (Extensive – Medical) shall represent the health, habilitation, and support needs of a beneficiary who:
  - (1) Meets the requirements of § 4101.3(a); and
  - (2) Requires services and interventions that can address conditions associated with a significant intellectual and developmental disability and significant medical and support challenges as described in § 4101.8.
- (e) Acuity Level 5 (Pervasive) shall represent the health, habilitation, and support needs of a beneficiary who:
  - (1) Meets the requirements of § 4101.3(a);
  - (2) Requires services and interventions that can address conditions associated with a pervasive intellectual and developmental disability; and
  - (3) Exhibits dangerous behaviors or conditions that require one-to-one (1:1) supervision for twenty-four (24) hours per day or less, as described in § 4101.9.
- (f) Acuity Level 6 (Pervasive Plus Skilled Nursing) shall represent the health, habilitation, and support needs of a beneficiary who:
  - (1) Meets the requirements of § 4101.3(a);
  - (2) Requires services and interventions that can address conditions associated with a pervasive level of care to accommodate individuals with dangerous behaviors or conditions that require one to one (1:1) supervision twenty-four (24) hours per day; and
  - (3) Requires extensive skilled nursing services as described in § 4101.10.

4101.4 For purposes of reimbursement, a beneficiary admitted on or after October 1, 2012, shall be assumed to be at Acuity Level 1 (Base). An ICF/IID may request through, and with supporting documentation by, DDS that DHCF assign a beneficiary to a higher acuity level. This request must be accompanied by documentation submitted by the ICF/IID that justifies the higher acuity level.

- 4101.5 In order for a beneficiary to qualify at an acuity level above Acuity Level 1 (Base), the ICF/IID shall ensure that qualified health and habilitation practitioners assess each beneficiary using the LON.
- 4101.6 A beneficiary shall qualify for Acuity Level 2 (Moderate) when assessed to have at least one (1) of the following characteristics:
- (a) Is unable to perform two (2) or more activities of daily living (ADL);
  - (b) Is non-ambulatory;
  - (c) Is unable to evacuate self without assistance in the event of a fire or other emergency situation;
  - (d) Is assessed to lack life safety skills to ensure self-preservation; or
  - (e) Has a diagnosis of one (1) of the following conditions:
    - (1) Blindness;
    - (2) Deafness;
    - (3) Autism Spectrum Disorder; or
    - (4) Epilepsy.
- 4101.7 A beneficiary shall qualify for Acuity Level 3 (Extensive – Behavioral) when he or she is dually diagnosed with an intellectual and developmental disability and with one (1) or more behavioral disorders that:
- (a) Are assaultive, self-abusive, including pica, or aggressive;
  - (b) Require a Behavior Support Plan (BSP) which shall be based on current data and targets the identified behaviors; and
  - (c) Require intensive staff intervention and additional staff resources to manage the behaviors set forth in § 4101.8(a).
- 4101.8 A beneficiary shall qualify for Acuity Level 4 (Extensive – Medical) when he or she requires skilled nursing and extensive health and habilitation supports on a daily basis. Skilled nursing and extensive health and habilitation supports shall be prescribed by the individual’s primary care physician or advanced practice registered nurse (APRN).

- 4101.9 A beneficiary shall qualify for Acuity Level 5 (Pervasive) when he or she requires one-to-one (1:1) staffing and exhibits one (1) or more of the following characteristics:
- (a) Has a history of, or is at high risk for, elopement resulting in risk to the beneficiary or others;
  - (b) Exhibits behavior that is life-threatening to the beneficiary or others;
  - (c) Exhibits destructive behavior that poses serious property damage, including fire-setting;
  - (d) Is a sexual predator; or
  - (e) Has a history of, or is at high risk for, falls with injury and a primary care physician or advanced practice registered nurse order for one-to-one (1:1) supervision.
- 4101.10 A beneficiary shall qualify for Level 6 (Pervasive Plus Skilled Nursing) if the beneficiary requires at least one (1) type of skilled nursing that shall be ordered by a primary care physician or advanced practice registered nurse and provided, at a minimum, on an hourly basis.
- 4101.11 For a beneficiary who requires services at or above Acuity Level 4, the prescription of the physician or advanced practice registered nurse, shall specify the type, frequency, scope, and duration of the skilled nursing and health and habilitation support services required.
- 4101.12 The number of one-to-one (1:1) staffing hours shall be approved by DHCF using results from assessments conducted by ICFs/IID. Under Levels 5 and 6 (Pervasive and Pervasive Plus Skilled Nursing), DHCF's approval shall be based on having staff member(s) assigned to the beneficiary who have no other duties while assigned to the beneficiary.
- 4101.13 Each ICF/IID shall have responsible direct care staff on duty and awake on a twenty-four (24) hour basis when residents are present in the facility to ensure prompt, appropriate action in the event of injury, illness, fire, or other emergency.
- 4101.14 Acuity level assignments shall be recertified every three (3) years for beneficiaries assigned Acuity Level 1 through 4, and annually for beneficiaries assigned Acuity Level 5 or 6. Each ICF/IID shall be responsible for requesting recertification of the beneficiary's acuity level assignment by compiling and submitting the beneficiary's information in the required format(s) at least twenty (20) days before the ISP effective date. Each ICF/IID shall ensure that the individual has an approved acuity level assignment by the ISP effective date. At minimum, the ICF/IID shall provide DHCF with the following:

- (a) Level of Need Assessment and Risk Screening Tool (LON); and
- (b) Current ISP document including medical, psychological, occupational or physical therapy assessment, or in the absence of a current ISP document, evidence of consensus by a majority of the members of the beneficiary's interdisciplinary team for the proposed acuity level assignment.

4101.15 Late submission of the documentation required for recertifications as set forth in § 4101.14 shall result in payment at the rates that correspond to Acuity Level 1 (Base) beginning on the first day following the expiration of the assignment. DHCF shall not make retroactive adjustments to the reimbursement rates for late submissions of recertification documentation.

4101.16 Additional documentation shall be required to support the acuity level assignment for a beneficiary. Depending on acuity level, additional documentation shall be required as follows:

- (a) For Acuity Level 3 (Extensive – Behavioral) the following additional documentation is required:
  - (1) A BSP addressing the targeted behaviors;
  - (2) A written behavior plan that shall be based on current data and which targets the identified behaviors; and
  - (3) A concise statement that summarizes thirty (30) days of behavioral data prior to the date of the request and justification of the need for intensive staff intervention and additional staff resources to manage targeted behaviors.
- (b) For Acuity Level 4 (Extensive – Medical) documentation that includes an order for daily skilled nursing and extensive health supports prepared by the beneficiary's primary care physician or an advance practice registered nurse is required.
- (c) For Acuity Level 5 (Pervasive) the following additional documentation is required:
  - (1) A concise statement setting forth the presenting problem that necessitates one to one (1:1) supervision and the number of requested one to one (1:1) hours;
  - (2) Evidence of a history or risk of elopement that results in risk to the beneficiary and/or others;



- (3) Evidence of behavior that is life threatening to self and/or others;
  - (4) Evidence of destructive behavior causing serious property damage, including fire starting;
  - (5) Evidence of sexually predatory behavior;
  - (6) Evidence of a history of, or risk of, falls with injury, and an order from the beneficiary's primary care physician or APRN;
  - (7) A BSP that shall be based on current data and targets the behaviors identified;
  - (8) A job description for one to one (1:1) staff based on the beneficiary's individual needs; and
  - (9) Thirty (30) days of behavioral data prior to the date of the request in support of the targeted behaviors.
- (d) For Acuity Level 6 (Pervasive plus Skilled Nursing) the following additional documentation is required:
- (1) An order for skilled nursing services prepared by the beneficiary's primary care physician or APRN;
  - (2) A concise statement setting forth the presenting problem that necessitates one to one (1:1) supervision and skilled nursing and the number of requested one to one (1:1) hours; and
  - (3) A job description for one to one (1:1) staff based on the beneficiary's individual needs.

4101.17 Documentation required to review a beneficiary's acuity level shall be submitted to DHCF within sixty (60) days of the event that necessitates assignment to a higher acuity level.

4101.18 On a case-by-case basis, DHCF shall consider requests for retroactive adjustment to a beneficiary's acuity level that may result in a change to the reimbursement rate. DHCF decisions shall be based on the facility's submission of required documentation as set forth below:

- (a) A concise statement setting forth the situation that necessitates retroactive adjustment;
- (b) Evidence of the higher acuity level for the specified period of time for which the change in acuity level is requested. This evidence shall include

the LON and other clinical and professional documentation such as discharge planning notes, physician's notes, other clinician's notes, interdisciplinary team meeting notes, and healthcare reports for the same defined period of time; and

- (c) Evidence that a higher level of service was delivered for the defined period and that the higher level of service delivered is that required for the higher acuity level. This evidence shall include documentation of staffing levels detailing hours and types of services delivered for each day in the defined period of time. Evidence shall also include the identity of the specific staff delivering the higher acuity services and an attestation from the staff of the higher acuity service they delivered.

4101.19 Any retroactive adjustment based on § 4101.18 shall be limited to the time that has lapsed since the date of the beneficiary's last continuous stay review, as set forth in § 4109.

4101.20 DHCF, or its designee, shall have access to all approved ISP documents.

4101.21 Each ICF/IID shall notify DHCF of the transfer or death of a beneficiary at least seven (7) business days after the date of the event.

**Section 4102, REIMBURSEMENT METHODOLOGY, is amended as follows:**

**4102 REIMBURSEMENT METHODOLOGY**

4102.1 The rates for ICF/IID services were developed based on Fiscal Year (FY) 2010 cost data reported by providers of different sizes serving individuals at varying acuity levels. The rates shall vary based on staffing ratios, facility size, and beneficiary acuity level.

4102.2 For the purposes of rate-setting, and independent of the classification used by the Department of Health for licensing, DHCF shall classify ICFs/IID as follows:

- (a) Class I - A facility with five (5) or fewer licensed beds; and
- (b) Class II - A facility with six (6) or more licensed beds.

4102.3 The residential component of the rate, as described in § 4100.5(a), shall be based on a model that includes the following seven (7) cost centers:

- (a) The "Direct Service" cost center, which shall include expenditures as follows:
  - (1) Nurses, including registered nurses (RNs), licensed practical nurses (LPNs), and certified nursing assistants (CNAs);

- (2) Qualified Intellectual Disabilities Professionals (QIDPs);
  - (3) House managers;
  - (4) Direct Support Personnel;
  - (5) Allocated time of staff with administrative duties and who are also utilized in direct service support, subject to the results of a time study or time sheet process that has been approved by DHCF; and
  - (6) Fringe benefits, including but not limited to required taxes, health insurance, retirement benefits, vacation days, paid holidays, and sick leave.
- (b) The “All Other Health Care and Program Related” cost center, which shall include expenditures for:
- (1) Pharmacy co-pays and over-the-counter medications;
  - (2) Medical supplies;
  - (3) Therapy costs, including physical therapy, occupational therapy, and speech therapy;
  - (4) Behavioral health services provided by psychologists or psychiatrists;
  - (5) Nutrition and food;
  - (6) Medical record maintenance and review;
  - (7) Insurance for non-direct care health staff;
  - (8) Quality Assurance;
  - (9) Training for direct care staff;
  - (10) Program development and management, including recreation;
  - (11) Incident management; and
  - (12) Clothing for beneficiaries.
- (c) The “Non-Personnel Operations” cost center, which shall include expenditures for:

- (1) Food service and supplies related to food service;
  - (2) Laundry;
  - (3) Housekeeping and linen; and
  - (4) Non-capital repair and maintenance.
- (d) The “Administration” cost center which shall include expenditures for:
- (1) Payroll taxes;
  - (2) Salaries and consulting fees to non-direct care staff;
  - (3) Insurance for administrators and executives;
  - (4) Travel and entertainment;
  - (5) Training costs;
  - (6) Office expenses;
  - (7) Licenses;
  - (8) Office space rent or depreciation;
  - (9) Clerical staff;
  - (10) Interest on working capital; and
  - (11) Staff transportation.
- (e) The “Non-Emergency Transportation” cost center, which shall include expenditures for:
- (1) Vehicle license, lease, and fees;
  - (2) Vehicle maintenance;
  - (3) Depreciation of vehicle;
  - (4) Staffing costs for drivers and aides not otherwise covered by, or in excess of costs for, direct support personnel;
  - (5) Fuel; and

- (6) Vehicle insurance.
- (f) The “Capital” cost center, which shall include expenditures for leased, owned, or fully depreciated properties, less all amounts received for days reimbursed pursuant to the “Policy on Reserved Beds,” as set forth on page 2 of Attachment 4.19C of the State Plan for Medical Assistance, for the following:
  - (1) Depreciation and amortization;
  - (2) Interest on capital debt;
  - (3) Rent;
  - (4) Minor equipment;
  - (5) Real estate taxes;
  - (6) Property insurance;
  - (7) Other capital; and
  - (8) Utilities, including electricity, gas, telephone, cable, and water.
- (g) The “Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment” cost center shall include only the allowable share of the Assessment expenditure consistent with 42 USC § 1396(b)(w) and 42 CFR §§ 433.68, 433.70 and 433.72.

4102.4 Fiscal Year (FY) 2013 rates shall be based on FY 2010 cost data reported by providers, legal requirements, and industry standards, and shall be paid for services delivered beginning on October 1, 2012 through September 30, 2013. FY 2013 rates, and all rates thereafter, shall be set forth in this chapter. FY 2013 rates were developed based upon the following assumptions:

- (a) FY 2013 Non-Personnel Operations per diem rates shall be based on FY 2010 costs, inflated twelve percent (12%);
- (b) FY 2013 Capital per diem rates shall be based on FY 2010 costs, inflated fifteen percent (15%);
- (c) FY 2013 rates for the cost centers described in §§ 4102.4(a) and (b) shall be calculated as the quotient of total industry expenditures divided by the total number of industry licensed bed days as reported for FY 2010;

- (d) The FY 2013 rate for Non-Emergency Transportation shall be eighteen dollars (\$18) per person, per day; and
- (e) Capital expenditures for Class I and Class II facilities shall be calculated separately.

4102.5

FY 2014 rates shall be based on the reported FY 2013 cost reports, adjusted for inflation, in accordance with the index described in § 4102.13. In establishing the rates for FY 2014, DHCF shall use FY 2013 rates as a baseline to compare to the FY 2013 cost reports. After inflationary adjustments, DHCF may make operational adjustments as described in this section to each cost center based on the provider's actual reported costs. These adjustments may increase or decrease the per diem rates for each cost center. For services rendered on or after January 1, 2014, DHCF shall also incorporate the following rate setting principles:

- (a) Effective January 1, 2014, and on October 1, annually thereafter, DHCF may make appropriate outlier adjustments when the entire ICF/IID provider community experiences uncharacteristically low or high costs (*e.g.*, wage increases) experienced by the entire ICF/IID provider community and supported by legislative or other unanticipated changes. With respect to the Capital cost center, market induced fluctuations in the cost of items comprising that rate (*e.g.*, property appreciation/depreciation, significant increase in the cost of utilities, etc.) shall be documented and confirmed using information from the Bureau of Labor Statistics, the Consumer Price Index, the District of Columbia Office of Tax and Revenue, and other relevant indices or reports;
  - (1) All adjustments shall be limited to one (1) time in any given fiscal year.
  - (2) Except for the Capital cost center, operational adjustments shall be subject to a five percent (5%) maximum. Operational adjustments to the Capital cost center shall be subject to a maximum of ten percent (10%);
  - (3) An outlier adjustment shall not exceed the amount of the rebased cost center, subject to the upper payment limit;
  - (4) Except for inflationary adjustments, all other adjustments under this section shall be supported through provider documentation and data reflecting the economic landscape of the Washington, D.C. Metropolitan area;
  - (5) All adjustments described in § 4102.5 shall be limited to fiscal years when rebasing does not occur;

- (6) “Operational Adjustment” shall refer to an adjustment made to any cost center based on information reflected in an ICF/IID’s cost report (*i.e.*, actual reported costs). These reported costs will be compared to the actual reported aggregate costs for all ICF/IIDs. An operational adjustment provides a mechanism for DHCF to address under- or over-payments that are identified after comparing the projections used to determine the rate with the provider’s actual costs; and
- (7) “Outlier Adjustment” shall refer to an adjustment made after the ICF/IID submits a cost report and the actual reported costs reflect uncharacteristically low or high costs. In order to qualify for an outlier adjustment, the unexpected expense must impact all of the District’s ICF/IIDs.

- (b) Effective January 1, 2014, the rate for Non-Emergency Transportation shall be twelve dollars and sixteen cents (\$12.16).

4102.6 For dates of service on or after October 1, 2016 through September 30, 2017, final reimbursement rates for the residential component will be based on providers’ FY 2014 cost reports subject to audit and adjustment by DHCF.

4102.7 Direct Service cost center reimbursement rates shall be calculated based on staffing ratios, facility size, and individuals’ acuity levels. All rates shall accommodate the following staffing patterns:

- (a) Two (2) Direct Support Personnel (DSP) at three (3) shifts per day for three hundred sixty-five (365) days per year, at the following staffing ratios:
  - (1) Class I Facilities: One (1) DSP to every two (2) individuals (1:2); and
  - (2) Class II Facilities: One (1) DSP to every three (3) individuals (1:3).
- (b) One (1) LPN for each facility at one (1) shift per day for three hundred sixty-five (365) days per year, for all ICFs/IID;
- (c) One (1) additional LPN for each ICF/IID at one (1) shift per weekend day (Saturday and Sunday) for fifty-two (52) weeks per year. This staffing pattern shall apply only to Class II facilities;
- (d) One (1) RN, one (1) QIDP, and one (1) house manager, each at one (1) shift per day for two hundred sixty (260) days per year, at a ratio of one (1) staff person to every twelve (12) individuals (1:12) for all ICFs/IID;

- (e) For services provided to individuals assigned to acuity levels higher than Acuity Level I, an ICF/IID shall be paid rates that can accommodate additional staffing needs as follows:
- (1) Acuity Level 2 (Moderate) rates shall also include one (1) additional DSP at three (3) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP for every two (2) individuals (1:2) for all ICFs/IID;
  - (2) Acuity Level 3 (Extensive – Behavioral) rates shall also include costs associated with two (2) additional DSPs. The rates for Acuity Level 3 shall include one (1) DSP at three (3) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP staff member for every two (2) individuals for all ICFs/IID. The rate shall also include one (1) DSP at two (2) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP staff member for every two (2) individuals for all ICFs/IID;
  - (3) Acuity Level 4 (Extensive – Medical) rates shall also include costs associated with one (1) additional LPN at two (2) shifts per day for three hundred sixty-five (365) days per year, for all ICFs/IID. Class II facilities shall also receive a rate that includes one (1) certified nurse aide (CNA) at two (2) shifts per day for three hundred sixty-five (365) days per year;
  - (4) Acuity Level 5 (Pervasive) rates shall vary based on the number of one-to-one services prescribed for a beneficiary. Acuity Level 5 rates shall also include one (1) DSP at two (2) or three (3) shifts per day, for five (5) or seven (7) days per week for fifty-two (52) weeks per year, at a staffing ratio of one (1) DSP to one (1) beneficiary (1:1); and
  - (5) Acuity Level 6 (Pervasive Plus Skilled Nursing) rates shall vary based on the number of one-to-one services prescribed for a beneficiary. Acuity Level 6 rates shall also include one (1) LPN at one (1), two (2), or three (3) shifts per day for seven (7) days per week for fifty-two (52) weeks per year, at a staffing ratio of one (1) LPN to one (1) beneficiary (1:1).
- (f) The base salaries used in the development of FY 2013 rates for direct care staff wages and salaries, subject to adjustment for inflation using the Centers for Medicare and Medicaid Services (CMS) Skilled Nursing Facility Market Basket Index, shall be as follows:
- (1) DSP: Twelve dollars and fifty cents (\$12.50) per hour;



- (2) LPN: Twenty one dollars (\$21.00) per hour;
  - (3) CNA: Sixteen dollars and eighty-three cents (\$16.83) per hour;
  - (4) House Manager: Forty-five thousand dollars (\$45,000) per year;
  - (5) RN: Seventy thousand dollars (\$70,000) per year; and
  - (6) QIDP: Sixty thousand dollars (\$60,000) per year.
- (g) Salaries set forth in Section 4102.7(f) shall be treated as follows:
- (1) “Paid time off” shall include the addition of eighty (80) hours of paid leave. Holiday pay shall include the addition of forty-four (44) hours to ensure that the rate includes the rate of pay plus one-half (1/2) the rate of pay (time and one-half) for holidays worked;
  - (2) Salaries shall be inflated by twenty percent (20%) and paid leave and holiday pay shall be inflated by twelve percent (12%), to accommodate fringe benefits; and
  - (3) All rates shall include paid time off and holiday pay for all hourly full-time equivalents (FTEs).
- (h) Effective October 1, 2013 through September 30, 2016, Direct Care Staff Compensation shall be inflated by the greater of any adjustment to the living wage or the associated costs of benefits and inflation based on the CMS Skilled Nursing Facility Market Basket Index or other appropriate index if the CMS Skilled Nursing Facility Market Basket Index is discontinued.
- (i) Effective October 1, 2016, Direct Care Staff Compensation shall be inflated only by any adjustment to the living wage.

4102.8 The “All Other Health Care and Program Related Expenses” cost center reimbursement rates shall be calculated based on the facility size and the “Direct Care” cost center rate, which varies by staffing ratios and individuals’ acuity levels. The rate for this cost center shall be calculated as a fixed percentage of the rate for direct services, at twelve percent (12%) for Class I facilities and at seventeen percent (17%) for Class II facilities.

4102.9 The “Non-Personnel Operations” cost center reimbursement rates shall be calculated based on industry average reported costs. The Non-Personnel Operations reimbursement rate shall be equal to the industry average reported expenses per licensed bed day for the line items included in the cost center, and shall be uniformly set for all providers.

- 4102.10 During FY 2013, the “Administration” cost center reimbursement rates shall be calculated based on the staffing ratios, facility size, and individuals’ acuity levels. The Administration reimbursement rate shall vary based on the nature of ownership of the physical premises where the ICF/IID is housed. The Administration rate shall be a uniform percentage of the sum of the rates for all other cost centers and acuity levels. Beginning January 1, 2014, and on October 1, 2014 and annually thereafter, reimbursement rates for the Administration cost center shall be uniform for Class I and Class II facilities. The Administration rate shall be a uniform percentage of the sum of the Acuity Level I (Base) rates comprising the Residential cost center for leased, Class I facilities, as set forth in this Chapter.
- 4102.11 The “Non-Emergency Transportation” cost center reimbursement rates shall be based on the industry average expenses divided by the total number of licensed bed days. Beginning January 1, 2014, and on October 1, 2014 and annually thereafter, Non-Emergency Transportation cost center reimbursement rates shall be based on actual, reported costs.
- 4102.12 The “Capital” cost center reimbursement rates shall be determined in accordance with 42 CFR § 413.130 and based on the industry average reported expenses per licensed bed day for the line items included in this cost center as described in § 4102.3. The rate shall vary based on the nature of ownership of the physical premises where the ICF/IID is housed. The Capital rate for leased premises shall be equal to the industry average reported expenses per licensed bed day for the line items included. The Capital rate for provider-owned premises shall be equal to fifty percent (50%) of the rate for leased premises. The Capital rate for fully depreciated premises shall be equal to fifty percent (50%) of the rate for provider owned premises. The Capital rate shall also be subject to the following principles:
- (a) When a sale/leaseback of an existing ICF/IID facility occurs, the ICF/IID’s allowable capital related cost may not exceed the amount that the seller/lessor would have recorded had the seller/lessor retained legal title;
  - (b) Depreciation shall incorporate the following principles:
    - (1) When depreciated buildings and building improvements are acquired, the cost basis of the depreciable asset shall be the lesser of the cost or acquisition value of the previous owner(s) less all reimbursement attributable to the asset as determined by DHCF or the fair market value of the asset at time of acquisition. Notwithstanding, if the seller makes the full payback in accordance with § 4102.12(b)(6), the cost basis to the new owner shall be the lesser of the fair market value or the purchase price;

- (2) Facilities shall employ the straight-line method for calculating depreciation subject to the limits set forth in §§ 4102.12(b)(3)-(6) below. Accelerated methods for calculating depreciation shall not be allowed. Subject to the limits set forth in §§ 4102.12(b)(3)-(6), the annual depreciation expense of an asset shall be determined by dividing the basis of the asset reduced by any estimated salvage or resale value by the estimated years of useful life of the asset at the time it is placed in service;
- (3) Depreciation expense of buildings and building improvements shall be limited to the basis of each asset and shall not exceed the basis of such assets less the aggregate amount received in reimbursement for such assets in the current and prior years;
- (4) Fully depreciated buildings and building improvements subsequently sold or disposed of shall be subject to payback by the owner to the program of all depreciation expense paid to the owner and all previous owners when such assets are no longer used to provide ICF/IID services or have been transferred to new owners in an arm's length transaction, provided that such payback shall be reduced by all amounts previously paid back, if any, by prior owners;
- (5) ICFs/IID shall estimate assets' years of useful life in accordance with the most recent edition of "Estimated Useful Lives of Depreciable Hospital Assets" published by the American Hospital Association, or if not applicable, relevant guidance issued by the U.S. Internal Revenue Service. Subject to the limits set forth in paragraphs (d) and (e), depreciation expense for the year of disposal can be computed by using either the half-year method or the actual time method;
- (6) Assets shall be recorded using historical cost, except for donated assets which shall be recorded at fair market value at the time received and based on the lesser of at least two (2) bona fide appraisals. Costs during the construction of an asset, consulting and legal fees, interest, and fund raising, should be capitalized as a part of the cost of the asset;
- (7) When an asset is acquired by a trade-in, the cost of the new asset shall be the sum of the book value of the old asset and any cash or issuance of debt as consideration paid;
- (8) Facilities that previously did not maintain fixed asset records and did not record depreciation in prior years shall be entitled to any straight-line depreciation of the remaining useful life of the asset.

The depreciation shall be based on the cost of the asset or fair market value of a donated asset at the time of purchase, construction or donation over its normal useful life. Fully depreciated assets shall not be included in the Capital cost center, except for the costs associated with utilities and relevant leasehold improvements. No depreciation may be taken on an asset that would have been fully depreciated if it had been properly recorded at the time of acquisition;

(9) Leasehold improvements made to rental property by the lessor shall be depreciated over the lesser of the asset's useful life or the remaining life of the lease;

(c) On a case by case basis, DHCF may reimburse an ICF/IID by providing an offset to capital costs that shall be equal to the daily amount computed under this subsection in situations when DDS has not filled vacant bed space(s). The ICF/IID shall receive the product of the capital cost multiplied by the administrative rate anytime this payment is made;

(d) The daily cost described in § 4102.12(c) shall be computed as the capital component of the daily per-diem rate, multiplied by the number of vacant bed space(s); and

(e) ICFs/IID shall incur costs and provide DHCF with proof of the vacant bed space in order to be eligible.

4102.13 Effective October 1, 2013 through September 30, 2016, the per diem rates for “Non-Personnel Operations,” “Non-Emergency Transportation,” “Capital,” and “Active Treatment” cost centers shall be adjusted for inflation on an annual basis in accordance with the Centers for Medicare and Medicaid Services (CMS) Skilled Nursing Facility Market Basket Index or other appropriate index if the CMS Skilled Nursing Facility Market Basket Index is discontinued.

4102.14 Effective October 1, 2016, the annual inflation adjustment in the per diem rates for “Non-Personnel Operations,” “Non-Emergency Transportation,” “Capital,” and “Active Treatment” cost centers shall be eliminated.

4102.15 The Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment shall be a broad based assessment on all ICF/IID providers in the District of Columbia at a uniform rate of five and one-half percent (5.5%) of each ICF/IID’s gross revenue. The allowable cost of the Assessment shall be calculated consistently with 42 USC § 1396(b)(w) and 42 CFR §§ 433.68, 433.70, and 433.72.

4102.16 Beginning October 1, 2016, ICF/IID reimbursement rates, shall be as follows:

	Beds	Facility	Direct care staffing FY 17	Other health care & program FY 17	Non-Pers Oper FY 17	Transp. FY 17	Capital FY 17	Admin FY 17	Active Tx FY 17	Tax FY 17	Total Rate FY 17
Base	4 - 5	Leased	\$320.02	\$41.60	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$33.25	\$637.85
		Owned	\$320.02	\$41.60	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$31.57	\$605.51
		Depreciated	\$320.02	\$41.60	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$27.47	\$589.34
	6	Leased	\$240.73	\$43.33	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$28.69	\$550.41
		Owned	\$240.73	\$43.33	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$27.15	\$520.88
		Depreciated	\$240.73	\$43.33	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$26.38	\$506.11
Moderate	4 - 5	Leased	\$320.02	\$41.60	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$33.25	\$637.85
		Owned	\$320.02	\$41.60	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$31.57	\$605.51
		Depreciated	\$320.02	\$41.60	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$30.72	\$589.34
	6	Leased	\$312.05	\$56.17	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$33.32	\$639.20
		Owned	\$312.05	\$56.17	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$31.78	\$609.67
		Depreciated	\$312.05	\$56.17	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$31.01	\$594.90
Extensive behavioral	4 - 5	Leased	\$391.35	\$50.87	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$37.69	\$722.87
		Owned	\$391.35	\$50.87	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$36.00	\$690.54
		Depreciated	\$391.35	\$50.87	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$35.16	\$674.37
	6	Leased	\$359.60	\$64.73	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$36.41	\$698.40
		Owned	\$359.60	\$64.73	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$34.87	\$668.86
		Depreciated	\$359.60	\$64.73	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$34.10	\$654.09
Extensive medical	4 - 5	Leased	\$431.59	\$56.11	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$40.19	\$770.85
		Owned	\$431.59	\$56.11	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$38.50	\$738.51
		Depreciated	\$431.59	\$56.11	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$37.66	\$722.34
	6	Leased	\$374.71	\$67.45	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$37.39	\$717.21
		Owned	\$374.71	\$67.45	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$35.85	\$687.67
		Depreciated	\$374.71	\$67.45	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$35.08	\$672.90

<b>Pervasive 8 h / 7 d</b>	4 - 5	Leased	\$462.67	\$60.15	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$42.12	\$807.90
		Owned	\$462.67	\$60.15	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$40.43	\$775.56
		Depreciated	\$462.67	\$60.15	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$39.59	\$759.40
	6	Leased	\$383.38	\$69.01	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$37.95	\$727.99
		Owned	\$383.38	\$69.01	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$36.41	\$698.46
		Depreciated	\$383.38	\$69.01	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$35.64	\$683.69
<b>Pervasive 8 h / 5 d</b>	4 - 5	Leased	\$417.33	\$54.25	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$39.30	\$753.86
		Owned	\$417.33	\$54.25	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$37.61	\$721.52
		Depreciated	\$417.33	\$54.25	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$36.77	\$705.35
	6	Leased	\$338.04	\$60.85	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$35.01	\$671.56
		Owned	\$338.04	\$60.85	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$33.47	\$642.02
		Depreciated	\$338.04	\$60.85	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$32.70	\$627.25
<b>Pervasive 16 h</b>	4 - 5	Leased	\$605.32	\$78.69	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$50.98	\$977.96
		Owned	\$605.32	\$78.69	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$49.30	\$945.62
		Depreciated	\$605.32	\$78.69	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$48.45	\$929.45
	6	Leased	\$526.02	\$94.68	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$47.21	\$905.58
		Owned	\$526.02	\$94.68	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$45.67	\$876.04
		Depreciated	\$526.02	\$94.68	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$44.90	\$861.27
<b>Pervasive 24 h</b>	4 - 5	Leased	\$747.96	\$97.24	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$59.85	\$1,148.02
		Owned	\$747.96	\$97.24	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$58.16	\$1,115.68
		Depreciated	\$747.96	\$97.24	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$57.32	\$1,099.51
	6	Leased	\$668.67	\$120.36	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$56.47	\$1,083.16
		Owned	\$668.67	\$120.36	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$54.93	\$1,053.62
		Depreciated	\$668.67	\$120.36	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$54.16	\$1,038.85
<b>Nursing 1:1 8 h / 7 d</b>	4 - 5	Leased	\$543.15	\$70.61	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$47.12	\$903.85
		Owned	\$543.15	\$70.61	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$45.43	\$871.51
		Depreciated	\$543.15	\$70.61	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$44.59	\$855.34
	6	Leased	\$463.86	\$83.49	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$43.18	\$828.18
		Owned	\$463.86	\$83.49	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$41.64	\$798.65
		Depreciated	\$463.86	\$83.49	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$40.87	\$783.88

<b>Nursing 1:1 8 h / 5 d</b>	4 - 5	Leased	\$472.24	\$61.39	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$42.71	\$819.31
		Owned	\$472.24	\$61.39	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$41.03	\$786.97
		Depreciated	\$472.24	\$61.39	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$40.18	\$770.80
	6	Leased	\$392.94	\$70.73	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$38.57	\$739.91
		Owned	\$392.94	\$70.73	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$37.03	\$710.37
		Depreciated	\$392.94	\$70.73	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$36.26	\$695.60
<b>Nursing 1:1 16 hours</b>	4 - 5	Leased	\$766.28	\$99.62	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$60.99	\$1,169.85
		Owned	\$766.28	\$99.62	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$59.30	\$1,137.51
		Depreciated	\$766.28	\$99.62	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$58.46	\$1,121.34
	6	Leased	\$686.98	\$123.66	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$57.66	\$1,105.96
		Owned	\$686.98	\$123.66	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$56.12	\$1,076.42
		Depreciated	\$686.98	\$123.66	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$55.35	\$1,061.65
<b>Nursing 1:1 24 hours</b>	4 - 5	Leased	\$989.41	\$128.62	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$74.85	\$1,435.85
		Owned	\$989.41	\$128.62	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$73.17	\$1,403.51
		Depreciated	\$989.41	\$128.62	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$72.33	\$1,387.34
	6	Leased	\$910.11	\$163.82	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$72.14	\$1,383.73
		Owned	\$910.11	\$163.82	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$70.60	\$1,354.19
		Depreciated	\$910.11	\$163.82	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$69.83	\$1,339.42

**Section 4103, ACTIVE TREATMENT SERVICES, is amended as follows:****4103 ACTIVE TREATMENT SERVICES**

- 4103.1 An individual residing in an ICF/IID shall receive continuous active treatment services, consistent with the requirements set forth in 42 CFR § 483.440. Active treatment services shall vary depending on the needs of the beneficiary, as determined by the interdisciplinary team.
- 4103.2 An ICF/IID shall ensure that a beneficiary receives active treatment services on a daily basis. The ICF/IID may affiliate with outside resources to assist with program planning and service delivery or the facility may provide active treatment services directly.
- 4103.3 A program of active treatment services shall include aggressive, consistent implementation of a program of specialized training, treatment, health services, and other related services that is directed towards:
- (a) The acquisition of the behaviors necessary for the individual to function with as much self-determination and independence as possible; and
  - (b) The prevention or deceleration of regression or loss of current optimal functional status.
- 4103.4 In accordance with 42 CFR §§ 483.440(c) - (d), an interdisciplinary team shall determine the type of active treatment services that a beneficiary needs based on preliminary evaluations, assessments, and re-assessments. Each beneficiary's active treatment requirements shall be described in his Individual Program Plan (IPP), pursuant to 42 CFR § 483.440(c). The ICF/IID shall ensure that each beneficiary receives all of the services described in the IPP.
- 4103.5 For dates of service on or after January 1, 2014, the per diem reimbursement rate for active treatment shall equal the average of FY13 active treatment rates multiplied by two hundred sixty (260) days of service, to account for the maximum days of service provided, inclusive of holidays, and divided by three hundred sixty-five (365).

**Section 4105, REBASING, is amended as follows:****4105 REBASING**

- 4105.1 Effective October 1, 2017 (FY 2018), and every three (3) years thereafter, reimbursement rates for the residential component shall be updated based on cost reports from the most recently audited year, as determined by DHCF.



- 4105.2 The rate schedule set forth in § 4102.16 shall be updated after completion of the FY 2018 rebasing.

**Section 4107, FISCAL ACCOUNTABILITY, is amended as follows:**

**4107 FISCAL ACCOUNTABILITY**

- 4107.1 Effective October 1, 2013 through September 30, 2017, except for the Administration, Capital, and Active Treatment cost centers, each facility shall spend at least ninety-five percent (95%) of the rate under each cost center on service delivery to Medicaid individuals. Facilities expending less than ninety-five percent (95%) of each cost center shall be subject to repayment requirements set forth in Section 4107.6.
- 4107.2 Effective October 1, 2013 through September 30, 2017, each ICF/IID shall spend one hundred percent (100%) of the rate for Active Treatment on service delivery to Medicaid individuals. Facilities expending less than one hundred percent (100%) of the rate for Active Treatment shall be subject to repayment requirements set forth in Subsection 4107.6.
- 4107.3 Effective January 1, 2014 through September 30, 2017, each ICF/IID shall spend one hundred percent (100%) of the rate associated with the Capital cost center. A facility that fails to expend one hundred percent (100%) on capital shall be subject to repayment requirements set forth in Subsection 4107.6.
- 4107.4 Effective October 1, 2017, each ICF/IID shall spend at least ninety-five percent (95%) of the rate for Direct Service and one-hundred percent (100%) of the rate for Active Treatment on service delivery to Medicaid beneficiaries. Facilities expending less than ninety-five percent (95%) of the rate for Direct Service or one-hundred percent (100%) of the rate for Active Treatment shall be subject to repayment requirements set forth in Subsection 4107.6.
- 4107.5 Effective October 1, 2017, each ICF/IID shall spend at least ninety-five percent (95%) of the aggregate rate for the All Other Health Care and Program Related, Non Personnel Operations, Non-Emergency Transportation, and Capital cost centers. Facilities expending less than ninety-five percent (95%) of the aggregate rate for these four (4) cost centers shall be subject to repayment requirements set forth in Subsection 4107.6.
- 4107.6 Repayment amounts shall be as follows:
- (a) The repayment amount described in § 4107.1 shall be the difference between ninety-five percent (95%) of the rate for the applicable cost center(s) and the facility's reported expenses for the applicable cost center(s);

- (b) The repayment amount for Active Treatment described in § 4107.2 shall be the difference between one hundred percent (100%) of the payments made for Active Treatment and the facility's reported expenses for Active Treatment;
- (c) The repayment amount for Capital described in § 4107.3 shall be the difference between one hundred percent (100%) of the payments made for Capital and the facility's reported Capital expenses;
- (d) The repayment amounts described in § 4107.4 shall be as follows:
  - (1) The difference between ninety-five percent (95%) of the Direct Service rate and the facility's reported Direct Service expenses; and
  - (2) The difference between one-hundred percent (100%) of the Active Treatment rate and the facility's reported Active Treatment expenses; and
- (e) The repayment amount described in § 4107.5 shall be the difference between ninety-five percent (95%) of the aggregate rate for the All Other Health Care and Program Related, Non Personnel Operations, Non-Emergency Transportation, and Capital cost centers and the facility's reported aggregate expenses for these four (4) cost centers.

4107.7 In accordance with D.C. Official Code § 47-1272(c), DHCF, or its designee, has the right to inspect payroll and personnel records to support the Department's obligations pursuant to the Living Wage Act of 2006, effective March 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 47-1270 *et seq.*), and implementing regulations.

4107.8 DHCF shall evaluate expenditures subject to the requirements in this section through annual review of cost reports. DHCF, or its designee, shall review each cost report for completeness, accuracy, compliance, and reasonableness through a desk audit.

4107.9 On-site audits shall be conducted not less than once every three (3) years. Each ICF/IID shall allow access, during on-site audits or review by DHCF or U.S. Department of Health and Human Services auditors, to relevant financial records and statistical data to verify costs previously reported to DHCF.

4107.10 DHCF shall issue a notice to each ICF/IID that is required to repay as set forth in this section. The notice shall set forth the repayment amount and include language describing the procedure and timeframes for requesting an appeal before OAH. Filing an appeal with OAH shall not stay any action to recover the amounts prescribed in this section.

A new Section 4117, PAYMENT FOR RESERVED BEDS, is added to read as follows:

**4117 PAYMENT FOR RESERVED BEDS**

- 4117.1 Payment for reserved bed days for hospitalization or therapeutic leaves of absence for a beneficiary who is a resident of an ICF/IID may be authorized for up to sixty (60) days during a District fiscal year, if there is a reasonable expectation that the beneficiary will return to the facility.
- 4117.2 Payment for therapeutic leaves of absence shall only be authorized if provided for in a beneficiary's plan of care.
- 4117.3 Payment for reserved bed days authorized in accordance with §§ 4117.1 and 4117.2 shall equal the facility's per diem rate for the beneficiary, based on the beneficiary's approved acuity level assignment.
- 4117.4 A reserved bed day for purposes of this section is a day in which a beneficiary who is a resident of an ICF/IID receives fewer than eight (8) hours of supports in an ICF/IID beginning at midnight (12:00 am) and ending at 11:59 p.m.
- 4117.5 Payment for reserved beds is conditioned on each beneficiary residing in an ICF/IID for at least one (1) day.
- 4117.6 Each provider shall require the family member or caregiver to sign a leave and request form upon exit and return to the facility. The provider shall ensure that each family member or caregiver provide contact information.
- 4117.7 Each provider shall discuss the resident's medical regimen with the family member or caregiver. The provider shall ensure that each family member or caregiver is provided a sufficient quantity of the resident's medication for the leave period.
- 4117.8 Each provider shall report to DHCF any unusual incident that occurred during any therapeutic leave of absence.
- 4117.9 Each provider shall comply with all reporting requirements for reserved bed days set forth in 29 DCMR § 951.

Section 4199, DEFINITIONS, is amended as follows:

**4199 DEFINITIONS**

- 4199.1 For purposes of this chapter, the following terms shall have the meanings ascribed:

**Active Treatment** - A program of specialized and generic training, treatment, health services, and related services designed toward the acquisition of the

behaviors necessary for the individual to function with as much self-determination and independence as possible, and the prevention or deceleration of regression or loss of current optimal functional status. These services shall be provided consistent with Federal standards.

**Activities of Daily Living** - The ability to bathe, transfer, dress, eat and feed oneself, engage in toileting, and maintain bowel and bladder control (continence).

**Acuity Level** - The intensity of services required for a Medicaid beneficiary residing in an ICF/IID. Individuals with a high acuity level require more care; those with lower acuity levels require less care.

**Administrator** - An individual responsible for the administration or implementation of ICF/IID policies or procedures, and other roles other than delivering services directly related to resident treatment and care, food service, or maintenance of the facility.

**Allowable costs** - Actual costs, after appropriate adjustments, incurred by an ICF/IID, which are reimbursable under the Medicaid program.

**Base year** - The standardized year on which rates for all facilities are calculated to derive a prospective reimbursement rate.

**Behavior Support Plan** - A written document requested by the Individual Support Team that is developed by a psychologist or psychology associate and incorporated into the Individual Support Plan. If developed by a psychology associate, the plan shall be approved by the psychologist.

**Current Individual Support Plan (ISP)** - An Individual Support Plan with a range of effective dates that includes the date on which the plan is being reviewed.

**Depreciation** - The systematic distribution of the cost or other basis of depreciable assets, less salvage value, over the estimated useful life of the assets.

**Direct service costs** - Costs incurred by a provider that are attributable to the operation of providing services to individuals.

**District Fiscal Year** - A twelve (12) month period beginning on October 1 and ending on September 30.

**Elopement** - To run away; abscond.

**Employee** - A worker in an ICF/IID that does not serve as a manager or administrator, and is not under contract to provide professional services.

**Facility** - An intermediate care facility for individuals with intellectual disabilities.

**Habilitation** - The process by which an individual is assisted to acquire and maintain those life skills which enable him or her to cope more effectively with the demands of his or her own person and of his or her own environment, including, in the case of a person committed under [D.C. Official Code § 7-1304.06a](#), to refrain from committing crimes of violence or sex offenses, and to raise the level of his or her physical, intellectual, social, emotional, and economic efficiency.

**Holiday pay** - The term used in a labor agreement, provider policy, or in the absence of either, by the U.S. Department of Labor.

**Individual Support Plan (ISP)** - The document produced through coordinated efforts of ICFs/IID and DDS. The ISP is the successor to the Individual Habilitation Plan as defined in the court-approved *Joy Evans* Exit Plan. For purposes of Medicaid reimbursement, the individual program plan, as described in [42 CFR § 483.440\(c\)](#), shall be included within the ISP.

**Industry Average** - The sum of total industry expenditures divided by total industry licensed bed days per reported fiscal year costs.

**Interdisciplinary team** - A group of persons, with special training and experience in the diagnosis and habilitation of individuals with intellectual and developmental disabilities, with the responsibility to perform a comprehensive evaluation of each beneficiary and participating in the development, implementation, and monitoring of the beneficiary's individual habilitation plan. The "core team" shall include the individual, the individual's representative, the service coordinator, and relevant clinical staff.

**Level of Care Determination (LOC)** - The assessment used by DDS to determine a beneficiary's eligibility for ICF/IID services.

**Level of Need Assessment and Risk Screening Tool (LON)** - The comprehensive and uniform assessment tool developed by DDS that determines the beneficiary's individual support needs and identifies potential risks to be addressed by the interdisciplinary team.

**Licensed bed days** - Three hundred and sixty-five (365) days or the number of days of that calendar year.

**Life safety skills** - An individual's ability to protect oneself from perceived and apparent risks and life-threatening situations such as fires, evacuation emergencies, traffic, and ingestion of toxic substances.

**Manager** - An individual who is responsible for the administration of an ICF/IID facility inclusive of human resources, maintenance, and policy management.

**Non-ambulatory** - A beneficiary who spends all of his or her time out of bed in a wheelchair or a chair.

**One-to-One** - An altered staffing pattern that allows one staff to provide services to an individual with intellectual disabilities exclusively for an authorized period of time.

**Owner** - A person who is a sole proprietor, partner, or corporate stockholder-employee owning any of the outstanding stock of the contracted provider.

**Per diem rate** - The rate per day established by DHCF.

**Professional services** - Services provided pursuant to any legal arrangement, which include occupational and speech therapies and nursing care services provided by an individual or a corporation.

**Quality of care improvements** - The same definition as set forth in [D.C. Official Code § 47-1270](#), and any subsequent amendments thereto.

**Related organization** - In accordance with [42 CFR § 413.17\(b\)\(1\)](#), an organization is related to an ICF/IID when the ICF/IID, to a significant extent, is associated or affiliated with, or has control over, or is controlled by the organization furnishing the services, facilities, or supplies.

**Therapeutic leave of absence** – When a beneficiary leaves the ICF/IID to visit with relatives and friends or to participate in a District-approved therapeutic and rehabilitative program.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D., Senior Deputy Director/Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4<sup>th</sup> Street, NW, Suite 900 South, Washington DC 20001, via telephone on (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 CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl. & 2016 Supp.)) and Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)) (2012 Repl.), hereby gives notice of the adoption, on an emergency basis, of a new Chapter 102 of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled “*My Health GPS* Program.”

The *My Health GPS* program is established as a Health Home program under the authority of Section 1945 of the Social Security Act for District Medicaid beneficiaries who have three (3) or more chronic conditions. The *My Health GPS* program will be the District’s second Health Home program. *My DC Health Home*, the District’s initial Health Home program, is administered by the Department of Behavioral Health and described in Chapter 25 of Title 22-A DCMR and provides comprehensive care management services delivered by community mental health providers to Medicaid beneficiaries with serious mental illness. DHCF decided to establish the *My Health GPS* program as a second health home initiative in recognition of the unmet care management needs of Medicaid beneficiaries with multiple chronic conditions. Historically, many of these beneficiaries have not received comprehensive care management services and their care has largely gone unmanaged, resulting in the preventable utilization of fire and emergency medical services, avoidable emergency department services and hospital admissions, and poor health outcomes. In order to meet the healthcare needs of this vulnerable population, the comprehensive care management services offered through the *My Health GPS* program will be delivered by an interdisciplinary team embedded in the primary care setting, which will coordinate patient-centered and population-focused care for these beneficiaries.

The corresponding State Plan Amendment (SPA) to the District of Columbia State Plan for Medical Assistance (State Plan) must be approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) and the Council of the District of Columbia (Council). The Council approved the corresponding SPA through the Fiscal Year 2017 Budget Support Emergency Act of 2016, effective July 20, 2016 (D.C. Act 21-463; 63 DCR 009843 (July 29, 2016)). CMS approved the corresponding SPA on February 6, 2017 with an effective date of July 1, 2017. Following CMS approval of the SPA, DHCF sought a technical correction from CMS to conform the SPA to the approved program eligibility requirements, which was approved by CMS on May 11, 2017.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 23, 2017 at 64 DCR 005854. The comment period officially closed on July 24, 2017. Although DHCF received no comments on the initial emergency and proposed rules, DHCF is promulgating these second emergency and proposed rules in order to make a single substantive change: to create a thirty (30) day extension for the one-time incentive payment to *My Health GPS* entities that develop care plans for beneficiaries served by the District’s *My Health GPS*

program. DHCF is proposing to amend Subsection 10209.2 to provide a thirty (30) day extension to the timeframe in which these entities can receive a one-time incentive payment if they develop a care plan for a participating *My Health GPS* beneficiary. Current law allows *My Health GPS* entities to claim an incentive payment for any participating beneficiary for which the provider develops a care plan during the first ninety (90) days of the program. The incentive payment helps entities with ramp up costs and has been instrumental in securing robust participation by entities. In fact, several of the *My Health GPS* entities who applied to participate in the program indicated they decided to participate because the incentive program enabled them to invest in innovative approaches to outreach, engagement and staffing.

Therefore, to ensure that participating program entities are able to hire adequate staff and secure additional resources necessary to serve beneficiaries enrolled in the program, DHCF is proposing to extend the availability of the incentive payment for an additional thirty (30) days. With this change, DHCF will allow *My Health GPS* entities to claim an incentive payment for any beneficiary for whom they develop a care plan within the period beginning July 1, 2017 and ending October 31, 2017. DHCF is able to fund the extension of this incentive payment through administrative savings identified within the *My Health GPS* program, and no additional District funds will be required for the extension.

Emergency action is necessary in order to maintain the health and welfare of this vulnerable population of District residents by continuing to allow for the delivery of critically important healthcare services through the *My Health GPS* program requirements established through these rules. Specifically, emergency action to extend the availability of the incentive payment is required in order to ensure that participating program entities are able to secure the personnel and other resources necessary to sustain the delivery of program services to enrolled beneficiaries.

These emergency rules were adopted on October 10, 2017 and became effective on that date, contingent upon CMS approval of the technical amendment. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until February 7, 2018, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**A new Chapter 102, *MY HEALTH GPS PROGRAM*, is added to Title 29 DCMR, PUBLIC WELFARE, to read as follows:**

**CHAPTER 102      *MY HEALTH GPS PROGRAM***

- 10200            GENERAL PROVISIONS**
- 10201            ELIGIBILITY CRITERIA**
- 10202            BENEFICIARY ASSIGNMENT AND ENROLLMENT**
- 10203            BENEFICIARY DISENROLLMENT**
- 10204            *MY HEALTH GPS* ENTITY APPLICATION PROCESS**



- 10205 *MY HEALTH GPS PROVIDER REQUIREMENTS*
- 10206 *MY HEALTH GPS SERVICES*
- 10207 REIMBURSEMENT
- 10208 QUALITY REPORTING REQUIREMENTS
- 10209 INCENTIVE PAYMENTS
- 10210 AUDITS AND REVIEWS
- 10211 *MY HEALTH GPS SANCTIONS, WITHDRAWAL AND TERMINATION*
- 10299 DEFINITIONS

**10200 GENERAL PROVISIONS**

- 10200.1 The purpose of this chapter is to establish standards governing Medicaid reimbursement for Health Home services provided to District Medicaid beneficiaries with multiple chronic conditions. This program shall be known as the “*My Health GPS*” program.
- 10200.2 The goal of the *My Health GPS* program is to improve the integration of medical and behavioral health, community supports and social services, and is designed to result in the following outcomes for eligible beneficiaries:
  - (a) Lower rates of avoidable emergency department (ED) use;
  - (b) Reductions in preventable hospital admissions and re-admissions;
  - (c) Reductions in healthcare costs;
  - (d) Improvements in the experience of care, quality of life and beneficiary satisfaction; and
  - (e) Improved health outcomes.
- 10200.3 Services offered through the *My Health GPS* program shall be consistent with, but not limited to, those described under 42 CFR § 440.169(d).

**10201 ELIGIBILITY CRITERIA**

- 10201.1 Except as set forth in §§ 10201.2, a beneficiary shall be eligible to participate in the *My Health GPS* program if the beneficiary has current diagnoses of three (3) or more of the following chronic conditions:
  - (a) Asthma;
  - (b) Body Mass Index higher than thirty-five (35);
  - (c) Cerebrovascular disease;

- (d) Chronic obstructive pulmonary disease;
- (e) Chronic renal failure, indicated by dialysis treatment;
- (f) Diabetes;
- (g) Heart disease including:
  - (1) Cardiac dysrhythmias;
  - (2) Conduction disorders;
  - (3) Congestive heart failure;
  - (4) Myocardial infarction; and
  - (5) Pulmonary heart disease;
- (h) Hepatitis;
- (i) Human Immunodeficiency Virus;
- (j) Hyperlipidemia;
- (k) Hypertension;
- (l) Malignancies;
- (m) Mental health conditions including:
  - (1) Depression;
  - (2) Bipolar Disorder;
  - (3) Manic Disorder;
  - (4) Schizophrenia; and
  - (5) Personality Disorders;
- (n) Paralysis;
- (o) Peripheral atherosclerosis;
- (p) Sickle cell anemia; and

(q) Substance use disorder.

10201.2 The following categories of beneficiaries shall not be eligible for the *My Health GPS* program:

- (a) Beneficiaries enrolled in the Home and Community-Based Services (HCBS) Waiver for the Elderly and Individuals with Physical Disabilities, as described in Chapter 42 of Title 29 of the District of Columbia Municipal Regulations (DCMR);
- (b) Beneficiaries enrolled in the HCBS Waiver for Persons with Intellectual and Developmental Disabilities, as described in Chapter 19 of Title 29 DCMR;
- (c) Beneficiaries residing in a nursing facility;
- (d) Beneficiaries residing in an Intermediate Care Facility for Individuals with Intellectual Disabilities; and
- (e) Beneficiaries enrolled in the *My DC Health Home* program, as described in Chapter 25 of Title 22-A DCMR.

10201.3 A beneficiary who is eligible for both the *My DC Health Home* and the *My Health GPS* programs may choose to enroll in either the *My DC Health Home* or the *My Health GPS* program but may not be concurrently enrolled in both programs.

10201.4 A beneficiary may be concurrently enrolled in a D.C. Medicaid risk-based managed care organization and the *My Health GPS* program.

## **10202 BENEFICIARY ASSIGNMENT AND ENROLLMENT**

10202.1 All beneficiaries who meet the eligibility criteria set forth in § 10201 may participate in the *My Health GPS* program.

10202.2 A beneficiary shall only be assigned to a single *My Health GPS* entity at any time in accordance with the process set forth below:

- (a) An eligible beneficiary shall be assigned to the *My Health GPS* entity that currently provides the beneficiary's primary care services or to a *My Health GPS* entity that is part of a corporate entity that currently provides the beneficiary's primary care services;
- (b) If the beneficiary has a relationship with more than one (1) *My Health GPS* entity, as determined by the Department of Health Care Finance (DHCF) through a review of Medicaid claims submitted during the past

twelve (12) months, the beneficiary shall be assigned to the *My Health GPS* entity seen most frequently during the review period;

- (c) If a beneficiary who meets the criteria described in (b) has seen multiple *My Health GPS* entities with equal frequency during the review period, the beneficiary shall be assigned to the entity seen most recently during the review period; and
- (d) If the beneficiary does not have a prior relationship with any *My Health GPS* entity, as determined by DHCF through a review of Medicaid claims submitted during the past twelve (12) months, the beneficiary shall be assigned to a *My Health GPS* entity based on the entity's capacity to serve additional beneficiaries and the geographic proximity of the beneficiary to the entity.

10202.3 The initial assignment of eligible beneficiaries shall occur after the initial application period described in § 10204.4(a) and shall be effective on the program implementation date. Eligible beneficiaries who enter the program after the initial assignment period shall be assigned on a quarterly basis or within thirty (30) days of receipt of a referral.

10202.4 After an assignment is made, DHCF shall provide the beneficiary with the following information in writing:

- (a) A clear statement that the beneficiary has been identified as eligible to participate in the *My Health GPS* program;
- (b) A clear explanation of the benefits of the *My Health GPS* program and the services provided;
- (c) Information regarding the *My Health GPS* entity to which the beneficiary has been assigned;
- (d) A clear explanation of the beneficiary's right to select a different *My Health GPS* entity or to "opt out" of the *My Health GPS* program; and
- (e) Instructions on selecting a different *My Health GPS* entity and "opting out" of the *My Health GPS* program.

10202.5 DHCF shall inform any other provider furnishing primary care services to an eligible beneficiary of the assignment, in writing, of the following:

- (a) A statement that the beneficiary served by the provider has been determined eligible for the *My Health GPS* program and assigned to a *My Health GPS* entity;

- (b) A clear explanation of the benefits of the *My Health GPS* program and the services provided; and
- (c) Information regarding the *My Health GPS* entity to which each beneficiary has been assigned.

10202.6 A beneficiary who has been assigned to a *My Health GPS* entity shall have the right to select a different entity or to “opt out” of the *My Health GPS* program.

10202.7 A beneficiary may notify DHCF at any time that the beneficiary wishes to select a different *My Health GPS* entity or “opt out” of the program.

10202.8 A beneficiary who has been assigned to a *My Health GPS* entity and wishes to be assigned to a different entity shall notify DHCF. The assignment to the new entity shall occur as follows:

- (a) If the beneficiary notifies DHCF of the new selection prior to the twentieth (20<sup>th</sup>) day of the month, the beneficiary shall be re-assigned to the new entity effective the first (1<sup>st</sup>) day of the month following the month in which the beneficiary notified DHCF of the new selection;
- (b) If the beneficiary notifies DHCF on or after the twentieth (20<sup>th</sup>) day of the month, the beneficiary shall be re-assigned to the new entity effective the first (1<sup>st</sup>) day of the second (2<sup>nd</sup>) month following the month in which the beneficiary notified DHCF of the new selection; and
- (c) The beneficiary shall remain eligible to receive *My Health GPS* services from the beneficiary’s current *My Health GPS* entity until the effective date of the beneficiary’s assignment to the new entity.

10202.9 Any beneficiary assigned to a *My Health GPS* entity for whom the entity has not submitted an initial claim for a person centered care plan in accordance with § 10207.10 within the first two (2) quarters following the effective date of the beneficiary assignment, as described in § 10202.3, may be re-assigned to another *My Health GPS* entity in accordance with the process described in § 10202.2.

10202.10 If DHCF re-assigns a beneficiary to a new *My Health GPS* entity, DHCF shall provide the beneficiary the following information in writing:

- (a) A statement that the beneficiary remains eligible to participate in the *My Health GPS* program but has been re-assigned to a new *My Health GPS* entity;
- (b) A clear explanation of the benefits of the *My Health GPS* program and the services provided;

- (c) The reason the beneficiary has been re-assigned to a new *My Health GPS* entity;
- (d) Information regarding the new *My Health GPS* entity to which the beneficiary has been assigned;
- (e) A clear explanation of the beneficiary's right to select a different *My Health GPS* entity or to "opt out" of the *My Health GPS* program; and
- (f) Instructions on selecting a different *My Health GPS* entity and "opting out" of the *My Health GPS* program.

10202.11 If DHCF re-assigns a beneficiary to a new *My Health GPS* entity, DHCF shall notify the entity to which the beneficiary was previously assigned of the re-assignment in writing, including the following information:

- (a) A clear statement explaining why the beneficiary has been re-assigned;
- (b) Specific reference to the applicable sections of the rules, statute or provider manual; and
- (c) The effective date of the re-assignment.

10202.12 The effective date of a beneficiary's enrollment in the *My Health GPS* program shall be the date on which the *My Health GPS* provider completes the components of the beneficiary's person-centered plan of care in accordance with § 10207.10.

### **10203 BENEFICIARY DISENROLLMENT**

10203.1 DHCF shall disenroll an enrolled beneficiary from the *My Health GPS* program if:

- (a) The beneficiary's *My Health GPS* entity has not submitted claims for reimbursement for *My Health GPS* services provided to the beneficiary for three (3) consecutive quarters and DHCF has determined through an internal review that the beneficiary is no longer actively participating in the *My Health GPS* program; or
- (b) DHCF determines that an enrolled *My Health GPS* beneficiary no longer meets the eligibility requirements as set forth under § 10201.

10203.2 If DHCF takes action to disenroll an enrolled beneficiary from the *My Health GPS* program as set forth in § 10203.1, DHCF shall issue a written notice to the beneficiary at least thirty (30) calendar days prior to the effective date of the intended disenrollment, which shall contain the following information:

- (a) A clear statement of the intended action to disenroll the beneficiary from the *My Health GPS* program;
- (b) An explanation of the reason(s) for the intended action;
- (c) Citations to the laws or regulations supporting the intended action;
- (d) An explanation of the beneficiary's right to request that DHCF reconsider its decision to disenroll the beneficiary, including the timeframe and procedures for making a request for reconsideration;
- (e) An explanation of the beneficiary's right to request a Fair Hearing, including the timeframe and procedures for requesting a hearing; and
- (f) The circumstances under which the beneficiary's current *My Health GPS* services will be continued if a reconsideration or Fair Hearing is requested.

10203.3 A request for reconsideration of the decision to disenroll a beneficiary made pursuant to § 10203.2(d) must be submitted in writing, by mail, fax, or in person, to DHCF within thirty (30) calendar days of the date of the notice of disenrollment described in § 10203.2. The request for reconsideration shall include information and documentation as follows:

- (a) A written statement by the beneficiary, or the beneficiary's designated representative, describing the reason(s) why the decision to disenroll the beneficiary should not be upheld;
- (b) A written statement by a clinician familiar with the beneficiary's health care needs describing the reason(s) why the decision to disenroll the beneficiary should not be upheld; and
- (c) Any additional, relevant documentation in support of the request.

10203.4 For beneficiaries currently receiving *My Health GPS* services, a timely filed request for reconsideration will stay the termination of services until a reconsideration decision is issued.

10203.5 DHCF shall issue a reconsideration decision no more than thirty (30) calendar days from the date of receipt of the documentation required in § 10203.3.

10203.6 If DHCF decides to uphold the disenrollment determination, the reconsideration decision shall contain the following:

- (a) A description of all documents that were reviewed;

- (b) The justification(s) for the intended action(s) and the effective date of the action(s);
- (c) An explanation of the beneficiary's right to request a Fair Hearing, including the timeframes and procedures for requesting a hearing; and
- (d) The circumstances under which *My Health GPS* services will be provided during the pendency of a Fair Hearing.

10203.7 A request to appeal the reconsideration decision issued pursuant to § 10203.5 must be submitted within ninety (90) calendar days of the date of issuance of the reconsideration decision by requesting a Fair Hearing with the Office of Administrative Hearings in writing, in person, or by telephone, in accordance with 1 DCMR § 2971.

10203.8 DHCF shall not disenroll the beneficiary from the *My Health GPS* program while a Fair Hearing is pending if a beneficiary files the Fair Hearing request prior to the effective date of the proposed action to disenroll the beneficiary.

#### **10204 MY HEALTH GPS ENTITY APPLICATION PROCESS**

10204.1 The following types of organizations may become *My Health GPS* entities:

- (a) Primary care clinical individual practices;
- (b) Primary care clinical group practices; and
- (c) Federally Qualified Health Centers.

10204.2 In order to be eligible to become a *My Health GPS* entity, organizations described in § 10204.1 shall:

- (a) Be enrolled as a D.C. Medicaid provider in accordance with the requirements set forth in Chapter 94 of Title 29 DCMR;
- (b) Have no current or pending investigations, exclusions, suspensions or debarment from any federal, State or District healthcare program; and
- (c) Have no outstanding overpayment from DHCF.

10204.3 In addition to the minimum requirements set forth in §§ 10204.1 and 10204.2, each applicant shall be required to:

- (a) Provide proof of National Committee for Quality Assurance (NCQA) Patient-Centered Medical Home (PCMH) Level Two recognition (or successor version of equivalent recognition) or proof that the organization



has initiated the NCQA PCMH application process for the prospective *My Health GPS* entity and that the recognition has been achieved within twelve (12) months of the date of submission of the *My Health GPS* application;

- (b) Demonstrate use of certified electronic health record (EHR) technology to support the creation and execution of a person-centered plan of care for each beneficiary;
- (c) Provide twenty-four (24) hour, seven (7) days per week access to clinical advice, including culturally appropriate translation and interpretation services for beneficiaries with limited English proficiency;
- (d) Demonstrate the availability of an interdisciplinary team with sufficient capacity to serve eligible beneficiaries including, at a minimum, qualified practitioners to fill each of the roles described in §§ 10205.3 and 10205.4;
- (e) Demonstrate the ability to deliver all *My Health GPS* services in accordance with the requirements described in § 10206, either directly through the organization or through a subcontractor;
- (f) Establish and maintain data sharing agreements with other healthcare providers as necessary in order to comply with all applicable requirements of the Health Insurance Portability and Accountability Act of 1996, effective August 21, 1996 (Pub. L. 104-191, 110 Stat. 1936); and
- (g) Provide proof of enrollment in the Chesapeake Regional Information System for Patients (CRISP) or comparable system, to receive hospital and emergency department alerts for enrolled beneficiaries.

10204.4 DHCF shall review applications from organizations described in § 10204.1 to become *My Health GPS* entities at the following times:

- (a) Applications shall initially be accepted for a thirty (30) day period which occurs prior to the program implementation date and which shall be communicated to all prospective *My Health GPS* entities on the DHCF website at: <http://dhcf.dc.gov>; and
- (b) Following the initial thirty (30) day application period, applications shall be reviewed on an ongoing basis.

10204.5 A prospective *My Health GPS* entity shall not be eligible for the initial assignment of eligible beneficiaries as described in § 10202.3, if the application is not received within the thirty (30) day period described in § 10204.4(a) and approved by DHCF.

- 10204.6 Approval of a prospective *My Health GPS* entity's application shall be contingent upon the entity's successful completion of a readiness review.
- 10204.7 DHCF shall return each application that is incomplete and afford the applicant two (2) opportunities to re-submit the application.
- 10204.8 If the applicant does not meet all of the requirements set forth in this chapter, DHCF shall deny enrollment in the *My Health GPS* program and issue a notice consistent with the requirements set forth in Chapter 94 of Title 29 DCMR.

**10205 MY HEALTH GPS PROVIDER REQUIREMENTS**

- 10205.1 Each *My Health GPS* provider shall contain an approved interdisciplinary team of practitioners, as described within this Section, embedded within the primary care setting of an organization described in § 10204.1.
- 10205.2 Each *My Health GPS* provider shall be adequately staffed, consistent with the requirements set forth in this section, by healthcare professionals who meet all applicable licensure and certification requirements of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2012 Repl. & 2016 Supp.)) and attendant regulations contained in Title 17 DCMR.
- 10205.3 Each *My Health GPS* provider serving lower-acuity (Group One) beneficiaries, as determined using the criteria set forth in § 10207.3, shall be comprised, at a minimum, of the following practitioners, or comparable practitioners as approved by DHCF on a case-by-case basis as set forth below:
- (a) A Health Home Director, who has a Master's level education in a health-related field;
  - (b) A Nurse Care Manager, who has an advanced practice nursing license or a Bachelor of Nursing degree with appropriate care management experience; and
  - (c) A Peer Navigator, who is a health educator capable of linking beneficiaries with the health and social services they need to achieve wellness, who has either completed at least forty (40) hours of training in, or has at least six (6) months of experience in, community health.
- 10205.4 In addition to the practitioners described in § 10205.3, each *My Health GPS* provider serving higher-acuity (Group Two) beneficiaries, as determined using the criteria set forth in § 10207.3, shall also include the following practitioners, or practitioners with comparable qualifications as approved by DHCF on a case-by-case basis:

- (a) A Care Coordinator, who has a Bachelor's degree in social work or has a Bachelor's degree in a health-related field with at least three (3) years' experience in a healthcare or human services field; and
- (b) A licensed Clinical Pharmacist, who is a Doctor of Pharmacy with experience in direct patient care environments, including but not limited to experience providing services in medical centers and clinics.

10205.5 The minimum staffing ratios for providers are as follows:

- (a) For *My Health GPS* providers serving lower-acuity (Group One) beneficiaries, the following minimum staffing ratios are required:
  - (1) Health Home Director: One half (0.5) full-time employee per four hundred (400) beneficiaries;
  - (2) Nurse Care Manager: One (1) full-time employee per four hundred (400) beneficiaries; and
  - (3) Peer Navigator: One (1) full-time employee per four hundred (400) beneficiaries;
- (b) For *My Health GPS* providers serving higher-acuity (Group Two) beneficiaries, the following minimum staffing ratios are required:
  - (1) Health Home Director: The equivalent of one-half (0.5) of a full-time employee's hours worked per four hundred (400) beneficiaries;
  - (2) Nurse Care Manager: Two (2) full-time employees per four hundred (400) beneficiaries;
  - (3) Peer Navigator: The equivalent of three and one-half (3.5) of the hours a full-time employee works per four hundred (400) beneficiaries;
  - (4) Care Coordinator: Two (2) full-time employees per four hundred (400) beneficiaries; and
  - (5) Clinical Pharmacist: The equivalent of one-half (0.5) of the hours full-time employee works per four hundred (400) beneficiaries.

10205.6 Each *My Health GPS* entity shall demonstrate that all its *My Health GPS* providers comply with the minimum staffing ratios set forth in § 10205.5 no later than the end of the second quarter following the effective date of the entity's enrollment in the *My Health GPS* program. A *My Health GPS* entity shall

continue to comply with all minimum staffing ratios for the duration of the entity's enrollment in the program.

- 10205.7 If a *My Health GPS* entity fails to comply with the requirements set forth in § 10205.6, the entity may only be allowed to retain the number of beneficiaries whose needs are met by the entity's current *My Health GPS* providers. Any remaining beneficiaries may be re-assigned to another *My Health GPS* entity.
- 10205.8 If all *My Health GPS* providers within a *My Health GPS* entity have maximized capacity to serve the entity's enrolled beneficiaries in accordance with the staffing ratios outlined in § 10205.5 and the entity is contacted by a beneficiary who wishes to receive *My Health GPS* services from any of its *My Health GPS* providers, the entity shall notify DHCF within one (1) business day of receiving a beneficiary's request for services.
- 10205.9 If beneficiaries are re-assigned to another *My Health GPS* entity pursuant to § 10205.7, DHCF shall notify the entity to which the beneficiaries were previously assigned of the re-assignment in writing consistent with the requirements set forth in § 10202.11.
- 10205.10 If DHCF re-assigns a beneficiary to a new *My Health GPS* entity, DHCF shall inform the beneficiary of the re-assignment in accordance with § 10202.10.
- 10205.11 Each *My Health GPS* provider shall conduct outreach to each beneficiary in accordance with the following timeframes:
- (a) The provider shall conduct outreach by the end of the second quarter following the effective date of the entity's enrollment for all beneficiaries initially assigned to the entity as described in § 10202.3; and
  - (b) The provider shall conduct outreach by the end of the second quarter following the effective date of the beneficiary's assignment for all beneficiaries subsequently assigned to the entity as described in § 10202.3.
- 10205.12 Each *My Health GPS* provider shall document the outreach activity performed pursuant to § 10205.11 by including the following information in each beneficiary's EHR:
- (a) The date and time the activity was performed;
  - (b) The identity of the *My Health GPS* provider staff member who performed the activity;
  - (c) A description of the setting in which the activity was performed; and
  - (d) A description of the activity, including mode of communication.

- 10205.13 In order to maintain enrollment as a *My Health GPS* entity, each organization described in § 10204.1 shall:
- (a) Participate in activities supporting the successful implementation of the *My Health GPS* program, including, but not limited to:
    - (1) Trainings to foster professional competency and development of best practices related to person-centered planning, chronic disease self-management, and related topics;
    - (2) Continuous quality improvement tasks, monitoring and performance reporting;
    - (3) District-wide initiatives to support the exchange of health information; and
    - (4) Evaluations required by the Centers for Medicare and Medicaid Services (CMS), DHCF or its agent;
  - (b) Maintain compliance with all requirements set forth in this chapter; and
  - (c) Maintain compliance with all terms and conditions set forth in the entity's DC Medicaid provider agreement including all modifications, as well as with all applicable federal and District laws.

10205.14 Each *My Health GPS* entity shall enter into a Memorandum of Agreement (MOA) with each D.C. Medicaid Managed Care Organization (MCO). The MOA shall set forth the division of responsibilities between the MCO and the *My Health GPS* entity.

## **10206 MY HEALTH GPS SERVICES**

- 10206.1 Each *My Health GPS* provider shall provide the following services to eligible beneficiaries:
- (a) Comprehensive Care Management, as described in § 10206.3;
  - (b) Care Coordination, as described in § 10206.4;
  - (c) Health Promotion, as described in § 10206.5;
  - (d) Comprehensive Transitional Care, as described in § 10206.6;
  - (e) Individual and Family Support Services, as described in § 10206.7; and

- (f) Referral to community and social support services, as described in § 10206.8.

10206.2 All *My Health GPS* services shall be delivered in accordance with best practice protocols developed by the Nurse Care Manager or practitioner with comparable qualifications, as approved by DHCF, of the *My Health GPS* provider and documented in the *My Health GPS* provider's certified EHR.

10206.3 Comprehensive Care Management shall consist of the creation, documentation, execution and maintenance of a person-centered plan of care. Activities included in the delivery of Comprehensive Care Management services include, but are not limited to, the following:

- (a) Conducting an in-person comprehensive biopsychosocial needs assessment to collect behavioral, primary, acute and long-term care information from all health and social service providers appropriate for a particular beneficiary, including providers specific to pediatric beneficiaries, to inform development of the person-centered plan of care;
- (b) Developing a person-centered plan of care that reflects the beneficiary's unique cultural needs and is developed in a language or literacy level that the beneficiary can understand, which is documented and maintained in the *My Health GPS* provider's certified EHR system and includes the following components:
  - (1) A list of the beneficiary's chronic conditions;
  - (2) Issues identified during the comprehensive biopsychosocial needs assessment described in (a);
  - (3) Identification of the beneficiary's strengths and needs;
  - (4) Individualized goals that address the beneficiary's chronic conditions and the issues identified during the assessment;
  - (5) Identification of interventions needed to support the beneficiary in meeting the individualized goals; and
  - (6) A plan to review the beneficiary's progress toward the individualized goals at set intervals and to revise the person-centered plan of care as appropriate;
- (c) Updating the person-centered plan of care in the *My Health GPS* provider's certified EHR system as follows:

- (1) Every twelve (12) months if the beneficiary has had no significant change in health condition;
  - (2) Each time the beneficiary has a significant change in health condition; and
  - (3) Within fifteen (15) days of discharge each time the beneficiary has an unplanned inpatient stay; and
- (d) Monitoring the beneficiary's health status and documenting the beneficiary's progress toward the goals contained in the person-centered plan of care, including amending the plan of care as needed.

## 10206.4

Care Coordination shall consist of implementation of the person-centered plan of care through appropriate linkages, referrals, and coordination with needed services and supports. Care Coordination services include, but are not limited to, the following:

- (a) Scheduling appointments and providing telephonic appointment reminders;
- (b) Assisting the beneficiary in navigating health and social services systems, including behavioral health and housing supports as needed;
- (c) Providing community-based outreach and follow-up, including face-to-face contact with beneficiaries in settings in which they reside, which may include shelters, the streets or other locations for homeless beneficiaries;
- (d) Providing outreach and follow-up through remote means to beneficiaries who do not require in-person contact;
- (e) Ensuring that all regular screenings are conducted through coordination with primary care or other appropriate providers;
- (f) Ensuring medication reconciliation has been completed;
- (g) Assisting with transportation to routine and urgent care appointments;
- (h) Assisting with transportation for health-related activities;
- (i) Assisting with completion of requests for durable medical equipment;
- (j) Obtaining health records and consultation reports from other providers;
- (k) Participating in hospital and emergency department transitions of care;

- (l) Coordinating with Fire and Emergency Medical Services and DHCF initiatives to promote appropriate utilization of emergency medical and transport services;
- (m) Facilitating access to urgent care appointments and ensuring appropriate follow-up care; and
- (n) Ensuring that the beneficiary is connected to and maintains eligibility for any public benefits to which the beneficiary may be entitled, including Medicaid.

10206.5 Health Promotion shall consist of the provision of health education to the beneficiary, as well as family members or other caregivers when appropriate, that is specific to the beneficiary's chronic conditions and needs as identified in the person-centered plan of care. Health Promotion services include, but are not limited to, the following:

- (a) Assisting the beneficiary in developing a self-management plan to promote health and wellness, including activities such as substance abuse prevention, smoking prevention or cessation, and nutrition counseling;
- (b) Connecting the beneficiary with peer or recovery supports;
- (c) Providing support to improve the beneficiary's social network;
- (d) Educating the beneficiary about accessing care in appropriate settings, including appropriate utilization of the 911 system;
- (e) Assessing the beneficiary's understanding of his or her health conditions and motivation to engage in self-management;
- (f) Using coaching and evidence-based practices such as motivational interviewing to enhance the beneficiary's understanding of his or her health conditions and motivation to achieve health and social goals; and
- (g) Ensuring that health promotion activities align with the beneficiary's stated health and social goals.

10206.6 Comprehensive Transitional Care shall consist of the planned coordination of transitions between healthcare providers and settings in order to reduce emergency department and inpatient admissions, readmissions and length of stay. Comprehensive Transitional Care services shall include the following:

- (a) Conducting in-person outreach to the beneficiary prior to discharge or within twenty-four (24) hours after discharge to support transitions from inpatient to other care settings, including the following activities:



- (1) Reviewing the discharge summary and instructions;
- (2) Ensuring that medication reconciliation has been completed;
- (3) Ensuring that follow-up appointments and tests are scheduled and coordinated;
- (4) Assessing the patient's risk status for readmission or other failure to obtain appropriate community-based care;
- (5) Arranging for follow-up care, if indicated in the discharge plan;
- (6) Planning for appropriate clinical care post-discharge, including home health services or other necessary skilled care;
- (7) Planning for appropriate housing support services post-discharge, including facilitating linkages to temporary or permanent housing
- (8) Arranging transportation for transitional care and follow-up appointments as needed; and
- (9) Scheduling appointments for the beneficiary with a primary care provider or appropriate specialist(s) within one (1) week of discharge.

10206.7 Individual and Family Support Services shall consist of activities that assist the beneficiary and his or her support network (including family members and authorized representatives) in identifying and meeting the beneficiary's biopsychosocial needs and accessing necessary resources as identified in the person-centered plan of care. Individual and Family Support Services include, but are not limited to, the following:

- (a) Facilitating beneficiary access to the following resources:
  - (1) Medical transportation services;
  - (2) Language interpretation services;
  - (3) Housing assistance services; and
  - (4) Any other social services needed by the beneficiary;
- (b) Educating the beneficiary in self-management of his or her chronic conditions;

- (c) Providing opportunities for family members and authorized representatives to participate in assessment activities and development of the person-centered plan of care;
- (d) Ensuring that all *My Health GPS* services are delivered in a manner that is culturally and linguistically appropriate;
- (e) Assisting the beneficiary in establishing and maintaining a network of natural supports;
- (f) Promoting the beneficiary's personal independence;
- (g) Including the beneficiary's family members and authorized representatives in quality improvement processes, including administering surveys to capture their experience with all *My Health GPS* services;
- (h) Providing beneficiaries with access to their EHR or other clinical information, and providing access to their family members and authorized representatives if the beneficiary provides written authorization to do so; and
- (i) Developing family support materials and services, including creating family support groups where appropriate.

10206.8 Referral to community and social support services shall consist of the process of connecting beneficiaries to resources to help them overcome access or service barriers, increase self-management skills, and achieve overall health, as identified in the person-centered plan of care, and ensuring that the referral is completed. Referrals to community and social support services may include but are not limited to:

- (a) Wellness programs, including but not limited to smoking cessation, fitness, and weight loss programs;
- (b) Support groups specific to the beneficiary's chronic condition(s);
- (c) Substance abuse treatment services, including support groups, recovery coaches, and twelve (12)-step programs;
- (d) Housing resources, including tenancy sustaining services;
- (e) Social integration services, including psychiatric rehabilitation and peer support or consumer-run programs to foster recovery and community re-integration;

- (f) Financial assistance, such as Temporary Assistance for Needy Families or Social Security;
- (g) Supplemental Nutrition Assistance Program;
- (h) Employment and educational programs or training;
- (i) Legal assistance resources;
- (k) Faith-based organizations; and
- (l) Child care.

10206.9 Each *My Health GPS* entity shall ensure that enrolled beneficiaries do not receive services that duplicate *My Health GPS* services, as described in this chapter, through any other Medicaid-funded program.

#### **10207 REIMBURSEMENT**

10207.1 DHCF shall reimburse *My Health GPS* entities for services described in § 10206 using a per member per month (PMPM) payment structure.

10207.2 DHCF shall establish two (2) distinct PMPM rates. The PMPM rate for higher acuity (Group Two) beneficiaries shall be higher than the PMPM rate for lower acuity (Group One) beneficiaries, reflecting the greater anticipated needs of Group Two beneficiaries for *My Health GPS* services and the additional *My Health GPS* provider staff required to serve Group Two beneficiaries.

10207.3 DHCF shall use a nationally-recognized risk adjustment tool to determine the acuity level of each beneficiary. Based upon the results of the analysis, DHCF shall place the beneficiary into the appropriate acuity group.

10207.4 A *My Health GPS* entity may request re-determination of a beneficiary's assigned acuity level as follows:

- (a) If re-determination is requested, a *My Health GPS* entity shall submit clinical documentation of a significant change in the beneficiary's health status to DHCF in the manner specified in the *My Health GPS* manual; and
- (b) If the documentation submitted in accordance with the *My Health GPS* manual by the *My Health GPS* entity is complete, DHCF shall re-determine the beneficiary's acuity level in accordance with the procedure set forth in § 10207.3.

- 10207.5 DHCF shall provide the *My Health GPS* entity with written notification of the results of the re-determination described in § 10207.4, including a copy of the re-determination analysis.
- 10207.6 The base PMPM rates for both Group One and Group Two beneficiaries shall be established based on the staffing model described in §§ 10205.3 through 10205.5, and adjusted to take into account regional salaries, including fringe benefits. The rates shall also take into account the average expected service intensity for beneficiaries and shall be determined in accordance with the requirements of 42 USC § 1396a(a)(30)(A).
- 10207.7 Two (2) payment enhancements shall be added to the base PMPM rates for both Group One and Group Two beneficiaries to:
- (a) Reflect the *My Health GPS* provider's overhead or administrative costs; and
  - (b) Support the *My Health GPS* provider in procuring, using, or modifying health information technology.
- 10207.8 DHCF shall review the PMPM rates for both Group One and Group Two beneficiaries on an annual basis to ensure that both rates are consistent with requirements set forth in 42 USC § 1396a(a)(30)(A).
- 10207.9 The PMPM rates for both Group One and Group Two beneficiaries shall be listed in the D.C. Medicaid fee schedule, available at: [www.dc-medicaid.com](http://www.dc-medicaid.com).
- 10207.10 In order to receive an initial PMPM payment for an eligible beneficiary, a *My Health GPS* provider shall:
- (a) Inform the beneficiary about available *My Health GPS* program services;
  - (b) Obtain the beneficiary's informed consent to receive *My Health GPS* program services in writing; and
  - (c) Complete the following components of the person-centered plan of care in accordance with the standards for Comprehensive Care Management set forth in § 10206.3:
    - (1) Conduct an in-person needs assessment in accordance with § 10206.3(a);
    - (2) Enter available clinical information and information gathered at the in-person needs assessment into the person-centered plan of care which shall include individualized goals pursuant to § 10206.3(b)(4); and

- (3) Retain documentation demonstrating the delivery of each of the activities described in (1) and (2) above.

10207.11 In order to receive a subsequent PMPM payment for an eligible beneficiary, a *My Health GPS* provider shall complete the person-centered plan of care in accordance with the standards set forth in § 10206.3, provide a copy of the completed plan of care to the beneficiary, and deliver at least one (1) *My Health GPS* program service to the beneficiary within the calendar month as follows:

- (a) For Group One beneficiaries, the service(s) provided during the month may be delivered face to face or remotely; and
- (b) For Group Two beneficiaries, at least one (1) service provided during the month shall be delivered face to face.

10207.12 Each *My Health GPS* provider shall document each program service and activity provided in each beneficiary's EHR. Any Medicaid claim for program services shall be supported by written documentation in the EHR which clearly identifies the following:

- (a) The specific service(s) rendered and descriptions of each identified service sufficient to document that each service was provided in accordance with the requirements set forth in § 10206;
- (b) The date and time the service(s) were rendered;
- (c) The *My Health GPS* provider staff member who provided the services;
- (d) The setting in which the service(s) were rendered;
- (e) The beneficiary's person-centered plan of care provisions related to the service(s) provided; and
- (f) Documentation of any further action required for the beneficiary's well-being as a result of the service(s) provided.

10207.13 Each claim for a *My Health GPS* service shall meet the requirements of § 10206 and shall be documented in accordance with § 10207.12 in order to be reimbursed.

## **10208 QUALITY REPORTING REQUIREMENTS**

10208.1 Each *My Health GPS* entity shall report to DHCF, quarterly, on the following two (2) measure sets:

- (a) CMS “Core Set of Health Care Quality Measures for Health Home Programs” which may be located at the CMS website at: <https://www.medicaid.gov/state-resource-center/medicaid-state-technical-assistance/health-homes-technical-assistance/downloads/health-home-core-set-manual.pdf>, in accordance with 42 USC § 1396w-4(g); and
- (b) The performance measures set forth in the table below:

<b>My Health GPS Pay-for-Performance Measures</b>				
<b>Measure Name</b>	<b>Measure Domain</b>	<b>National Quality Forum Number</b>	<b>Steward</b>	<b>Description</b>
1. Total Resource Use	Efficiency	1598	Health Partners	A risk adjusted measure of the frequency and intensity of services utilized by <i>My Health GPS</i> beneficiaries. Resource use includes all resources associated with treating <i>My Health GPS</i> beneficiaries including professional, facility inpatient and outpatient, pharmacy, lab, radiology, ancillary and behavioral health services.
2. Total Cost of Care	Efficiency	1604	Health Partners	A risk adjusted measure of <i>My Health GPS</i> entity’s cost effectiveness at managing <i>My Health GPS</i> beneficiaries. Total cost of care includes all costs associated with treating <i>My Health GPS</i> beneficiaries including professional, facility inpatient and outpatient, pharmacy, lab, radiology, ancillary and behavioral health services.

<p>3. Plan All-Cause Readmission</p>	<p>Utilization</p>	<p>1768</p>	<p>NCQA</p>	<p>For <i>My Health GPS</i> patients eighteen (18) years of age and older, the number of acute inpatient stays during the measurement year that were followed by an acute readmission for any diagnosis within thirty (30) calendar days and the predicted probability of an acute readmission. Data is reported in the following categories:</p> <ol style="list-style-type: none"> <li>1. Count of Index Hospital Stays (denominator)</li> <li>2. Count of thirty (30)-Day Readmissions (numerator)</li> <li>3. Average adjusted Probability of Readmission</li> </ol>
<p>4. Potentially Preventable Hospitalization</p>	<p>Utilization</p>	<p>N/A</p>	<p>Agency for Healthcare Research and Quality</p>	<p>Percentage of inpatient admissions among <i>My Health GPS</i> beneficiaries for specific ambulatory care conditions that may have been prevented through appropriate outpatient care.</p>
<p>5. Low-Acuity Non-Emergent Emergency Department Visits</p>	<p>Utilization</p>	<p>N/A</p>	<p>DHCF</p>	<p>Percentage of avoidable low-acuity non-emergent ED visits among <i>My Health GPS</i> beneficiaries.</p>
<p>6. Reconciled Medication List</p>	<p>Process</p>	<p>0646</p>	<p>American Medical Association-Physician Consortium for Performance Improvement</p>	<p>Percentage of <i>My Health GPS</i> beneficiaries, regardless of age, discharged from an inpatient facility (eg, hospital inpatient or observation, skilled nursing facility, or rehabilitation facility) to home or any other site of care, or their caregiver(s), who received a reconciled medication list at the time of discharge.</p>
<p>7. Timely Transmission of Transition Record</p>	<p>Process</p>	<p>0648</p>	<p>American Medical Association-Physician Consortium for Performance Improvement</p>	<p>The percentage of <i>My Health GPS</i> beneficiaries, regardless of age, discharged from an inpatient facility (e.g., hospital inpatient or observation, skilled nursing facility, or rehabilitation facility) to their home or any other site of care for whom a transition record was transmitted to the <i>My Health GPS</i> entity within twenty-four (24) hours of discharge.</p>

- 10208.2 DHCF shall notify *My Health GPS* entities of any changes in the performance measures or measure specifications in § 10208.1(b) through transmittals issued to *My Health GPS* entities at least ninety (90) days before the reporting of the data required for the measure begins.
- 10208.3 The baseline measurement period to determine the initial attainment and individualized improvement thresholds for measures outlined in § 10208.1(b) shall begin July 1, 2017 and end on June 30, 2018.
- 10208.4 All subsequent attainment and individualized improvement thresholds shall be determined for measures outlined in § 10208.1(b) on an annual basis from January 1 through December 31, unless otherwise specified by DHCF.
- 10208.5 Each *My Health GPS* entity shall utilize certified EHR technology to collect and report all data required for the quality measures described in §§ 10208.1(a) and 10208.1(b).
- 10208.6 Each *My Health GPS* entity shall submit hybrid data as required by CMS and DHCF in accordance with protocols outlined in the *My Health GPS* provider manual.
- 10208.7 Each *My Health GPS* entity shall report each sentinel event to DHCF within twenty-four (24) hours of occurrence in accordance with the procedure set forth in the *My Health GPS* provider manual.
- 10208.8 Each *My Health GPS* entity may also be required to submit an annual program evaluation report to DHCF, which may include, but is not limited to, the following components:
- (a) The *My Health GPS* entity's approach to delivering services;
  - (b) Barriers to the current delivery of *My Health GPS* services;
  - (c) Interventions unique to the *My Health GPS* entity; and
  - (d) Strategies to improve future delivery of *My Health GPS* services.

## **10209 INCENTIVE PAYMENTS**

- 10209.1 DHCF shall administer two (2) incentive payment programs for *My Health GPS* entities, as follows:
- (a) A person-centered plan of care incentive payment program, as described in § 10209.2; and



(b) A pay-for-performance incentive program, as described in §§ 10209.3 through 10209.13.

10209.2 During the period beginning July 1, 2017 and ending October 31, 2017, all *My Health GPS* entities shall be eligible for a single incentive payment for each eligible beneficiary to support development of the person-centered plan of care. In order for the entity to receive the incentive payment, its *My Health GPS* provider(s) shall meet all requirements of § 10207.10 for each qualifying beneficiary within the period beginning July 1, 2017 and ending October 31, 2017.

10209.3 Each *My Health GPS* entity shall participate in the *My Health GPS* pay-for-performance incentive program for all four (4) quarters of each measurement year. If an entity is not enrolled in the *My Health GPS* program for all four (4) quarters of a measurement year, the following provisions regarding participation in the pay-for-performance incentive program apply:

(a) If a *My Health GPS* entity enrolls in the *My Health GPS* program after the first day of the first quarter of the measurement year, the entity shall not be eligible for the performance payment described in § 10209.13 for that measurement year, but shall receive the full amount of the percentage withheld for that measurement year, as described in § 10209.6; and

(b) If a *My Health GPS* entity is enrolled in the *My Health GPS* program on the first (1<sup>st</sup>) day of the first quarter of the measurement year but is no longer enrolled in the program on the last day of the last quarter of the measurement year, the entity shall not be eligible for either the performance payment described in § 10209.13 or any portion of the percentage withheld for that measurement year, as described in § 10209.6.

10209.4 A *My Health GPS* entity's performance in the pay-for-performance incentive program will be assessed against the entity's attainment or individualized improvement thresholds developed during the periods outlined in §§10208.3 and 10208.4.

10209.5 DHCF shall inform all *My Health GPS* entities of the attainment and individualized improvement thresholds for each of the measures outlined in § 10208.1(b) prior to the start of each measurement year of the pay-for - performance incentive program.

10209.6 The first (1<sup>st</sup>) measurement year for the pay-for-performance incentive program shall begin on October 1, 2018. *My Health GPS* entities shall be subject to a percentage withheld from every PMPM payment for services rendered during the measurement year, as follows:

(a) Measurement Year One (Fiscal Year 2019): Ten percent (10%);

- (b) Measurement Year Two (Fiscal Year 2020): Fifteen percent (15%); and
- (c) Measurement Year Three (Fiscal Year 2021) and all subsequent performance periods: Twenty percent (20%).

10209.7 *My Health GPS* entities shall be assessed based on either attainment or improvement on the measures described in § 10208.1(b) on an annual basis for the pay-for-performance incentive program. If a *My Health GPS* entity did not meet or exceed its attainment threshold, then DHCF shall assess whether the *My Health GPS* entity met or exceeded its individualized improvement threshold. The following guidelines are set forth below:

- (a) A *My Health GPS* entity must meet or exceed the seventy-fifth (75<sup>th</sup>) percentile based on the attainment threshold; or
- (b) A *My Health GPS* entity must demonstrate a statistically significant improvement based on the individualized improvement threshold. A statistically significant improvement has a probability of 0.05 that the improvement was not due to random error. DHCF shall perform the appropriate statistical analysis (*e.g.*, t-test) to determine that the performance between measurement years is a result that cannot be attributed to chance.

10209.8 DHCF shall provide written notification of the attainment and individualized improvement thresholds to each *My Health GPS* entity after all measures are received and validated for the pay-for-performance incentive program.

10209.9 A *My Health GPS* entity may opt to aggregate its beneficiary population with another *My Health GPS* entity's population for the purposes of calculating attainment or improvement on any of the required measures described in § 10208.1(b) in the pay-for-performance incentive program subject to the following conditions:

- (a) Each *My Health GPS* entity shall notify DHCF of its selection of the aggregation option no later than September 1<sup>st</sup> prior to the measurement year;
- (b) *My Health GPS* entities opting to aggregate their populations together shall do so for calculation of all measures during a given baseline or measurement year;
- (c) *My Health GPS* entities opting to aggregate their populations together must do so for calculation of all measures during a given baseline or measurement year;

- (d) Each *My Health GPS* entity shall report data that is identifiable for the *My Health GPS* entity’s individual performance, along with the aggregated data;
- (e) A *My Health GPS* entity shall elect the option to aggregate annually and may change its selection, including opting against pooling or opting to pool with a different *My Health GPS* entity, on an annual basis; and
- (f) When a *My Health GPS* entity has opted to aggregate beneficiaries, performance is measured for the aggregated *My Health GPS* entity throughout the duration of the measurement year unless one (1) of the aggregated entities withdraws from the *My Health GPS* program during the measurement year. If one (1) of the *My Health GPS* entities that has opted to aggregate beneficiaries withdraws before the measurement year is complete, the remaining *My Health GPS* entity’s performance will be measured based on the remaining *My Health GPS* beneficiaries.

10209.10 For each measurement year, the maximum amount of funding available to qualifying *My Health GPS* entities for the pay-for-performance incentive program shall be equal to one and one-half (1.5) times the measurement year withhold amount percentage, as outlined in § 10209.6.

10209.11 To determine the *My Health GPS* entity’s annual performance in the pay-for-performance incentive program, DHCF shall score each participating *My Health GPS* entity’s performance in three (3) measurement domains. This scoring will be determined as follows:

- (a) A maximum of one hundred (100) points will be awarded to each *My Health GPS* entity’s across the efficiency, utilization, and process domains described in § 10208.1(b);
- (b) Each measure in the domain is assigned points by dividing the total points by the number of measures in each domain. Points for each domain are described in the table set forth in (c);
- (c)

<i>My Health GPS</i> Entity Performance Measure Point Distribution Methodology	Measurement Year 1 (FY 2019)	Measurement Year 2 (FY 2020)	Measurement Year 3 and on (FY 2021 - )
Total Efficiency Domain Points (allowed points per measure)	50 (25)	50 (25)	50 (25)

Total Utilization Domain Points	36 (12)	50 (16.66)	50 (16.66)
Total Process Domain Points	14 (7)	0	0
<b>Total Performance Points</b>	<b>100</b>	<b>100</b>	<b>100</b>

- (d) Points for each measure shall be awarded in cases where a *My Health GPS* entity meets either the attainment or improvement threshold based on the prior measurement year’s performance as described below:
  - (1) A *My Health GPS* entity shall receive points if it met or exceeded the seventy-fifth (75th) percentile attainment benchmark;
  - (2) A *My Health GPS* entity performing below the attainment benchmark may be able to receive the allowed points per measure as described in (c) for each measure if it has met or exceeded its improvement threshold described in § 10209.7(b); and
  - (3) If a *My Health GPS* entity neither attains nor improves performance on a given measure, zero (0) points will be awarded for that measure;
- (e) The amount of the incentive payment that a *My Health GPS* entity shall be eligible to receive shall be calculated as follows:
  - (1) Sum points awarded for each measure in the domain to determine the domain totals;
  - (2) Sum domain totals to determine total performance points;
  - (3) Divide total performance points by the maximum allowed points to determine the performance period percentage; and
  - (4) The amount in (3) shall be multiplied by one and one-half (1.5) times the performance period withhold amount for the *My Health GPS* entity, calculated in accordance with the withhold amount percentage for the measurement year, as set forth in § 10209.6.

10209.12 If *My Health GPS* entities have aggregated beneficiaries together for determination of performance in the pay-for-performance incentive program, the award percentage for the aggregated entities shall be applied to each *My Health GPS* entity’s maximum incentive payment amount to determine the *My Health GPS* entities performance award individually.

10209.13 Beginning with FY2019, and annually thereafter, performance payments for the pay-for-performance incentive program shall be calculated and distributed after the conclusion of each measurement year once all measures are calculated and have been validated for each *My Health GPS* entity.

## **10210 AUDITS AND REVIEWS**

10210.1 DHCF shall perform audits of *My Health GPS* entities to ensure that Medicaid payments for *My Health GPS* services are consistent with efficiency, economy and quality of care, and made in accordance with federal and District conditions of payment.

10210.2 DHCF audits of *My Health GPS* entities shall be conducted when necessary to investigate and maintain program integrity.

10210.3 DHCF shall perform audits of claims submitted by *My Health GPS* entities, including using statistically valid scientific sampling, to determine the appropriateness of *My Health GPS* services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in § 10207.12 and are made in accordance with all requirements of this chapter and all other applicable federal and District laws.

10210.4 If DHCF determines that any claim(s) submitted by a *My Health GPS* entity were not submitted in accordance with all requirements of this Chapter and all other applicable federal and District laws, DHCF shall deny the identified claim(s) and recoup those monies erroneously paid to a *My Health GPS* entity following the period of Administrative Review, as set forth in § 10210.6.

10210.5 If DHCF recoups monies erroneously paid to a *My Health GPS* entity for denied claims, DHCF shall issue a Proposed Notice of Medicaid Overpayment Recovery (PNR) to the *My Health GPS* entity, which sets forth the reasons for the recoupment, the amount to be recouped, and the procedures and timeframes for requesting an Administrative Review of the PNR.

10210.6 The *My Health GPS* entity shall have thirty (30) calendar days from the date of the PNR to request an Administrative Review, which may be extended for good cause. The *My Health GPS* entity may submit documentary evidence and written argument against the proposed action to DHCF in the request for an Administrative Review. If the *My Health GPS* entity fails to respond to the PNR within thirty (30) calendar days or by the extended deadline if good cause has been granted, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNR), which shall include the procedures and timeframes for requesting an appeal.

10210.7 DHCF shall review the documentary evidence and written argument submitted by the *My Health GPS* entity against the proposed action described in the PNR. After

this review, DHCF may cancel its proposed action, amend the reasons for the proposed recoupment and adjust the amount to be recouped. DHCF shall then issue a FNR, which shall include the procedures and timeframes for requesting an appeal.

- 10210.8 The *My Health GPS* entity may appeal the FNR by filing a written hearing request with the Office of Administrative Hearings within fifteen (15) calendar days from the date of the FNR. The written notice requesting an appeal shall include a copy of the FNR, description of the item to be reviewed, the reason for review of the item, the relief requested, and any documentation in support of the relief requested.
- 10210.9 Filing an appeal shall not stay any action to recover any overpayment.
- 10210.10 In lieu of the off-set of future Medicaid payments, the *My Health GPS* entity may choose to send a certified check made payable to the District of Columbia Treasurer in the amount of the funds to be recouped within thirty (30) calendar days following the period of Administrative Review as set forth in § 10210.6.
- 10210.11 Each *My Health GPS* entity shall allow access to all relevant records and program documentation during an on-site audit or review to DHCF, its designee, other authorized District of Columbia government officials, the Centers for Medicare and Medicaid Services (CMS), and representatives of the United States Department of Health and Human Services.
- 10210.12 Each *My Health GPS* entity shall facilitate audits and reviews by maintaining the required records and by cooperating with the authorized personnel assigned to perform audits and reviews.

## **10211 MY HEALTH GPS SANCTIONS, WITHDRAWAL AND TERMINATION**

- 10211.1 DHCF may determine at any time during a *My Health GPS* entity's enrollment in the program that the entity has failed to meet one (1) or more requirements of program participation, and may request the submission of a Corrective Action Plan (CAP) to remedy the identified issue(s). All *My Health GPS* entities shall be required to submit a proposed Corrective Action Plan (CAP) under circumstances including, but not limited to, the following:
- (a) Failure to meet any requirements set forth in this chapter;
  - (b) Failure to comply with all terms of the D.C. Medicaid Provider Agreement; or
  - (c) Failure to meet any quality standards using the measures described in § 10208.1.

- 10211.2 If DHCF identifies a *My Health GPS* entity's non-compliance in any of the areas described in § 10211.1, DHCF shall notify the entity of the identified issue(s) and a timeframe for submission of a proposed CAP to remedy the issue(s).
- 10211.3 If a *My Health GPS* entity is notified of a non-compliance issue as set forth in § 10211.2 and fails to submit a proposed CAP within the timeframe identified in the notification, DHCF shall notify the entity of the failure to submit the proposed CAP and may impose the following sanctions:
- (a) Deny further assignments of beneficiaries;
  - (b) Deny incentive payments as described in §10209.1;
  - (c) Seek repayment from the *My Health GPS* entity for services rendered during the time period of non-compliance; or
  - (d) Terminate the entity's participation in the *My Health GPS* program.
- 10211.4 A proposed CAP shall include, at minimum, the following components:
- (a) A comprehensive statement of the non-compliance issue identified in the notice issued pursuant to § 10211.2;
  - (b) The entity's proposed course of action for resolving the identified non-compliance issue;
  - (c) Identification of the staff members responsible for resolving the issue;
  - (d) Timeframes for execution of the proposed course of action; and
  - (e) Designation of reporting periods for providing updates to DHCF.
- 10211.5 DHCF shall review each proposed CAP to determine whether it meets all requirements set forth in § 10211.4.
- 10211.6 If an entity's proposed CAP fails to meet any of the requirements set forth in § 10211.4, DHCF shall notify the entity of the identified deficiencies in the proposed CAP and provide a timeframe in which the CAP must be re-submitted.
- 10211.7 Once the proposed CAP meets all requirements set forth in § 10211.4, DHCF shall approve the CAP and monitor the entity's progress towards timely correction of all deficiencies. If the *My Health GPS* entity fails to resolve the deficiencies, DHCF may impose the sanctions described in § 10211.3.

- 10211.8 If DHCF determines that any of the actions set forth in §§ 10211.3 or 10211.7 are necessary, DHCF shall issue a notice to the entity containing the following information:
- (a) A clear statement of the intended action;
  - (b) The effective date of the intended action;
  - (c) An explanation of the reason(s) for the intended action;
  - (d) Specific reference to the particular sections of the statutes, regulations or provider manual supporting the intended action; and
  - (e) Information regarding the entity's right to dispute the allegations and to submit evidence to support his or her position.
- 10211.9 The *My Health GPS* entity may submit documentary evidence to refute DHCF's argument for imposition of an alternative sanction within thirty (30) days of the date of the notice described in § 10211.8.
- 10211.10 DHCF may extend the thirty (30) day period prescribed in § 10211.10 for good cause on a case-by-case basis.
- 10211.11 If DHCF determines that any of the actions set forth in §§ 10211.3 or 10211.7 is necessary after the *My Health GPS* entity has issued a response under § 10211.9, DHCF shall issue a final notice to the entity at least fifteen (15) days before the imposition of the alternative sanction, including the following information:
- (a) The reason for the decision;
  - (b) The effective date of the sanction;
  - (c) Information regarding the right to appeal the decision by filing a hearing request with the Office of Administrative Hearings and the timeframe and procedures for filing a hearing request; and
  - (d) If applicable, information regarding the transfer of beneficiaries to another *My Health GPS* entity and the timeframe for completing the transfer.
- 10211.12 If the *My Health GPS* entity files a hearing request with the Office of Administrative Hearings within fifteen (15) days of the date of the notice described in § 10211.11, then the effective date of the proposed action shall be stayed until the Office of Administrative Hearings has rendered a final decision.



10211.13 If a *My Health GPS* entity wishes to withdraw from the program or to remove a provider from the *My Health GPS* portion of its D.C. Medicaid Provider Agreement, the entity shall take the following action:

- (a) If the entity wishes to withdraw from the program, the entity shall give ninety (90) days written notice of the intended withdrawal to DHCF, which includes a comprehensive plan to transfer all of the entity's affected beneficiaries to another *My Health GPS* provider or entity; and
- (b) If the entity wishes to remove a provider from the *My Health GPS* portion of its D.C. Medicaid Provider Agreement, the entity shall give ninety (90) days written notice of the intended removal to DHCF, which includes a comprehensive plan to transfer all of the entity's affected beneficiaries to another *My Health GPS* provider or entity and execute a modified *My Health GPS* Agreement.

## 10299 DEFINITIONS

**Beneficiary** - An individual deemed eligible for and in receipt of services provided through the District Medicaid program.

**Corporate Entity** – An organization that holds a single Employer Identification Number, as defined in 26 CFR §§ 301.7701-12.

**Fair Hearing** – A procedure whereby the District provides an opportunity for a hearing to any person whose claim for assistance is denied consistent with the requirements set forth in 42 CFR §§ 431.200 *et seq.*

**Federally Qualified Health Center** - An organization that meets the definition set forth in Section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B)).

**District Fiscal Year** - A twelve (12) month period beginning on October 1<sup>st</sup> and ending on September 30<sup>th</sup>.

**Hybrid Data** – A combination of administrative data (*i.e.* claims, encounters, and vital records) and clinical data contained in medical records.

**My Health GPS Entity** – A primary care clinical individual practice, primary care clinical group practice, or Federally Qualified Health Center currently enrolled as a District Medicaid provider that incorporates a *My Health GPS* provider into its primary care service delivery structure.

**My Health GPS Provider** – An approved interdisciplinary team that delivers *My Health GPS* services within a *My Health GPS* entity.

**Opt Out** – The process by which a beneficiary chooses not to participate in the *My Health GPS* program.

**Outreach** - Active and progressive attempts at beneficiary engagement, including direct communication (i.e. face-to-face, mail, email, telephone) with the beneficiary or the beneficiary’s designated representative.

**Performance Period** – A full District fiscal year, beginning in Fiscal Year 2019.

**Sentinel Event** – Any unanticipated event in a healthcare setting resulting in death or serious physical or psychological injury to a patient and which is not related to the natural course of the patient's illness.

**Transition Record** - The document containing information regarding a patient’s diagnosis and treatment received during an inpatient stay that is transmitted to relevant providers following the patient’s discharge.

Comments on the proposed rule shall be submitted, in writing, to Claudia Schlosberg, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, N.W., Suite 900S, Washington, D.C. 20001, via telephone on (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 after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rule may be obtained from the above address.

## DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities and Banking (“Commissioner”), pursuant to the authority set forth in Section 7c of the Department of Securities Regulation Establishment Act of 1996, effective February 18, 2017 (D.C. Law 21-214; D.C. Official Code §§ 31-106.03 (2013 Repl.)), and Mayor’s Order 2017-206 (dated September 8, 2017), hereby gives notice of the adoption, on an emergency basis, of a new Chapter 30 (Student Loan Servicers), of Title 26 (Insurance, Securities, and Banking), Subtitle C (Banking and Financial Institutions), of the District of Columbia Municipal Regulations (DCMR).

The proposed chapter clarifies and implements the Student Loan Ombudsman Establishment and Servicing Regulation Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-214; D.C. Official Code §§ 31-106.01 *et seq.* (2013 Repl. & 2017 Supp.)), so that the provisions of the act may be best effectuated and the public interest most effectively served. This emergency rulemaking is necessary because the District must act swiftly to ensure the long-term financial safety and security of District residents with student educational loans. In recent weeks, the Trump administration has begun to amend and repeal several federal regulations and policies related to student aid. The U.S. Department of Education has already announced plans to revise nearly ten regulations and policies that directly affect student loan borrowers. These revisions include the suspension of several changes scheduled to take effect in July 2017 designed to simplify and expedite the claims process for borrowers who fell victim to deceptive tactics by certain colleges. The Department of Education has also withdrawn several Obama administration memoranda crafted to strengthen consumer protections for student loan borrowers, including consideration of a loan servicer’s records related to consumer complaints and investigation prior to the award of any federal contract. The Department’s revised contracting policy also removed the requirement that companies employ specialists to assist individuals in delinquency.

District residents have filed more than four hundred (400) complaints with the federal Consumer Financial Protection Bureau (CFPB) in the past five (5) years related to issues arising from interactions with student loan servicers. Poor customer service resulting in substantial confusion about loan payment timetables and amounts has been a recurring theme among residents diligently working to pay off their student debt.

In light of the pending and potential changes in federal policy related to student loan borrowers, the District must increase its efforts to ensure that student loan servicers are acting in the best interests of the borrowers they serve. This is vital to promoting consumer confidence, and to maintaining the economic prosperity the District has seen in recent years. This rulemaking will provide the necessary framework for the Student Loan Ombudsman and the Department of Insurance, Securities and Banking to ensure that borrower interactions with their servicers are marked by professionalism and efficiency. Because of these imperatives, this emergency and proposed rulemaking is necessary for the immediate preservation of the public’s safety and welfare.

The emergency rulemaking was adopted on September 8, 2017 and became effective on that date. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the date of adoption, expiring on January 6, 2018, unless earlier superseded by publication of a Notice of Final Rulemaking. The Commissioner also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**A new Chapter 30, STUDENT LOAN SERVICERS, of Title 26-C DCMR, BANKING AND FINANCIAL INSTITUTIONS, is added to read as follows:**

**CHAPTER 30                    STUDENT LOAN SERVICERS**

- 3000            SCOPE AND APPLICABILITY**
- 3001            EXEMPTIONS**
- 3002            LICENSE APPLICATION CONTENT, FEES, AND  
                  QUALIFICATIONS**
- 3003            FINANCIAL STATEMENTS AND NET WORTH REQUIREMENT**
- 3004            SURETY BOND REQUIREMENT**
- 3005            INCOMPLETE AND ABANDONED APPLICATIONS**
- 3006            WITHDRAWAL OF AN INITIAL APPLICATION**
- 3007            ISSUANCE AND TRANSFERABILITY OF A LICENSE**
- 3008            INFORMATION CHALLENGE PROCESS**
- 3009            EXPIRATION AND RENEWAL OF LICENSE**
- 3010            LICENSE REINSTATEMENT**
- 3011            DENIAL OF APPLICATION**
- 3012            CHANGE OF LOCATION**
- 3013            SURRENDER OF LICENSE**
- 3014            ANNUAL REPORT AND REPORTING REQUIREMENTS**
- 3015            ANNUAL ASSESSMENTS**
- 3016            NOTIFICATION OF SIGNIFICANT EVENTS BY LICENSEE**
- 3017            SPECIAL REPORTS**
- 3018                    RECORD KEEPING**
- 3019            SUSPENSION AND REVOCATION OF LICENSE**
- 3020            ORDER OF REVOCATION AND NOTICE OF SUSPENSION**
- 3021            EXAMINATIONS AND INVESTIGATIONS**
- 3022            COMPLAINTS**
- 3023            PENALTIES**
- 3024            LICENSING FEES**
- 3099            DEFINITIONS**

**3000 SCOPE AND APPLICABILITY**

3000.1 This chapter shall apply to any person or entity that operates as a student loan servicer in the District of Columbia (“District”).

**3001 EXEMPTIONS**

3001.1 This chapter shall not apply to any bank, trust company, other loan company, savings bank, savings and loan association, credit union, or financial institution that accepts deposits and is incorporated or chartered under the laws of the District, the United States, or any state or territory of the United States.

3001.2 This chapter shall not apply to a public postsecondary educational institution or private non-profit postsecondary educational institution servicing a student loan it extended to a borrower.

**3002 LICENSE APPLICATION CONTENT, FEES, AND QUALIFICATIONS**

3002.1 A license application shall be filed on a form prescribed by the Commissioner.

3002.2 The application shall include at a minimum:

- (a) Statements under oath that the applicant has never had an educational or student loan-related license, or other financial services related license, revoked by any governmental agency in any jurisdiction;
- (b) Statements under oath that the applicant and each of its officers, directors, partners, and owners of a controlling interest have not been convicted of, or pled guilty or nolo contendere, to a felony in a domestic, foreign, or military court:
  - (1) During the seven (7) year period preceding the date of the application for licensure; or
  - (2) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, a breach of trust, or money laundering;
- (c) Evidence of the applicant’s financial responsibility, character and general fitness that warrants a determination that the applicant will operate honestly, fairly, and efficiently within the purposes of the act. For the purposes of this paragraph, an applicant shall not be found financially responsible if the applicant has:

- (1) Current outstanding judgments, except judgments solely as a result of medical expenses;
  - (2) Current outstanding tax liens or other government liens and filings;
  - (3) Foreclosures within the past three (3) years; or
  - (4) A pattern of seriously delinquent accounts within the past three (3) years;
- (d) Evidence demonstrating that the applicant has met the applicable net worth and surety bond requirements pursuant to D.C. Official Code §§ 31-106.02(c)(1)(C) and (D), and §§ 3003 and 3004 of these rules;
  - (e) Payment of applicable fees as described in Section 3024 of these rules and any outstanding fees due to the Department or to the District, including compliance with the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861 *et seq.*);
  - (f) The legal name, trade name, and business address of the applicant and, if the applicant is a partnership, association, company, or corporation, of every partner, member, officer, and director thereof;
  - (g) All names, including but not limited to, website domain names, under which the applicant will conduct business in the District;
  - (h) The complete name and address of the applicant's initial registered agent and registered office for service of process in the District;
  - (i) Information to demonstrate the applicant's current qualifications to do business in the District;
  - (j) The general plan and description of the applicant's business, including policies and procedures for receiving and processing consumer inquiries, complaints, and grievances promptly and fairly;
  - (k) The address of the applicant's principal place of business and any branch or branch offices from which the applicant proposes to operate as a student loan servicer; and
  - (l) Other data, financial statements, and information as the Commissioner may require with respect to the applicant, its partners, members, officers, directors, trustees, or agents.

**3003 FINANCIAL STATEMENTS AND NET WORTH REQUIREMENT**

3003.1 An applicant for a student loan servicer license shall submit its audited financial statements for the immediately preceding three (3) years, or for the period the applicant has been in business less than three (3) years. Financial statements shall be prepared in accordance with generally accepted accounting principles.

3003.2 The financial statements shall include:

- (a) A balance sheet;
- (b) An income statement;
- (c) A statement of cash flows; and
- (d) All relevant notes included with the documents listed in § 3003.2 (a) through (c).

3003.3 A student loan servicer shall demonstrate and continuously maintain a net worth of not less than two hundred fifty thousand dollars (\$250,000).

**3004 SURETY BOND REQUIREMENT**

3004.1 An applicant for a student loan servicer license shall file a surety bond in a form prescribed by the Commissioner with each original application and any renewal application.

3004.2 The surety bond shall:

- (a) Run to the Commissioner for the benefit of:
  - (1) The District and any person who has been damaged by a licensee as a result of violating any law or regulation governing the activities of a student loan servicer; or
  - (2) The recovery of fees or expenses levied against a licensee pursuant to the act;
- (b) Be issued by an insurer authorized to do business in the District;
- (c) Be conditioned upon the applicant:
  - (1) Complying with all District and federal laws regulating the activities of student loan servicers;

- (2) Performing all written agreements with student loan borrowers; and
- (3) Accounting for all funds received by the licensee in conformity with a standard system of accounting consistently applied;
- (d) Be continuously maintained thereafter for as long as any license issued under the act and this chapter remains in force; and
- (e) Be issued in the applicant's legal name and include any trade names, if applicable.

3004.3 Each student loan servicer licensee shall maintain a continuous surety bond in the amount of fifty thousand dollars (\$50,000) at all times as a condition of licensure.

3004.4 When an action is commenced on a licensee's bond, the Commissioner may require the filing of a new bond pursuant to the requirements of this section.

3004.5 Immediately upon recovery or upon any action on the bond, the licensee shall file a new bond pursuant to the requirements of this section.

3004.6 Any person who may be damaged by the noncompliance of a licensee with any condition of the bond may proceed on the bond against the principal or surety, or both, to recover damages.

3004.7 Regardless of the number of years the bond remains in effect, the number of premiums paid, the number of renewals of the license, or the number of claims made, the aggregate liability under each bond shall not exceed the penal sum of the bond.

### **3005 INCOMPLETE AND ABANDONED APPLICATIONS**

3005.1 An application shall be deemed incomplete if it omits required information, documents, or material facts.

3005.2 If the Commissioner determines that an application is incomplete, the Commissioner shall notify the applicant of the deficiencies through the NMLS. The applicant shall correct a deficiency associated with an application within forty-five (45) days of being notified through the NMLS that the application is deficient.

3005.3 If the applicant fails to complete the application or respond to deficiencies within the forty-five (45) day period, the application will be considered abandoned.



3005.4 Abandonment of an application pursuant to this chapter shall not preclude the applicant from submitting a new application for a license.

### **3006 WITHDRAWAL OF AN INITIAL APPLICATION**

3006.1 An applicant may request withdrawal of an application prior to a determination on the application by filing the request through the NMLS.

3006.2 No withdrawal shall be effective until accepted by the Commissioner.

### **3007 ISSUANCE AND TRANSFERABILITY OF A LICENSE**

3007.1 The Commissioner shall approve an initial license application not later than sixty (60) days from the date the Commissioner determines that the application is complete, and meets the requirements of this chapter.

3007.2 A licensee shall continuously maintain its license or qualification to do business in the District so long as the student loan servicer license is in effect.

3007.3 The Commissioner may restrict or impose conditions on any license.

3007.4 Licensees are under a continuing obligation to update information on file with the Commissioner. If any information filed with the Commissioner becomes inaccurate, the licensee shall promptly submit to the Commissioner an amendment to its record that will correct the information on file with the Commissioner.

3007.5 A licensee shall not operate as a student loan servicer under any other name or at any other place of business other than that named in the license.

3007.6 A license shall remain in force until it has been surrendered, revoked, or suspended in accordance with the provisions of this chapter. The surrender, revocation, or suspension of a license shall not affect any pre-existing legal right or obligation of the licensee, including any civil or criminal liability of a licensee for acts committed before the license was surrendered, revoked, or suspended.

3007.7 A license granted pursuant to this chapter shall not be transferable or assignable.

3007.8 Not more than one (1) place of business shall be maintained under the same license, but the Commissioner may issue more than one (1) license to the same student loan servicer licensee upon compliance with all applicable provisions of this chapter governing the original issuance of a license.

**3008 INFORMATION CHALLENGE PROCESS**

- 3008.1 A licensee may challenge information entered into the NMLS by the Commissioner. Any such challenge must be in writing and include the specific information being challenged and supporting information to evidence that the information being challenged is incorrect or invalid.
- 3008.2 The grounds for the challenge shall be limited to the factual accuracy of the information pertaining to the licensee's own license record that the Commissioner has entered into the NMLS. A licensee shall not submit a challenge to protest a disciplinary action the Commissioner has taken against the licensee or to appeal the underlying reasons for the disciplinary action.
- 3008.3 A challenge pursuant to § 3008.1 shall be filed with the Commissioner within forty-five (45) business days from the date the information is entered into the NMLS.
- 3008.4 The Commissioner shall respond to the challenge within twenty-one (21) business days by:
- (a) Granting the challenge and entering the requested change;
  - (b) Granting the challenge and allowing the licensee to submit information to be entered into the system; or
  - (c) Denying the challenge.

**3009 EXPIRATION AND RENEWAL OF LICENSE**

- 3009.1 A student loan servicer license shall expire on December 31st of each year.
- 3009.2 In order to renew a license, a licensee shall:
- (a) File a license renewal application with the NMLS on a form prescribed by the Commissioner at least thirty (30) days before the expiration date of the licensee's current license;
  - (b) Pay the required fees prescribed in Section 3024 and supply the Commissioner with any other required information; and
  - (c) Demonstrate that the licensee continues to meet the standards for licensure under the act and this chapter.

**3010 LICENSE REINSTATEMENT**

3010.1 A renewal license application filed after the license expiration deadline set forth in § 3009.1 but before the last day of February of any year shall be subject to, and accompanied by, a reinstatement fee as prescribed in Section 3024.

3010.2 A license that remains expired after the last day of February of any year, or another date that may be selected by the NMLS for the same purpose, cannot be renewed.

**3011 DENIAL OF APPLICATION**

3011.1 The Commissioner shall approve or deny a license or renewal application not later than sixty (60) days from the date the Commissioner determines that the application is complete.

3011.2 If a license or renewal application is denied, the Commissioner shall notify the applicant and set forth reasons for the denial. The applicant may appeal the Commissioner's decision in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code §§ 2-501 *et seq.*).

**3012 CHANGE OF LOCATION**

3012.1 A licensee shall notify the Commissioner, in the form prescribed by the Commissioner, of a change to the location of the business and pay all applicable fees as prescribed by the Commissioner.

**3013 SURRENDER OF LICENSE**

3013.1 A licensee who intends to permanently cease operating as a student loan servicer during a license period shall file a request to surrender the license for each office at which the licensee intends to cease operations on a form prescribed by the Commissioner.

3013.2 The Commissioner may request the reason for the cessation of business in the District.

3013.3 No surrender shall be effective until accepted by the Commissioner.

3013.4 The surrender of a license does not affect any legal right or obligation described under and pursuant to § 3007.6.

**3014 ANNUAL REPORT AND REPORTING REQUIREMENTS**

- 3014.1 A student loan servicer licensee shall, on or before January 30, submit an annual report for the preceding calendar year to the Commissioner in a form prescribed by the Commissioner.
- 3014.2 The annual report shall include information on the following:
- (a) The number of loans sold, assigned or transferred during the preceding calendar year; and
  - (b) Any other relevant information related to business operations required by the Commissioner.

**3015 ANNUAL ASSESSMENTS**

- 3015.1 Each licensed student loan servicer who held a license during the prior licensing period shall be subject to an annual assessment fee as prescribed in Section 3024.
- 3015.2 The annual assessment fee shall be determined to be the sum of a fixed amount plus a variable amount based on the number of loans serviced in the previous license period as prescribed in Section 3024.
- 3015.3 A licensee who has been charged and pays an annual assessment fee shall not be subject to an examination fee in the same year unless the following occurs:
- (a) The Commissioner determines that an out-of-the-District examination is necessary; or
  - (b) The Commissioner determines that an unscheduled examination is necessary.
- 3015.4 All annual assessment fees shall be invoiced through the NMLS and are due on or before November 1 of each calendar year.
- 3015.5 In the case of a licensee surrendering a license, the annual assessment shall be due no later than thirty (30) days after receipt of a surrender request in the NMLS.

**3016 NOTIFICATION OF SIGNIFICANT EVENTS BY LICENSEE**

- 3016.1 A licensee shall notify the Commissioner, in writing, within five (5) business days, of the occurrence of any of the following significant events:
- (a) The filing for bankruptcy or reorganization by the licensee;

- (b) Any fact or condition that exists that has a negative impact on the licensee's financial condition and ability to maintain the financial requirements prescribed in this chapter, or which precludes the licensee from operating in a safe and sound manner consistent with the act, these regulations and in the best interests of District consumers;
- (c) Settlement or resolution of any civil action or proceeding against the licensee involving fraud, misrepresentation, or wrongful taking of property;
- (d) Receipt of notification of the initiation of any action against the licensee by the District of Columbia Office of the Attorney General or of any other state or federal agency, and the reasons therefor;
- (e) Receipt of notification of license denial, cease and desist order, initiation of suspension or revocation proceedings, issuance of formal orders of suspension or revocation or other imposed disciplinary action, or other formal or informal regulatory action, from any state or federal agency against the licensee, and the reasons therefor; or
- (f) A charge of or conviction of the licensee of any criminal offense involving financial services or financial services related business; or any charge involving fraud, false statements or omissions, theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, or extortion.

### **3017 SPECIAL REPORTS**

- 3017.1 The Commissioner may require a licensee to submit a report of a condition, which must be in the form and must contain the information, prescribed by the Commissioner.

### **3018 RECORD KEEPING**

- 3018.1 For each student education loan sold, assigned, transferred or serviced, a licensee shall retain adequate records of each transaction for at least three (3) years after final payment is made on the student educational loan, or after the assignment or transfer of the student education loan, whichever first occurs.
- 3018.2 Each licensee shall make applicable books and records available to the Commissioner or send such records to the Commissioner by registered or certified mail, return receipt requested, or by any express delivery carrier that provides dated delivery receipt, no later than seven (7) days after the Commissioner's official request. Upon request, the Commissioner may grant a licensee additional time to make such books and records available.

**3019           SUSPENSION AND REVOCATION OF LICENSE**

3019.1       The Commissioner may suspend or revoke a license issued under this chapter, or take any other action provided for in this chapter, if the Commissioner finds that:

- (a)       The licensee has violated any provision of this chapter or any regulation or order lawfully made pursuant to and within the authority of this chapter;
- (b)       Any fact or condition exists which, if it had existed at the time of the original application for the license, would have warranted a denial of the license; or
- (c)       The licensee refuses to permit the Commissioner to make an examination or investigation authorized under this chapter.

**3020           ORDER OF REVOCATION AND NOTICE OF SUSPENSION**

3020.1       An order issued pursuant to D.C. Official Code § 31-106.02(h)(2) shall include:

- (a)       The date the order was entered;
- (b)       The basis for the proposed action;
- (c)       The date by which the person must file a written request for reconsideration; and
- (d)       The date by which the Commissioner shall consider the order to be final.

3020.2       A notice of suspension under D.C. Official Code § 31-106.02(i) shall include:

- (a)       The date the notice was issued;
- (b)       A statement determining that suspension is in the public interest;
- (c)       The grounds for the suspension;
- (d)       The date by which the person must file a written request for a hearing; and
- (e)       Notice that the failure of the person to file a written request for a hearing with the Commissioner within the specified time period shall constitute a waiver of a hearing.

- 3020.3 Unless otherwise required by the act, a final order, temporary order, or any other type of enforcement action taken by the Commissioner shall be issued or conducted in accordance with D.C. Official Code §§ 31-106.02(h-i).
- 3020.4 The Commissioner may make public a final order, temporary order, or any other type of enforcement action taken by the Commissioner.
- 3020.5 All hearings held pursuant to this section shall be conducted pursuant to the Rules of Practice and Procedure for Hearings set out in Chapter 38 of Title 26-A of the District of Columbia Municipal Regulations.
- 3020.6 Any order issued by the Commissioner pursuant to D.C. Official Code § 31-106.02(h) shall remain in full force and effect until and unless later modified or vacated by the Commissioner.

### **3021 EXAMINATIONS AND INVESTIGATIONS**

- 3021.1 The Commissioner, or the Commissioner's designated agent, shall examine the affairs, business premises, and records of each licensee at least once every three (3) years and at any other time the Commissioner considers necessary.
- 3021.2 The Commissioner or the Commissioner's designee, on the basis of a written complaint or on his or her own initiative, may conduct an investigation into the transactions, business, and records of any licensee or person who the Commissioner has reason to believe is engaging in any business subject to the act or this chapter.
- 3021.3 The investigation by the Commissioner under this section may include an examination. Examinations may be conducted in conjunction with examinations to be performed by representatives of governmental agencies of another state.
- 3021.4 To defray the costs of an examination, every student loan servicer required to be licensed under this chapter shall be subject to an examination fee as prescribed in Section 3024.
- 3021.5 A licensee who has been charged and pays an examination fee shall not be subject to an annual assessment fee in the same year unless the events set forth in § 3015.3 occur.
- 3021.6 The Commissioner may examine a licensee located outside the District of Columbia and charge the licensee the fee prescribed in Section 3024. When it becomes necessary to examine or investigate the affairs, books, and records of a licensee required to be licensed under this chapter at a location outside the Washington, D.C. metropolitan region, the licensee shall be liable for, and

shall pay the Commissioner within thirty (30) days, the actual travel and reasonable living expenses incurred on account of its examination, supervision, and regulation, or shall pay a reasonable per diem rate approved by the Commissioner.

**3022 COMPLAINTS**

3022.1 Any complaint against a licensee shall be filed with the Commissioner, on a form prescribed by the Commissioner, and in accordance with any procedures or processes prescribed by the Commissioner.

3022.2 The Commissioner may provide information on consumer complaints to the NMLS and other state and federal regulatory agencies.

**3023 PENALTIES**

3023.1 Any licensee that fails to file an annual report at the time prescribed by the act, shall be assessed a late penalty of up to one thousand dollars (\$1,000) per business day following the date the annual report is due until the annual report is filed with the Commissioner.

3023.2 A licensee, or a person required to have a license under the act, shall be assessed up to the maximum penalties upon a violation of the act as follows:

- (a) Five thousand dollars (\$5,000) for each occurrence of each violation of the act if the person committing the violation is a licensee, and the licensee has no more than one (1) violation of the act during the current license period; and
- (b) Twenty-five thousand dollars (\$25,000) for each occurrence of each violation of the act if the person committing the violation is not licensed by the Commissioner.

3023.3 The Commissioner, in his or her discretion, may reduce the penalty imposed under this chapter upon good cause shown, in writing, by the person or entity against whom the penalty would be imposed.



**3024 LICENSING FEES**

3024.1 Student Loan Servicer License Fees

Student Loan Servicer License	Fees
DISB Initial Application Fee	\$1,200 + NMLS Fee
DISB Renewal Application Fee	\$1,000 + NMLS Fee
DISB Amendment Fee	\$100
DISB Reinstatement Fee	\$1,000
DISB Annual Assessment Fee	\$800 + \$6.60 per loan
DISB Examination Fee	\$400 per examiner day

**3099 DEFINITIONS**

3099.1 For the purpose of this chapter, the following terms have the meaning ascribed:

**Act** – The Department of Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code §§ 31-101 *et. seq.*), as amended by the Student Loan Ombudsman Establishment and Servicing Regulation Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-214; D.C. Official Code §§ 31-106.01-.03).

**Applicant** - a person filing an initial or renewal application for licensure under this chapter.

**Application** – an initial or renewal application for licensure under this chapter processed as required by the Commissioner, through the Department, the NMLS, or any other third party processor prescribed by the Commissioner.

**Branch** – an office or location of a student loan servicer that is separate and distinct from the student loan servicer’s principal office and from which it operates as a student loans servicer.

**Commissioner** - the Commissioner of the Department of Insurance, Securities and Banking.

**Department** - the Department of Insurance, Securities and Banking.

**Licensee** – any person or entity duly licensed by the Commissioner pursuant to this chapter.

**Student Loan Servicer** - a person or entity, whether located within or outside the District, responsible for the servicing of a student education loan of a student loan borrower.

**Nationwide Multistate Licensing System and Registry (“NMLS”)** - the licensing system developed and maintained by the Conference of State Banking Supervisors and the American Association of Residential Mortgage Regulators, or their successors for the licensing and registration of persons engaged in the state-regulated financial service industries.

**Washington, D.C. metropolitan region** – means the District of Columbia, the counties of Montgomery and Prince Georges in the State of Maryland, the counties of Arlington and Fairfax, and the cities of Alexandria and Falls Church in the Commonwealth of Virginia.

Persons desiring to comment on these proposed rules should submit comments in writing to Christian A. Washington, Legislative Analyst, Office of the Commissioner, Department of Insurance, Securities and Banking, 810 First Street, N.E., Suite 701, Washington, D.C. 20002, or by email at [Christian.Washington@dc.gov](mailto:Christian.Washington@dc.gov). Comments must be received not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the Department at the address above.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-259  
October 19, 2017

**SUBJECT:** Appointments — District of Columbia Not-for-Profit Hospital Corporation 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 5115 of the Not-For-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011, D.C. Law 19-21; D.C. Official Code 44-951.04 (2013 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. **WAYNE TURNAGE**, pursuant to the District of Columbia Not-For-Profit Hospital Corporation Board of Directors Wayne Turnage Confirmation Resolution of 2017, effective June 6, 2017, Resolution 22-0129, is appointed as a member of the District of Columbia Not-for-Profit Hospital Corporation Board of Directors, replacing Chris Gardiner, to serve the balance of an unexpired term ending July 9, 2019.
2. **BRENDA DONALD**, pursuant to the District of Columbia Not-For-Profit Hospital Corporation Board of Directors Brenda Donald Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0153, is appointed as a member of the District of Columbia Not-for-Profit Hospital Corporation Board of Directors, replacing Virgil McDonald, for a term to end July 9, 2020.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the confirmation date of the corresponding section.



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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 2017-260  
October 19, 2017


**SUBJECT:** Reappointments and Appointments — Board of Occupational Therapy

**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 206 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99; D.C. Official Code § 3-1202.06 (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. **ROXANNE ARNEAUD**, pursuant to the Board of Occupational Therapy Roxanne Arneaud Confirmation Resolution of 2017 effective March 25, 2017, PR22-0082, is reappointed as an occupational therapist licensed in the District member of the Board of Occupational Therapy, for a term to end April 16, 2018.
2. **TRACEY ELLIS**, pursuant to the Board of Occupational Therapy Tracey Ellis Confirmation Resolution of 2017 effective March 25, 2017, PR22-0081, is reappointed as an occupational therapist licensed in the District member of the Board of Occupational Therapy, for a term to end January 13, 2020.
3. **CHARLES BOND**, pursuant to the Board of Occupational Therapy Charles Bond Confirmation Resolution of 2017 effective March 25, 2017, PR22-0083, is reappointed as a recreation therapist registered in the District member of the Board of Occupational Therapy, for a term to end April 16, 2019.
4. **FRANK GAINER**, pursuant to the Board of Occupational Therapy Frank Gainer Confirmation Resolution of 2017 effective February 25, 2017, PR22-0054, is reappointed as a licensed occupational therapist member of the Board of Occupational Therapy, for a term to end April 16, 2018.
5. **ANTHONY ROBERSON**, pursuant to the Board of Occupational Therapy Anthony Roberson Confirmation Resolution of 2017 effective June 17, 2017, PR22-0236, is appointed as a consumer member of the Board of Occupational Therapy, replacing Reginald E. Waters, for a term ending April 16, 2020.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the confirmation date of the corresponding section.



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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**

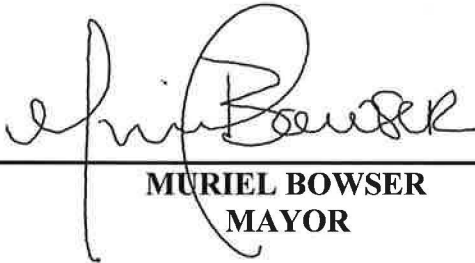
Mayor's Order 2017-261  
October 19, 2017

**SUBJECT:** Appointment — Office of Employee Appeals

**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 601 of the District of Columbia Government Comprehensive Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139; D.C. Official Code § 1-606.01 (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. **JELANI FREEMAN**, pursuant to the Office of Employee Appeals Jelani Freeman Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0174, is appointed as a member of the Office of Employee Appeals, replacing Alvin Gilbert Douglass, Jr., for a term to end April 6, 2022.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 11, 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**

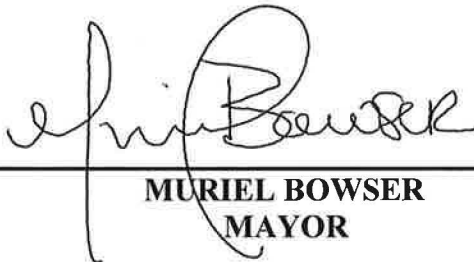
Mayor's Order 2017-262  
October 19, 2017

**SUBJECT:** Reappointment – Public Charter School 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 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996, 110 Stat. 1321; D.C. Official Code § 38-1802.14 (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. **STEPHEN D. BUMBAUGH**, pursuant to the District of Columbia Public Charter School Board Stephen Bumbaugh Confirmation Resolution of 2017, effective June 27, 2017, Resolution 22-0148, is reappointed as a member of the Public Charter School Board, for a term to end February 24, 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 2017-263  
October 19, 2017

**SUBJECT:** Reappointment and Appointment – Police Complaints 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 5 of the Office of Citizens Complaints Review Establishment Act of 1998, effective March 26, 1999, D.C. Law 12-208; D.C. Official Code § 5-1104 (2012 Repl.), which established the Police Complaints Board, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **BOBBI STRANG**, pursuant to the Police Complaints Board Bobbi Strang Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0079, is reappointed as a member of the Police Complaints Board, for a term to end January 12, 2020.
2. **COMMANDER MORGAN C. KANE**, pursuant to the Police Complaints Board Morgan C. Kane Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0085, is appointed as a Metropolitan Police Department member of the Police Complaints Board, replacing Assistant Chief Patrick A. Burke, to serve the remainder of an unexpired term ending January 12, 2018.
3. **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 2017-264  
October 19, 2017

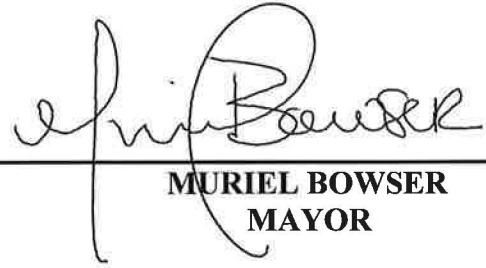
**SUBJECT:** Reappointments – Real Estate Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with section 1002(h) of the Non-Health Related Occupations and Professions Licensure Act of 1998, effective April 20, 1999, D.C. Law 12-261, D.C. Official Code § 47-2853.06(h) (2017 Supp.), and Mayor's Order 2009-11, dated February 2, 2009, it is hereby **ORDERED** that:


1. **FRANK PIETRANTON**, pursuant to the Real Estate Commission Frank Pietranton Confirmation Resolution of 2017, effective May 1, 2017, PR22-0142, is reappointed as a real estate broker licensed in the District member to the Real Estate Commission, for a term to end February 13, 2020.
2. **JOSEPHINE RICKS**, pursuant to the Real Estate Commission Josephine Ricks Confirmation Resolution of 2017, effective April 8, 2017, PR22-0116, is reappointed as a real estate broker licensed in the District member to the Real Estate Commission, for a term to end December 13, 2019.
3. **CHRISTINE WARNKE**, pursuant to the Real Estate Commission Christine Warnke Confirmation Resolution of 2017, effective April 8, 2017, PR22-0117 is reappointed as a consumer member to the Real Estate Commission, for a term to end December 13, 2019.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the confirmation date of the corresponding section.



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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 2017-265  
October 19, 2017


**SUBJECT:** Reappointments and Appointment – Real Property Tax Appeals  
Commission

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 2(b)(3) of the Real Property Tax Appeals Commission Establishment Act of 2010, effective April 8, 2011, D.C. Law 18-363; D.C. Official Code § 47-825.01a (2015 Repl.), which established the Real Property Tax Appeals Commission, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:


1. **ALVIN JACKSON**, pursuant to the Real Property Tax Appeals Commission Alvin Jackson Confirmation Resolution of 2017, effective June 6, 2017, Resolution 22-0125, is reappointed as a part-time commissioner to the Real Property Tax Appeals Commission, for a term to end April 30, 2021.
2. **FRANK A. SANDERS**, pursuant to the Real Property Tax Appeals Commission Frank A. Sanders Confirmation Resolution of 2017, effective June 6, 2017, Resolution 22-0126, is reappointed as a full-time commissioner to the Real Property Tax Appeals Commission, for a term to end April 30, 2021.
3. **WENDY GADSON**, pursuant to the Real Property Tax Appeals Commission Wendy Gadson Confirmation Resolution of 2017, effective June 6, 2017, Resolution 22-0127, is appointed as a part-time commissioner to the Real Property Tax Appeals Commission, replacing Karla D. Christensen, for a term to end April 30, 2021.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 6, 2017.



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MURIEL BOWSER  
MAYOR



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ATTEST: **LAUREN C. VAUGHAN**  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-266  
October 19, 2017

**SUBJECT:** Reappointment — Science Advisory Board

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 12 of the Department of Forensic Sciences Establishment Act of 2011, approved August 17, 2011, D.C. Law 19-18; D.C. Official Code § 5-1501.11 (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. **SIMONE GITTELSON**, pursuant to the Science Advisory Board Simone N. Gittelson Confirmation Resolution of 2017, effective May 15, 2017, PR22-0183, is reappointed as a forensic scientist member of the Board, for a term to end November 25, 2020.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 15, 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 2017-267  
October 19, 2017

**SUBJECT:** Reappointments and Appointments — Statewide Health Coordinating Council

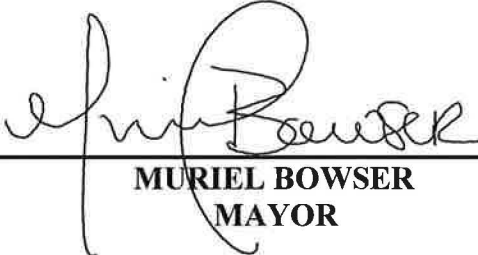
**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997, D.C. Law 11-191; D.C. Official Code § 44-403 (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. **ROBERT BRANDON**, pursuant to the Statewide Health Coordinating Council Robert Brandon Confirmation Resolution of 2017, effective June 17, 2017, PR22-0272, is reappointed as a public member of the Statewide Health Coordinating Council, for a term ending February 11, 2018.
2. **GOULDA DOWNER**, pursuant to the Statewide Health Coordinating Council Goulda Downer Confirmation Resolution of 2017, effective June 17, 2017, PR22-0269, is reappointed as a public member of the Statewide Health Coordinating Council, for a term ending February 11, 2020.
3. **BARBARA ORMOND**, pursuant to the Statewide Health Coordinating Council Barbara Ormond Confirmation Resolution of 2017, effective June 17, 2017, PR22-0268, is reappointed as a consumers of health care services in the District who are not affiliated with any health care provider or facility member of the Statewide Health Coordinating Council, for a term ending February 11, 2018.
4. **JACQUELINE D. BOWENS**, pursuant to the Statewide Health Coordinating Council Jacqueline D. Bowens Confirmation Resolution of 2017, effective June 17, 2017, PR22-0270, is reappointed as a representative of incorporated associations of health care facilities in the District member of the Statewide Health Coordinating Council, for a term ending February 11, 2020.
5. **ZINETHIA LYNN CLEMMONS**, pursuant to the Statewide Health Coordinating Council Zinethia Lynn Clemmons Confirmation Resolution of 2017, effective June 17, 2017, PR22-0271, is reappointed as a consumers of health care services in the District


who are not affiliated with any health care provider or facility member of the Statewide Health Coordinating Council, for a term ending February 11, 2018.

- 6. **STEPHEN NEUMAN**, pursuant to the Statewide Health Coordinating Council Stephen Neuman Confirmation Resolution of 2017, effective May 15, 2017, PR22-0169, is appointed as a consumer of health care services in the District member of the Board of Statewide Health Coordinating Council, replacing Brenda Kelly, for a term ending February 1, 2018.
- 7. **MARC RANKIN**, pursuant to the Statewide Health Coordinating Council Marc Rankin Confirmation Resolution of 2017, effective April 8, 2017, PR22-0119, is appointed as a physician representing an incorporated association of professional physicians in the District member of the Board of Statewide Health Coordinating Council, filling a vacant seat, for a term to end February 11, 2020.
- 8. **CHIOMA NWACHUKWU**, pursuant to the Statewide Health Coordinating Council Chioma Nwachukwu Confirmation Resolution of 2017, effective April 8, 2017, PR22-0118, is appointed as a nurse representing an incorporated association of professional nurses in the District member of the Board of Statewide Health Coordinating Council, filling a vacant seat, for a term to end February 11, 2020.
- 9. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the confirmation date of the corresponding section.




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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 2017-268  
October 19, 2017


**SUBJECT:** Delegation — Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the Land and Improvements Located at 925 13<sup>th</sup> Street, N.W., and known for taxation and assessment purposes as Lot 808 in Square 285 (the “**Property**”)

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.); section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.* (2013 Repl. and 2017 Supp.); and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2016 Repl.), it is hereby **ORDERED** that:


1. The Deputy Mayor for Planning and Economic Development is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, right of entry agreements, covenants, and other associated documents and to take all actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* February 9, 2015.



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**MURIEL BOWSER**  
**MAYOR**



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**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 2017-269  
October 19, 2017

**SUBJECT:** Appointments - District of Columbia Water and Sewer Authority 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 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, D.C. Law 11-111; D.C. Official Code § 34-2202.04 (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. **IVAN FRISHBERG**, pursuant to the District of Columbia Water and Sewer Authority Board of Directors Ivan Frishberg Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0087, is appointed as a principal member of the District of Columbia Water and Sewer Authority Board of Directors, to replace Robert Mallett, for a term to end September 12, 2020.
2. **DAVID FRANCO**, pursuant to the District of Columbia Water and Sewer Authority Board of Directors David Franco Confirmation Resolution of 2017, effective May 2, 2017, Resolution 22-0093, is appointed as a principal member of the District of Columbia Water and Sewer Authority Board of Directors, replacing Alan Roth, for a term to end September 12, 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****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-270  
October 19, 2017

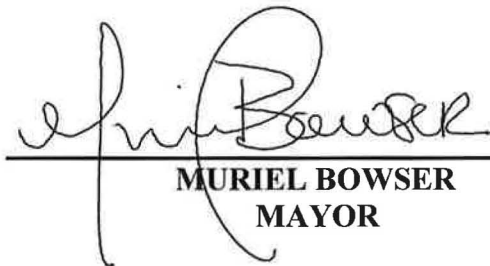
**SUBJECT:** Appointments — Youth Apprenticeship Advisory Committee

**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 An Act To provide for voluntary apprenticeship in the District of Columbia, effective May 12, 2016, D.C. Law 21-109; D.C. Official Code § 32-1412.01 (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. **DR. BURT BARNOW**, pursuant to the Youth Apprenticeship Advisory Committee Dr. Burt Barnow Confirmation Resolution of 2017, effective May 29, 2017, PR22-0211, is appointed as an individual who holds a doctoral degree and specializes in labor economics with expertise in national and international apprenticeship systems member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
2. **VIOLET CARTER**, pursuant to the Youth Apprenticeship Advisory Committee Violet Carter Confirmation Resolution of 2017, effective May 29, 2017, PR22-0207, is appointed as a representative from the Apprenticeship Council member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
3. **WILLIAM H. DEAN**, pursuant to the Youth Apprenticeship Advisory Committee William H. Dean Confirmation Resolution of 2017, effective May 29, 2017, PR22-0205, is appointed as an employer whose business has an apprenticeship program member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
4. **ELIZABETH DEBARROS**, pursuant to the Youth Apprenticeship Advisory Committee Elizabeth DeBarros Confirmation Resolution of 2017, effective May 29, 2017, PR22-0210, is appointed as a representative from a local business trade association member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.

- 5. **VITRO HILTON**, pursuant to the Youth Apprenticeship Advisory Committee Vitro Hilton Confirmation Resolution of 2017, effective May 29, 2017, PR22-0206, is appointed as representative from a labor organization member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
- 6. **FREDERICK HOWELL**, pursuant to the Youth Apprenticeship Advisory Committee Frederick Howell Confirmation Resolution of 2017, effective May 29, 2017, PR22-0208, is appointed as a representative from the Apprenticeship Council member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
- 7. **ERIC J. JONES**, pursuant to the Youth Apprenticeship Advisory Committee Eric Jones Confirmation Resolution of 2017, effective May 29, 2017, PR22-0209, is appointed as a representative from a local business organization member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
- 8. **BENTON MURPHY**, pursuant to the Youth Apprenticeship Advisory Committee Benton Murphy Confirmation Resolution of 2017, effective May 29, 2017, PR22-0212, is appointed as a representative from the Workforce Investment Council member of the Youth Apprenticeship Advisory Committee, for a term three years from the date of appointment.
- 9. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 29, 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 2017-271  
October 19, 2017

**SUBJECT:** Reappointment — Zoning Commission for the District of Columbia

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 1 of An Act To regulate the height, area, and use of buildings in the District of Columbia and to create a Zoning Commission, and for other purposes, approved March 1, 1920, 41 Stat. 500; D.C. Official Code § 6-621.01) (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. **ROBERT MILLER**, pursuant to the District of Columbia Zoning Commission for the District of Columbia Robert Miller Confirmation Resolution of 2017 effective July 11, 2017, Resolution 22-0173, is reappointed as a member of the Zoning Commission for the District of Columbia, for a term to end February 3, 2021.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 11, 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 2017-272  
October 19, 2017

**SUBJECT:** Reappointments – Washington Convention and Sports Authority 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 205 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994, D.C. Law 10-188; D.C. Official Code § 10-1202.05 (2012 Repl. and 2017 Suppl.), 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 Suppl.), it is hereby **ORDERED** that:

1. **JOHN BOARDMAN** pursuant to the Washington Convention and Sports Authority Board of Directors John Boardman Confirmation Resolution of 2017, effective July 11, 2017, R22-0176, is reappointed as an organized labor representative member of the Washington Convention and Sports Authority Board of Directors, for a term to end May 16, 2021.
2. **CHERYLE DOGGETT** pursuant to the Washington Convention and Sports Authority Board of Directors Cheryle Doggett Confirmation Resolution of 2017, effective July 11, 2017, R22-0177, is reappointed as a public member with expertise in business finance of the Washington Convention and Sports Authority Board of Directors, for a term to end October 1, 2021.
3. **DENISE ROLARK BARNES** pursuant to the Washington Convention and Sports Authority Board of Directors Denise Rolark Barnes Confirmation Resolution of 2017, effective April 4, 2017, R22-0074, is reappointed as a public member with an expertise in business finance of the Washington Convention and Sports Authority Board of Directors, for a term to end May 16, 2020.




4. **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 2017-273  
October 19, 2017

**SUBJECT:** Reappointments and Appointments – Board of Industrial Trades


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 1002 of the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999, D.C. Law 12-261; D.C. Official Code § 47-2853.06(d) (2015 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. **GARTH GRANNUM**, pursuant to the Board of Industrial Trades Garth Grannum Confirmation Resolution of 2017, effective June 17, 2017, PR22-0248, is reappointed as a refrigeration and air conditioning mechanic licensed in the District member of the Board of Industrial Trades, for a term to end June 26, 2020.
2. **TERRENCE HUGHES**, pursuant to the Board of Industrial Trades Terrence Hughes Confirmation Resolution of 2017, effective June 17, 2017, PR22-0250, is reappointed as a plumber licensed in the District member of the Board of Industrial Trades, for a term to end June 26, 2020.
3. **RICHARD JACKSON**, pursuant to the Board of Industrial Trades Richard Jackson Confirmation Resolution of 2017, effective June 17, 2017, PR22-0249, is reappointed as a plumber licensed in the District member of the Board of Industrial Trades, for a term to end June 26, 2020.
4. **CONSTANTIN RODOUSAKIS**, pursuant to the Board of Industrial Trades Constantin Rodousakis Confirmation Resolution of 2017, effective June 17, 2017, PR22-0247, is reappointed as an electrician licensed in the District member of the Board of Industrial Trades, for a term to end June 26, 2020.
5. **KHIDHAR ABDULSHAKUR**, pursuant to the Board of Industrial Trades Khidhar Abdulshakur Confirmation Resolution of 2017, effective April 8, 2017, PR22-0113, is appointed as an asbestos worker member of the Board of Industrial


Trades, replacing Roger Small, for a term to end June 26, 2017, and for a full term to end June 26, 2020.

6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



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MURIEL BOWSER  
MAYOR



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ATTEST: **LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT OF COLUMBIA**

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-274  
October 20, 2017

**SUBJECT:** Appointment — Youth Apprenticeship Advisory Committee

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 12a of An Act To provide for voluntary apprenticeship in the District of Columbia, effective May 12, 2016, D.C. Law 21-109; D.C. Official Code § 32-1412.01 (2017 Supp.), it is hereby **ORDERED** that:

1. **WILLIAM DEAN** is designated Chairperson of the Youth Apprenticeship Advisory Committee, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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****Lenovo N23 Chromebooks**

Achievement Prep PCS is seeking competitive quotes for 350 Lenovo N23, 11.6” Chromebooks with Celeron N3060 processors, 4GB RAM and 16GB SSD. Additionally, we need to procure 14 Black Box Chromebook carts. Proposals/quotes should include pricing for both products.

Please find RFP/RFQ specifications at [www.achievementprep.org](http://www.achievementprep.org) under News. Proposals must be received by 5:00PM on Friday, November 3rd, 2017. Please send proposals to [bids@achievementprep.org](mailto:bids@achievementprep.org) and include “RFP/RFQ Chromebooks” in heading.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, NOVEMBER 1, 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.

- Protest Hearing (Status)** **9:30 AM**  
**Case # 17-PRO-00055;** Fantom Comics, LLC, t/a Fantom Comics, 2010 P Street NW, License #107167, Retailer DR, ANC 2B  
**Application for a New License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 17-CMP-00458;** Hudai Yavalar, t/a Le Petite Corner Store, 1643 34th Street NW, License #60593, Retailer B, ANC 2E  
**No ABC Manager on Duty, Transfer of Ownership Without Board's Approval**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 17-CC-00089;** Wagshal's 3201, LLC, t/a Wagshal's, 3201 New Mexico Ave NW, License #92730, Retailer B, ANC 3D  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 17-251-00022;** Mad Hatter CT Ave, LLC, t/a Mad Hatter, 1321 Connecticut Ave NW, License #82646, Retailer CT, ANC 2B  
**Failed to Follow Security Plan**
- Fact Finding Hearing\*** **10:00 AM**  
**Case # 17-251-00153;** N & D Entertainment, LLC, t/a Phoenix Restaurant Lounge, 2434 18th Street NW, License #107011, Retailer CR, ANC 1C  
**Failed to call 9-1-1 for a Sick Person**

Board’s Calendar  
November 1, 2017

**Show Cause Hearing\*** **11:00 AM**  
**Case # 17-CMP-00397;** Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B  
**Failed to Comply with Board Order, Violation of Settlement Agreement**

**BOARD RECESS AT 12:00 PM**  
**ADMINISTRATIVE AGENDA**  
**1:00 PM**

**Show Cause Hearing\*** **1:30 PM**  
**Case # 16-AUD-00086;** Skenco, Inc., t/a Zorba's Café, 1612 20th Street NW License #7428, Retailer DR, ANC 2B  
**Failed to Maintain on Premises Three Years of Adequate Books and Records Showing All Sales**

**Show Cause Hearing\*** **2:30 PM**  
**Case # 17-CMP-00219;** Yohannes A. Woldemichael, t/a Capitol Fine Wine and Spirits, 415 H Street NE, License #82981, Retailer A, ANC 6C  
**No ABC Manager on Duty, Violation of Settlement Agreement**

**Fact Finding Hearing\*** **3:30 PM**  
Spin DC, LLC, t/a Spin; 529 14th Street NW, License #107858, Retailer C Multipurpose Facility, ANC 2C  
**Application for a New Multipurpose Facility**

**Fact Finding Hearing\*** **4:00 PM**  
Balducci's Holding, LLC, t/a To Be Determined; 3201 New Mexico Ave NW License #88667, Retailer B, ANC 3D  
**Request to Extend Safekeeping**

**\*The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA – CLASS B LICENSEES

WEDNESDAY, NOVEMBER 1, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-105853 – **Cape Starz Wine** – Wholesaler – B – 4221 CONNECTICUT AVE NW  
[Licensee did not renew.]

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ABRA-103721 – **Wine Advise** – Wholesaler – B – 2820 PENNSYLVANIA AVE NW  
[Licensee did not renew.]

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ABRA-104332 – **Bel Ragazzo** – Wholesaler – B – 4221 CONNECTICUT AVE NW  
[Licensee did not renew.]

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ABRA-090945 – **Smucker Farms of Lancaster County** – Retail – B – 2118 14TH ST NW  
[Licensee did not renew.]

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**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, NOVEMBER 1, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On Wednesday, November 1, 2017 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case# 17-CC-00083, Chez Billy Sud, 1035-1039 31<sup>st</sup> Street N.W., Retailer CR, License # ABRA-096103

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2. Case# 17-CC-00110, The Fairmont Washington, D.C., 2401 M Street N.W., Retailer CH. License # ABRA-060618

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3. Case# 17-CMP-00622, Copycat Co., 1110 H Street N.E., Retailer CT, License # ABRA-096474

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4. Case# 17-CMP-00568, Harry’s Reserve, 909 New Jersey Avenue S.E., Retailer A, License # ABRA-084834

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5. Case# 17-251-00175, Kabin, 1337 Connecticut Avenue N.W., Retailer CT, License # ABRA-091276

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6. Case# 17-CMP-00661, Gallery O on H, 1354 H Street N.E., Retailer CX, License # ABRA-094849

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7. Case# 17-CMP-00664, Economy Market, 1804 D Street N.E., Retailer B, License # ABRA-094127

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8. Case# 17-CMP-00640, Vita Restaurant and Lounge/Penthouse Nine, 1318 9<sup>th</sup> Street N.W.,  
Retailer CT, License # ABRA-086037

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9. Case# 17-CMP-00665, Addis Ethiopian Restaurant, 707 H Street N.E., Retailer CR, License #  
ABRA-097534

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10. Case# 17-AUD-00067, Jenny's, 668 Water Street S.W., Retailer CR, License # ABRA-  
098041

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**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

**SCHEDULED MEETINGS OF LICENSING BOARDS AND COMMISSIONS**

**November 2017**

<b>CONTACT PERSON</b>	<b>BOARDS AND COMMISSIONS</b>	<b>DATE</b>	<b>TIME</b>
Grace Yeboah Ofori <a href="mailto:Grace.Ofori@dc.gov">Grace.Ofori@dc.gov</a>	Board of Accountancy	RECESS	8:30am-12:00pm
Patrice Richardson <a href="mailto:Patrice.Richardson@dc.gov">Patrice.Richardson@dc.gov</a>	Board of Appraisers	15	8:30am-4:00pm
Patrice Richardson <a href="mailto:Patrice.Richardson@dc.gov">Patrice.Richardson@dc.gov</a>	Board Architects, Interior Designers and Landscape Architects	17	8:30am-1:00pm
Andrew Jackson <a href="mailto:Andrew.Jackson5@dc.gov">Andrew.Jackson5@dc.gov</a>	Board of Barber and Cosmetology	6	10:00am-2:00pm
Skip Brown <a href="mailto:SheldonJ.Brown@dc.gov">SheldonJ.Brown@dc.gov</a>	Boxing and Wrestling Commission	16	7:00pm-8:30pm
Brittani Strozier <a href="mailto:brittani.strozier@dc.gov">brittani.strozier@dc.gov</a>	Board of Funeral Directors	2	1:00pm-4:00pm
Avis Pearson <a href="mailto:Avis.Pearson@dc.gov">Avis.Pearson@dc.gov</a>	Board of Professional Engineering	16	9:30am-1:30pm
Leon Lewis <a href="mailto:Leon.Lewis@dc.gov">Leon.Lewis@dc.gov</a>	Real Estate Commission	14	8:00am-4:00pm
Jennifer Champagne <a href="mailto:Jennifer.Champagne2@dc.gov">Jennifer.Champagne2@dc.gov</a>	Board of Industrial Trades	21	1:00pm-4:00pm

Dates and Times are subject to change. All meetings are held at 1100 4<sup>th</sup> St., SW, Suite E-300 A-B Washington, DC 20024. For questions or further information on this schedule, please contact the receptionist at 202-442-4320 or [dcra.dcraopla@dc.gov](mailto:dcra.dcraopla@dc.gov).

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

**SCHEDULED MEETINGS OF LICENSING BOARDS AND COMMISSIONS**

**October 2017**

<b>CONTACT PERSON</b>	<b>BOARDS AND COMMISSIONS</b>	<b>DATE</b>	<b>TIME</b>
Grace Yeboah Ofori <a href="mailto:Grace.Ofori@dc.gov">Grace.Ofori@dc.gov</a>	Board of Accountancy	6	8:30am-12:00pm
Patrice Richardson <a href="mailto:Patrice.Richardson@dc.gov">Patrice.Richardson@dc.gov</a>	Board of Appraisers	18	8:30am-4:00pm
Patrice Richardson <a href="mailto:Patrice.Richardson@dc.gov">Patrice.Richardson@dc.gov</a>	Board Architects, Interior Designers and Landscape Architects	RECESS	8:30am-1:00pm
Andrew Jackson <a href="mailto:Andrew.Jackson5@dc.gov">Andrew.Jackson5@dc.gov</a>	Board of Barber and Cosmetology	10	10:00am-2:00pm
Skip Brown <a href="mailto:SheldonJ.Brown@dc.gov">SheldonJ.Brown@dc.gov</a>	Boxing and Wrestling Commission	19	7:00pm-8:30pm
Skip Brown <a href="mailto:SheldonJ.Brown@dc.gov">SheldonJ.Brown@dc.gov</a>	Board of Funeral Directors	5	9:30am-2:00pm
Avis Pearson <a href="mailto:Avis.Pearson@dc.gov">Avis.Pearson@dc.gov</a>	Board of Professional Engineering	26	9:30am-1:30pm
Leon Lewis <a href="mailto:Leon.Lewis@dc.gov">Leon.Lewis@dc.gov</a>	Real Estate Commission	17	8:00am-4:00pm
Jennifer Champagne <a href="mailto:Jennifer.Champagne2@dc.gov">Jennifer.Champagne2@dc.gov</a>	Board of Industrial Trades	17	1:00pm-4:00pm

Dates and Times are subject to change. All meetings are held at 1100 4<sup>th</sup> St., SW, Suite E-300 A-B Washington, DC 20024. For questions or further information on this schedule, please contact the receptionist at 202-442-4320 or [dcra.dcraopla@dc.gov](mailto:dcra.dcraopla@dc.gov).

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION  
D.C. BOXING AND WRESTLING COMMISSION  
NOTICE OF PUBLIC MEETING  
1100 4<sup>th</sup> Street, SW, Suite 200E, Washington, DC 20024**

**AGENDA**

**November 16, 2017**

**6:30 P.M.**

1. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
2. Call to Order
3. Attendance (Start of Public Session)
4. Comments from the Public
5. Minutes – October 26, 2017
6. Budget
7. Correspondence
8. Old Business
  - A. Review of Fight for Children **Thursday November 2<sup>nd</sup>, 2017**
9. New Business
  - A. Upcoming Professional Events
  - B. Upcoming Amateur Events
  - C. DC Boxing and Wrestling Commission Holiday Party
10. Adjournment

**NEXT MEETING SCHEDULED FOR DECEMBER 21, 2017**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Architecture and Interior Design  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**November 17, 2017  
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, September 29, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – December 15, 2017 at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Funeral Directors  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**November 2, 2017  
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – December 7, 2017 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Real Estate Appraisers  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**November 15, 2017  
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, October 18, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – December 20, 2017 at 10:00 a.m.



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**DC Board of Barber and Cosmetology  
1100 4<sup>th</sup> Street SW, 3rd floor conference room  
Washington, DC 20024**

**Meeting Agenda  
Monday, November 6, 2017  
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – December 4, 2017

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Board of Industrial Trades  
1100 4<sup>th</sup> Street, S.W., Room 300  
Washington, D.C. 20024**

**AGENDA  
November 21, 2017**

1. Call to Order – 1:00 p.m.
2. Introduction of New Board Members
3. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code §2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
4. Attendance (Start of Public Session) – 2:20 p.m.
5. Comments from the Public
6. Minutes - Draft, October 17, 2017
8. Recommendations
9. Old Business
10. New Business
11. Adjourn

Next Scheduled Regular Board Meeting, December 19, 2017  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Board of Professional Engineers  
1100 4<sup>th</sup> Street SW, Room 380  
Washington, DC 20024**

**AGENDA**

**November 16, 2017**

**10:00 A.M. (Application Review by Board Members)**

**11:00 A.M.**

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public
  - Deliberation over applications for licensure
  - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
  - Applications for Licensure
  - Legal Committee Report
- 7) Old Business
- 8) New Business
- 9) Adjourn

**Next scheduled meeting – January 25, 2018 (\*\* The Board will recess in December)**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

District of Columbia Real Estate Commission  
1100 4<sup>th</sup> Street, S.W., Room 300  
Washington, D.C. 20024

AGENDA  
November 14, 2017

1. Call to Order - 9:30 a.m. (Public Session)
2. Attendance (Public Session)
3. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding) – 9:30 am-10:00 am
  - A. Legal Committee Recommendations
  - B. Review – Applications for Licensure
4. (Public Session) – 10:00 a.m.
5. Comments from the Public
6. Minutes - Draft, October 16, 2017
7. Recommendations
  - A. Review - Applications for Licensure
  - B. Legal Committee Report
  - C. Education Committee Report
  - D. Budget Report
  - E. 2017 Calendar
  - F. Correspondence
8. Old Business
  - Property Management Task Force – Update

Agenda – Real Estate Commission  
Page Two

9. New Business

10. Adjourn

Next Scheduled Regular Meeting, December 12, 2017  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

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**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF FUNDING AVAILABILITY (NOFA)****FISCAL YEAR (FY18)****McKinney-Vento Homeless Education Grant (ESSA Title VII, Part B)****Request for Application (RFA) Release Date: Friday, November 10, 2017**

The Division of K-12 Systems and Supports within the Office of the State Superintendent of Education (OSSE), will issue a Request for Applications for the FY 2018 McKinney-Vento Homeless Education Grant Program (MKV) for eligible Local Educational Agencies (LEAs) in the District of Columbia.

A total of at least One Hundred and Thirteen Thousand, Eight Hundred and Forty-Seven Dollars and Zero Cents (\$113,847.00) in grant funds shall be used by District of Columbia LEAs to address the educational and related needs of homeless children and youth. LEAs, with or without this funding, must ensure that homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths. Authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act, Section 726, as amended, the law's specific purposes are to facilitate the enrollment, attendance, and success in school of homeless children and youth.

LEAs serving homeless students in pre-kindergarten through the twelfth grade within the District of Columbia are eligible to apply. When distributing funding, OSSE will prioritize LEAs with a high level of need, as represented by enrollment data.

Priority points will be awarded to LEAs with demonstrated need as documented by any of the following characteristics:

- High percentage of identified homeless children and youth as compared to LEA's overall student population.
- Significant increase of identified homeless students in the previous school year, with projections of a continued increase.
- High number of identified homeless children and youth as compared to LEA's overall student population.

The grant award period will be from the date of the award to September 30, 2018, and LEAs must commit to obligate all grant funds awarded under this competition by September 30, 2018. Program costs must be paid, not merely incurred, by the awardee to the payee prior to requesting reimbursement. Subject to funding, awards may be extended for two additional years if the sub-recipient's program remains in compliance with all grant requirements. All awards will be reviewed annually for consideration of continued funding. To receive more information or for a copy of the Request for Applications (RFA), please contact:

Danielle C. Rollins, Program Analyst  
Homeless Education Program  
Office of the State Superintendent of Education  
810 First St. NE, 8<sup>th</sup> Floor  
Washington, D.C. 20002  
Telephone: (202) 741-0255  
Email: [Danielle.Rollins@dc.gov](mailto:Danielle.Rollins@dc.gov)

LEAs interested in applying for MKV funds may use the following link to access OSSE's on-line Enterprise Grants Management System (EGMS): <http://grants.osse.dc.gov/>. The RFA and application submission guidance will also be available on OSSE's Transitory Services webpage at <https://osse.dc.gov/service/education-homeless-children-and-youth-program>.

A review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE's Division of Elementary, Secondary, and Specialized Education will make all final award decisions.

OSSE will provide two web-based pre-application technical assistance sessions on **Wednesday, November 15 and Friday, November 17, 2017**. The pre-application technical assistance sessions will include an overview of the MKV grant program, competition, and EGMS for application submissions; and will provide technical assistance for any grant competition inquiries. Potential applicants may register for the November 15 session [here](#) or for the November 17 session [here](#).

One in-person pre-application technical assistance session will be held at OSSE (810 First St. NE, Washington, DC) on **Monday, November 13, 2017** in the 8<sup>th</sup> Floor Conference Room (806 A/B). Potential applicants may register for the in-person technical assistance session [here](#). Please note that seating will be limited so please limit the number of staff registering and attending the in-person session to two or less.

All LEAs planning to apply for this grant are strongly encouraged to attend a Pre-Application Conference and must submit an Intent to Apply via email to Danielle C. Rollins at [Danielle.Rollins@dc.gov](mailto:Danielle.Rollins@dc.gov) by **Friday, November 17, 2017**.

**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF FINAL PUBLICATION****Erosion and Sediment Control Manual and Field Handbook**

The Department of Energy and Environment (the Department) has finalized the Erosion and Sediment Control (ESC) Manual. The ESC Manual updates and modernizes the 2003 Erosion and Sediment Control Specifications. The ESC Field Handbook is a handheld abbreviated version of the manual designed for on-site construction reference. The public is now able to download or purchase a copy of the ESC Manual and the ESC Field Handbook.

The manual provides guidance for erosion and sediment Control permitting, Water Quality Division review and any requirements from the 2013 Stormwater Rule in Title 21 of the DCMR, Chapter 5; revises the list of standards and specifications to current practices used in construction; updates the Stream Protection chapter to reflect practices used by the Planning and Restoration Branch; updates vegetation lists to be consistent with other publications from the Natural Resources Administration: Wildlife Action Plan; updates planning and permitting requirements from the Water Quality Division and the Stormwater Guidebook; and updates tree protection standard and detail added to be consistent with and support the goals of the Urban Forestry Division within the District Department of Transportation.

The ESC Field Handbook is an abbreviated waterproof guide to the most commonly used ESC practices. The handbook dimensions are seven inches by four inches thereby allowing easy storage and providing a quick access to ESC guidance on construction sites.

The full text of the ESC Manual and ESC Field Handbook are available online below in the attachments section. A person may obtain a copy of the ESC Manual and/or ESC Field Handbook by any of the following means:

**Obtain** an electronic version of the ESC Manual and/or ESC Field Handbook at the following website: <https://doee.dc.gov/esc>.

**Purchase a copy in person** at the DOEE Station located at the DCRA Permit Center, 1100 4<sup>th</sup> Street SW, Washington, DC 20024 during normal business hours.



**FRIENDSHIP PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- Accommodations and catering for Friendship Public Charter Schools 2018 Teacher of the Year, (TOY), Gala.
- Strategic communication, marketing and graphic design services to create a new brand identity package for FPSC that will effectively visually communicate the organization's new brand messaging in a manner that will position FPCS for future growth.
- Logistical support to develop and conduct educational developmental modules that assist with connecting and building capacity for high school students in STEM disciplines.

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Tuesday, November 21, 2017. No proposals will be accepted after the deadline. Questions can be addressed to [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org).

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Social Work (“Board”) hereby gives notice of a change of its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

Due to the schedule conflict, the Board’s regular meeting scheduled for Monday, October 23, 2017, is being rescheduled to Monday, October 30, 2017 from 9:00 AM to 12:30 PM. The meeting will be open to the public from 9:00 AM until 9:30 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 Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 9:30 AM to 12:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agenda.

**MERIDIAN PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Legal Services***Unwind NMTC and Refinance*

The Board of Trustees of Meridian Public Charter School located in Washington, DC, invites proposals from qualified law firms to provide Legal Services related to unwinding a NMTC transaction and the related refinance to be completed by October, 2018.

Deadline of submission is November 10th, 2017 by 5:00pm Eastern Time.

Please send all questions or request for additional information to:

Jeff Cooper  
Meridian Public Charter School  
[jcooper@meridian-dc.org](mailto:jcooper@meridian-dc.org)

**MONUMENT ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Comprehensive Health Services**

Monument Academy Public Charter School is requesting proposals for a vendor to provide comprehensive health services to its students. Such services include but are not limited to: preventative well child and adolescent care delivered by a highly-trained team of physicians, nurses, social workers, and administrative staff; an on-call pediatrician; integrated mental health services including a child and adolescent psychiatrist as a consultant to provide diagnostic assessment, medication treatment, and consultation to school staff around students with emotional and behavioral concerns; a nutrition and fitness program to enhance health, reduce the onset of chronic disease, and improve quality of life.

Proposals will be accepted via e-mail no later than 5 pm on Friday, November 3, 2017. All proposals should be submitted to the following address: [jeff.mchugh@mapcsdc.org](mailto:jeff.mchugh@mapcsdc.org).

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION  
BOARD OF DIRECTORS  
NOTICE OF PUBLIC MEETING**

**LARUBY Z. MAY, BOARD CHAIR**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 9:00 a.m. on Wednesday, October 25, 2017. The meeting will be held at United Medical Center, 1310 Southern Ave., SE, Conference Rooms 1-3, Washington, DC 20032. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation’s website ([www.united-medicalcenter.com](http://www.united-medicalcenter.com)).

**DRAFT AGENDA**

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. READING AND APPROVAL OF MINUTES**  
Friday, September 29, 2017
- V. CONSENT AGENDA**
  - A. Dr. Julian R. Craig, Chief Medical Officer
  - B. Dr. Mina Yacoub, Medical Chief of Staff
- VI. EXECUTIVE MANAGEMENT REPORT**  
Luis A. Hernandez, Chief Executive Officer
- VII. COMMITTEE REPORTS**
  - Patient Safety and Quality Committee
  - Finance Committee
- VIII. PUBLIC COMMENTS**
- IX. OTHER BUSINESS**
  - A. Old Business
  - B. New Business
- X. ANNOUNCEMENTS**

***NOTICE OF INTENT TO CLOSE.*** The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, ersonnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****PUBLIC NOTICE****FORMAL CASE NO. 1142, IN THE MATTER OF THE MERGER OF ALTAGAS LTD. AND WGL HOLDINGS, INC.**

1. Through this Public Notice, the Public Service Commission of the District of Columbia (“Commission”) seeks public input in reviewing the merger Application of AltaGas, Ltd. (“AltaGas”), WGL Holdings, Inc. (“WGL Holdings”), and Washington Gas Light Company (“WGL”) (collectively, “Joint Applicants”) filed on April 24, 2017.<sup>1</sup> The Joint Applicants propose to merge WGL Holdings, the parent of WGL, and Wrangler Inc. (“Merger Sub”), a wholly-owned indirect subsidiary of AltaGas (the “Merger”).<sup>2</sup>

2. Beginning December 5, 2017, the Commission will hold evidentiary hearings to determine if the proposed merger transaction is in the public interest. In making this determination the Commission will examine seven (7) public interest factors determined in Order No. 18843,<sup>3</sup> which look at the effects of the transaction on:

(a) ratepayers, shareholders, the financial health of the utilities standing alone and as merged, and the economy of the District;

(b) utility management and administrative operations;

(c) public safety and the safety and reliability of services;

(d) risks associated with all of the Joint Applicants' affiliated with non-jurisdictional business operations;

(e) the Commission's ability to regulate the new utility effectively;

(f) competition in the local retail, and wholesale markets that impacts the District and District ratepayers; and

(g) conservation of natural resources and preservation of environmental quality.

3. In addition to the evidentiary hearing, the Commission will convene four (4) community hearings to receive comments from the public on these issues on the following dates:

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<sup>1</sup> *Formal Case No. 1142, In the Matter of the Merger of AltaGas Ltd. and WGL Holdings, Inc.*, Application of AltaGas Ltd., WGL Holdings, Inc. and Washington Gas Light Company (“Joint Application”), filed April 24, 2017.

<sup>2</sup> Joint Application at 1.

<sup>3</sup> *Formal Case No. 1142*, Order No. 18843, rel. July 24, 2017.

Monday, November 27, 2017 at **6:30 p.m.**  
Anacostia Library/Ora Glover Community Room  
1800 Good Hope Road, SE  
Washington, DC 20020

Tuesday, November 28, 2017 at **6:30 p.m.**  
Trinity University/O'Connor Auditorium  
125 Michigan Avenue, NE  
Washington, DC 20017

Wednesday, November 29, 2017 at **10:00 a.m.**  
Public Service Commission of the District of Columbia  
1325 G Street, NW, Suite 800  
Washington, DC 20005

Thursday, November 30, 2017 at **6:30 p.m.**  
Greater Washington Urban League/Pepco Community Room  
2901 14<sup>th</sup> Street NW  
Washington, DC 20009

4. Those who wish to testify at the community hearings should contact the Commission Secretary by the close of business, three (3) business days prior to the date of the hearing by calling (202) 626-5150. Representatives of organizations shall be permitted a maximum of five (5) minutes for oral presentations. Individuals shall be permitted a maximum of three (3) minutes for oral presentations. If an organization or an individual is unable to offer comments at the community hearings, written statements may be submitted by mail or in person to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, by email to PSC-CommissionSecretary@dc.gov, or through the Commission's eDocket system at <http://www.dcpsc.org/edocket.asp> until January 30, 2018.

5. Any person who is deaf or hard-of-hearing, who cannot readily understand or communicate in spoken English, or persons with disabilities who need special accommodations in order to participate in the hearing, must contact the Commission Secretary by the close of business, seven (7) days prior to the date of the community hearing. Persons who wish to testify in Spanish, Chinese, Amharic, or Korean must also contact the Commission Secretary by close of business three (3) business days before the date of the hearing. **The number to call to request special accommodations and interpretation services is (202) 626-5150.**

6. Copies of previously filed documents in this proceeding, *Formal Case No. 1142*, are available for inspection on the Commission's website ([www.dcpsc.org](http://www.dcpsc.org)) and at the Office of the Commission Secretary, 1325 G Street, N.W., Suite 800 Washington D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of any of the documents in this proceeding may be purchased at the Commission at a cost of \$0.10 per page, actual reproduction cost.



## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

**GT2017-01, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND RATE SCHEDULE NO. 6**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to § 34-802 of the District of Columbia Code (“D.C. Code”), and in accordance with § 2-505 of the D.C. Code<sup>1</sup> and Title 15 of the District of Columbia Municipal Regulations (“DCMR”) § 3500, of its final tariff action approving Washington Gas Light Company’s (“WGL” or “Company”) Rate Schedule No. 6 - Interruptible Delivery Service (“IDS”) Tariff. The Commission issued a Notice of Proposed Tariff (“NOPT”) in the *D.C. Register* on September 1, 2017. No comments were filed in response to the NOPT.

2. On August 21, 2017, pursuant to Commission directives in *Formal Case No. 1137*, WGL filed a Tariff Application requesting authority to revise Rate Schedule No. 6. The revised tariff language permits WGL to continue offering Interruptible Delivery Service, on an interim basis, to IDS customers that have been dropped by their Competitive Service Providers providing these customers a reasonable period to select another supplier.<sup>2</sup> To affect these changes, WGL proposes to revise the following tariff page of P.S.C. of D.C. No. 6:

**NATURAL GAS TARIFF, P.S.C. of D.C. No. 3**  
**Third Revised Page No. 271**  
**Superseding Second Page No. 271**

3. The Commission at its regularly scheduled open meeting held on October 18, 2017, took final action approving WGL’s IDS Tariff provisions. The IDS Tariff will become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

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<sup>1</sup> D.C. Code § 34-802 (2001); and D.C. Code § 2-505 (2001).

<sup>2</sup> *Formal Case No. 1137, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service (“Formal Case No. 1137”),* Order No. 18712, issued March 3, 2017, at ¶¶385, 460, and 462; and *Formal Case No. 1137,* Order No. 18742, issued April 6, 2017, at ¶¶3, 5, and 6.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF FINAL TARIFF****TT00-5, IN THE MATTER OF VERIZON WASHINGTON DC, INC.'S PUBLIC OCCUPANCY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 201**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to section 34-802 of the District of Columbia Official Code and in accordance with section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final tariff action taken on October 19, 2017, in Order No. 19141, granting the Application<sup>2</sup> of Verizon Washington DC, Inc. (“Verizon DC”) requesting authority to amend the following tariff page:

**GENERAL REGULATIONS TARIFF P.S.C.-D.C.-NO. 201  
Section 1A, 2nd Revised Page 2**

2. In its Application regarding this amendment, Verizon DC sought to change the true up timeframe for the rights-of-way surcharge. Verizon DC proposed to change the existing language stating that the true up will occur “each July” to “annually.”<sup>3</sup> No comments were filed on the Application. In Order No. 19141, the Commission approved Verizon DC’s Application.

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<sup>1</sup> D.C. Official Code § 2-505 (2001); D.C. Official Code § 34-802 (2001).

<sup>2</sup> *TT00-5, In the Matter of Verizon Washington, DC Inc.’s Public Occupancy Surcharge General Regulations Tarff P.S.C.-D.C. No. 201 (“TT00-5”)*, Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Philip J. Wood, Vice President for State Government Affairs — Mid-Atlantic Region, filed August 4, 2017.

<sup>3</sup> Application at 1.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF PROPOSED TARIFF

**FORMAL CASE NO. 1140, IN THE MATTER OF THE INVESTIGATION INTO THE ESTABLISHMENT OF A PURCHASE OF RECEIVABLES PROGRAM FOR NATURAL GAS SUPPLIERS AND THEIR CUSTOMERS IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to act upon the proposed changes to Firm Delivery Service Gas Supplier Agreement – Rate Schedule No. 5, of Washington Gas Light Company (WGL or Company)<sup>2</sup> General Regulations Tariff in not less than thirty (30) days after the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. The Firm Delivery Service Gas Supplier Agreement – Rate Schedule No. 5 governs the relationship between competitive service providers (CSPs) and WGL. On July 17, 2017, pursuant to Commission Order No. 18798,<sup>3</sup> WGL filed revisions to Rate Schedule No. 5 to implement a Purchase of Receivables (POR) program for CSPs operating in the District of Columbia. In Rate Schedule No. 5, pages 27G, 27GG, 27GGG, 27H and 27HH, WGL sets forth the calculation of the discount rate for the POR program, and the mechanism for implementing the POR program. Specifically, WGL lists seven components of the discount rate – bad debt expense, implementation costs, incremental collection costs, cash working capital costs, risk factor, reconciliation factor, and late payment revenues. WGL will calculate separate discount rates for residential and non-residential customers. Further, payment to suppliers will occur twice a month, but the Company has the right to hold back or reverse payment on disputed charges. The CSP enrollment and exit from the POR program will be administered in accordance with the customer's meter reading schedule. WGL also discusses revenue accounting, cost responsibility, equalization charge related to the customer's assigned pipeline and storage capacity, capacity assignment (mandatory), and terms of exiting WGL's delivery service program.<sup>4</sup>

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<sup>1</sup> D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

<sup>2</sup> *Formal Case No. 1140, In the Matter of the Investigation into the Establishment of a Purchase of Receivables Program for Natural Gas Suppliers and Their Customers in the District of Columbia*, Order No. 18798, rel. June 5, 2017.

<sup>3</sup> *Formal Case No. 1140*, Order No. 18798, rel. June 15, 2017.

<sup>4</sup> *Formal Case No. 1140, Washington Gas Light Company's POR Implementation Plan*, filed July 17, 2017. On September 28, 2017, WGL filed a revised page 27G to Attachment C of its Implementation Plan. This NOPR refers to the revised page 27G.

3. On October 19, 2017, the Commission issued Order No. 19140, approving WGL's proposed POR program for CSPs and their customers in the District and as a result, the Commission gives this notice of WGL's proposed tariff changes associated with the POR program.<sup>5</sup> WGL proposes to revise the following tariff pages of P.S.C. - D.C. No. 3:

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**  
**Ninth Revised Page No. 27G**  
**Original Page No. 27GG**  
**Original Page No. 27GGG**  
**Eight Revised Page No. 27H**  
**Original Page No. 27HH**

4. WGL's proposed tariff language may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's website at [www.dcpSC.org](http://www.dcpSC.org). Once at the website, open the "eDocket System" tab, click on "Search Current Dockets" and input "1140" in the "Select Case Number" field, and then select Item #14, WGL's Report - Purchase of Receivables, dated July 17, 2017. Copies of the tariff pages and attachments are available, upon request, at a per page reproduction fee.

5. Comments on the update of Firm Delivery Service Gas Supplier Agreement – Rate Schedule No. 5 must be made in writing to Brinda Westbrook-Sedgwick, at the above address, at [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov) or by clicking on the following link: <http://edocket.dcpSC.org/comments/submitpubliccomments.asp>. Comments and reply comments must be received within thirty (30) and forty-five (45) days, respectively, of the date of publication of this NOPT in the *D.C. Register*. Once the comment period has expired, the Commission will take final action. Persons with questions concerning this NOPT should call (202) 626-5150.

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<sup>5</sup> *Formal Case No. 1140*, Order No. 19140, rel. October 19, 2017.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS  
JURISDICTIONAL REVENUES****ASMT2018, ASSESSMENTS FOR FISCAL YEAR 2018**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980” (“Chapter 13”), of the net reimbursable budgets for the Commission and for the Office of the People’s Counsel (“OPC”) for Fiscal Year 2018 (“FY 2018”). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of each public utility, competitive electricity supplier, competitive natural gas supplier, and competitive local exchange carrier (“CLEC”) for the preceding calendar year, calendar year 2016.

2. The net reimbursable budget for the Commission for FY 2018 is \$13,968,791.16. The net reimbursable budget for OPC for FY 2018 is \$8,062,744.35.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, calendar year 2016, were \$1,787,429,044.31.

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after December 1, 2017.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on November 1, 2017. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

D.C. Office of the Secretary  
 Recommendations for appointment as DC Notaries Public

Effective: December 1, 2017

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Abrego	Yaritza	Rosemount Center 2000 Rosemount Avenue, NW	20010
Allin	Lorina G.	United Bank 4900 Massachusetts Avenue, NW	20016
Amis	Alora K.	Pepco Holdings 701 Ninth Street, NW	20068
Arias	Jowkuell	Freshfields Bruckhaus Deringer US, LLP 700 13th Street, NW	20005
Baird	Keshia D.	Village Settlements Inc and The Law Offices of Parker, Simon, Hahn & DeLisi, LLC 5525 Wisconsin Avenue, NW, Suite 313	20015
Balaban	Louis Richard	BB&T  5200 Wisconsin Avenue, NW	20015
Broullire	Thomas James	District Title, A Corporation  1150 Connecticut Avenue, NW, Suite 201	20036
Bullock	Robert S.	The Elder & Disability Law Center 1020 19th Street, NW, Suite 510	20036
Carlson	Margaret	Self 4425 13th Street, NE	20017
Cash	Linda W.	Proskauer Rose, LLP 1001 Pennsylvania Avenue, NW, Suite 600 South	20004
Cestero	Tara E.	Premium Title & Escrow, LLC 3407 14th Street, NW	20010
Chandler	Frances M.	Booz Allen Hamilton, Inc 901 15th Street, NW	20005
Christensen	Kelly S.	Ring Associates, LLC 1200 18th Street, NW, Suite 1010	20036

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Congo	KeVon	Veritext 1250 I Street, NW	20866
Cummins	Charles	Bernstein Management Corporation 5301 Wisconsin Avenue, NW, Suite 500	20015
Diaz	Katherine Schneider	NABTU  815 16th Street, NW, Suite 600	20006
Elhillali	Ahmed M.	Special Legal Consultant 1629 K Street, NW, Apartment 300	20006
Essiam	Pauletta H.	Self 321 Burns Street, SE	20019
Exarhakis	Carolyn A.	The Carlyle Group 1001 Pennsylvania Avenue, NW	20004
Ford	Lorraine A.	Self 221 Nicholson Street, NE	20011
Frazier	Lavern M.	Self 2214 Taylor Street, NE	20018
Futrovsky	Fred E.	Paragon Title 1410 Q Street, NW	20009
Gallup	Jasmine Allison	Neal R. Gross & Company, Inc.  1323 Rhode Island Avenue, NW	20005



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Gaston III	James D.	Self (Dual) 60 Sheridan Street, NE	20011
Gillespie	Wykenia D.	Self 4911 Jay Street, NE, Apartment 21	20019
Glazer	Michelle	Latham and Watkins, LLP 555 Eleventh Street, NW, Suite 1000	20004
Grant	Darlene	Takoma Wellness Center 6925 Blair Road, NW	20012
Green	Geneva Peggy	Reinsurance Association of America 1445 New York Avenue, NW, 7th Floor	20005
Green	Octavious	Self 3825 Commodore Joshua Barney Drive, NE	20018
Gregory	Lisa M.	DC Office of Human Rights 441 4th Street, NW, Suite 570N	20001
Hamilton	Yvette	Iron Point Partners, LLC 1133 Connecticut Avenue, NW, Suite 800	20036
Hardge	Kiesha	Interior Federal Credit Union 1849 C Street, NW	20240
Harper	Janice M.	Sheppard Mullin Richter & Hampton, LLP 2099 Pennsylvania Avenue, NW,	20006
Hawkins	Robin Maria	Self (Dual) 1535 Morris Road, SE, Apartment 304	20020

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Hazelwood	Sandra	Hazelwood Title & Escrow 1050 Connecticut Avenue, NW	20036
Hernandez	Eufrocinia	Pharmacy Technician Certification Board 2215 Constitution Avenue, NW, Suite 101	20037
Hood	Dolores R.	Department of Treasury/ Office of Comptroller 400 7th Street, SW	20219
Howard	Winona D.	Wright & Talisman, PC 1200 G Street, NW, Suite 600	20005
Jackson	Ashley Nicole	Self 217 50th Street, NE, Apartment 21	20019
Jackson	Corey Tench	Wells Fargo Bank 1447 P Street, NW	20009
Johnson	Antoine	Self 1364 Independence Avenue, SE	20003
Kelley	Sharron A. M.	DC Courts 500 Indiana Avenue, NW, Room 4450	20001
Kenney	Sabrina E.	Brownstein Hyatt Farber Schreck 1155 F Street, NW	20010
Kistler	Kevin	RGS Title, LLC 1529B 14th Street, NW	20009
Krug	Jordan	Easterly Government Properties 2101 L Street, NW, Suite 650	20037
Lambert-Harris	Faithe D.	ICMA - Retirement Corporation 777 North Capitol Street, NE	20002
Lee	Harrison	Washington First Bank	

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		1146 19th Street, NW	20036
Littlejohn	Tanya M.	Self 2912 17th Street, NE	20018
Logan	Shirlana	Emerging Capital Partners 1909 K Street, NW, Suite 340	20006
Lucas II	Leonard	Self 5731 2nd Street, NE	20011
Maldonado	Arnele	The Owens Group of Companies 1303 Euclid Street, NW	20009
Maloney	Susan	Broadcasting Board of Governors 330 Independence Avenue, SW	20237
Martinez	Ann Sofia	Omni Shoreman Hotel 2500 Calvert Street, NW	20008
McCaffrey	Christine	The Brattle Group 1800 M Street, NW, 700 North	20036
McGrath II	Timothy P.	Department of Veterans Affairs Office of Inspector General 810 Vermont Avenue, NW	20420
Mikus	Holly	Ditto Residential, LLC 1015 7th Street, NW, Suite 300	20001
Miller	Richard E.	Self 5420 30th Place, NW	20015
Mitchell	Karen	Self (Dual) 4339 Bowen Road, SE, #309	20019
Morris	Kimberly R.	Eversheds Sutherland (US), LLP 700 Sixth Street, NW, Suite 700	20001
Myles	Jessica I.	ICMA - Retirement Corporation 777 North Capitol Street, NE	20002

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Nesbitt	Kimberly M.	Child and Family Services 200 I Street, SE	20003
Nicholas	Kendra	Congressional Federal Credit Union 50 Independence Avenue, SE	20515
Page	Marin A.	The UPS Store #6047 455 Massachusetts Avenue, NW	20001
Payne	Alexander Preston	The Veritas Law Firm 1225 19th Street, NW, #320	20036
Queen	Karen Victoria	Manatt Phelps & Phillips 1050 Connecticut Avenue, NW	20036
Reeder	B. R.	Bread for the City 1640 Good Hope Road, SE	20020
Roberts	Linda	Trade Pacific, PLLC 660 Pennsylvania Avenue, SE, Suite 401	20003
Rogers	Lachelle S.	Office of the District of Columbia Auditor (ODCA) 717 14th Street, NW, Suite 900	20005
Ryder	Kathy L.	Roadside Development, LLC 1730 Rhode Island Avenue, NW, #512,	20036
Samadyar	Sohaila	M & T Bank 1899 L Street, NW	20036
Samuel	Hannah M.	Self(Dual) 1437 K Street , SE, # 4	20003

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Santos	Joab A.	American Association for the Advancement of Science 1200 New York Avenue, NW 20005
Scheipers	Cathryn M.	Washington Capitol Partners, LLC 1101 30th Street, NW, Suite 20007 210
Shartel	Guadalupe	Buchanan Ingersoll & Rooney, PC 1700 K Street, NW 20006
Smith	Patricia D.	Self (Dual) 5005 12th Street, NE 20017
Soza	Dennis	Navy Federal Credit Union 9th & M Street, SE, Building 20374 218 Ground Floor
Stuart	Kayla Elizabeth	Gowen Rhoades Winograd & Silva 513 Capitol Court, NE, #100 20002
Taylor-Palma	Shanté A.	Eagle Bank 2001 K Street, NW, Suite 150 20006
Thomas	Ashley	District of Columbia Government Child and Family Services Agency 200 I Street, SE 20003
Walker	Breanna	The Veritas Law Firm 1225 19th Street, NW, #320 20036
Walter	Lucia	Children's Law Center 501 3rd Street, NW 20001
Washington	Tamiko	Peter N.G. Schwartz Management Company 1350 Connecticut Avenue, 20036 NW, Suite 1200
Williams	Lisa M.	Self 158 35th Street, NE 20019

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Williams	Marvin C.	Department of Veterans Affairs Office of Inspector General 810 Vermont Avenue, NW	20420
Williams	Roger K.	Fed Choice Federal Credit Union 900 Brentwood Road, NE	20018
Wilson	Geneva	General Security Services Consultants 1429 Good Hope Road, SE	20020
Wolf	Victoria	DLA Piper 500 8th Street, NW	20004
Woodward	Yolanda B.	Cooper & Crickman, PLLC 6856 Eastern Avenue, NW	20012
Yoon	M. JiEon	Interior Federal Credit Union 1849 C Street, NW, Room B038	20240
Yusuff	Sherifat K.	Crown Construction, Inc 1818 New York Avenue, NE	20002

**SUSTAINABLE FUTURES PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Food Service Provider**

Sustainable Futures PCS is seeking a qualified partner to provide NSLP compliant breakfast, lunch, and snack for high school students. Contract to begin December 18 through June 29. The complete RFP/IFB can be obtained by emailing [lbryant@sfpcsd.org](mailto:lbryant@sfpcsd.org) . Please indicate 'Food Service RFP' in the subject line.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, November 2, 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.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

- |   |                       |
|---|-----------------------|
| 1. <b>Call to Order</b>                               | Board Chairman        |
| 2. <b>Roll Call</b>                                   | Board Secretary       |
| 3. <b>Approval of October 5, 2017 Meeting Minutes</b> | Board Chairman        |
| 4. <b>Committee Reports</b>                           | Committee Chairperson |
| 5. <b>General Manager's Report</b>                    | General Manager       |
| 6. <b>Action Items</b><br>Joint-Use<br>Non Joint-Use  | Board Chairman        |
| 7. <b>Other Business</b>                              | Board Chairman        |
| 8. <b>Adjournment</b>                                 | Board Chairman        |



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Order No. 16569-A of The Kingsbury Center**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the conditions of BZA Order No. 16569 governing the hours of operation and the ages of the children at an existing private school in the R-16 Zone at premises 5000 14th Street N.W. (Square 2711, Lot 802).

The original application (No. 16569) was pursuant to 11 DCMR 3104.1<sup>1</sup>, for a special exception under Section 205 to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802).

<b>HEARING DATE</b> (Case No. 16569):	April 26, 2000
<b>DECISION DATE</b> (Case No. 16569):	April 26, 2000
<b>ORDER ISSUANCE DATE</b> (16569):	May 23, 2000
<b>MODIFICATON DECISION DATE:</b>	October 4, 2017

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE**

**BACKGROUND**

On April 26, 2000, in Application No. 16569, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by The Kingsbury Center (the “Applicant” or “Kingsbury”) for a special exception under the provisions of § 205 in the 1958 Zoning Regulations to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802). The approval was under the 1958 Zoning Regulations which were then in effect. In the original case, the Advisory Neighborhood Commission (“ANC”), ANC 4C, submitted a report in support of the application.

The Board issued Order No. 16569 on May 23, 2000. (Exhibit 5 of the record for Case No. 16569-A.) The approval in Case No. 16569 was subject to 13 conditions, namely:

1. The number of students shall not exceed 300 which will consist of a maximum of 200 elementary and junior high school students and a maximum of 100 high school students.
2. The number of staff shall not exceed 138.

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<sup>1</sup> The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations) but which were repealed on September 6, 2016 and replaced with new text (“the 2016 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. 16334 or the validity of this order.

3. The hours of operation shall be Monday through Friday, 8:30 a.m. to 6:15 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The ages of the children shall be 5 – 18 years.
5. The number of parking spaces shall be 107.
6. A community liaison committee, which will meet quarterly, shall be established.
7. The school, in conjunction with the community liaison committee, shall consider and have in force a policy about students not driving when they reach the appropriate age.
8. The school, in conjunction with the community liaison committee, shall develop a policy for leasing of the school's facilities.
9. There should be coordination of the school's transportation plan with the West Elementary School, including a request for school crossing guards during the morning and afternoon rush periods.
10. The alley on the southeastern corner of the site shall be must be kept open for two-way traffic and emergency vehicles at all times.
11. The gate on the southeastern corner of the site shall be on the property line and shall swing inward.
12. Effective buffers between the school property and adjacent residential properties shall be maintained.
13. Tree replacement for those living trees to be removed would be at a rate of one caliper inch added for each caliper inch removed.

### **MOTION FOR MODIFICATION OF CONSEQUENCE**

On August 4, 2017, the Applicant submitted a request for a modification of consequence to revise two of the conditions approved by the Board in Order No. 16569 (the "Order"). (Exhibits 1-5.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant is requesting to revise the above-listed approved Conditions 3 and 4 in order to expand the hours of operation and expand the age range of students to preK through high school. (Exhibit 3.) Specifically, the Applicant requests that Conditions 3 and 4 should be changed to read as follows:

3. The hours of operation shall be Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.

4. The school will serve students in grades pre-kindergarten through high school.

In the Order, the Board approved the requested special exception relief to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B (now R-16) District at premises 5000 14th Street, N.W. (Square 2711, Lot 802). The application was granted subject to the 13 conditions noted above.

The Applicant is requesting approval to change two of the approved conditions so as to expand the hours of operation to Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m. and to expand the age range of the students served to students in grades pre-kindergarten through high school. With the exception of the amendments requested in this application, the Applicant will continue to operate the school in accordance with the original Board approval. (Exhibit 3.)

*The Merits of the Request for the Modification of Consequence*

The Applicant's request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board."

In the application herein, the Applicant is requesting a modification of consequence to the Order because with this modification, the Applicant is requesting to revise previously approved Conditions 3 and 4 of Order 16569 to expand the hours of operation and to expand the age range of students. (Exhibit 3.) Other than these revisions to the approved conditions, the school will remain as approved by the Board. (Exhibit 5.)<sup>2</sup>

The Applicant stated that the modification to the hours of operation is necessitated for a number of reasons, including:

1. Faculty and staff are required to arrive by 7:45 a.m. to prepare for student arrivals,
2. There is a before care program that begins at 7:00 a.m., and

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<sup>2</sup> The Applicant noted that in BZA Application No. 19851, the Latin American Montessori Bilingual Charter School ("LAMB") is requesting a special exception under 11 DCMR Subtitle U § 205.1(a) to establish and co-locate a public charter school at the site of the Applicant's school, which has been The Kingsbury Center's home of 17 years. The conditions that are requested to be modified by The Kingsbury Center in this application are unrelated to LAMB's application. The Kingsbury Center will continue to operate at the site unless and until it moves to a different location. Although both schools will occupy the building on the site, they will operate independently, other than where shared facilities and operations are necessary, as described in Application No. 19851.

3. The school provides breakfast and lunch to the children as part of the National School Lunch Program (“NSLP”) and they arrive at 7:00 a.m.

(Exhibit 3.)

The Applicant indicated that the proposed change from age ranges to grade ranges is needed because the age designation unnecessarily excludes students older than 18 years of age who were held back or delayed entry into school, but are still pursuing their high school diploma at Kingsbury. The HOPE program which operates at the school caters to young adult students with learning differences who want to earn their high school diploma. Some of these students may have been held back or had a delayed entry into school which means that they gain their high school diploma beyond their 18<sup>th</sup> years. The Applicant stated that the 18-year age limit contravenes the D.C. Human Rights Act of 1977 (D.C. Official Code § 2-1401-01 *et seq.*) which prohibits discriminatory practices in educational institutions, one of which is age. Therefore, the Applicant requests that Condition 4 be revised to eliminate the specific age range and allow students to remain until they finish high school regardless of age. (Exhibit 3.)

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence shall be served on all other parties to the original application and those parties are allowed to submit comments within ten days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for modification of consequence to Advisory Neighborhood Commission (“ANC”) 4C, the only other party to Application No. 16569. ANC 4C submitted a report on September 22, 2017, that indicated that the ANC, at a properly noticed and fully quorumed public meeting, voted 8-1-0 to support the Modification of Consequence request. The ANC raised no issues or concerns in its report. (Exhibit 7.)

The Applicant also served its request on OP. OP submitted a report dated September 22, 2017, recommending the Board approve the modification requested by the Applicant. (Exhibit 6.) DDOT did not submit a report.

On October 4, 2017, the Board deliberated on and approved the modification request.

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of consequence. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a modification of consequence to the conditions approved in Case No. 16569, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant the request would not be adverse to any party and therefore an order

containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of consequence of the Board's approval in Application No. 16569 is hereby **GRANTED TO CHANGE CONDITIONS 3 AND 4 TO READ AS FOLLOWS:**

3. The hours of operation shall be Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The school will serve students in grades pre-kindergarten through high school.

In all other respects, Order No. 16569 remains unchanged.

**VOTE ON ORIGINAL APPLICATION ON APRIL 26, 2000: 5-0**

(Ann Renshaw, Carol Mitten, Robert Sockwell, Rodney Moulden, and Sheila Cross Reid to approve.)

**VOTE ON MODIFICATION OF CONSEQUENCE ON OCTOBER 4, 2017: 4-0-1**

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Robert E. Miller to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 12, 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**

**Order No. 16569-B of The Kingsbury Center**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the conditions of BZA Order No. 16569 governing the hours of operation and the ages of the children at an existing private school in the R-16 Zone at premises 5000 14th Street N.W. (Square 2711, Lot 802).

The original application (No. 16569) was pursuant to 11 DCMR 3104.1<sup>1</sup>, for a special exception under Section 205 to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802).

<b>HEARING DATE</b> (Case No. 16569):	April 26, 2000
<b>DECISION DATE</b> (Case No. 16569):	April 26, 2000
<b>ORDER ISSUANCE DATE</b> (16569):	May 23, 2000
<b>MODIFICATON DECISION DATE:</b>	October 4, 2017

**CORRECTED<sup>2</sup> SUMMARY ORDER ON REQUEST FOR MODIFICATION OF  
CONSEQUENCE**

**BACKGROUND**

On April 26, 2000, in Application No. 16569, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by The Kingsbury Center (the “Applicant” or “Kingsbury”) for a special exception under the provisions of § 205 in the 1958 Zoning Regulations to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B District at premises 5000 14th Street, N.W. (Square 2711, Lot 802). The approval was under the 1958 Zoning Regulations which were then in effect. In the original case, the Advisory Neighborhood Commission (“ANC”), ANC 4C, submitted a report in support of the application.

The Board issued Order No. 16569 on May 23, 2000. (Exhibit 5 of the record for Case No. 16569-A.) The approval in Case No. 16569 was subject to 13 conditions, namely:

1. The number of students shall not exceed 300 which will consist of a maximum of 200 elementary and junior high school students and a maximum of 100 high school students.

<sup>1</sup> The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations) but which were repealed on September 6, 2016 and replaced with new text (“the 2016 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. 16569 or the validity of this order.

<sup>2</sup> Summary Order No. 16569-A was corrected to change a typographical error in footnote 1. This is the only change in the Order.

2. The number of staff shall not exceed 138.
3. The hours of operation shall be Monday through Friday, 8:30 a.m. to 6:15 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The ages of the children shall be 5 – 18 years.
5. The number of parking spaces shall be 107.
6. A community liaison committee, which will meet quarterly, shall be established.
7. The school, in conjunction with the community liaison committee, shall consider and have in force a policy about students not driving when they reach the appropriate age.
8. The school, in conjunction with the community liaison committee, shall develop a policy for leasing of the school's facilities.
9. There should be coordination of the school's transportation plan with the West Elementary School, including a request for school crossing guards during the morning and afternoon rush periods.
10. The alley on the southeastern corner of the site shall be must be kept open for two-way traffic and emergency vehicles at all times.
11. The gate on the southeastern corner of the site shall be on the property line and shall swing inward.
12. Effective buffers between the school property and adjacent residential properties shall be maintained.
13. Tree replacement for those living trees to be removed would be at a rate of one caliper inch added for each caliper inch removed.

### **MOTION FOR MODIFICATION OF CONSEQUENCE**

On August 4, 2017, the Applicant submitted a request for a modification of consequence to revise two of the conditions approved by the Board in Order No. 16569 (the "Order"). (Exhibits 1-5.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant is requesting to revise the above-listed approved Conditions 3 and 4 in order to expand the hours of operation and expand the age range of students to preK through high school. (Exhibit 3.) Specifically, the Applicant requests that Conditions 3 and 4 should be changed to read as follows:

**BZA APPLICATION NO. 16569-B  
PAGE NO. 2**

3. The hours of operation shall be Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The school will serve students in grades pre-kindergarten through high school.

In the Order, the Board approved the requested special exception relief to establish a private school for up to 400 students, ages 5 through 18 years of age and 200 staff persons, and to construct a small gym on the site in an R-1-B (now R-16) District at premises 5000 14th Street, N.W. (Square 2711, Lot 802). The application was granted subject to the 13 conditions noted above.

The Applicant is requesting approval to change two of the approved conditions so as to expand the hours of operation to Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m. and to expand the age range of the students served to students in grades pre-kindergarten through high school. With the exception of the amendments requested in this application, the Applicant will continue to operate the school in accordance with the original Board approval. (Exhibit 3.)

*The Merits of the Request for the Modification of Consequence*

The Applicant's request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board."

In the application herein, the Applicant is requesting a modification of consequence to the Order because with this modification, the Applicant is requesting to revise previously approved Conditions 3 and 4 of Order 16569 to expand the hours of operation and to expand the age range of students. (Exhibit 3.) Other than these revisions to the approved conditions, the school will remain as approved by the Board. (Exhibit 5.)<sup>3</sup>

The Applicant stated that the modification to the hours of operation is necessitated for a number of reasons, including:

1. Faculty and staff are required to arrive by 7:45 a.m. to prepare for student arrivals,

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<sup>3</sup> The Applicant noted that in BZA Application No. 19851, the Latin American Montessori Bilingual Charter School ("LAMB") is requesting a special exception under 11 DCMR Subtitle U § 205.1(a) to establish and co-locate a public charter school at the site of the Applicant's school, which has been The Kingsbury Center's home of 17 years. The conditions that are requested to be modified by The Kingsbury Center in this application are unrelated to LAMB's application. The Kingsbury Center will continue to operate at the site unless and until it moves to a different location. Although both schools will occupy the building on the site, they will operate independently, other than where shared facilities and operations are necessary, as described in Application No. 19851.



2. There is a before care program that begins at 7:00 a.m., and
3. The school provides breakfast and lunch to the children as part of the National School Lunch Program (“NSLP”) and they arrive at 7:00 a.m.

(Exhibit 3.)

The Applicant indicated that the proposed change from age ranges to grade ranges is needed because the age designation unnecessarily excludes students older than 18 years of age who were held back or delayed entry into school, but are still pursuing their high school diploma at Kingsbury. The HOPE program which operates at the school caters to young adult students with learning differences who want to earn their high school diploma. Some of these students may have been held back or had a delayed entry into school which means that they gain their high school diploma beyond their 18<sup>th</sup> years. The Applicant stated that the 18-year age limit contravenes the D.C. Human Rights Act of 1977 (D.C. Official Code § 2-1401-01 *et seq.*) which prohibits discriminatory practices in educational institutions, one of which is age. Therefore, the Applicant requests that Condition 4 be revised to eliminate the specific age range and allow students to remain until they finish high school regardless of age. (Exhibit 3.)

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence shall be served on all other parties to the original application and those parties are allowed to submit comments within ten days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for modification of consequence to Advisory Neighborhood Commission (“ANC”) 4C, the only other party to Application No. 16569. ANC 4C submitted a report on September 22, 2017, that indicated that the ANC, at a properly noticed and fully quorumed public meeting, voted 8-1-0 to support the Modification of Consequence request. The ANC raised no issues or concerns in its report. (Exhibit 7.)

The Applicant also served its request on OP. OP submitted a report dated September 22, 2017, recommending the Board approve the modification requested by the Applicant. (Exhibit 6.) DDOT did not submit a report.

On October 4, 2017, the Board deliberated on and approved the modification request.

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of consequence. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a modification of consequence to the conditions approved in Case No. 16569, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant the request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of consequence of the Board's approval in Application No. 16569 is hereby **GRANTED TO CHANGE CONDITIONS 3 AND 4 TO READ AS FOLLOWS:**

3. The hours of operation shall be Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 8:30 a.m. to 1:30 p.m.
4. The school will serve students in grades pre-kindergarten through high school.

In all other respects, Order No. 16569 remains unchanged.

**VOTE ON ORIGINAL APPLICATION ON APRIL 26, 2000: 5-0**

(Ann Renshaw, Carol Mitten, Robert Sockwell, Rodney Moulden, and Sheila Cross Reid to approve.)

**VOTE ON MODIFICATION OF CONSEQUENCE ON OCTOBER 4, 2017: 4-0-1**

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Robert E. Miller to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 18, 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**

**Appeal No. 18888 of Adams Morgan for Reasonable Development**, pursuant to 11 DCMR §§ 3100 and 3101<sup>1</sup>, from a decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, to approve Building Permit No. B1309151 for construction of a mixed-use building at 1700 Columbia Road, N.W. and located in the C-2-B Zone District (Square 2565, Lot 52).

**HEARING DATE:** January 13, 2015  
**DECISION DATE:** February 10, 2015

**ORDER GRANTING MOTION TO DISMISS APPEAL**

This appeal was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on September 24, 2014, by Christopher Otten on behalf of Adams Morgan for Reasonable Development (“AMFRD” or “Appellant”). The appeal purported to challenge the issuance of Building Permit No. B1309151 (“Building Permit”) on July 24, 2014, for construction of a new six-story residential building with ground floor retail and a below-grade garage (“Building”) at 1700 Columbia Road, N.W. (“Property”). As noted in the caption above, the Board determined that the appealable decision was the Zoning Administrator’s approval of the issuance of that permit. AMFRD initially alleged that the proposed construction violated the rear yard requirements of § 774 of Title 11, D.C. Municipal Regulations (“Zoning Regulations”). AMFRD amended its appeal on December 30, 2014, to allege that the rooftop structures violate §§ 411.3, 411.5, 411.6, 411.7, and 411.8 of the Zoning Regulations.

On December 30, 2014, Ontario Residential LLC (“Ontario”, the owner of the property, and therefore an automatic party<sup>2</sup>), filed a motion to dismiss the appeal (“Motion”) because it was not timely filed and it failed to state a claim for which relief could be granted.

The Board held a hearing on the timeliness issue and the merits on January 13, 2015, after which the Board closed the record and scheduled its decision for February 10, 2015. At the Board’s

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<sup>1</sup> This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this appeal was filed, but which were repealed as of September 6, 2016 and replaced by new text. Also, all zone districts described in this order were renamed as of that date. The repeal and replacement of the 1958 Regulations and the renaming of the zone districts has no effect on the validity of the Board’s decision or the validity of this order.

<sup>2</sup> See 11 DCMR § 3199, Definition of “Party, subparagraph (a)(3). As such, it was unnecessary for Ontario’s motion to also request it to be granted intervenor status.

public meeting on that date it voted 5-0 to grant the portion of the Motion that sought dismissal on timeliness grounds, to deny the portion of the Motion that sought dismissal based upon an assertion that the Appeal, as filed, failed to state a claim upon which relief could be granted and, in the alternative, to sustain the Zoning Administrator's decision. The findings of facts and conclusions of law that support the Board's decision follow.

## **PRELIMINARY MATTERS**

### Notice of Public Hearing

The Office of Zoning scheduled a hearing on January 13, 2015. In accordance with 11 DCMR §§ 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the Appellant, Advisory Neighborhood Commission ("ANC") 1C (the ANC in which the property is located), the property owners, and the Department of Consumer and Regulatory Affairs ("DCRA"). (Exhibits 3-11.)

### Parties

The Appellant in this case is Adams Morgan for Reasonable Development, represented by Mr. Otten. DCRA is the Appellee, as the "person" whose administrative decision is the subject of the instant appeal, pursuant to 11 DCMR § 3199.1(a)(2). As noted, Ontario Residential LLC, the owner of the property and developer of the Building, was automatically a party to the proceeding as was the ANC. However, the ANC did not participate in this proceeding.

## **FINDINGS OF FACT**

### The Property and the Project

1. The Property that is the subject of this appeal is located at 1700 Columbia Road, N.W. (Square 2565, Lot 52). (Exhibit 1.)
2. The Property is located in the C-2-B Zone District in the Adams Morgan neighborhood. (Exhibit 14E, Exhibit 16A.)
3. DCRA issued Building Permit No. B1309151 ("Building Permit") on July 24, 2014, for construction of a new six-story residential building with ground floor retail ("the Project") on the Property.
4. The Project will provide a rear yard with a depth of at least 15 feet. (Exhibit 15.)
5. A garage ramp is located at-grade, within the 15-foot setback and leads to the Building's below-grade garage. (Transcript, p. 84; Exhibit 1.)
6. The walls surrounding the garage ramp are less than four feet in height.

7. The Project's generator is not located within the required rear yard.
8. The platform upon which the generator sits is in the required rear yard and is less than four feet in height.
9. There is no louver located in the required rear yard. (Exhibit 14E, Attachment 13.)
10. The rooftop structures are connected with a trellis at a uniform height. (Transcript pp. 69-70 and Exhibit 22, RTE 3.)
11. The mechanical equipment on the roof is less than four feet in height. (*Id.*)
12. The floor area ratio ("FAR") of the rooftop structures is .13 FAR.

Events leading to the filing of this Appeal

13. AMFRD has carefully followed the development of the Project since at least February of 2013 when it requested and received party status in Application No. 18506 in which the BZA granted relief from the parking, loading, and roof structure requirements for the Project. After the Court of Appeals found no basis for the Board to have granted the roof structure relief, Ontario re-designed the roof structure to meet matter of right standards and withdrew its request for roof structure relief. (Exhibit 14E.)
14. After Ontario filed its request for a building permit to construct the project, AMFRD closely monitored the progress of the permit through the DCRA approval process using DCRA's Property Information Verification System ("PIVS"), which provided the real-time approval status of building permit applications.
15. The Zoning Administrator ("ZA") reviewed and approved the Project on July 14, 2014 and simultaneously entered the approval on the PIVS website. (Exhibit 14B.)
16. AMFRD accessed the PIVS after July 14<sup>th</sup> and as a result became aware of the ZA's approval, as evidenced by its July 24<sup>th</sup> email to the ZA in which it stated "[w]e have checked the PIVS webpage at the DCRA website for information and we see that Building Permit #B1309151 has not yet been approved, as it is still under review by some DCRA disciplines." (Exhibit 14A.)
17. The Building Permit was issued on July 24, 2014. (Exhibits 2, 14B.)
18. AMFRD filed this appeal on September 24, 2014, more than 60 days after it became aware of the ZA's decision.

## CONCLUSIONS OF LAW

The Board is authorized by § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. An appeal must be filed within 60 days after the date the appellant “had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier.” (11 DCMR § 3112.2 (a).) Although this deadline is a “claims processing rule” and therefore not jurisdictional in nature, *see Gatewood v. District of Columbia Water and Sewer Authority*, 82 A.3d 41 (2013) (WASA deadline to file appeal of water bill is non-jurisdictional), the failure to adhere to the rule will result in the dismissal of an appeal unless the 60-day deadline is extended under circumstances stated at 11 DCMR § 3112.2(d).

### The Motion to Dismiss

As noted, the Owner filed a motion to dismiss asserting that the appeal did not state a claim upon which relief can be granted and was not timely filed. As to the first ground, the Board’s rules do not specify the level of pleading that must be made when an appeal is filed. The Board’s rules only require that an “appeal shall be made on the appropriate form provided by the Board” and that all “information required by such form shall be furnished by the appellant at the time of filing the appeal.” (11 DCMR § 3112.5.) Since the Appellant clearly met this requirement, its appeal cannot be dismissed for not meeting a non-existent specificity standard.

With respect to the timeliness grounds, 11 DCMR § 3112.2(a) provides that an appeal must be filed within 60 days from the date the person filing the appeal first had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge, whichever is earlier. The first question therefore is what is the “decision complained of.” The Appellant asserts the decision was DCRA’s issuance of the building permit. But in the circumstances presented here, the Board concludes that the decision on appeal was the ZA’s July 14, 2014 determination that the Project complied with the Zoning Regulations, which he posted on the PIVS webpage that same day.

In *Basken v. District of Columbia Bd. of Zoning Adjustment*, 946 A.2d 356 (D.C. 2008), the Court of Appeals noted its prior precedent recognizing that a building permit or certificate of occupancy were not the only types of decision that started the time for filing an appeal, noting that:

[T]he zoning statute and regulations do not tie the time for appealing to the BZA to the issuance of a specified type of notice ... our case law specifically recognizes that a letter from DCRA or the Zoning Administrator conveying a zoning decision may be an appealable decision, and may start the time for appeal by a person who has notice of the letter.

946 A. 2d at 366.

Thus, in *Basken*, the Court of Appeals held that a DCRA letter stating an intent to issue a certificate of occupancy notwithstanding the illegality of the proposed use was the appealable decision and not the subsequently issued certificate of occupancy. In *Appeal No. 18300 of Lawrence and Kathleen Ausubel*, the Board applied the principle to the building permit stage, holding that a Zoning Administrator email and not the subsequently issued building permit started the time for filing an appeal. And in *Appeal No. 18469 of Susan Lynch*, the Board found that the ZA's approval for zoning compliance as entered in the PIVS website started the time for filing an appeal, and not the subsequently issued permit. The Board reasoned that:

The word 'approved' next to zoning in PIVS, without any qualifications, whatsoever was unequivocal: the permit had been cleared by zoning for issuance. Thus, any member of the public accessing this information, including the Appellant, knew that the ZA had approved the revised permit applications for zoning purposes. And, like the Appellants in *Basken* and *Ausubel*, Ms. Lynch's knowledge of the approval gave her the first notice of the zoning decision being complained of.

BZA Appeal No. 18469, p.8.

Since there is nothing to distinguish the *Susan Lynch* precedent from the circumstances involved here, the Board holds that the ZA's July 14<sup>th</sup> determination of zoning compliance was the decision complained of. The next question is whether the Appellate filed this appeal within 60 days after it knew or should have known of that decision.

The ZA posted his July 14<sup>th</sup> approval on the PIVS webpage that same day. Ten days thereafter, on July 24<sup>th</sup>, Mr. Otten, on behalf of AMFRD, emailed the ZA and stated "[w]e have checked the PIVS webpage at the DCRA website for information and we see that Building Permit #B1309151 has not yet been approved, as it is still under review by some DCRA disciplines." The Board concludes that this statement, and particularly its allusion to "some DCRA disciplines" is clear evidence that Mr. Otten knew on or before July 24<sup>th</sup> of the ZA's July 14<sup>th</sup> decision. Even if the Board uses the latest possible notice date of July 24<sup>th</sup>, the 60-day period for filing this appeal expired on September 22, 2014. AMFRD filed its appeal on September 24, 2014.

Subsection 3112.2 (d) provides that the Board may extend the 60-day deadline for the filing of an appeal if the appellant demonstrates that:

- (1) There are exceptional circumstances that are outside of the appellant's control and could not have been reasonably anticipated that substantially impaired the appellant's ability to file an appeal to the Board; and
- (2) The extension of time will not prejudice the parties to the appeal, as identified in § 3199.1.

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AMFRD did not identify any exceptional circumstances that substantially impaired its ability to timely file this appeal. Therefore, the 60-day period for doing so is not tolled, the appeal is untimely, and the motion to dismiss is granted on that ground.

### The Merits

As previously discussed, the untimeliness of this appeal did not deprive the Board of subject matter jurisdiction over the case. Therefore, the Board's vote to dismiss the appeal did not eliminate its ability to also decide the merits. Although the Board hopes that its decision to dismiss the appeal will withstand any petition for review that might be filed, deciding the merits now could prevent a later unnecessary remand. The Board's then Chair therefore moved to both dismiss the appeal and, in the alternative, deny the appeal on its merits. As noted, the motion carried.

The appeal initially challenged the issuance of the Building Permit on the basis that the garage ramp and the below-grade garage are located in the required rear yard. AMFRD's appeal states "the Ontario project impedes onto the rear yard requirements as shown on the record, and noted by the Office of Planning, that half of the rear yard is taken up by the ramp structures leading down to the subterranean garage."

AMFRD subsequently supplemented its appeal on December 30, 2014, to argue that the Building Permit was issued in error because the roof structures violate the Zoning Regulations. AMFRD argues that: (1) there is more than one rooftop enclosure and that a trellis is not sufficient to connect the structures to create a single structure; (2) the roof structure is of varying heights; (3) the mechanical equipment is not fully enclosed; (4) the roof structures exceed permitted floor area ratio; and (5) the roof structures assume more than one third of the total roof area.

At the hearing, Ontario raised additional issues with respect to the rear yard. It argued that the platform on which the generator sits, the generator, the louver, and the walls surrounding the garage ramp were improperly located in the rear yard.

The Board finds that these claims are without merit as explained in further detail below.

#### *1. The Rear Yard Issues*

##### A. The Garage and its Ramp and Ramp Structures.

The required rear yard of the Project is not occupied by the garage ramp or the below-grade garage it leads to.

Yard is defined in the Zoning Regulations as:

an exterior space, other than a court, on the same lot with a building or other structure. A yard required by the provisions of this title shall be open to the sky from the ground up, and shall not be occupied by any building or structure, except



as specifically provided in this title. No building or structure shall occupy in excess of fifty percent (50%) of a yard required by this title. (11 DCMR § 199.1.)

Rear yard is defined as:

a yard between the rear line of a building or other structure and the rear lot line, except as provided elsewhere in this title. The rear yard shall be for the full width of the lot and shall be unoccupied, except as specifically authorized in this title. (11 DCMR § 199.1.)

The definition of a rear yard requires that it be open to the sky “from the ground up.” The garage ramp and the garage do not violate this requirement. There is no dispute that the garage ramp is located at grade and that the garage is located below grade. Neither the ramp nor the garage “occupy” the rear yard as that term is defined in the Zoning Regulations; thus, each may be located along the property line. Further, it cannot be said that both occupy more than 50% of the rear yard since they do not occupy the rear yard at all. The walls that surround the garage ramp are less than four feet above grade, and are therefore permissible with the required rear yard by virtue of 11 DCMR § 2503.2, which states:

A structure, not including a building no part of which is more than four feet (4 ft.) above the grade at any point, may occupy any yard required under the provisions of this title.

As stated in Finding of Fact No. 9, there is no louver located in the rear yard.

As to the Project’s generator and platform, AMFRD alleged that the platform upon which the generator sits is located in the rear yard but that the generator itself is not located in the rear yard. Like the garage ramp walls, the platform is less than four feet above grade and therefore also is permitted pursuant to § 2503.2.

For these reasons the Board concludes that all the rear yard violations asserted by AMFRD are without merit.

*B. The Roof Structures.*

Similarly, AMFRD has proven no violation of the roof structure provisions of § 411.

AMFRD states five violations of the roof structures: (1) there is more than one rooftop enclosure and that a trellis is not sufficient to connect the structures to create a single structure; (2) the roof structure is of varying heights; (3) the mechanical equipment is not fully enclosed; (4) the roof structures exceed permitted floor area ratio; and (5) the roof structures assume more than one third of the total roof area. The Board will discuss each allegation in turn.

AMFRD claims that there is more than one roof structure because a trellis is not sufficient to connect the structures and to create a single structure. AMFRD ignores the clear precedent of

this Board that accepts trellises as proper elements to connect structures. In BZA Application No. 18263-B, the Board agreed with the Zoning Commission that “a trellis may constitute such a connection between separate portions of a structure that creates one building under the Zoning Regulations.” BZA Application No. 18263-B of Stephanie and John Lester, p. 11. *See also* BZA Application No. 17331 of JPI Apartment Development LP, where the Board found that “the trellis provides an adequate connection between the existing single-family house and the addition to the rear to constitute one building under the Zoning Regulations.” Accordingly, AMFRD’s claim that a trellis is not sufficient to connect the roof structures to create single structure is unfounded.

Because AMFRD does not accept that the trellis is a part of the roof structure, it believes the structures are of varying height. Nevertheless, during the hearing for the motion to dismiss, AMFRD conceded that if the trellis was accepted as a part of the roof structure, the structure would be of a uniform height. Since the Board has so decided, AMFRD’s claim that the roof structure is of varying heights is without basis.

AMFRD next argues that the mechanical equipment on the roof is not fully enclosed. AMFRD conceded at the hearing and the Board independently concludes that the mechanical equipment was less than four feet in height. Subsection 411.17 provides, “Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.”

Because the mechanical equipment is less than four feet in height, the structure is not subject to the roof structure restrictions.

AMFRD’s fourth alleged violation of the roof structures is that the roof structure exceeds the floor area ratio permitted in § 411.8, which states, “Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted.”

DCRA submitted evidence into the record that the rooftop structure consists of .13 FAR, which the Board concludes is correct.

Finally, AMFRD testified that it acknowledged that § 411.8 is inapplicable in this case since the Zoning Regulations do not impose a limitation on the number of stories for the Property; AMFRD abandoned this complaint.

## **DECISION**

For reasons discussed above, the Board DENIES the Motion to Dismiss to the extent it asserts that the appeal, as filed, stated no basis upon which relief can be granted, finds that the appeal was untimely filed and therefore GRANTS the Motion to Dismiss on that basis, and, in the alternative, sustains the Zoning Administrator’s decision to approve the building permit application for zoning compliance and therefore DENIES the appeal.

**VOTE: 3-0-2** (Lloyd J. Jordan, Marnique Y. Heath, and Anthony J. Hood (by absentee ballot) to DISMISS THE APPEAL as untimely and alternatively, SUSTAIN the decision of the Zoning Administrator; S. Kathryn Allen and 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 18, 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**

**Order No. 19411-B of 2814 Georgia LLC**, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the conditions of BZA Order No. 19411-A to permit the storage of trash in a public space in connection with the construction of a new, four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W.<sup>1</sup> (Square 2886, Lots 330 and 331).

The original application (No. 19411) was pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W. (Square 2886, Lot 330 and 331).

<b>HEARING DATE</b> (Case No. 19411):	January 18, 2017
<b>DECISION DATE</b> (Case No. 19411):	February 8, 2017
<b>ORDER ISSUANCE DATE</b> (19411):	February 10, 2017
<b>CORRECTED ORDER ISSUED</b> (19411A):	February 13, 2017
<b>MODIFICATION DECISION DATE:</b>	October 11, 2017

**SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE**

**BACKGROUND**

On February 8, 2017, in Application No. 19411, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by 2814 Georgia LLC (the “Applicant”) for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W. (Square 2886, Lot 330 and 331). The approval was under the 2016 Zoning Regulations which were then in effect. In the original case, the Advisory Neighborhood Commission (“ANC”), ANC 1B, submitted a report in support of the application, but requested that the Applicant store trash on private property. The Board adopted the ANC’s request for private trash storage as a condition in the Order.

The Board issued Order No. 19411 on February 10, 2017 and issued a corrected order, Order No. 19411A, on February 13, 2017. (Exhibit 1 of the record for Case No. 19411B.) The approval in Case No. 19411 was subject to two conditions, namely:

1. The Applicant shall implement the Transportation Demand Management plan in Exhibit 32A of the record.

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<sup>1</sup> Since the original application, the subject properties (2812-2814 Georgia Avenue) have been combined into one record lot (Lot 340) and have a single address, 2812 Georgia Avenue, N.W. (Exhibit 6.)

2. Trash shall be stored within private property.

### **MOTION FOR MODIFICATION OF CONSEQUENCE**

On August 14, 2017, the Applicant submitted a request for a minor modification to amend the approved plans and eliminate one of the conditions approved by the Board in Summary Order No. 19411 (Technical Correction 19411-A) (the “Order”). (Exhibits 1-6.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant is requesting to eliminate Condition No. 2, requiring trash to be stored within private property, and to relocate the trash storage to public space, as noted in the proposed revised plans in Exhibit 3 of the record of Application No. 19411-B.

In the Order, the Board approved the requested special exception relief under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W. (Square 2886, Lot 330 and 331). The application was granted subject to the two conditions, as noted above. The original order granted relief from the minimum parking requirements and imposed a condition regarding trash storage based on the ANC’s recommendations. The request now before the Board is to remove this condition, Condition No. 2 of Summary Order No. 19411 (Technical Correction 19411A), which provides that trash will be stored on private property. The Applicant claims that storage on private property is not feasible and now proposes a plan (Exhibit 3) with which the District Department of Transportation (“DDOT”) is in agreement, to locate the trash storage in public space. Other than these amendments to the Order requested in this application, the Applicant intends to construct the project in accordance with the original Board approval. (Exhibit 6.)

#### *Preliminary Matters*

The modification application was placed on the Board’s Public Meeting agenda for October 11, 2017, at which meeting the Board, on the advice of the Office of the Attorney General, first determined that under the 2016 Zoning Regulations, the request was for a modification of consequence, not a minor modification, as it is a request for a proposed modification of approved plans and conditions and thus meets the definition of a modification of consequence.

Subtitle Y § 703.4 states that “a proposed change to a condition cited by the Board in the final order” is a “modification of consequence”. Here, the Applicant seeks to remove Condition No. 2, which the Board finds constitutes a “change” to that condition. Thus, the application herein is a modification of consequence.

#### *The Merits of the Request for the Modification of Consequence*

As stated above, the Applicant’s request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.”

In the application herein, the Applicant is requesting a modification of consequence to the Order to revise previously approved plans in order to allow the storage of trash in public space and to eliminate Condition No. 2 of Summary Order No. 19411 (Technical Correction 19411-A), which required trash to be stored within private property. Other than these revisions to the approved plans and conditions, the project will be constructed as approved by the Board. (Exhibits 6.)

The Applicant claims that storage on private property is not feasible and now proposes a plan (Exhibit 3) with which the District Department of Transportation (“DDOT”) is in agreement, to locate the trash storage in public space.

The Applicant stated that locating the trash storage on the exterior of the building allows for more efficient layouts on the first floor interior space and that locating trash on the interior would have a significant negative impact on the common living space of the first floor units. Locating the trash in the rear of the property is not possible as there is no alley access. (Exhibit 6.)

The Applicant indicated that it has worked closely with DDOT and received approval for a trash storage plan that would allow the Applicant to store trash in public space. The Applicant claimed that it has made efforts to limit the visibility of the proposed trash storage area by providing a sub-trash area hidden behind a low wall. (Exhibit 6.)

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence shall be served on all other parties to the original application and those parties are allowed to submit comments within ten days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for modification of consequence to Advisory Neighborhood Commission (“ANC”) 1B, the only other party to Application No. 19411. ANC 1B submitted a report dated September 11, 2017, that indicated that the ANC, at a properly noticed and fully quorumed public meeting on September 7, 2017, voted 10-0-0 to support the Modification of Consequence request. Specifically, in its report, the ANC noted that it appreciated that the Board incorporated the ANC’s previous concerns in the Order, but that after reviewing the DDOT-approved plan in the current application, the ANC is in support of the plan and amending the Order as requested. (Exhibit 9.)

The Applicant also served its request on OP. OP submitted a report dated September 29, 2017, recommending the Board approve the modification requested by the Applicant and noting that the request does not affect the material facts on which the Board based its original approval. (Exhibit 11.)

DDOT filed a report dated September 29, 2017, stating that it had no objection to the approval of the modification request provided that the Applicant receives public space permit approval to store trash in the public space. (Exhibit 10.)

On October 11, 2017, the Board deliberated on and approved the modification request.

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of consequence. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a modification of consequence to the approved plans and conditions approved in Case No. 19411, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant the request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of consequence of the Board's approval in Application No. 19411 is hereby **GRANTED SUBJECT TO APPROVED PLANS AT EXHIBIT 3 AND THE ELIMINATION OF CONDITION 2.**

In all other respects, Order Nos. 19411 and 19411-A remain unchanged.

**VOTE ON ORIGINAL APPLICATION ON FEBRUARY 8, 2007: 3-0-2**

(Frederick L. Hill, Carlton E. Hart, and Michael G. Turnbull (by absentee vote) to APPROVE; two Board seats vacant.)

**VOTE ON MODIFICATION OF CONSEQUENCE ON OCTOBER 11, 2017: 4-0-1**

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 17, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19580 of Philip Renzullo** as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, the side yard requirements of Subtitle D § 307.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a second floor rear addition to an existing one-family dwelling in the R-1-B Zone at premises 3605 Patterson Street N.W. (Square 1863, Lot 36).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** October 11, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 6 (original) and 29 (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.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3G, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on September 25, 2017, at which a quorum was in attendance, ANC 3G voted 4-0-0 to support the application. (Exhibit 33.)

The Office of Planning ("OP") submitted a timely report dated September 29, 2017, in support of the application. (Exhibit 32.) The District Department of Transportation ("DDOT")

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<sup>1</sup> The Applicant amended the application by adding to the original request the nonconforming structure requirements of Subtitle C § 202.2. (Exhibit 29.) The caption has been amended accordingly



submitted a timely report, dated September 27, 2017, expressing no objection to the approval of the application. (Exhibit 31.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, the side yard requirements of Subtitle D § 307.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a second floor rear addition to an existing one-family dwelling in the R-1-B Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, Subtitle D §§ 5201, 306.1, and 307.1, 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 8.**

**VOTE: 4-0-1** (Frederick L. Hill, Michael G. Turnbull, Carlton E. Hart, and Lesylleé M. White to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 12, 2017

**BZA APPLICATION NO. 19580**  
**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.

**BZA APPLICATION NO. 19580**  
**PAGE NO. 3**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19585 of Leonard and Sheryl Bennett**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D §§ 306.3 and 306.4, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a three-story rear addition to an existing one-family dwelling in the R-3 Zone at premises 1644 U Street S.E. (Square 5765, Lot 855).<sup>1</sup>

**HEARING DATE:** October 11, 2017  
**DECISION DATE:** October 11, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 10 (original) and 13 (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") 8A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8A, 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 5-0-0 to support the application. (Exhibit 32.)

The Office of Planning ("OP") submitted a timely report, dated September 29, 2017, in support of the application. (Exhibit 35.) The District Department of Transportation ("DDOT")

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<sup>1</sup> On the advice of the Office of the Attorney General, the Board, at the hearing, clarified with the Applicant that the application included a request for special exception relief from the nonconforming structure requirements of Subtitle C § 202.2 as well as the rear yard requirements of Subtitle D § 306.4. The Applicant answered in the affirmative that they were requesting the relief. (Exhibits 10 and 13.) However, according to the Office of Planning's report, the existing structure has no nonconforming aspects. (Exhibit 35.) Also, while there is no referral memo from the Zoning Administrator ("ZA"), there are comments from the ZA in the record that indicate that relief is needed from the 10-foot rear extension limitation. However, the ZA's comments do not indicate a need for relief from Subtitle C § 202.2. (Exhibit 8.) The caption has been revised to include all the relief requested accordingly.

submitted a timely report, dated September 27, 2017, expressing no objection to the approval of the application. (Exhibit 34.)

Two letters of support for the application were submitted to the record by both adjacent neighbors. (Exhibit 11.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D §§ 306.3 and 306.4, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a three-story rear addition to an existing one-family dwelling in the R-3 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 5201, 306.3, and 306.4, 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 12.**

**VOTE: 4-0-1** (Carlton E. Hart, Frederick L. Hill, Lesylleé M. White, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 13, 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. 19585**  
**PAGE NO. 2**

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 04-14D**

**Z.C. Case No. 04-14D**

**Florida Rock Properties, Inc. and Riverfront Holdings I, LLC  
(Second-Stage PUD – RiverFront on the Anacostia – Phase II)**

**February 13, 2017**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on January 23, 2017, to consider an application of Florida Rock Properties, Inc. and Riverfront Holdings I, LLC (collectively, the “Applicant”) for the review and approval of the second stage of an approved PUD and PUD-related map amendment. The Commission considered the application pursuant to Chapter 24 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”), effective May 12, 1958, as amended through September 5, 2016 (the “1958 Zoning Regulations”). The application also requested approval of the design review required for the marina pursuant to Chapter 16 of the 1958 Regulations. The public hearing was conducted in accordance with the provisions of Subtitle Z, Chapter 4 of the 2016 District of Columbia Zoning Regulations, Title 11 of the DCMR, effective September 6, 2016, as amended (the “2016 Zoning Regulations”). The Commission approves the application, including the design review, subject to the conditions below.

**FINDINGS OF FACT**

**Application, Parties, and Hearing**

1. The property that is the subject of the application is comprised of a portion of Lot 14 in Square 708 and includes the adjacent riparian area (the “Property”). (Exhibit [“Ex.”] 1, 19.)
2. In June 2016, the Applicant submitted an application for second-stage PUD approval for Phase II of the Stage 1 PUD approved by Z.C. Order No. 04-14B. The application sought approval to develop a 130-foot-tall mixed-use building with retail and residential uses above and below-grade parking. (Ex. 1-2.)
3. The application was set down for a public hearing at the Commission’s September 26, 2016 public meeting. Notice of the public hearing was published in the *D.C. Register* on December 2, 2016 (*D.C. Register*, Volume 63, Issue 50), and was mailed to Advisory Neighborhood Commission (“ANC”) 6D and to owners of property within 200 feet of the second-stage PUD site. (Ex. 14-15.)
4. A public hearing was conducted on January 23, 2017. The Commission accepted Marius Radulescu as an expert in the field of architecture, Robert Schiesel as an expert in the field of traffic engineering, and Don Hoover as an expert in the field of landscape architecture. The Applicant provided testimony from these experts as well as from Frederick Rothmeijer, a Founding Principal of MRP Realty, and David H. deVilliers, Jr., the President of FRP Development Corp. (1/23/2017 Transcript [“Tr.”] at 18-58.)

5. In addition to the Applicant, ANC 6D was automatically a party in this proceeding. ANC 6D submitted a resolution dated November 16, 2016 into the record in support of the application. (Ex. 12.)
6. A letter from Kristin Taddei, a Planning Advocate with Casey Trees, was filed in the record in support of the Project. The letter noted appreciation of the Applicant's efforts to include significant trees in its landscaping plan and diverse plantings at the Property. (Ex. 24.)
7. At the hearing, the Commission heard testimony and received evidence from the Office of Planning ("OP") and the District Department of Transportation ("DDOT") recommending approval of the application. The Commission also received a report from the Department of Energy and the Environment ("DOEE") recommending approval of the application. (Ex. 20, 21, 22.)
8. The Commission also heard testimony from the ANC Single Member District representative in support of the application. No person or party testified in opposition to the application. (Ex. 28.)
9. At the close of the hearing, the Commission asked the Applicant for further information on the issues it raised during the hearing regarding: (1) roof shade element, (2) green spaces, (3) architectural notes on the plans, (4) affordable housing unit floor plan, and (5) levels of affordability provided for the Inclusionary Zoning units. (1/23/2017 Tr. at 70-72.)
10. The Applicant filed its post-hearing submission addressing the Commission's comments on January 30, 2017. (Ex. 30-30B7.)
11. The Commission took final action to approve the application on February 13, 2017.

### **First-Stage PUD Approval**

12. Pursuant to Z.C. Order No. 850, a first-stage PUD was first approved in 1998 for the Property for an office and retail project consisting of 1.5 million square feet of gross floor area in two buildings (6.0 floor area ratio ["FAR"]), with a maximum height of 130 feet. A second-stage PUD was approved in connection with Z.C. Order No. 910 the following year in 1999. The second-stage PUD was consistent with the first-stage approval. It provided amenity spaces along the waterfront, as well as proposed neighborhood-serving retail and exhibition space. The PUD included a significant amount of "amenity property" that would be dedicated to maritime programs, residential use (when market appropriate), and parkland. Nevertheless, the PUD continued to focus on solely commercial uses. (Ex. 1.)
13. Prior to the expiration of the PUD approved by Z.C. Order No. 910, the Applicant filed an application to extend the second-stage PUD. The Commission denied the request (Z.C. Order No. 910-A) but ultimately granted a conditional extension of the project as a

first-stage PUD. Since the approval of the second-stage PUD in 1999, planning efforts were underway to establish the Capital Gateway Overlay and to construct a stadium for the Nationals baseball team. In light of the changed conditions of the surrounding area, the Commission wanted the opportunity to review the proposed development for the Property. OP had suggested a series of conditions for the approval of the extension of the first-stage PUD, which were adopted by Z.C. Order No. 910-B. (Ex. 1.)

14. In 2004, the Applicant filed an application for second-stage PUD approval for the Property. Plans for the ballpark were released prior to the hearing, forcing the Applicant to reconsider some aspects of the project. The PUD was ultimately approved in 2008 pursuant to Z.C. Order No. 04-14. The approval contemplated four phases of development that focused primarily on office development. Phases I and III of the approval were for office buildings, Phase II was for a residential building, and Phase IV was for a hotel. As part of Z.C. Order No. 04-14, the Commission approved a PUD-related map amendment for the Property from the CG/W-2 Zone District to the C-3-C Zone District. (Ex. 1.)
15. In 2013, the Commission approved a modification of this approval. Pursuant to Z.C. Order No. 04-14B, the focus of the development shifted from commercial office buildings to residential buildings. Z.C. Order No. 04-14B approved two residential buildings in Phases I and II, a commercial office building in Phase III, and a hotel in Phase IV. This application is for the residential building set forth for Phase II in Z.C. Order No. 04-14B. (Ex. 1.)
16. In its Stage 1 approval for Phase II, the Commission approved a 130-foot-tall, 261,515-square-foot residential development with approximately 5,630 square feet of retail uses. The residential building included approximately 282 units and 262 below-grade parking spaces. (Ex. 1B, p. 10.)

### **Second-Stage PUD Approval**

#### Overview of the Property

17. The PUD Site is located along Potomac Avenue, S.E. (Square 708, Lot 14). It is bound by Potomac Avenue on the north, the Anacostia River on the south, Phase I to its east, and Phase III to its west. It is located between Nationals Park and the Anacostia River to the north and south, respectively, and Yards Park and the future soccer stadium to its east and west, respectively. (Ex. 1 at p. 6; 27A1.)
18. The Property comprises a portion of Lot 14, as depicted in the site plan. (Ex. 19B1.) It is 48,596 square feet in size. The adjacent riparian area is 108,190 square feet in size. (Ex. 19 at 2; 19B5 at Sheet A100.)
19. The Property, like those surrounding it, was initially zoned for industrial uses. A PUD-related map amendment to the C-3-C Zone District was approved for the Property in connection with Z.C. Case No. 04-14. The Applicant does not propose modifying the



approved C-3-C Zone District. The marina is located in the CG/W-2 Zone District. (Ex. 1D, 19, 19B2.) As such, the marina is subject to the require of § 1610.1 that “all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission” in accordance with the requirements of the §§ 1610.3 and 1610.4. The Applicant requests the Commission to undertake this review as part of this PUD application. The Commission’s application of the applicable design review criteria appears in Finding of Fact No. 49 below.

20. To the east of the Property is Diamond Teague Park, which was constructed with the help of an \$800,000 contribution made by Florida Rock, as a condition of the Z.C. 04-14B Order. (Ex. 27A1.)

### The Project

21. The application is for a 130-foot-tall building with approximately 7,709-11,436 square feet of retail use, a range of 250-285 residential units, and up to 185 below-grade parking spaces. (Ex. 1; 30B5 at Sheet A100.)
22. The total gross floor area for the Project is approximately 255,627 square feet for a total FAR of approximately 5.3 and a lot occupancy of approximately 44%. The building will have a maximum height of approximately 130 feet. (Ex. 19B5.)
23. This Project design is consistent with the Stage 1 approval in Z.C. Order No. 04-14B. The primary change to the Stage 1 approval is an increase in the retail square footage. The Commission finds that the retail use is consistent with the general approval of Stage 1 and with the Comprehensive Plan for this area. (Ex. 1.)
24. At the hearing, the Applicant’s representatives testified that the building design would complement the existing Phase I building that has been constructed at the PUD site. The landscaping and materials will match the Phase I project and continue the overall riverfront design aesthetic. (1/23/2017 Tr. at 25.)
25. The Project design complements Phase I and will improve the pedestrian experience surrounding the entire Property, as well as promote waterfront connectivity through the Esplanade of the Project. The Project will feature multiple pedestrian entrances along Potomac Avenue, as well as vehicular entrances from Florida Rock Alley. (Ex. 1.)
26. At the hearing, the project architect provided a detailed description of the building design intent, façade design, materials selection, and surrounding context. The architect noted the proposed components of the building design including type and color of materials, ground-floor design and rooflines, and use of balconies were all incorporated based on their compatibility with Phase I in order to articulate the building’s facades. The architect also testified that the location of the building between the ballpark and the Anacostia River inspired the building design. (1/23/2017 Tr. at 2-11.)

27. Based on the report from Gorove-Slade, the Applicant's traffic consultant, the site plan will help mitigate vehicular impacts of the Project by providing easy access to bicycle facilities, including trails and short-term and long-term bicycle spaces. In the Stage 1 approval in paragraph 17 of the Conclusions of Law in Z.C. Order No. 04-14B, the Commission determined that the Project would not cause adverse traffic impacts. The Commission finds that the Stage 2 plans are consistent with the approved Stage 1 Project, and therefore, there will be no adverse traffic impacts from the Project as discussed below: (Ex. 26, 30.)
- a. Vehicular access is proposed along Potomac Avenue, which is consistent with what was approved during the Stage 1 PUD;
  - b. The proposed parking and loading is adequate to support the parking and loading needs of the residential, retail, and marina uses and is consistent with the Stage 1 approval;
  - c. Pedestrian facilities will be improved along the perimeter of the site and additional internal connectivity will provide a high-quality pedestrian environment along the Anacostia Riverfront;
  - d. The Project will provide approximately 106 bicycle parking spaces, including both surface spaces and spaces within the parking garage. The extensive bicycle facilities will help vehicular impacts of the Project by providing convenient transportation alternatives; and
  - e. The Applicant's Transportation Demand Management ("TDM") Plan includes significant TDM measures, including: (1) meeting or exceeding the 2016 Zoning Regulations requirements for short- and long-term bicycle parking; (2) unbundling all parking from the costs of a lease or purchase, which parking costs will be set at no less than the charges of the lowest fee garage located within a quarter mile; (3) posting all TDM commitments online, publicizing availability, and allowing the public to see what commitments have been promised; (4) identifying a TDM Leader (for planning, construction, and operations) to work with residents of the building to distribute and market various transportation alternatives and options; (5) providing links to CommuterConnections.com and goDCgo.com on property websites; (6) installing a Transportation Information Center Display (electronic screen) within the residential lobby containing information related to local transportation alternatives; (7) dedicating two parking spaces within the garage for car-sharing services to use with right of first refusal; (8) funding the installation of the new Capital Bikeshare station and its first year's operating expenses up to \$83,000; and (9) offering either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to each residential unit for a three-year-period starting at the initial lease up of each unit.

28. Based on the civil plans and the Applicant's testimony at the hearing, the proposed Project will minimize environmental impacts, particularly compared to existing conditions. Specific features cited by the Applicant's representative include a green roof for the building, the use of rain gardens and bioswales in the landscaping of the project, and a green area ratio of .326. The Project will be certified at the LEED v4 Silver level. (Ex. 30; 30B3 at Sheet-L401.)
29. The marina will be accessed from the public waterfront on the Anacostia River. The public will have general access to a main pier, public event and retail space, and public transient boat slips. There will also be private boat slips on the marina. The marina is designed around a main pier, a floating promenade, and floating docks with varying numbers of slips attached to each element. (Ex. 19.)
30. The Applicant requested flexibility from the record lot requirements of § 3202.3(b) of the 1958 Zoning Regulations in order to accommodate the marina, which will not have an underlying record lot; flexibility from the loading requirements of § 2201 of the 1958 Zoning Regulations in order to provide a 30-foot loading berth instead of a 40-foot loading berth as approved in the Stage 1 PUD approval; and flexibility for side yard relief from § 775 of the 1958 Zoning Regulations to provide a minimum side yard of 10 feet, which was included in the Stage 1 PUD. (Ex. 19.)

#### Project Amenities and Public Benefits

31. The amenities and public benefits of the PUD were proffered and accepted in conjunction with the Stage 1 PUD process. In the PUD Order, the Commission recognized that the Applicant's proffered benefits and amenities were significant, thus making the development incentives proposed in the initial application appropriate and commensurate with the flexibility afforded by the PUD process. (Z.C. Order. No. 04-14B at 28 (COL 8)).
32. As detailed in the Applicant's testimony and written submissions, the proposed Project will implement the following project amenities and public benefits that were approved as part of the PUD: (Ex. 1, 11, 19; 30 at Sheet L-401.)
  - a. Exemplary urban design, architecture, and landscaping, including high-quality materials, pedestrian-oriented landscape improvements, clear separation of pedestrian and vehicular entrances and circulation patterns, and sustainable features. The Project incorporates extensive pedestrian and bicycle pathways along the waterfront, landscaping with native plantings that far exceed existing plantings on-site, and introduces sustainable features such as bioswales;
  - b. Site planning and efficient land utilization, through the further development of this waterfront area, which will continue to activate the Anacostia Riverfront through the provision of ground-floor retail and introduction of active and passive recreation areas;

- c. Effective and safe vehicular and pedestrian access and transportation management measures. Specific features include:
- i. Access to parking and loading from the same curbcuts used to access service uses for Phase I;
  - ii. Providing designated pedestrian and bicycle pathways along the Esplanade providing access to the water and access across the site;
  - iii. The Applicant will unbundle all parking from the costs of a lease or purchase;
  - iv. The Applicant will fund the installation of the new Capital Bikeshare station and its first year's operating expenses up to \$83,000; and
  - v. The Applicant will offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to each residential unit for a three-year period starting at the initial lease up of each unit;
- d. Environmental benefits, include a green roof, the use of rain gardens and bioswales in the landscaping of the project, and a green area ratio of .326. The Project will be LEED v4 Silver certified. These features exceed the sustainable features currently located on the Property and will help mitigate any environmental impacts of the Project through improved stormwater management and minimizing energy usage;
- e. Uses of special value, including ground-floor retail and passive recreation areas along both Potomac Avenue and the Anacostia riverfront. The Project incorporates approximately 26,000 square feet of open area accessible to the public;
- f. Housing and affordable housing, including affordable housing provided at a lower level of affordability than required by the Zoning Regulations. The Project is subject to the Inclusionary Zoning Regulations as set forth in Chapter 26 of the 1958 Regulations. Therefore, eight percent of the residential gross floor area of the Project must be reserved as Inclusionary Units reserved for eligible households earning equal to or less than 80% of the Average Median Income ("AMI"). However, while the Applicant will be reserving six percent of the residential gross floor area of the Project as Inclusionary Units reserved for eligible households earning equal to or less than 80%, it has agreed to reserve two percent of the residential gross floor area as Inclusionary Units reserved for eligible households earning equal to or less than 60%;
- g. A First Source Agreement with the Department of Employment Services, which promotes and encourages the hiring of District of Columbia residents. The

Agreement is in the record as Exhibit 94 for Z.C. Case No. 04-14. In addition, the Applicant has agreed to implement an Employment and Training Skills program, which will target residents in the immediate neighborhood to fill positions generated by the development;

- h. A Memorandum of Understanding with the Department of Small and Local Business Development to utilize certified local, small, and disadvantaged enterprises for work comprising at least 35% of the contracted development costs of Phase 2, as reflected in Exhibit 94 in Z.C. Case No. 04-14; and
- i. The Applicant made a contribution in the amount of \$800,000 to the construction of the Diamond Teague Park. The Park has been constructed with the help of this contribution. It is located at the southeast edge of the Property and complements the open spaces constructed with Phase I.

#### **Compliance with Requirements of Z.C. Order No. 04-14B**

- 33. The Stage 2 application is consistent with the approval set forth in Z.C. Order No. 04-14B, pursuant to Condition A of Z.C. Order No. 04-14B. (Ex. 1, 1B.)
- 34. Pursuant to Condition B-1 of the Order, Phase II will be certified at the LEED v4 Silver level. (Ex. 30.)
- 35. Pursuant to Condition B-2 of the Order, the Applicant will abide by the terms of the executed Memorandum of Understanding with the D.C. Department of Small and Local Business Development attached as Tab 5 to the Summary of Amenities and Benefits (Exhibit 94 in Case No. 04-14) to achieve the target goal of 35% participation by Certified Business Enterprises in the contracted development costs in connection with the design, development, construction, maintenance and security for the project to be created as a result of the PUD project, as specified in Z.C. Case No. 04-14. (Ex. 1, 1B.)
- 36. Pursuant to Condition B-3 of the Order, the Applicant will abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services, attached as Tab 4 to the Summary of Amenities and Benefits (Exhibit 94 in Case No. 04-14), to achieve the goal of utilizing District of Columbia residents for at least 51% of the new jobs created by the PUD project. The Applicant shall also abide by the Employment and Skills Training Plan made part of that agreement, also attached as Tab 4 to the Summary of Amenities and Benefits (Exhibit 94 in Z.C. Case No. 04-14). (Ex. 1, 1B.)
- 37. Pursuant to Condition B-4 of the Order, the Applicant has provided proof of having fulfilled the obligation to contribute \$800,000 to the District of Columbia for Diamond Teague Park prior to issuance of a building permit for Phase I. (Ex. 1, 1B.)

38. Pursuant to Condition C-5, the Applicant filed the application for Stage 2 approval of Phase II within two years of the date a building permit was issued for Phase I. (Ex. 1, 1B.)
39. The other conditions of the Order were solely based on Phase I of the Project, and therefore do not require action by the Applicant for this application. (Ex. 1, 1B.)
40. Upon review of the record, the Commission finds that the Applicant has satisfied the above conditions and requirements of Z.C. Order No. 04-14B.

#### **Compliance with PUD Standards**

41. 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.” During its consideration of the first-stage PUD in Z.C. Case No. 04-14 and 04-14B, the Commission determined that the development incentives and related rezoning for the entire Property were appropriate and fully justified by the superior benefits and amenities offered by the PUD. Here, the Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations for this second-stage PUD, including the requested flexibility from the record lot, loading, and side yard and satisfaction of the PUD standards. The benefits and amenities proffered by the Project are commensurate with the flexibility afforded by the PUD process. The flexibility afforded by the PUD process for Phase II provides an increase in height and flexibility from the requirements noted above; however, the PUD process provides no flexibility in density for Phase II. The Commission determined in Stage 1 that the benefits and amenities were sufficient for the proposed development. Nevertheless, the Applicant has increased the proffered benefits and amenities to address Commissioner and community comments. Thus, the Commission finds that the Applicant’s proffered benefits and amenities are commensurate with the flexibility afforded through this PUD. (Ex. 1, 11, 19, 30.)
42. The Commission credits the testimony of the Applicant and its architectural experts and finds that the superior design, site planning, streetscape, sustainable design, uses of special value, and open space features of the Project all constitute acceptable project amenities and public benefits consistent with the Commission’s first-stage approval and objectives of the Comprehensive Plan. (1/23/2017 Tr. at 8-58.)
43. The Commission finds that the character, scale, mix of uses, and design of the Project 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. The high level of the quality of the materials incorporated into the landscaping of the Project will establish a sense of place and help the Project realize its objective of attracting the public to the riverfront. The building itself utilizes a mix of materials, which marks the high quality of the building design and the attention to establishing a high level of character for the PUD site. (Ex. 1-1I7, 19-19B7, 30-30B7.)

44. The Commission finds that the site plan and features of the Project, including the marina, building massing, uses, amount of parking, the general site circulation, and the proposed interim uses for Phases III and IV, are consistent with the first-stage PUD. (Ex. 1-1I7, 1B, 19-19B7, 30-30B7.)
45. For the reasons detailed in this Order, the Commission credits the testimony of the Applicant's traffic consultant and finds that the traffic, parking, and other transportation impacts of the Project 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. (1/23/2017 Tr. at 32-33.)
46. As detailed in this Order, the Commission agrees with DDOT's conclusions regarding vehicular and pedestrian impacts and related issues with the proposed development. (Ex. 22.)
47. For the reasons detailed in this Order, the Commission credits the civil plans submitted into the record and finds that the Project will not only improve the sustainability of the Property but help also mitigate impacts of the Project. The bioswale and rain gardens will improve stormwater management on the Property while the green roof will also help minimize stormwater runoff, energy use, and heat island effects. (Ex. 1, 19, 30B7.)
48. The Commission credits the testimony of the Applicant and OP regarding the compliance of the Project with the District of Columbia Comprehensive Plan. The PUD is not inconsistent with the Comprehensive Plan and it furthers the goals and policies in the map, citywide and area elements of the Plan. As noted in Z.C. Order Nos. 04-14 and 04-14 B, which approved the map amendment for the Property and the massing of the PUD, respectively, the Commission incorporates by reference the analysis of the Comprehensive Plan noted on pages 5-6, 15 of Z.C. Order No. 04-14 and pages 16-24 of Z.C. Order No. 04-14B. (Ex. 1, 10, 20.)
49. The Commission reviewed the marina pursuant to the design review guidelines of the Capitol Gateway Overlay, as outlined in § 1610 and concludes as follows:
  - a. The building or structure provides suitably designed public open spaces along the waterfront (§ 1610.4(a)). The landscape plan calls for extensive landscaping along the waterfront, which provides opportunities for visitors to enjoy the waterfront. The open spaces also include a pedestrian pathway and a bicycle pathway that provide access through the site and provide vibrant views of the Anacostia River. The marina introduces a new element of both passive and active recreation to the Project. The piers are accessible to the public and can be used to catch closer glimpses of the River. Some of the slips will also be reserved for public use, allowing for recreation water sports, while others will be private. Just as the Esplanade activates the waterfront on the land, the marina will activate the waterfront on the River;

- b. The plans in the application provide suitable treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and include provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront (§ 1610.4(b)). The pedestrian and bicycle pathways for Phase II connect to those pathways that were constructed in connection with Phase I of the PUD, to its east. The pathways will continue west and will connect with Phase III of the PUD, once Phase III moves forward. The marina connects to the Esplanade, giving the marina direct access to the public. The recordation of the PUD covenant against the Property ensures that these spaces will remain open to the public for the life of the Project and that they will be maintained by the property owner; and
- c. The application incorporates a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street and the Frederick Douglass Bridge (§ 1610.5(c)). The marina will not affect views of these important landmarks. As shown in the renderings submitted with the application, no enclosed spaces on the marina exceed one story, ensuring that it will not obstruct views of the river, bridge, stadium or other important landmarks. The Applicant incorporated the in-depth view analysis conducted in connection with the Stage 1 PUD, which determined that the massing was appropriate for the context of the Project. (Case No. 04-14B, Ex. 38A1.)

### Agency Reports

50. By report dated September 2, 2016 and by testimony at a public meeting, OP recommended the application be set down for public hearing. As noted on pages 1, 4, 5, 6, and 7 OP had comments on the Project at the time, which the Applicant responded to accordingly: (Ex. 10.)
  - a. Provide a more coherent building design. In response, the Applicant redesigned the building, and in evidence submitted and in testimony at the hearing, OP indicated they were satisfied with this response;
  - b. Provide more detailed drawings overall and detailed street-level renderings showing materials and signage, as well as revising the vertical orange sign. The Applicant provided additional detailed drawings, including a revised signage plan, and in evidence submitted and in testimony at the hearing, OP indicated they were satisfied with this response;
  - c. Pursue LEED-Gold. The Applicant agreed to pursue LEED v2009 Gold; however, based on comments from DOEE, the Applicant modified its approach to instead pursue LEED v4 Silver. The Commission finds that this responds to both OP and DOEE's concerns; and



- d. Provide additional detail regarding the affordable housing proffer. The Commission finds that the Applicant addressed these concerns appropriately in its post-hearing submission agreeing to providing six percent of the residential gross floor area for units affordable to households with an annual income no greater than 80% AMI and two percent of the residential gross floor area for units affordable to households with an annual income no greater than 60% AMI.
51. By report dated January 13, 2017 and by testimony at the public hearing, OP recommended approval of the second stage application. OP reviewed the application under the PUD standards of the Zoning Regulations as well as the specific conditions of the PUD Order, and concluded that the Applicant satisfied its burden of proof. OP found that the Project represents a link in the emerging development of DC's waterfront, which is critical to the District's tourism industry, and its overall economic development and housing growth. OP encouraged the Applicant to consider increasing the affordability proffer and distributing the affordable units more evenly throughout the building. The Commission finds that the Applicant addressed the concerns in the OP report appropriately in its post-hearing submission by agreeing to provide six percent of the residential gross floor area for units affordable to households with an annual income no greater than 80% AMI and two percent of the residential gross floor area for units affordable to households with an annual income no greater than 60% AMI. (Ex. 20.)
  52. By report dated January 13, 2017, DDOT recommended approval of the Applicant's application based on its review of the vehicular, pedestrian, and other transportation impacts of the Project. DDOT's specific conclusions and recommendations were: (Ex. 22.)
    - a. That the impact of the project on the transportation network was consistent with the Stage 1 PUD approval;
    - b. That the Applicant is providing bicycle parking spaces which exceed the zoning requirements; and
    - c. That the TDM Management strategies proposed by the Applicant are appropriate for the scale of the project, subject to an uncapped cost for the Capital Bikeshare station.

In testimony at the hearing, DDOT testified that DDOT and the Applicant agreed instead of having an uncapped cost for the Capital Bikeshare station, the amount would be capped at \$83,000, which amount would be revisited in the event the Applicant applied for a PUD extension. The Commission finds that the Applicant addressed the concerns in the DDOT report appropriately. (1/23/2017 Tr. at 61-63.)

53. DDOT reiterated its previous objections to incorporating District property into the land area of Phases III and IV but acknowledged that this did not affect Phase II. Accordingly, DDOT did not object to progressing with approval of the Phase II development. (Ex. 22 at 1-2.)

54. By report dated January 13, 2017, DOEE recommended approval of the Applicant's application based on its review of the design and environmental performance of the Project, subject to certain conditions and comments: (Ex. 21.)
- a. Recommending that the Applicant coordinate with the Riverwalk Trail guidelines and provide integration with the adjacent Diamond Teague Park and proposed underpass below the South Capitol Street Bridge;
  - b. Additional details regarding the stormwater management strategy will be necessary primary to permitting;
  - c. The design of the marina when finalized will need to comply with the DOEE Clean Marina program;
  - d. Finding opportunities for increased and integrated landscaping, pervious paving, and increased stormwater management;
  - e. Compliance with Control of Fugitive Dust regulations;
  - f. The Applicant should consider using lower-emitting and efficient technologies for the Project;
  - g. Commending the project for taking measures to minimize intersection vehicle emissions;
  - h. The Applicant should consider elevated parking garage vents;
  - i. The Applicant should consider the LEED v.4 guidelines used to determine LEED level and ensuring that the project is energy efficient, even though such change would likely result in a LEED-Silver certification for the project;
  - j. The Applicant should consider solar panels to generate a minimum one percent of the building's total energy use; and
  - k. The Applicant should investigate opportunities for financial tools that would allow an increased commitment to sustainability.
55. The Commission finds that the Applicant, through the evidence submitted and testimony at the hearing, has adequately addressed DOEE's comments. Specifically, the Applicant: (Ex. 30; 1/23/17 Tr. at 11, 39.)
- a. Designed the waterfront with the Riverwalk Trail guidelines and the Diamond Teague Park in mind;
  - b. Will ensure that the Project meets or exceeds DOEE's requirements related to stormwater management;

- c. As detailed in the post-hearing submission, the Applicant has increased the amount of pervious paving and green space at the Project in response to DOEE's and Commissioners' comments;
- d. Regarding air quality, the Applicant will comply with requirements of law;
- e. The Applicant committed to LEED v2009 Gold certification. However, based on DOEE's comments, the Applicant modified its commitment to LEED v4 Silver certification;
- f. The Applicant testified at the hearing that it could not commit to solar panels as it made the green roof impractical and would therefore conflict with other sustainability efforts of the Project; and
- g. The Applicant testified at the hearing that it would continue working with DOEE throughout the permitting phase of the Project.

Based on these responses, the Commission credits the Applicant with addressing DOEE's concerns.

#### **ANC 6D Report**

- 56. At a duly noticed and regularly scheduled meeting on September 12, 2016, with a quorum present, the ANC approved a resolution in support of the project, noting specifically: (Ex. 12.)
  - a. The ANC was supportive of the overall design and uses for the Phase II development;
  - b. The ANC was supportive of the design aesthetic of the Phase II building, landscaping, and riverfront esplanade; and
  - c. The ANC was supportive of requested relief for the project.
- 57. The ANC also noted its appreciation of the Applicant's additional benefit and amenity proffers, including: (Ex. 12.)
  - a. Affordable housing of eight percent of the residential units in Phase II to households at 80% of the Area Median Income;
  - b. A dog park for use by the community at a location on Phase III or Phase IV;
  - c. Construction Management plan which the Applicant will submit to the ANC and which will include provisions requiring the Applicant to submit requests for after-hours construction permits;

- d. The restriction for residents to be ineligible for the Residential Parking Permit Program; and
- e. That the Applicant will achieve certification at the LEED-Silver Level.

### **Testimony in Support**

58. At the hearing, the Commission received testimony from Meredith Fascett, the ANC Single Member District representative of the area including the Property, in support of the Application. Ms. Fascett testified that the Applicant has been a good neighbor and revised the benefits and amenities to respond to ANC concerns. (Ex. 28.)
59. The Commission also received a letter from Kristin Taddei, a Planning Advocate with Casey Trees, in support of the Project. The letter noted appreciation of the Applicant's efforts to include significant trees in its landscaping plan and diverse plantings at the Property. (Ex. 24.)

### **Testimony in Opposition**

60. No persons or organizations provided testimony in opposition to the application.

### **CONCLUSIONS OF LAW**

1. The Property meets the minimum area requirements of Chapter 24 of the Zoning Regulations.
2. Proper notice of the proposed PUD was provided in accordance with the requirements of the Zoning Regulations and as approved by the Commission.
3. 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.)
4. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider the application as a second-stage PUD. This second-stage review permits detailed design review of the project based on the conceptual height, density, and use parameters established in the first-stage PUD and the benefits and amenities approved in exchange for that height, density, and design flexibility. The Commission concludes that the Project is consistent with the first-stage PUD, including the parameters regarding location, use, height, bulk, and parking set forth for the Property in the first-stage PUD. The benefits and amenities included in the second-stage PUD are also consistent with those approved in the first-stage PUD. The benefits and amenities approved in the first stage PUD have been deemed commensurate with the flexibility requested.

5. In approving the PUD, the Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards. In this application, the Commission concludes that the requested flexibility from the record lot, side yard, and loading requirements can be granted without detriment to surrounding properties and without detriment to the zone plan or map.
6. The development of the PUD will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that offer more attractive and efficient overall planning and design not achievable under matter-of-right standards. Here, the height, character, scale, massing of the PUD was approved under the first-stage PUD application and is not the subject of this application. The Commission reviewed the second stage application to evaluate its consistency with the first-stage approval and to determine if the design and materials are appropriate and exceed the quality of what would otherwise be constructed as a matter of right. Based on the architectural plans presented, the Commission believes that Phase II exemplifies superior design that would not otherwise be achieved but for the PUD process. The design of Phase II capitalizes on the Property's waterfront location and promotes citywide and area plans of the District of Columbia.
7. The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval is warranted for the reasons detailed below.
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 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 as discussed below:
  - a. Transportation: 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 introduction of

additional residents and retail uses will increase use of transportation services, which will be mitigated by the Applicant's transportation demand management program.

The site plan approved in the Stage 1 application minimizes vehicular conflicts by minimizing the number of curbcuts from Potomac Avenue and by providing separate pedestrian and bicycle areas along the river. It also provides convenient and efficient opportunities for pedestrian and bicycle travel through the site, providing an alternative to vehicular transportation.

The Commission agrees with the Applicant's and DDOT's reports that the conclusions reached in the first-stage PUD with respect to the adequacy of the parking supply, trip generation, and such conclusions are not modified by the second-stage application. The Commission also finds that the Applicant's TDM management strategy is sufficient to mitigate impacts from the introduction of additional residential, marina, and retail uses.

The Commission agrees with the Applicant's and DDOT's reports that the proposed 30-foot berth can adequately serve the residential, retail and marina uses in the Project. The first-stage PUD approved a 40-foot berth; the second-stage application modified this to provide a 30-foot berth. Loading activities will not be affected by this modification;

- b. Environmental: Based on review of the civil plans submitted into the record, the Commission finds that the stormwater management facilities will greatly improve upon existing facilities with respect to treating stormwater runoff. Based on DOEE's report, the Commission is confident that the stormwater facilities will comply with District requirements and will adequately mitigate construction of a mixed-use building on the Property. The Commission also finds that the increased levels of open space, the GAR, green roof, and LEED v4 Silver certification will help mitigate the environmental impacts of the building to an acceptable level. These development features exceed what would otherwise be required for the development as a matter of right and are preferred environmental measures on such a site located along the Anacostia River;
- c. Housing: The Property was formerly used as an industrial site and did not provide an opportunity for residential uses, much less affordable housing. The Project transforms the former industrial site into a project with residential uses, The Project is subject to the Inclusionary Zoning Regulations as set forth in Chapter 26 of the 1958 Regulations. Therefore, eight percent of the residential gross floor area of the Project must be reserved as Inclusionary Units reserved for eligible households earning equal to or less than 80% of the AMI. However, while the Applicant will be reserving six percent of the residential gross floor area of the Project as Inclusionary Units reserved for eligible households earning equal to or less than 80%, it has agreed to reserve two percent of the residential gross

floor area as Inclusionary Units reserved for eligible households earning equal to or less than 60%;

- d. Architectural: The Commission finds the updated design responsive to Commission concerns regarding the unity of the northern and southern halves of the building. The glass and metal paneling are appropriate materials in this iconic location. The Commission supports maximizing the use of glass to improve views for the units as well as the number of balconies on site; and
- e. Community: The Commission notes that there was no opposition to this application evident in the record and that the ANC voted in support of the application. Based on the ANC Single Member District representative's personal testimony and the ANC's resolution in support, the Commission finds that the community supports the Project. It further concludes that the ANC also determined that the benefits and amenities provided for this Project are commensurate with the development flexibility otherwise afforded herein.

The Commission also finds that the proposed employment and training agreements included in the benefits and amenities package benefit the community.

10. As part of a PUD, the Commission may consider other forms of zoning relief needed, subject to applicable standards. The marina fully met the requirements of the applicable design review provisions of the Capital Gateway Overlay District, 11 DCMR § 1610, and therefore its design review is approved.
11. The approval of the PUD, including the Design Review, is not inconsistent with the Comprehensive Plan. The Commission incorporates by reference its analysis in Z.C. Order Nos. 04-14 and 04-14B, when the map amendment, and massing and site plan of the Project were first approved. The Commission concluded in those Orders that the Project was not inconsistent with the Comprehensive Plan or its designation under the Future Land Use Map and this application does not alter these conclusions. This application focuses on the design of the building and does not modify the massing or site plan that was otherwise approved in Z.C. Case No. 04-14B, which was made possible by the map amendment approved in Z.C. Case No. 04-14.
12. 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.
13. 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.

14. The Commission previously concluded in Z.C. Order No. 04-14 that the proposed PUD-related Zoning Map Amendment for the Property to the C-3-C Zone District was not inconsistent with the Comprehensive Plan and is appropriate given the superior features of the PUD, the goals and policies of the Comprehensive Plan, and other District of Columbia policies and objectives.
15. Based on the documentation included in the initial PUD application, the Commission concludes that the Applicant has demonstrated compliance with the conditions of the first stage PUD as detailed in Z.C. Order No. 04-14B.
16. The Commission finds that there is no contested issue of materials fact.
17. 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 found OP's reasoning recommending of approval to be persuasive.

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)) ("ANC Act") to give "great weight" to the issues and concerns raised in the written report of the affected ANC. In this instance, ANC 6D expressed no issues or concern, but rather indicated its support of the Application based upon the Applicant's responding to its previously raised issues and concerns. The District of Columbia Court of Appeals has noted that the ANC Act does not require an agency "to give 'great weight' to the ANC's recommendation but requires the [the agency] to give great weight to any issues and concerns raised by the ANC in reaching its decision." (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086 (D.C. 2016).) The court thus held that in the context of a BZA application, although "it may be helpful to an applicant seeking a variance or a special exception to have the support of the local ANC, that body's recommendation in favor of a project does not provide any substantial support to justify the BZA's decision." (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) Thus, the Commission did not consider the ANC's recommendation as providing substantial support to justify its decision to grant this application, except to the extent it reflected community sentiment, as noted in Conclusion of Law 9(d).

18. The Commission carefully considered the positions of ANC 6D 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 gives weight to its testimony and resolution that the PUD responds to those needs and wants.
19. 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 a second-stage Planned Unit Development for the Property for the mixed-use development described herein, including **APPROVAL** of the design review of the marina ("Phase II"), subject to the following conditions:

### **A. Project Development**

1. The Project shall be developed in accordance with the architectural drawings submitted into the record as Exhibit 30-30B7, as modified by the guidelines, conditions, and standards herein (collectively, the "Plans"). Phase II will include approximately 26,000 square feet of open space, including the Esplanade. All landscape, park, open space, and streetscape designs shall be developed in accordance with the landscape plans included as Sheets L-100–L-401 of the Plans.
2. In accordance with the Plans, the Project shall be a mixed-use building with residential and ground-floor retail uses. The Project shall have a total of approximately 255,627 square feet of gross floor area (5.3 FAR) and a maximum building height of 130 feet, not including penthouses. Approximately 247,918-244,191 square feet of gross floor area shall be devoted to residential use (a range of 250-285 units). Approximately 7,709-11,436 square feet of gross floor area shall be devoted to ground-floor retail use.
3. The Commission grants approval and flexibility under the following sections of the Zoning Regulations:
  - a. Section 3202.3: flexibility from the requirement to provide a record lot for a marina in the CG/W-2 Zone District;
  - b. Section 775: flexibility from the side yard requirements; and
  - c. Section 2201: flexibility from the loading requirements to provide a 30-foot berth.
4. 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 modify the number of residential units within the range of 250-285 units;
- e. To vary the number of proposed garage parking spaces by 10% and to modify the layout of the garage in an effort to increase efficiency;
- f. To vary the design of the retail space per the specifications of the retailer so long as all signage complies with the District's sign regulations;
- g. To provide approximately 3,730 square feet of retail space along Potomac Avenue and to incorporate mezzanine space into its proposed retail space, as may be required and desired by retail tenants and the community;
- h. To provide interim uses on the sight of Phases 3-4, including 50 surface parking spaces to serve those uses. The interim uses include temporary retail kiosks, a dog park, and other entertainment uses such as a beer garden and active recreation areas. The interim uses are permitted until such time as the first-stage PUD approval for Phases III and IV expires; and
- i. To file an application for the construction of the marina no later than within two years after the later of the completion of the reconstruction of the Frederick Douglass Bridge, the completion of the South Capitol Street Oval or the certificate of occupancy for Phase II, but in no circumstances, later than 10 years after the effective date of this Order.

**B. Transportation**

1. **Prior to issuance of a Certificate of Occupancy, and for the life of the Project** (except as noted), the Applicant shall demonstrate to the Zoning Administrator that it has undertaken the following actions with respect to implementation of the TDM plan:

- a. The Applicant shall meet or exceed the 2016 Zoning Regulations requirements for short- and long-term bicycle parking. This includes secure parking located on-site and short-term bicycle parking around the perimeter of the site;
- b. The Applicant shall unbundle all parking from the cost of the lease or purchase. Parking costs will be set at no less than the charges of the lowest fee garage located within a quarter mile;
- c. The Applicant shall post all TDM commitments online, publicize availability, and allow the public to see what commitments have been promised;
- d. The Applicant shall identify a TDM Leader (for planning, construction, and operations). The TDM Leader will work with residents of the building to distribute and market various transportation alternatives and options. This includes providing TDM materials to new residents in the Residential Welcome Package;
- e. The Applicant shall provide website links to CommuterConnections.com and goDCgo.com on property websites;
- f. The Applicant shall offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to each residential unit for a three-year period starting at the initial lease up of each unit;
- g. The Applicant shall install a Transportation Information Center Display (electronic screen) within the residential lobby, containing information related to local transportation alternatives;
- h. The Applicant shall dedicate two parking spaces within the garage for car-sharing services to use with right of first refusal; and
- i. **The Applicant shall fund the installation of the new Capital Bikeshare station and its first year's operation expenses up to \$83,000.** The cost of the bikeshare station shall be reevaluated in the event an application is filed to extend the approval for Phase II.

C. **Construction**

1. **Prior to issuance of a Certificate of Occupancy,** the Applicant shall demonstrate to the Zoning Administrator that it has complied with the terms of the Construction Management Plan submitted into the record as Exhibit 11A.

**D. Benefits and Amenities**

1. **Affordable Housing: Prior to issuance of a Certificate of Occupancy for the residential portion of the Project and for the life of the residential portion of the Project**, the Applicant shall demonstrate to the Zoning Administrator the following:

a. **For the life of the Project, the Applicant shall:**

- i. Provide a total of approximately 245,104 square feet of residential gross floor area (“GFA”) of housing;
- ii. Devote no less than eight percent of the residential GFA as inclusionary units pursuant to 11 DCMR Chapter 26;
- iii. Set aside no less than two percent of the residential GFA as inclusionary units for eligible households earning equal to or less than 60% of the MFI; and
- iv. Set aside no less than six percent of the residential GFA as inclusionary units for eligible households earning equal to or less than 80% of the MFI;

b. The affordable housing units shall be distributed in accordance with the Plans marked as Ex. 30 of the record, and shall be provided in accordance with the chart below; and

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.

Residential Unit Type	Approximate Residential GFA / Percentage of Total	Income Type	Affordable Control Period	Affordable Unit Type*
Total	245,104 sf/100%		Life of project	Rental
Market Rate	225,496 sf/92%	Market	Life of project	Rental
IZ	4,902 sf/ Not less than 2%	60% AMI	Life of project	Rental
IZ	14,706 sf/ Not less than 6%	80% AMI	Life of project	Rental

2. **Sustainability. Prior to issuance of a Certificate of Occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has

registered that portion of the Project with the USGBC to commence the LEED certification process under the USGBC's LEED v4 rating system. The Applicant shall also furnish a copy of its LEED certification application submitted to the USGBC to the Zoning Administrator. The application shall indicate that the residential portion of the building has been designed to include at least the minimum number of points necessary to achieve LEED v4 Silver standards.

3. **Employment.** Prior to issuance of a Certificate of Occupancy, the Applicant shall demonstrate to the Zoning Administrator that it has complied with the terms of the First Source Agreement with the Department of Employment Services and the Employment Training Skills program entered into the record as Exhibit 94D in Z.C. Case No. 04-14.
4. Prior to issuance of a Certificate of Occupancy, the Applicant shall demonstrate to the Zoning Administrator that it has complied with the terms of the Memorandum of Understanding to utilize certified local, small and disadvantaged business enterprises as set forth in Exhibit 94E in the record for Z.C. Case No. 04-14.

**E. Miscellaneous**

1. No building permit shall be issued for the Project until the Applicant has recorded a PUD Covenant that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs in the land records of the District of Columbia. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The approval for construction of the building shall be valid for a period of two years from the effective date of this Order. Within such time, an application(s) must be filed for a building permit(s). Construction must begin within three years of the effective date of this Order. An application for the construction of the marina must be filed no later than two years after the later of the completion of the reconstruction of the Frederick Douglass Bridge, the completion of the South Capitol Street Oval or the certificate of occupancy for the Phase II building, but in no circumstances, later than 10 years after the effective date of this Order.
3. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code §§ 2-1401 01 et al (Act), the District of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, familial responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is

prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

For the reasons stated above, the Commission concludes that the Applicant has met its burden, and it is hereby **ORDERED** that the application be **GRANTED**.

On February 13, 2017, upon the motion of Commissioner Hood, as seconded by Commissioner Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

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 27, 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. 17-19**

**(The Warrenton Group – Consolidated PUD and Related Map Amendment @ Square 5197)  
October 6, 2017**

**THIS CASE IS OF INTEREST TO ANC 7C**

On October 6, 2017, the Office of Zoning received an application The Warrenton Group (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 1, 64, 65, and 73 in Square 5197 in northeast Washington, D.C. (Ward 7), on property located at 5110-5140 Nannie Helen Burroughs Avenue, N.E. The property is currently zoned MU-3. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the MU-4 zone.

The Applicant proposes to redevelop the property as a mixed-use development on two parcels. Parcel 1 will consist of approximately 10,000 s.f. of ground-floor retail, 170,600 s.f. of residential (approximately 151 units), and 143 covered parking spaces. Parcel 2 will consist of approximately 6,000 s.f. of ground-floor retail, approximately 39,000 s.f. of residential (approximately 32 units) and 3 surface parking spaces. The maximum height of the Parcel 1 building will be 65 feet and the density will be 3.47 floor area ratio (“FAR”); the Parcel 2 building will have a maximum height of 63 feet and the density will be 3.32 FAR. Sixty-one of the 183 units will be replacement units for the Lincoln Heights and Richardson Dwellings residential communities, which includes 32 three-bedroom units, six four-bedroom units, and two five-bedroom units; 104 of the units will be reserved for households not exceeding 60% of the median family income (“MFI”); and 18 will be market rate units

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.

**Government of the District of Columbia  
Public Employee Relations Board**

_____		)	
In the Matter of:		)	
		)	
District of Columbia Nurses		)	PERB Case No. 17-UC-01
Association,		)	
	Petitioner,	)	
		)	Opinion No. 1629
	v.	)	
		)	
District of Columbia		)	
Department of Corrections		)	
		)	
	and	)	
		)	
District of Columbia		)	
Fire and Emergency Medical		)	
Services Department,		)	
		)	
	Respondents.	)	
_____		)	

**DECISION AND ORDER ON UNIT CLARIFICATION**

**I. Statement of the Case**

On November 2, 2016, the District of Columbia Nurses Association (“DCNA” or “Petitioner”) filed a Unit Clarification Petition, in accordance with Board Rule 506.1. Petitioner seeks to clarify the scope of the unit with respect to three Nurse Consultant positions at the District of Columbia Fire and Emergency Medical Services (“FEMS”) and one Nurse Consultant position at the District of Columbia Department of Corrections (“DOC”). FEMS and DOC, through the Office of Labor Relations and Collective Bargaining (OLRCB), do not object to the inclusion of these positions in the bargaining unit.

**II. Discussion**

DCNA is the exclusive bargaining representative for the unit established in PERB Certification No. 154. It is described as follows:

All full-time registered nurse positions at all agencies under the personnel authority of the Mayor of the District of Columbia, and the District of



Decision and Order  
PERB Case No. 17-UC-01  
Page 2

Columbia Child and Family Services Agency, excluding management executives, confidential employees, supervisors, employees engaged in personnel in a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act (CMPA) of 1978.<sup>1</sup>

On October 25, 2016, OLRCB advised DCNA of the existence of three filled Nurse Consultant positions at FEMS and one filled Nurse Consultant position at DOC. DCNA argues that both agencies fall under the personnel authority of the Mayor and the Nurse Consultants are not supervisors, therefore PERB Certification No. 154 should be properly clarified to include the Nurse Consultant positions in FEMS and DOC. PERB Rule 506.1 states that a request for clarification of an existing unit may be filed by either “the agency or by the labor organization which is party to the certification.” DCNA is the labor organization that was a party to PERB Certification No. 154.<sup>2</sup> As a result, DCNA has standing to bring this unit clarification petition before the Board.

PERB Rule 506.2 states that the Board shall grant or deny a unit clarification petition following an appropriate investigation and recommendation to the Board by the Executive Director or a Hearing Examiner. DOC and FEMS, through OLRCB, present no objections to the inclusion of these positions in the bargaining unit. As full-time nonsupervisory registered nurse positions within agencies under the personnel authority of the Mayor, DCNA is the proper exclusive representative for these four filled Nurse Consultant positions.

### **III. Conclusion**

Based on the Executive Director’s recommendation, the Board finds that the three filled Nurse Consultant positions at FEMS and the one filled Nurse Consultant position at DOC should be included in the bargaining unit established in PERB Certification No. 154. The Board grants DCNA’s petition for unit clarification.

## **ORDER**

### **IT IS HEREBY ORDERED THAT:**

1. The Unit Clarification Petition filed by the District of Columbia Nurses Association is hereby granted.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

### **BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

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<sup>1</sup> Petition at 1.

<sup>2</sup> *District of Columbia Nurses Association v. District of Columbia Department of Mental Health, et al.*, Certification No. 154, PERB Case No. 04-UM-03 (2013).

Decision and Order  
PERB Case No. 17-UC-01  
Page 3

By unanimous vote of Board Chairperson Charles Murphy, and Members Ann Hoffman and Douglas Warshof. Member Barbara Somson was not present.

May 18, 2017

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-UC-01, Op. No. 1629 was sent by File and ServeXpress to the following parties on this the 9<sup>th</sup> day of June, 2017.

Edward Smith, Esq.  
Executive Director  
D.C. Nurses Association  
5011 Wisconsin Avenue, NW  
Suite 306  
Washington, D.C. 20029

Kathryn Naylor, Esq.  
District of Columbia Office of Labor Relations and  
Collective Bargaining  
441 4<sup>th</sup> Street, NW,  
Suite 320 North  
Washington, D.C. 20001

/s/ Sheryl Harrington  
PERB

**Government of the District of Columbia  
Public Employee Relations Board**

<hr/>		)	
In the Matter of:		)	
		)	
Federation of		)	
Administrative Law Judges,		)	
		)	PERB Case No. 17-UM-01
	Petitioner,	)	
		)	Opinion No. 1630
and		)	
		)	
District of Columbia		)	
Office of Administrative Hearings,		)	
		)	
	Respondent.	)	
<hr/>		)	

**DECISION AND ORDER**

**I. Statement of the Case**

On February 24, 2017, the Federation of Administrative Law Judges (“FALJ” or “Union”) and the Office of Labor Relations and Collective Bargaining (“OLRCB”), on behalf of the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”), jointly filed a petition for unit modification. A notice was posted at OAH. No objections or requests to intervene were received from any employees or labor organizations.

**II. Background**

On August 21, 2014, the certification for the exclusive representative for the OAH Administrative Law Judges was issued to the International Federation of Professional and Technical Engineers (“IFPTE”). Pursuant to an arrangement with IFPTE, the administrative law judges union is now a local IFPTE affiliate known as the Federation of Administrative Law Judges (“FALJ”). The Board certified IFPTE, now known as FALJ, as the exclusive representative for the following unit of administrative law judges for the purpose of collective bargaining over terms and conditions of employment, including compensation:

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, excluding all management officials, supervisors, confidential employees, employees

PERB Case No. 17-UM-01

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engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>1</sup>

As of the filing of this petition, the number of incumbent administrative law judges at the agency who are included in the unit is thirty-one (31).<sup>2</sup> The parties also note that OAH is currently seeking to fill two (2) vacant administrative law judge positions.<sup>3</sup>

On January 21, 2016, the Board certified FALJ as the exclusive representative for the following unit of attorney advisors for the purpose of collective bargaining over terms and conditions of employment, including compensation:

All attorney-advisors in the District of Columbia Office of Administrative Hearings appointed and compensated pursuant to D.C. Official Code § 2-1831.12(e), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>4</sup>

As of the filing of this petition, there are three (3) incumbent attorney advisors at the agency who are included in the unit.<sup>5</sup> The parties also note that OAH is currently seeking to fill one (1) vacant Attorney-Advisor position.<sup>6</sup>

On June 14, 2016, the Board granted the parties' joint petition to establish a separate compensation unit for this bargaining unit of administrative law judges:

Compensation Unit No. 35: All administrative law judges in the District of Columbia Office of Administrative Hearings appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05(a)(11), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>7</sup>

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<sup>1</sup> *Int'l Fed'n of Prof'l and Technical Eng'rs and D.C. Office of Admin. Hearings*, 61 D.C. Reg. 9766, Certification No. 158, Slip Op. No. 1483, PERB Case No. 12-RC-03 (2014)

<sup>2</sup> Petition at 3.

<sup>3</sup> Petition at 3.

<sup>4</sup> *Fed'n of Admin. Law Judges and D.C. Office of Admin. Hearings*, 63 D.C. Reg. 4585, Certification No. 162, Slip Op. No. 1562, PERB Case No. 16-RC-01(2016)

<sup>5</sup> Petition at 4.

<sup>6</sup> Petition at 4.

<sup>7</sup> *International Federation of Professional and Technical Engineers v. District of Columbia Office of Administrative Hearings*, 63D.C. Reg. 10702, Slip Op. No. 1583, PERB Case No. 16-CU-03 (2016).

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The parties now jointly petition the Board to modify Compensation Unit 35 as follows to cover both the Administrative Law Judges and the Attorney-Advisors at OAH:

Compensation Unit No. 35: All administrative law judges in the District of Columbia Office of Administrative Hearings appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05(a)(11), and all attorney-advisors in the District of Columbia Office of Administrative Hearings appointed and compensated pursuant to D.C. Official Code § 2-1831.12(e), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>8</sup>

### III. Discussion

Board Rule 504.1(a) provides that a unit modification may be sought “to reflect a change in the identity or statutory authority of the employing agency.” The Board recognizes a two-part test to determine an appropriate compensation unit: (1) the employees of the proposed unit comprise broad occupational groups; and (2) the proposed unit minimizes the number of different pay systems or schemes.<sup>9</sup>

The parties state in their joint petition that the modification of Compensation Unit 35 is warranted and appropriate because: (1) OAH is already the only employing agency of the employees currently within Compensation Unit 35; (2) FALJ is the exclusive representative of the employees currently within Compensation Unit 35 and of the attorney advisors seeking to be included; (3) the employees currently within Compensation Unit 35 and the attorney advisors are both Excepted Service employees; and (4) the employees currently within Compensation Unit 35 and the attorney advisors are paid on an Excepted Service pay schedule without steps.<sup>10</sup> The petition also notes that the OAH Establishment Act requires the attorney advisors to be non-competitively appointed as Excepted Service Attorneys, precluding them from Legal Service.<sup>11</sup>

Regarding the two-prong test, the parties’ note that in the past PERB has made exceptions for compensation units that consist of a single agency or occupational group where the pay scheme of the occupational group is so unique as to warrant a separate compensation unit determination.<sup>12</sup> The parties argue that the OAH Establishment Act has precluded the appointment of OAH attorneys to the Legal Service, resulting in their inability to join

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<sup>8</sup> Petition at 4.

<sup>9</sup> *AFSCME, D.C. Council 20, Local 2401 v. D.C. Pub. Schs.*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p. 3, PERB Case No. 08-CU-01 (2009).

<sup>10</sup> Petition 4-5.

<sup>11</sup> Petition at 5.

<sup>12</sup> Petition at 7.

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Compensation Unit 33 and the necessity for the a modification of Compensation Unit 35.<sup>13</sup> The parties also note the differences in the pay schedule for Legal Service Attorneys and OAH Attorneys.<sup>14</sup> The OAH Establishment Act states that the salary range for OAH Attorneys is appointed and fixed by the Executive Director with the approval of the Chief Administrative Law Judge as long as no individual appointed by the Executive Director is paid at a greater rate than the rate of pay for the Executive Director.<sup>15</sup> Compensation for Legal Service Attorneys is competitive with that provided by the federal government General Schedule for attorneys in the Washington metropolitan area having comparable duties, responsibilities, qualifications, and experience.<sup>16</sup>

The Board has stated that single-agency compensation units do not conform with the requirement for “broad occupational groups” unless there is clear statutory authority for establishing a separate compensation unit, or a unique pay schedule.<sup>17</sup> D.C. Official Code §2-1831.12(e) specifically states that OAH Attorneys are to be placed in Excepted Service rather than Legal Service. Without a Legal Service placement, the attorneys cannot join Compensation Unit 33. As Excepted Service attorneys it would also not be appropriate for them to join Compensation Unit 1, which covers broad occupational groups and positions in the Career Services. The Board has previously stated that the OAH Establishment Act created a unique pay scheme for OAH administrative law judges that warrants a separate compensation unit determination.<sup>18</sup> The Attorney-Advisors, as noted above, also have a pay schedule determined by the OAH Establishment Act and unique to the agency. The modification of this unit to include both administrative law judges and Attorney-Advisors would be consistent with Board precedent.

In accordance with parties’ stipulations and contentions, and because no individuals or labor organizations filed any comments or intervention petitions to challenge the proposed compensation unit, the Board finds that a modification of the compensation unit to include attorney advisors is appropriate. The Board grants the Petitioners’ Joint Petition for the modified compensation unit 35 as follows:

Compensation Unit No. 35: All administrative law judges in the District of Columbia Office of Administrative Hearings appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05(a)(11), and all attorney-advisors in the District of Columbia Office of Administrative Hearings appointed and compensated pursuant to

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<sup>13</sup> Petition at 6.

<sup>14</sup> Petition at 6.

<sup>15</sup> D.C. Official Code §2-1831.12(e).

<sup>16</sup> D.C. Official Code §1-608.58(a)(2).

<sup>17</sup> *International Brotherhood of Teamsters, Local 246 v. D.C. Department of Corrections*, 34 D.C. Reg. 3496, Slip Op. No. 152, PERB Case No. 85-RC-07 (1987); *D.C. Water and Sewer Authority v. American Federation of Government Employees, et al.*, Slip Op. No. 1308, PERB Case Nos. 96-UM-07, 07-UM-01, 07-UM-03, and 07-CU-01 (2012); *Service Employees International Union, Local 722 v. D.C. Department of Human Services/Home Services Bureau*, 48 D.C. Reg. 8493, Slip Op. No. 383, PERB Case No. 93-R-01 (1994).

<sup>18</sup> *International Federation of Professional and Technical Engineers v. District of Columbia Office of Administrative Hearings*, 63D.C. Reg. 10702, Slip Op. No. 1583, PERB Case No. 16-CU-03 (2016).

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D.C. Official Code § 2-1831.12(e), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

### ORDER

IT IS HEREBY ORDERED THAT:

1. The Petitioners' Joint Petition for Compensation Unit Modification is granted.

The unit of administrative law judges found to be appropriate for the purpose of negotiations concerning compensation in *Int'l Fed'n of Prof'l and Technical Eng'rs v. D.C. Office of Admin. Hearings*, 63 D.C. Reg. 10702, Slip Op. No. 1583, PERB Case No. 16-CU-03 (2016), is modified as follows:

Compensation Unit No. 35: All administrative law judges in the District of Columbia Office of Administrative Hearings appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05(a)(11), and all attorney-advisors in the District of Columbia Office of Administrative Hearings appointed and compensated pursuant to D.C. Official Code § 2-1831.12(e), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

### BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Ann Hoffman and Douglas Warshof. Member Barbara Somson was not present.

May 18, 2017  
Washington, D.C.



CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-UM-01, Op. No. 1630 was sent by File and ServeXpress to the following parties on this the 9<sup>th</sup> day of June, 2017.

Kathryn Naylor, Esq.  
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Jesse P. Goode  
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/s/ Sheryl Harrington  
PERB

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