

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-0045, Criminal Record Expungement Amendment Act of 2017
- D.C. Council schedules a public oversight roundtable on the “Implementation of Law 21-264, The Universal Paid Leave Act”
- Department of Behavioral Health announces period for accepting certification applications to provide specific behavioral health services
- Department of Health establishes guidelines for recommending the use of medical marijuana to patients
- Department of Health Care Finance announces funding availability for the development of a telehealth application
- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for Fiscal Year 2018 Creative Economy Initiative Grant

DISTRICT OF COLUMBIA REGISTER

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ROOM 520S – 441 4th STREET, ONE JUDICIARY SQUARE - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

A RESOLUTION

22-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification No. 13 and proposed Modification No. 15 to Contract No. DCRL-2016-C-0003 with Edgewood/Brookland Family Support Collaborative to provide community-based child welfare services and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-C-0003 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification No. 13 and proposed Modification No. 15 to Contract No. DCRL-2016-C-0003 with Edgewood/Brookland Family Support Collaborative to provide community-based child welfare services, and to authorize payment in the not-to-exceed amount of \$2,969,501.87 for the goods and services received and to be received under the modifications.

(b) By Modification No. 13, issued on September 14, 2017, the Child and Family Services Agency (“CFSA”) exercised a partial option of option year two of Contract No. DCRL-2016-C-0003 in the not-to-exceed amount of \$494,916.97 for the period from October 1, 2017 through November 30, 2017.

(c) By Modification No. 15, CFSA proposes to exercise the remainder of option year two for the period from December 1, 2017 through September 30, 2018 in the not-to-exceed amount of \$2,474,584.90.

(d) Council approval is necessary because the modifications increase the total contract amount to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Edgewood/Brookland Family Support Collaborative cannot be paid for goods and services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-C-0003 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification No. M014 and proposed Modification No. M016 to Contract No. DCRL-2016-C-0001 with Collaborative Solutions for Communities to provide community-based child welfare services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-C-0001 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification No. M014 and proposed Modification No. M016 to Contract No. DCRL-2016-C-0001 with Collaborative Solutions for Communities to provide community-based child welfare services, and to authorize payment in the not-to-exceed amount of \$2,402,541.76 for the goods and services received and to be received under the modifications.

(b) By Modification No. M014, issued on September 14, 2017, the Child and Family Services Agency (“CFSA”) exercised a partial option of option year two of Contract No. DCRL-2016-C-0001 in the not-to-exceed amount of \$400,423.62 for the period from October 1, 2017 through November 30, 2017.

(c) By Modification No. M016, CFSA proposes to exercise the remainder of option year two for the period from December 1, 2017 through September 30, 2018 in the not-to-exceed amount of \$2,002,118.14.

(d) Council approval is necessary because the modifications increase the total contract amount to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Collaborative Solutions for Communities cannot be paid for goods and services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-C-0001 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification No. 14 and proposed Modification No. 15 to Contract No. DCRL-2016-R-0002 with East River Family Strengthening Collaborative to provide community-based child welfare services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-R-0002 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification No. 14 and proposed Modification No. 15 to Contract No. DCRL-2016-R-0002 with East River Family Strengthening Collaborative to provide community-based child welfare services, and to authorize payment in the not-to-exceed amount of \$4,513,686 for the goods and services received and to be received under the modifications.

(b) By Modification No. 14 issued on September 26, 2017, the Child and Family Services Agency (“CFSA”) exercised a partial option of option year two of Contract No. DCRL-2016-R-0002 in the not-to-exceed amount of \$752,281 for the period from October 1, 2017 through November 30, 2017.

(c) By Modification No. 15, CFSA proposes to exercise the remainder of option year two for the period from December 1, 2017 through September 30, 2018 in the not-to-exceed amount of \$3,761,405.

(d) Council approval is necessary because the modifications increase the total contract amount to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, East River Family Strengthening Collaborative cannot be paid for goods and services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-R-0002 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification No. 10 and proposed Modification No. 11 to Contract No. DCRL-2016-R-0004 with Far Southeast Family Strengthening Collaborative to provide community-based child welfare services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-R-0004 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification No. 10 and proposed Modification No. 11 to Contract No. DCRL-2016-R-0004 with Far Southeast Family Strengthening Collaborative to provide community-based child welfare services, and to authorize payment in the not-to-exceed amount of \$4,406,452 for the goods and services received and to be received under these modifications.

(b) By Modification No. 10 issued on September 11, 2017, the Child and Family Services Agency (“CFSA”) exercised a partial option of option year two of Contract No. DCRL-2016-R-0004 in the not-to-exceed amount of \$733,970.78 for the period from October 1, 2017 through November 30, 2017.

(c) By Modification No. 11, CFSA proposes to exercise the remainder of option year two for the period from December 1, 2017 through September 30, 2018 in the not-to-exceed amount of \$3,672,481.22.

(d) Council approval is necessary because these modifications increase the total contract amount to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Far Southeast Family Strengthening Collaborative cannot be paid for the goods and services provided in excess of \$1 million.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-R-0004 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification Nos. 16, 16A, and 16B and proposed Modification No. 17 to Contract No. DCRL-2016-C-0005 with Georgia Avenue Family Support Collaborative to provide community-based child welfare services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. DCRL-2016-C-0005 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification Nos. 16, 16A, and 16B and proposed Modification No. 17 to Contract No. DCRL-2016-C-0005 with Georgia Avenue Family Support Collaborative to provide community-based child welfare services, and to authorize payment in the not-to-exceed amount of \$1,891,347 for the goods and services received and to be received under these modifications.

(b) By Modification Nos. 16 and 16B, issued on September 28, 2017 and October 17, 2017, respectively, the Child and Family Services Agency (“CFSA”) exercised a partial option for option year two of Contract No. DCRL-2016-C-0005 in the not-to-exceed amount of \$290,269.19 for the period from October 1, 2017 through November 30, 2017.

(c) By Modification No. 16A, on October 2, 2017, CFSA exercised another partial option for option year two in the not-to-exceed amount of \$24,955.31 also for the period from October 1, 2017 through November 30, 2017.

(d) By Modification No. 17, CFSA now proposes to exercise the remainder of option year two for the period from December 1, 2017 through September 30, 2018 in the not-to-exceed amount of \$1,576,122.50.

(e) Council approval is necessary because these modifications increase the total contract amount to more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Georgia Avenue Family Support Collaborative cannot be paid for the goods and services provided in excess of \$1 million.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCRL-2016-C-0005 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification Nos. 0028 and 0029 to Contract No. CW26966 with Conduent State Healthcare, LLC, to enhance and implement a federally-owned and certifiable Medicaid Management Information System, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW26966 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification Nos. 0028 and 0029 to Contract No. CW26966 with Conduent State Healthcare, LLC (“Conduent”), to enhance and implement a federally-owned and certifiable Medicaid Management Information System and to authorize payment in the not-to-exceed amount of \$19,893,141.40 for the goods and services received and to be received under the modifications.

(b) By Modification No. 0028, dated September 29, 2017, the Office of Contracting and Procurement, on behalf of the Department of Health Care Finance, exercised a partial option of Option Year Two of Contract No. CW26966 with Conduent to enhance and implement a federally-owned and certifiable Medicaid Management Information System for the period from October 1, 2017, through October 18, 2017, in the amount of \$981,031.63.

(c) Modification No. 0029 is now necessary to exercise the remainder of Option Year Two for the period beginning October 19, 2017, through September 30, 2018, in the amount of \$18,912,109.77, which will increase the total contract amount for Option Year Two from \$981,031.63 to \$19,893,141.40.

(d) Council approval is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), because these modifications increase the contract to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Conduent cannot be paid for the goods and services provided in excess of \$1 million for the contract period beginning October 1, 2017, through September 30, 2018.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW26966 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-282

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3, 4, 5, and 6 to Contract No. CW49959 with Bradley and Associates, LLC, to provide case management and monitoring for outlying hotels, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW49959 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification Nos. 3, 4, 5, and 6 to Contract No. CW49959 with Bradley and Associates, LLC (“Bradley”), to provide case management and monitoring for outlying hotels and to authorize payment in the not-to-exceed amount of \$1,670,240 for the goods and services received and to be received under the modifications.

(b) By Modification No. 3, the Office of Contracting and Procurement, on behalf of the Department of Human Services, exercised a partial option of option year one of Contract No. CW49959 for the period from October 1, 2017, through October 31, 2017, in the not-to-exceed amount of \$135,000.

(c) Modification No. 4 de-obligated funds.

(d) Modification No. 5 exercised another partial option of option year one of Contract No. CW49959 for the period from November 1, 2017, through November 30, 2017, to the total not-to-exceed amount of \$237,000.

(e) Modification No. 6 is now necessary to exercise the remainder of option year one.

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

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Bradley cannot be paid for goods and services provided in excess of \$1 million for the contract period October 1, 2017, through September 30, 2018.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW49959 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3, 4, 5, and 6 to Contract No. CW49828 with Obverse Corporation, Inc., to provide case management for Rapid Rehousing, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW49828 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists a need to approve Modification Nos. 3, 4, 5, and 6 to Contract No. CW49828 with Obverse Corporation, Inc., to provide case management for Rapid Rehousing and to authorize payment in the not-to-exceed amount of \$2,504,356.71 for the goods and services received and to be received under the modifications.

(b) The Office of Contracting and Procurement (“OCP”), on behalf of the Department of Human Services, awarded Contract No. CW49828 for the base period from April 1, 2017, through September 30, 2017, in the amount of \$938,839.20.

(c) By Modification No. 3, OCP exercised a partial option of option period one in the amount of \$61,159.50 for the period October 1, 2017, through October 31, 2017.

(d) Modification No. 4 de-obligated \$69,202.89 from the base period.

(e) By Modification No. 5, OCP exercised another partial option of option period one in the amount of \$62,202.89 for the period November 1, 2017, through November 30, 2017.

(f) Modification No. 6, in the amount of \$1,504,356.69, is now necessary to exercise the remainder of option period one and increase the total not-to-exceed amount to \$2,504,356.71 for the period from April 1, 2017, through March 31, 2018.

(g) Council approval is necessary because the modifications increase the contract to more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, Obverse Corporation, Inc. cannot be paid for goods and services provided in excess of \$1 million for the contract period April 1, 2017, through March 31, 2018.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

ENROLLED ORIGINAL

Modifications to Contract No. CW49828 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 1 through 3 to the Contract No. DCAM-16-NC-0053 with Consys, Inc. for construction management at-risk services for the salt storage facility, and to authorize payment in the aggregate amount of \$1,519,998.22 for the goods and services received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders to Contract No. DCAM-16-NC-0053 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists an immediate need to retroactively approve Change Order Nos. 1 through 3 to Contract No. DCAM-16-NC-0053 with Consys, Inc. and to authorize payment in the aggregate amount of \$1,519,998.22 for construction management at-risk services received under the change orders.

(b) On April 17, 2016, the underlying contract to construct the new salt storage facility was deemed approved by the Council as CA21-349. Subsequently, Change Order Nos. 1 and 2 were issued with an aggregate value of \$850,000. Thus, Council approval was not required. Proposed Change Order No. 3, in the amount of \$669,998.22, would cause the aggregate value of Change Order Nos. 1 through 3 to increase to \$1,519,998.22 for goods and services already received.

(c) Because proposed Change Order No. 3 will cause aggregate value of all change orders issued after Council approval of the underlying contract to exceed \$1 million, Council approval of Change Order Nos. 1 through 3 is now required 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).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Orders to Contract No. DCAM-16-NC-0053 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the sense of the Council in support of calling on Congress to direct the statue of Albert Pike in Washington, D.C. be removed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Calling on Congress to Remove the Albert Pike Statue Resolution of 2017”.

Sec. 2. The Council finds that:

(1) Our public spaces should be reserved to memorialize those who have made exceptional contributions to civic life in a manner that reflects our values and represents our community.

(2) A statue of Albert Pike was commissioned by the Supreme Council of the Scottish Rite, Southern Jurisdiction, U.S.A. in 1898 to honor his involvement as an active Freemason.

(3) In addition to his life as a Freemason, Albert Pike was also a Brigadier General in the Confederate Army.

(4) Although originally dedicated in 1901 at the intersection of Third and D Streets, N.W., the statue was moved in 1975 to its current location in a plaza between the United States Department of Labor and the headquarters of the Metropolitan Police Department (Henry J. Daly Building). Across the street is another District government building. The plaza is controlled by the United States Department of the Interior through the United States Park Service, and the statue can be removed only by that entity as directed by an Act of Congress.

(5) In a letter dated August 18, 2017, the Sovereign Grand Commander of the Supreme Council of the Scottish Rite, Southern Jurisdiction, U.S.A., which originally erected the statue to honor Albert Pike, noted that “[a] core tenet of Freemasonry is that we strive to bring people of all races and creeds together in harmony and the fact that this statue should become a divisive factor in the community clearly indicates that the original purpose for which it was erected is no longer being served.” The Sovereign Grand Commander concluded his correspondence by stating that “the Supreme Council of Scottish Rite Freemasonry, Southern Jurisdiction, USA, will support an action by the District of Columbia to remove the statue forthwith so that it shall not serve as a source of contention or strife for the residents of our community”.

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(6) Societal values can change over the course of time and, accordingly, the public support in 1901 for erection of a statue on public space may not exist in 2017 for the continued presence of that statue.

(7) On October 5, 2017, District of Columbia Delegate to the United States House of Representatives Eleanor Homes Norton introduced in Congress H.R.3983 - To direct the Secretary of the Interior to remove the statue to the memory and in honor of Albert Pike erected near Judiciary Square in the District of Columbia, and for other purposes.

Sec. 3. It is the sense of the Council that:

(1) The District urge Congress to take appropriate action to inform the National Park Service and the General Services Administration that the statue of Albert Pike be removed; and

(2) The Council strongly urges the Congress to approve H.R. 3983.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the United States Congress and the General Services Administration.

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

ENROLLED ORIGINAL

A RESOLUTION

22-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the number of consecutive terms a member may serve on the Public Employee Relations Board from 2 terms to 3 terms.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Employee Relations Board Term Limit Emergency Declaration Resolution of 2017".

Sec. 2. (a) There exists an immediate need to amend section 501(h) 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 § 1-605.01(h)) ("the Act"), to increase the number of consecutive terms a member may serve on the Public Employee Relations Board ("Board") from 2 terms to 3 terms to ensure that Mr. Charles J. Murphy and Ms. Ann Hoffman can be reappointed to the Board.

(b) The Mayor has nominated Mr. Murphy and Ms. Hoffman for reappointment to the Board as neutral public members.

(c) Mr. Murphy was most recently confirmed in February 2014 for a term lasting a little under 2 years. Before that, Mr. Murphy was confirmed in July 2011 for a term lasting 2½ years.

(d) Ms. Hoffman was most recently confirmed in December 2014 for a term lasting just over 2 years. Before that, Ms. Hoffman was confirmed in May 2012 to a term lasting a little more than a 1½ years.

(e) Section 501 of the Act provides that a term of office for each member is 3 years, but stipulates that no person shall serve for more than 2 consecutive terms.

(f) If confirmed, Mr. Murphy and Ms. Hoffman would technically serve 3 consecutive terms on the Board, even though their prior terms only had partial service. Therefore, in order for Mr. Murphy and Ms. Hoffman to be confirmed, the law must be amended.

(g) Mr. Murphy and Ms. Hoffman's appointments are necessary to the continued operations of the Board. Passage of the Public Employee Relations Board Term Limit Emergency Amendment Act of 2017 is necessary for the Council to approve the nominations of Mr. Murphy and Ms. Hoffman. If the Council does not approve their nominations, their nominations will be deemed disapproved on November 20, 2017.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public Employee Relations Board Term Limit Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to amend the Homeless Services Reform Act of 2005 to define the term medical respite services, to require a provider of medical respite services to provide 24-hour notice before a placement will end, and to exempt the provision of medical respite services from certain requirements of the act, including the transfer, suspension, termination, and hearing requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Respite Services Exemption Emergency Declaration Resolution of 2017”.

Sec. 2. (a) On January 10, 2017, the Council passed the Medical Respite Services Exemption Temporary Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-245; 64 DCR 1618) (“Temporary Act”). The Temporary Act amended the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*) (“Act”), to clarify that medical respite services shall be exempt from certain requirements of the Act, including the transfer, suspension, termination, and hearing requirements.

(b) Medical respite services consist of limited-time acute and post-acute 24-hour care that is provided 7 days a week to individuals who are homeless and who are too sick to be on the street or in a shelter, but are not sick enough to be admitted to a hospital.

(c) The Act requires a provider under the Continuum of Care to provide notice to an individual at least 15 days before the date the individual will be transferred to another provider or will have services suspended or terminated.

(d) If a transfer is requested by the provider, either a client must consent to the transfer or the provider is required to find an alternative provider that accepts the client and appropriately meets the client’s needs. In addition, if a suspension or termination is requested, a provider must provide medical respite services until the outcome of any fair hearing requested.

(e) The notice, transfer, suspension, and terminations requirements are burdensome on providers of medical respite services and have had a significant adverse effect on their operations.

(f) Due to these requirements, cases have arisen in which medical service providers have been prohibited from discharging an individual in a reasonable amount of time. These

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cases have unnecessarily delayed the limited number of medical respite beds from becoming available.

(g) The Temporary Act granted medical respite service providers the opportunity to discharge individuals based on the judgment of medical professionals. Under the Temporary Act, providers can ensure that medical respite services are being utilized properly and to maximize the benefits for all individuals in need of these services. However, the Temporary Act is set to expire on November 18, 2017.

(h) The provisions of the Temporary Act were included in the committee print of Bill 22-293, the Homeless Services Reform Amendment Act of 2017, which was marked up by the Committee on Human Services on October 19, 2017 and will be considered by the full Council this month.

(i) It is important that the provisions of the Temporary Act remain in effect until Bill 22-293 becomes law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Respite Services Exemption Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-291

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to prohibit buses from operating or parking on certain streets near Southwest Waterfront Park.

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

Sec. 2. (a) On October 12, 2017, the first phase of a major redevelopment project (“the Wharf”) opened on the Southwest waterfront. The second phase of the construction will continue for several more years.

(b) The Wharf includes a 6,000-person music venue, dozens of restaurants, hundreds of new residential units, a vibrant cruise boat and tour operation, and hundreds of thousands of square feet of office space, drawing thousands of new residents, workers, and tourists to the Southwest waterfront every day—in addition to the construction workers and vehicles coming in and out of the neighborhood during the second phase of the construction.

(c) The developers of the Wharf expect millions of visitors annually, many of whom will arrive by bus. Two large museums will open soon just north of the Wharf, which will bring additional bus traffic to the neighborhood.

(d) The neighborhoods most impacted by this additional traffic are bordered by the Washington Channel on one side and freeways on other sides, leaving few surface streets for local residents entering and leaving the area. Despite the best efforts of the public and private sector, there will inevitably be additional traffic for these residents to deal with.

(e) Southwest Waterfront Park was built as an amenity for neighborhood residents and a quiet public space amid a bustling new development, without intrusion by cars and buses.

(f) Many buses are using the streets around the Southwest Waterfront Park as either a turnaround point or for parking or idling, exacerbating already heavy traffic on Maine Avenue, S.W., and disrupting enjoyment of Southwest Waterfront Park.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-292

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt Business Improvement Districts from certain taxation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Business Improvement Districts Tax Exemption Emergency Declaration Resolution of 2017".

Sec. 2. (a) Business Improvement Districts ("BIDs"), most of which are 501(c)(6) nonprofit organizations, are funded by an additional real property tax imposed by the District of Columbia on non-exempt properties in BID areas.

(b) In previous years, the District's annual appropriations exempted BIDs from paying District taxes, but, inadvertently, the exemption provision was not included in every appropriations act. Currently, in light of budget autonomy, the proper vehicle to authorize such an exemption is District legislation.

(c) District legislation granting the exemption from the taxation previously authorized for specific fiscal years in congressional appropriations acts is needed to establish these exemptions on a continuing basis, across fiscal years, in District statutory law.

(d) An ongoing tax exemption for BIDs is in the best interest of the District, for BIDs provide enhanced public services that contribute to the economic and social health of the District. The imposition of District of Columbia sales, use, franchise, gross sales or receipts, income personal or real property, transfer, or excise taxes on BIDs would result in a significant reduction in the financial ability of BIDs to provide these public services to District neighborhoods.

(e) Emergency legislation is necessary to establish these exemptions in District law as expeditiously as possible and to provide the authority for the Office of Tax and Revenue to issue tax exemption certificates to the BIDs.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Business Improvement Districts Tax Exemption Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-293

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to amend the Government Employer-Assisted Housing Amendment Act of 1999 to provide that Employer-Assisted Housing Program participants who settle on the purchase of a housing unit in Fiscal Year 2018 and are not provided funds at the time of settlement in the amounts that they are eligible to receive under the act shall be retroactively compensated by the Department of Housing and Community Development, and to require the department to provide written notice describing the act's provisions to any person who has begun the application process for the program, all program participants, and the community-based organizations charged with the program's implementation.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Government Employer-Assisted Housing Emergency Declaration Resolution of 2017".

Sec. 2. (a) The Employer-Assisted Housing Program ("EAHP") is managed by the Department of Housing and Community Development ("Department") and was established by section 4 of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2503).

(b) EAHP provides financial assistance to employees of the District government who are purchasing a home in the District for the first time.

(c) The Council passed the Public Servants and First-Responders Housing Incentive Amendment Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), as part of the Fiscal Year 2018 Budget Support Act of 2017 ("BSA"). The BSA increased the amount available to Participants for EAHP's downpayment matching funds and zero-interest deferred loan and created a new grant for first responders. The Mayor proposed and the Council approved a \$1.8 million budget for EAHP in Fiscal Year 2018.

(d) Although the enhancements in the BSA took effect on October 1, 2017, the Department has decided to delay EAHP's implementation until at least January 2018 without explanation. Also of concern is that applicants must complete several mandatory informational and housing counseling sessions before the disbursement of any funds under EAHP, so this unexpected new implementation timeline could actually delay funding for participants until almost halfway through Fiscal Year 2018.

ENROLLED ORIGINAL

(e) The Department has not provided sufficient responses justifying the delay other than the need to issue implementing regulations, which should have been accomplished before the new law's effective date of October 1, 2017.

(f) EAHP was strengthened by the Council and the Mayor as part of a comprehensive package of first responder retention and recruitment initiatives for Fiscal Year 2018, which have already been publicized by the Mayor and the District's public safety agencies. The Council has learned that some District government employees and first responders – unaware of EAHP's delayed implementation – have already begun to apply with the community based organizations that manage the application process for the Department. Given the District's demanding housing market, these implementation delays will likely affect Participants' participation and confidence in EAHP, and potentially their commitment to becoming District residents.

(g) This emergency legislation is therefore necessary to:

(1) Direct the Department to implement EAHP, as passed and funded by the Council and Mayor, on October 1, 2017;

(2) Retroactively compensate Participants who settle on purchases of a housing unit in Fiscal Year 2018 for the downpayment matching funds and first responder grants, which they should have received under the BSA; and

(3) Inform any person who has begun the application process for EAHP, all Participants, and the community based organizations charged with EAHP's implementation of the new provisions in the BSA and Government Employer-Assisted Housing Emergency Amendment Act of 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Government Employer-Assisted Housing Emergency Amendment Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-54

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 7, 2017

To declare May 13, 2017, as “Remember the St. Louis Day” in the District of Columbia, a reminder of the tragedy that comes with refusing to welcome refugees and those seeking asylum from war and persecution.

WHEREAS, the United States was founded by immigrants, many fleeing religious persecution, who enshrined freedom of religion as one of our nation’s fundamental legal and ethical principles;

WHEREAS, on May 13, 1939, the German transatlantic liner MS St. Louis, carrying 937 passengers, almost all of them Jews fleeing from the Third Reich, sailed from Hamburg, Germany, for Havana, Cuba;

WHEREAS, the majority of the Jewish passengers of the MS St. Louis had applied for United States visas and received waiting numbers, and had planned to stay in Cuba only until they could enter the United States;

WHEREAS, when the MS St. Louis arrived in Havana harbor on May 27, the Cuban government admitted 28 passengers and refused to acknowledge them or to allow the remaining passengers to disembark from the ship;

WHEREAS, the State Department and the White House had decided not to take extraordinary measures to permit the refugees from the MS St. Louis to enter the United States, and a State Department telegram sent to the ship’s captain and passenger committee stated that the passengers must “await their turns on the waiting list and qualify for and obtain immigration visas before they may be admissible into the United States;”

WHEREAS, following the United States government’s refusal to permit the passengers to disembark, the MS St. Louis sailed back to Europe on June 6, 1939;

WHEREAS, the American Jewish Joint Distribution Committee negotiated with 4 European governments to secure entry for the passengers, and 532 MS St. Louis passengers were

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trapped when Germany conquered Western Europe, of which 278 survived the Holocaust and 254 died in the Holocaust;

WHEREAS, the Council recognizes this as a dark moment in our nation’s history and an incident from which we should learn a lesson about acceptance and inclusivity when considering our policy about persecuted peoples who seek a home in our nation;

WHEREAS, it is incumbent upon the Council to pursue a policy agenda that is inclusive of refugees seeking asylum in our nation; and

WHEREAS, it is necessary to reaffirm the value of a pluralistic society, the beauty of a city composed of multiple cultures, and the acceptance of those seeking refuge from persecution.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Remember the St. Louis Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares May 13, 2017, as “Remember the St. Louis Day” in the District of Columbia, a reminder of the tragedy that comes with refusing to welcome refugees and those seeking asylum from war and persecution.

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.

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

- | | |
|---------|--|
| B22-584 | Service Contract Regulation Act of 2017

Intro. 11-7-17 by Councilmember McDuffie and referred to the Committee on Business and Economic Development |
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| B22-585 | Business Improvement Districts Tax Exemption Amendment Act of 2017

Intro. 11-7-17 by Councilmembers Evans, Allen, Todd, Cheh, Nadeau, and Chairman Mendelson and referred to the Committee on Business and Economic Development with comments from the Committee on Finance and Revenue |
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| B22-586 | Al and Mary Arrighi Way Designation Act of 2017

Intro. 11-7-17 by Councilmember Allen and referred to the Committee of the Whole |
| <hr/> | |
| B22-587 | Natural Disaster Consumer Protection Amendment Act of 2017

Intro. 11-7-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from the Committee on Judiciary and Public Safety |
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B22-588 Possession of Firearm and Ammunition Penalties Amendment Act of 2017
Intro. 11-9-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PROPOSED RESOLUTIONS

PR22-618 Board of Accountancy Antonia Browning-Smiley Confirmation Resolution of 2017
Intro. 11-9-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-619 Statewide Health Coordinating Council Mary Cuthbert Confirmation Resolution of 2017
Intro. 11-9-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR22-620 Commission on the Arts and Humanities Edmund Fleet Confirmation Resolution of 2017
Intro. 11-9-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR22-621 Police Complaints Board Morgan C. Kane Confirmation Resolution of 2017
Intro. 11-9-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

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

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

ANNOUNCES A PUBLIC HEARING ON

**BILL 22-0045, THE “CRIMINAL RECORD EXPUNGEMENT
AMENDMENT ACT OF 2017”**

**BILL 22-0404, THE “CRIMINAL RECORD ACCURACY ASSURANCE
ACT OF 2017”**

**BILL 22-0447, THE “RECORD SEALING MODERNIZATION
AMENDMENT ACT OF 2017”**

AND

BILL 22-0560, THE “SECOND CHANCE AMENDMENT ACT OF 2017”

**Thursday, December 14, 2017, 9:30 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, December 14, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing on Bill 22-0045, the “Criminal Record Expungement Amendment Act of 2017”, Bill 22-0404, the “Criminal Record Accuracy Assurance Act of 2017”, Bill 22-0447, the “Record Sealing Modernization Amendment Act of 2017”, and Bill 22-0560, the “Second Chance Amendment Act of 2017”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

The stated purpose of Bill 22-0045, the “Criminal Record Expungement Amendment Act of 2017”, is to expand the definition of felonies eligible to be sealed to include failure to appear, theft, and felony possession. The bill also makes all misdemeanors eligible to be sealed.

The stated purpose of Bill 22-0404, the “Criminal Record Accuracy Assurance Act of 2017”, is to prohibit criminal history providers from providing information relating to expunged, sealed, set aside, or inaccurate records, as well as infractions, arrests, and charges that did not result in a conviction. The bill also authorizes the Office of Human Rights to receive administrative complaints and establishes penalties for violations.

The stated purpose of Bill 22-0447, the “Record Sealing Modernization Amendment Act of 2017”, is to allow for automatic sealing or expungement of records in certain cases, expand the offenses eligible for sealing to include all misdemeanors and most felonies, and allow for sealing of multiple convictions. It also establishes procedures for the Clerk of the Court, prosecutors, law enforcement agencies, pretrial corrections, and community supervision agencies regarding expungement for non-convictions.

The stated purpose of Bill 22-0560, the “Second Chance Amendment Act of 2017”, is to mandate the automatic sealing of criminal records for non-convictions, shorten the waiting period before a person is eligible to seal his or her criminal record, and expand who is eligible for record sealing. The bill also provides guidance to residents on how to answer questions about criminal records on employment and housing applications and requires a group of independent legal experts to review ineligible misdemeanors and felonies and issue a report with recommendations.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, December 8, 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 and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on December 28, 2017.**

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon T. Todd, Chair
Committee on Government Operations**

Announces a Public Hearing

on

**B22-324 - Notary Public Electronic Establishment and Enhancement Amendment Act
of 2017**

B22-467 - Revised Uniform Law on Notarial Acts of 2017

**Tuesday, December 12, 2017, 9:00 A.M.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on B22-324, the “Notary Public Electronic Establishment and Enhancement Amendment Act of 2017” and B22-467, the “Revised Uniform Law on Notarial Acts of 2017”. The public hearing is scheduled for Tuesday, December 12, 2017 at 9:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B22-324 updates the District's notary laws to conform with current best practices. It does not require the notary's sole place of residence or business be in the District. It gives the Mayor the authority to revoke the commission of notary publics who take higher fees than what is permitted by law. Among other things it requires that upon death, resignation, or revocation, notaries must return the official notarial seal to the District, along with other official documents and establishes an electronic notary system.

B22-467 enacts the Revised Uniform Law on Notarial Acts, which updates the provisions on notary responsibilities, electronic recording, interstate recognition, and remedies. The bill modernizes the law relating to notaries and notarial acts to accommodate the societal and technological changes and is designed to make the Act more responsive to current transactions and continuing technological change.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Government Operations at (202) 724-6663

or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Monday, December 11, 2017. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Wednesday, December 27, 2017. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

on

**Bill 22-463, the “Rolark Place and Calvin and Wilhelmina Rolark Way
Designation Act of 2017”**

on

**Thursday, December 14, 2017
9:30 a.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 22-463, the “Rolark Place and Calvin and Wilhelmina Rolark Way Designation Act of 2017”. The hearing will be held at 9:30 a.m. on **Thursday, December 14, 2017** in Hearing Room 123 of the John A. Wilson Building.

The stated purpose of Bill 22-463 is to officially designate the 500 block of Foxhall Place, S.E. in Square 6126, in Ward 8, as “Rolark Place, S.E.”, and to symbolically designate the same block of Foxhall Place, S.E. as Calvin and Wilhelmina Rolark Way, S.E. Typically, a symbolic naming is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name. An official naming typically involves the designation of postal addresses and the primary entrance for residences or offices. The reason that Bill 22-463 would do both is to enable both Calvin and Wilhelmina Rolark to be honored while enabling residents and the Postal Service to utilize a shorter name for official address purposes.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Michael Battle, Legislative Counsel at (202) 724-8108, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business December 12 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 December 12, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, December 28, 2017.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-539, Boris Nemtsov Plaza Designation Act of 2017

on

Wednesday, December 6, 2017
3:30 p.m., Council Chambers, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-539**, the “Boris Nemtsov Plaza Designation Act of 2017.” The hearing will be held at 3:30 p.m. on **Wednesday, December 6, 2017** in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of **Bill 22-539** is to symbolically designate the 2600 block of Wisconsin Avenue, N.W. between Davis Street, N.W., and Edmunds Street, N.W. in Ward 3, as Boris Nemtsov Plaza. The designation would honor the memory and contributions of Mr. Boris Nemtsov, a Russian politician and opposition leader whose assassination garnered international attention in February 2015. The Embassy of the Russian Federation, located at 2650 Wisconsin Avenue, N.W., fronts the proposed unit block designation. Typically, a symbolic naming is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **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 December 4, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, December 18, 2017.

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

NOTICE OF PUBLIC HEARING ON

**Implementation of the Sustainable Solid Waste Management
Amendment Act of 2014
and
B22-501 - Residential Composting Incentives Amendment Act of 2017**

Thursday, December 7, 2017 at 10:00 a.m.
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On December 7, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on the progress the District has made to implement the Solid Waste Management Amendment Act of 2014 and on B22-501, the Residential Composting Incentives Amendment Act of 2017. The hearing will begin at 10:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Sustainable Solid Waste Management Amendment Act of 2014 aimed to move the District towards its goal of 80% waste diversion by 2030. The legislation included new requirements about separating recyclable materials from solid waste and created an Office of Waste Diversion within the Department of Public Works to implement the legislation. The Committee would like to hear from the public and the Department of Public Works about the agency's progress in implementing this legislation, and how the District can move more swiftly towards its 80% waste diversion goal. The Committee will also hear testimony on B22-501, the Residential Composting Incentives Amendment Act of 2017, which would create a rebate and training program for District residents that purchase home composting systems.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004.

Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on December 21, 2017.

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

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

Implementation of Law 21-264, The Universal Paid Leave Act

**Monday, November 20 2017, 1pm
Hearing Room 120, 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 implementation of the Universal Paid Leave Amendment Act of 2016 (L21-264). The law, effective as of April 28, 2017, establishes a paid leave system for all District residents that will begin to pay benefits by July 1, 2020. Eligible participants will have access to up to 8 weeks of paid parental leave, 6 weeks of paid family caregiving leave, and 2 weeks of paid medical leave. The law establishes a Family and Medical Leave Fund, managed and administered by the District, to provide wage replacement to eligible participants. The Executive has initiated implementation by establishing a working group of relevant government agencies and officials to analyze the necessary steps to full implementation and develop relevant plans. At this roundtable, the Executive will discuss the current status of implementation. The roundtable will be held at 1p.m. on Monday, November 20, 2017, in Room 120 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Mr. Charnisa Royster at labor@dccouncil.us or (202) 724-7772 by close of business Thursday, November 16, 2017, to provide your 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 will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at 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 December 4, 2017.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 22-0467, THE “HOMELAND SECURITY COMMISSION
BRAD BELZAK CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0468, THE “HOMELAND SECURITY COMMISSION
MELOYDE BATTEN-MICKENS CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0469, THE “SENTENCING COMMISSION MARVIN
TURNER CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0470, THE “CORRECTIONS INFORMATION
COUNCIL CALVIN WOODLAND, JR. CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0471, THE “BOARD OF ELECTIONS MICHAEL GILL
CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0562, THE “DISTRICT OF COLUMBIA BOARD OF
ETHICS AND GOVERNMENT ACCOUNTABILITY DARRIN SOBIN CONFIRMATION
RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0573, THE “COMMISSION ON HUMAN RIGHTS
ADAM MAIER CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0574, THE “COMMISSION ON HUMAN RIGHTS
GUNTHER SANABRIA CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0575, THE “COMMISSION ON HUMAN RIGHTS
ANIKA SIMPSON CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0576, THE “COMMISSION ON HUMAN RIGHTS
EARL FOWLKES CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0584, THE “HOMELAND SECURITY AND
EMERGENCY MANAGEMENT AGENCY CHRISTOPHER RODRIGUEZ
CONFIRMATION RESOLUTION OF 2017”**

**PROPOSED RESOLUTION 22-0597, THE “COMMISSION ON HUMAN RIGHTS
CLIFTON LEWIS CONFIRMATION RESOLUTION OF 2017”**

AND

**PROPOSED RESOLUTION 22-0600, THE “HOMELAND SECURITY COMMISSION
JOSEPH GREEN CONFIRMATION RESOLUTION OF 2017”**

**Tuesday, November 28, 2017, 1:30 pm
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Tuesday, November 28, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider Proposed Resolution 22-0467, the “Homeland Security Commission Brad Belzak Confirmation Resolution of 2017”; Proposed Resolution 22-0468, the “Homeland Security Commission Meloyde Batten-Mickens Confirmation Resolution of 2017”; Proposed Resolution 22-0469, the “Sentencing Commission Marvin Turner Confirmation Resolution of 2017”; Proposed Resolution 22-0470, the “Corrections Information Council Calvin Woodland, Jr. Confirmation Resolution of 2017”; Proposed Resolution 22-0471, the “Board of Elections Michael Gill Confirmation Resolution of 2017”; Proposed Resolution 22-0562, the “District of Columbia Board of Ethics and Government Accountability Darrin Sobin Confirmation Resolution of 2017”; Proposed Resolution 22-0573, the “Commission on Human Rights Adam Maier Confirmation Resolution of 2017”; Proposed Resolution 22-0574, the “Commission on Human Rights Gunther Sanabria Confirmation Resolution of 2017”; Proposed Resolution 22-0575, the “Commission on Human Rights Anika Simpson Confirmation Resolution of 2017”; Proposed Resolution 22-0576, the “Commission on Human Rights Earl Fowlkes Confirmation Resolution of 2017”; Proposed Resolution 22-0584, the “Homeland Security and Emergency Management Agency Christopher Rodriguez Confirmation Resolution of 2017”; Proposed Resolution 22-0597, the “Commission on Human Rights Clifton Lewis Confirmation Resolution of 2017”; and Proposed Resolution 22-0600, the “Homeland Security Commission Joseph Green Confirmation Resolution of 2017”.

The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004, at 1:30 p.m.

PR22-0467, PR22-0468, and PR22-0600 would confirm Brad Belzak, Meloyde Batten-Mickens, and Joseph Green, respectively, to the Homeland Security Commission for terms to end February 21, 2019, February 22, 2018, and February 8, 2019.

PR22-0469 would confirm Marvin Turner to the Sentencing Commission for a term to end July 2, 2020.

PR22-0470 would confirm Calvin Woodland, Jr., to the Corrections Information Council for a term to end June 7, 2019.

PR22-0471 would confirm Michael Gill to the Board of Elections for a term to end July 7, 2020.

PR22-0562 would confirm Darrin Sobin to the Board of Ethics and Government Accountability for a term to end July 1, 2018.

PR22-0573, PR22-0574, PR22-0575, PR22-0576, and PR22-0597 would confirm Adam Maier, Gunther Sanabria, Anika Simpson, Earl Fowlkes, and Clifton Lewis, respectively, to the Commission on Human Rights for terms to end December 31, 2020, December 31, 2018, December 31, 2020, December 31, 2020, and December 31, 2019.

PR22-0584 would confirm Christopher Rodriguez to serve at the pleasure of the Mayor as the Director of the Homeland Security and Emergency Management Agency.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8232, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Wednesday, November 22**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on November 28.**

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

NOTICE OF PUBLIC ROUNDTABLE ON

**PR22-493 - Water and Sewer Authority Board of Directors Jed Ross
Confirmation Resolution of 2017
&
PR22-565 - Water and Sewer Authority Board of Directors Krystal Brumfield
Confirmation Resolution of 2017**

Tuesday, November 28, 2017, at 11:00 AM
in Room 123 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Tuesday, November 28, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on PR22-493, the Water and Sewer Authority Board of Directors Jed Ross Confirmation Resolution of 2017, and PR22-565, the Water and Sewer Authority Board of Directors Krystal Brumfield Confirmation Resolution of 2017. This legislation would confirm Jed Ross and Krystal Brumfield as members of the DC Water Board of Directors. The public roundtable will begin at 11:00 AM in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on December 12, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA
The Wilson Building

NOTICE OF CONTRACT APPROVAL RESOLUTION

The Council of the District of Columbia gives notice that the resolution listed below to approve CA 22-301, proposed contract with Woods Services, Inc. in the not-to-exceed amount of \$1,108,420.98 to provide out-of-state residential habilitation and services not covered by Medicaid for approximately six (6) individuals with intellectual and developmental disabilities twenty-four (24) hours per day for three hundred sixty-five (365) days per year was filed in the Office of the Secretary on October 27, 2017.

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

PR 22-617: Woods Services, Inc. Approval Resolution of 2017

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

A GBM 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 GBM 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 the GBMs are available in the Legislative Services Division, Room 10.
Telephone: 724-8050

GBM 22-47: FY 2018 Grant Budget Modifications as of October 20, 2017

RECEIVED: 14 day review begins November 8, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 17, 2017
 Protest Petition Deadline: January 2, 2018
 Roll Call Hearing Date: January 16, 2018
 Protest Hearing Date: March 14, 2018

License No.: ABRA-108303
 Licensee: Allure Lounge, LLC
 Trade Name: Allure Lounge
 License Class: Retailer’s Class “C” Tavern
 Address: 711 H Street, N.E.
 Contact: Zi Russell, Agent: 646-533-1350

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 16, 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 **March 14, 2018 at 4:30 p.m.**

NATURE OF OPERATION

A new class “C” Tavern with 200 seats and a Total Occupancy Load of 400. Applicant has also applied for an Entertainment Endorsement.

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

Sunday through Thursday 11 am – 2 am, Friday and Saturday 11 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**CORRECTION

Placard Posting Date: November 3, 2017
Protest Petition Deadline: December 18, 2017
Roll Call Hearing Date: January 8, 2018

License No.: ABRA-095711
Licensee: Lemma Holdings, LLC
Trade Name: Bliss
License Class: Retailer's Class "C" Tavern
Address: 2122 24th Place, N.E.
Contact: Stephen J. O'Brien: (202) 625-7700
WARD 5 ANC 5C SMD 5C02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a rooftop Summer Garden with 183 seats and **Live Entertainment.

CURRENT HOURS OF OPERATION

Sunday 10:00 am – 3:00 am, Monday through Thursday 8 am – 3 am, Friday and Saturday 8 am – 4 am

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

Sunday 10:00 am – 2:00 am, Monday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 6pm – 2:30 am, Friday and Saturday 6 pm – 3:30 am

**PROPOSED HOURS OF OPERATION AND LIVE ENTERTAINMENT FOR ROOFTOP SUMMER GARDEN

Sunday 10:00 am – 3:00 am, Monday through Thursday 8 am – 3 am, Friday and Saturday 8 am – 4 am

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

Sunday 10:00 am – 2:00 am, Monday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: November 3, 2017
Protest Petition Deadline: December 18, 2017
Roll Call Hearing Date: January 8, 2018

License No.: ABRA-095711
Licensee: Lemma Holdings, LLC
Trade Name: Bliss
License Class: Retailer’s Class “C” Tavern
Address: 2122 24th Place, N.E.
Contact: Stephen J. O’Brien: (202) 625-7700

WARD 5 ANC 5C SMD 5C02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on 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.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a rooftop Summer Garden endorsement with seating for 183 patrons.

CURRENT HOURS OF OPERATION

Sunday 10:00 am – 3:00 am, Monday through Thursday 8 am – 3 am,
Friday and Saturday 8 am – 4 am

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

Sunday 10:00 am – 2:00 am, Monday through Thursday 8 am – 2 am,
Friday and Saturday 8 am – 3 am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 6pm – 2:30 am, Friday and Saturday 6 pm – 3:30 am

****PROPOSED HOURS OF OPERATION FOR ROOFTOP SUMMER GARDEN**

Sunday 10:00 am – 3:00 am, Monday through Thursday 8 am – 3 am,
Friday and Saturday 8 am – 4 am

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

Sunday 10:00 am – 2:00 am, Monday through Thursday 8 am – 2 am,
Friday and Saturday 8 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

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

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

WARD 2 ANC 2E SMD 2E03

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

NATURE OF SUBSTANTIAL CHANGE

Request to Add a Summer Garden with 11 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES

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

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

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

****PROPOSED HOURS OF OPERATION FOR SUMMER GARDEN**

Sunday – Saturday 8:00 am – 10:00 pm

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

Sunday – Saturday 10:00 am – 10:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

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

License No.: ABRA-102904
Licensee: Boeoy of Georgetown Corporation
Trade Name: Boeoymonger
License Class: Retailer’s Class “D” Restaurant
Address: 3265 Prospect Street, N.W.
Contact: Rummana Choudhury: (202) 333-4810

WARD 2 ANC 2E SMD 2E03

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

NATURE OF SUBSTANTIAL CHANGE

Request to Add a Summer Garden with 11 seats.

CURRENT HOURS OF OPERATION INSIDE PREMISES

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

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

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

****PROPOSED HOURS OF OPERATION FOR SUMMER GARDEN**

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

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/17/2017

Notice is hereby given that:

License Number: ABRA-041370

License Class/Type: C Restaurant

Applicant: Firehook Bakers Cleveland Park, Inc.

Trade Name: Firehook Bakery

ANC: 3C04

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

3411 CONNECTICUT AVE NW, Washington, DC 20008

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
1/2/2018

A HEARING WILL BE
1/16/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	10 am - 10 pm
Monday:	7 am - 10 pm	8 am - 10 pm
Tuesday:	7 am - 10 pm	8 am - 10 pm
Wednesday:	7 am - 10 pm	8 am - 10 pm
Thursday:	7 am - 10 pm	8 am - 10 pm
Friday:	7 am - 12:30 am	8 am - 12:30 am
Saturday:	7 am - 12:30 am	8 am - 12:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/20/2017

****RESCIND**

Notice is hereby given that:

License Number: ABRA-074162

License Class/Type: B / Retail - Grocery

Applicant: ZG Market, Inc.

Trade Name: Jubilee Market

ANC: 5E10

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

2316 4TH ST NE

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

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

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 17, 2017
Protest Petition Deadline: January 2, 2018
Roll Call Hearing Date: January 16, 2018
Protest Hearing Date: March 14, 2018

License No.: ABRA-107896
Licensee: Kick Axe Throwing, LLC
Trade Name: Kick Axe Throwing/Throw Social
License Class: Retailer's Class "C" Tavern
Address: 1401 Okie Street, N.E.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 5

ANC 5D

SMD 5D01

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 16, 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 March 14, 2018 at 1:30 p.m.

NATURE OF OPERATION

New Class "C" Tavern offering indoor axe throwing and games with alcoholic beverages. Total Occupancy Load of 450. Offering Live Entertainment.

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

Sunday through Thursday 8:00 am to 2:00 am, Friday and Saturday 8:00 am to 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 17, 2017
Protest Petition Deadline: January 2, 2018
Roll Call Hearing Date: January 16, 2018
Protest Hearing Date: March 14, 2018

License No.: ABRA-107858
Licensee: Spin DC, LLC
Trade Name: Spin
License Class: Retailer's Class "C" Tavern
Address: 529 14th Street, N.W.
Contact: Adena M. Santiago, Esq.: (202) 638-6363

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 16, 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 March 14, 2018, at 1:30 p.m.

NATURE OF OPERATION

New Class "C" Tavern, offering unique and engaging events, with 100 seats and a Total Occupancy Load of 500. There will be Pandora radio piped through and the licensee has also requested an Entertainment Endorsement to provide occasional Live Entertainment. The menu will include burgers and fries, pizza and other bar food/American fare.

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday - Thursday 11:00 am - 2:00 am
Friday - Saturday 11:00 am - 3:00 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday - Saturday 7:00 pm - 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/17/2017

Notice is hereby given that:

License Number: ABRA-108071

License Class/Type: B Retail - Class B

Applicant: BET Corporation

Trade Name: Whitelaw Market

ANC: 1B12

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

1846 13TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
1/2/2018

A HEARING WILL BE HELD ON:
1/16/2018

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 - 10 pm	9 am - 10 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 17, 2017
 Protest Petition Deadline: January 2, 2018
 Roll Call Hearing Date: January 16, 2018
 Protest Hearing Date: March 14, 2018

License No.: ABRA-108149
 Licensee: Winovisor, LLC
 Trade Name: Winovisor, LLC
 License Class: Retailer’s Class “B” (Internet Only)
 Address: 4221 Connecticut Avenue, N.W.
 Contact: Kevin K. Shin: (202) 236-6883

WARD 3

ANC 3F

SMD 3F02

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 16, 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 March 14, 2018 at 1:30 p.m**

NATURE OF OPERATION

New online-only class B retailer. This location will not be open to the public.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES

Sunday Closed, Monday through Saturday 10:00 am – 6:00 pm

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

TIME AND PLACE: Thursday, January 18, 2018, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 17-18 (Office of Planning – Text Amendment to Subtitles B, D, E, F, J and K re: Changes to Definitions and Rules of Measurement)

THIS CASE IS OF INTEREST TO ALL ANCs

On October 6, 2017, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) proposing a text amendment to the Zoning Regulations (11 DCMR) regarding proposed changes to a number of Definitions and Rules of Measurement in the zoning regulations. On October 16, 2017, the Commission voted to set down the application for a public hearing. The OP set down report served as a pre-hearing filing.

The proposed amendments establish measuring basements and cellars to the top of the finished floor of the “ground floor” (a defined term) instead of to the ceiling of the basement/cellar and adjust the height above/below grade to five feet instead of four feet; establish the measuring point as the lower of either natural or finished grade, and move some language previously in the definitions of “Heights of Buildings” and “Gross Floor Area” to the Rules of Measurement section.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined text** and deleted text is shown ~~striketrough~~). Some text has been moved from Definitions to Rules of Measurement (Subtitle B §§ 307 and 308):

1. Changes to Subtitle B, Definitions

Amend the text in Subtitle B § 100.2, as follows:

Basement: That portion of a story partly below grade where the finished floor of the ground floor, the ceiling of which is four feet (4 ft.) is five feet (5 ft.) or more above the adjacent natural or finished grade, whichever is lower in elevation.

...¹

¹ The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provision does not signify the intent to repeal.

Building Area: The maximum horizontal projected area of a principal building and its accessory buildings. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title; ~~nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property.~~

Building area shall not include: Building components or appurtenances dedicated to the environmental sustainability of the building; cornices and eaves; sills, leaders, belt courses, and similar ornamental or structural features; awnings, serving a window, porch, deck or door; uncovered stairs, landings, and wheelchair ramps that serve the main floor; and chimneys, smokestacks, or flues.

...

~~Building, Height of: In other than R, RF, RA, RC 1, CG 1, and D 1 zones, the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district; in Residential (R) zones the vertical distance measured at the existing natural grade at the midpoint of the building façade of the principal building that is closest to a street lot line to a point designated in the zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height or stories.~~

The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height (Subtitle B § 308). **The vertical distance measured from the Building Height Measuring Point (BHMP) to a point designated in a zone district, subject to limitations in the regulations.**

~~Building Height Measuring Point (BHMP): The point used to measure building heights in R, RF, and RA zones. **The point used in measuring building heights in a zone, subject to limitations in the regulations. See also, Subtitle B, Rules of Measurement.**~~

...

~~Cellar: That portion of a story **partly below grade where the finished floor of the ground floor,** the ceiling of which is less than four feet (4 ft.) **five feet (5 ft.)** above the adjacent **natural or finished grade, whichever is lower in elevation.**~~

...

~~Floor Area Ratio (FAR): The ratio of the total gross floor area of a building to the area of its lot; determined by dividing the gross floor area of all buildings on a lot by the area of that lot. See also: Subtitle B, §§ 304 and 305 **Chapter 3, Rules of Measurement.**~~

...

Grade, Finished: The elevation of the ground directly abutting the perimeter of a building or structure **or at the top edge of a window well. Exceptions to finished grade are:**

- (i) **a window well that projects no more than four feet (4 ft.) from the building face; and**
- (ii) **an areaway that provides direct access to an entrance, projects no more than five feet (5 ft.) from the building face, and is not more than five feet (5 ft.) wide along the face of the building.**

...

Gross Floor Area (GFA): **Unless otherwise specified, The** ~~the~~ sum of the gross horizontal areas of ~~the several~~ **all** floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings. See also: Subtitle B, §§ 304 and 305 **Chapter 3, Rules of Measurement**.

~~GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses (unless otherwise specified); attic space (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.~~

~~GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.~~

...

Habitable Room: An undivided enclosed space used for living, sleeping, or kitchen facilities. **Unless otherwise specified, The** ~~the~~ term “habitable room” shall not include ~~attics, cellars,~~ corridors, hallways, laundries, serving or storage pantries, bathrooms, or similar space; neither shall it include mechanically ventilated interior kitchens less than one hundred square feet (100 sq. ft.) in area, nor kitchens in commercial establishments.

2. *Changes to Subtitle B, Rules of Measurement*

Amend the text in Subtitle B § § 304, 307, and 308 as follows:

Subtitle B § 304 RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA)

...

304.4 For a building entirely detached from any other building, ~~calculation of~~ GFA for the portion of a building or structure story located partially below adjacent natural or finished grade shall be calculated by the perimeter-wall method as follows:

- (a) Measure the portions of the perimeter of the building or structure story located partially below adjacent natural or finished grade that ~~have a height greater than or equal to four (4)~~ are five feet (5 ft.) or more above, ~~when measured between the~~ adjacent natural or finished grade, whichever is lower in elevation, and the ground finished floor of the ~~story above~~ ground floor;
- (b) Measure the total perimeter of the building or structure story located partially below adjacent natural finished grade or finished grade, whichever is lower in elevation;
- (c) Divide the distance of the result of paragraph (a) by the distance of the result of paragraph (b); and
- (d) Multiply this result by the total floor area of the building or structure story located partially below adjacent natural finished or finished grade, whichever is lower in elevation.

304.5 For a building attached at any point to a neighboring building, GFA of the portion of a story located partially below natural or finished grade shall be calculated by the grade-plane method as follows:

- (a) Establish a line between the midpoint of a building façade facing the nearest street at the adjacent natural or finished grade, whichever is lower, and the midpoint of the opposite ~~building~~ of the building façade at the adjacent natural or finished grade, whichever is lower;
- (b) Determine the portion of this line that is five feet (5 ft.) or more below ~~where the distance between it, and the ground~~ finished floor of the story directly above, ~~is greater than or equal to six (6) feet~~;
- (c) Project a perpendicular line from the point along the line described in paragraph (b) to the exterior walls of the building; and
- (d) Measure the floor area that is between the projected perpendicular line and the other portions of the story that are ~~with a height greater than or equal to six feet (6 ft.)~~ five feet (5 ft.) or more below the finished, ~~when measured from the perpendicular line to the ground~~ floor of the story above ground floor.

304.6 GFA shall include basements, elevator shafts, and stairwells at each story; floor space used for mechanical equipment (with structural headroom of six feet, six inches (6 ft., 6 in.), or more); penthouses (unless otherwise specified); attic space (whether or not a floor has actually been laid, providing structural headroom of six feet, six inches (6 ft., 6 in.), or more); interior balconies; and mezzanines.

304.7 GFA shall not include cellars, exterior balconies that do not exceed a projection of six feet (6 ft.) beyond the exterior walls of the building, all projections beyond the lot line that may be allowed by other Municipal codes, vent shafts, and pipe chase shafts above the ground floor, atriums above the ground floor, ramps on the ground floor leading down to areas of parking on a lower level; and in residential zones, the first floor or basement area designed and used for parking or recreation spaces provided that not more than fifty percent (50%) of the perimeter of that space may be comprised of columns, piers, walls, or windows, or similarly enclosed.

Subtitle B § 307 RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES

307.1 In other than R, RF, RA, RC-1, CG-1 and D-1 **residential** zones, **as defined in Subtitle A § 101.9**, the building height shall be the vertical distance measured from **the building height measuring point (BHMP) at** the level of the curb, opposite the middle of the front of the building, to the highest point of the roof or parapet or a point designated by a specific zone.

307.2 Unless otherwise restricted or permitted in this title, in those zones in which the height of the building is limited to forty feet (40 ft.), the height of the building ~~may~~ **shall** be measured from **the BHMP at the adjacent natural or finished grade, whichever is the lower elevation,** ~~level~~ at the middle of the front of the building to the ceiling of the top story.

...

307.4 Except as provided in Subtitle B § 307.6, where a building is removed from all lot lines by a distance equal to its proposed height above **the adjacent natural or finished** grade, **whichever is the lower elevation,** the height of building shall be measured from the **adjacent natural or finished** grade, **whichever is the lower elevation,** at the middle of the front of the building to the highest point of the roof or parapet.

...

307.6 Except as provided in Subtitle B § 307.4, in those zones in which the height of building is permitted to be ninety feet (90 ft.) or greater, the height of buildings shall be measured from the **adjacent natural or finished** **grade level, whichever is the lower elevation,** at the middle of the front of the building to the highest point of the roof excluding parapets not exceeding four feet (4 ft.) in height.

...

307.8 **Berms or other forms of artificial landscaping shall not be included in measuring building height or stories.**

307.9 **The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height in this section.**

Subtitle B § 308 RULES OF MEASUREMENT FOR BUILDING HEIGHT: ~~R, RF, RA, RC-1, CG-1, AND D-1~~ RESIDENTIAL ZONES AS DEFINED IN SUBTITLE A § 101.9

308.1 The height of buildings, not including a penthouse, in ~~R, RF, RA, RC-1, CG-1, and D-1~~ **residential** zones, **as defined in Subtitle A § 101.9**, shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

308.2 The building height measuring point (BHMP) shall be established at the ~~existing~~ **adjacent natural or finished** grade, **whichever elevation is lower**, at the mid-point of the building façade of the principal building that is closest to a street lot line.

...

308.9 **Berms or other forms of artificial landscaping shall not be included in measuring building height or stories.**

308.10 **The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height in this section.**

3. *Changes to Height Regulations in Subtitles D, Residential House (R) Zones*

Amend Subtitle D, Residential House (R) Zones, § 207.4 as follows:

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (R)

207 HEIGHT

...

207.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

4. Changes to Height Regulations in Subtitle E, Residential Flat (RF) Zones

Amend Subtitle E, Residential Flat (RF) Zones, §§ 303.5, 403.5, and 603.4 as follows:

CHAPTER 3 RESIDENTIAL FLAT ZONE (RF-1)

303 HEIGHT

...

303.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

CHAPTER 4 DUPONT CIRCLE RESIDENTIAL FLAT ZONE (RF-2)

403 HEIGHT

...

403.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

CHAPTER 6 RESIDENTIAL FLAT ZONE (RF-4 AND RF-5)

603 HEIGHT

...

603.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

5. *Changes to Height Regulations in Subtitle F, Residential Apartment (RA) Zones*

Amend Subtitle F, Residential Apartment (RA) Zones, § 203.4 as follows:

CHAPTER 2 GENERAL DEVELOPMENT STANDARDS (RA)

203 HEIGHT

...

203.4 Except as provided in Subtitle F §§ 203.2 and 203.3, a building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

6. *Changes to Height Regulations in Subtitle J, Production Distribution and Repair (PDR) Zones*

Amend Subtitle J, Production Distribution and Repair (PDR) Zones, § 203.3 as follows:

CHAPTER 2 DEVELOPMENT STANDARDS (PDR)

203 HEIGHT

...

203.3 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.) not including the penthouse, provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the **adjacent** natural **or finished** grade, **whichever is the lower elevation.**

7. *Changes to Height Regulations in Subtitle K, Special Purpose Zones*

Amend Subtitle K, Union Station North Zone, § 305.2 as follows:

CHAPTER 3 UNION STATION NORTH ZONE (USN)

305 HEIGHT

...

305.2 The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point of the roof or parapet rather than from grade as would otherwise be required by ~~Subtitle C, Chapter 5~~ **Subtitle B § 307.1.**

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 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.

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

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

- | | | |
|----|---------------|----------------|
| 1. | 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 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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

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

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

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

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

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl.)); Section 4902(d) of the Health Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(d) (2012 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 8 (Recommending Physicians) of Subtitle C (Medical Marijuana), Title 22 (Health), of the District of Columbia Municipal Regulations ("DCMR").

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

This rulemaking was published in the *D.C. Register* on March 31, 2017 at 64 DCR 3172. The Department received three (3) written comments in response to the notice. The comments were submitted by Edward L. Weidenfeld of the Weidenfeld Law Firm, P.C., K&M Attorneys at Law, and a joint submission from Takoma Wellness Center, Metropolitan Wellness Center, and Capital City Care. The comments addressed §§ 800.1, 800.2, 803.3, 9900.1.

Comments from K&M Attorneys at Law: Regarding §§ 800.2, delete it because the rulemaking exceeds DOH's statutory authority. DOH did not accept the recommendation to delete § 800.2 for the following reasons: The commenters misinterpret and misunderstand § 800.2. Subsection 800.2 does not limit physicians to seeing a patient only if the evaluation is based on a written referral. Under Subsection 800.1, the current process for a physician to recommend medical marijuana will remain intact. Subsection 800.2 adds an additional avenue for a physician to recommend medical marijuana. Further, the Act explicitly requires that the recommendations be made pursuant to a *bona fide* physician patient relationship, and that the physician have responsibility for the ongoing care and treatment of the patient. As such, the existing language in the regulations which prohibit physicians from seeing a patient solely for the purpose of recommending medical marijuana are consistent with the authority, spirit, and intent of the law. Moreover, this rulemaking will actually loosen this limitation to now allow providers to see patients solely for the purpose of recommending medical marijuana if done so through a written referral from the patient's provider.

Comments from K&M Attorneys at Law: Regarding § 800.2, delete it because it will dissuade physicians from participating in the MMP. DOH did not accept the recommendation to delete § 800.2 for the following reasons: As previously stated, § 800.2 does not change the existing practices under § 800.1. Any physician that is currently making lawful recommendations for a patient to participate in the medical marijuana program may continue to do so without any changes to his or her practice. The commenter suggests that physicians who

have been making informal recommendations will now cease to do so. The comment is not supported with objective evidence. In essence, the commenter is stating that when it was completely prohibited for a physician to see a patient solely for or primarily for the purpose of recommending medical marijuana, physicians were comfortable with referring their patients, informally, to recommending physicians. But, by relaxing the standard and allowing physicians to refer their patients to a recommending physician, physicians will now be less likely to recommend their patients, formally or informally, to recommending physicians.

This rulemaking will make it easier for physicians to make the referrals and offer more protections for the physicians who desire to refer their patients to a recommending physician. Moreover, it is DOH's understanding that physicians welcome this added protection. Lastly, it is noted that the commenters state that they prepared the comments on behalf of MyCannX, LLC which is a patient consulting firm. Therefore, it appears that these comments were not prepared at the request of or on behalf of physicians.

Comments from K&M Attorneys at Law: Regarding §§ 800.2: It is deficient because it fails to include the new additional recommenders. DOH Response: the new additional recommenders are being addressed through separate rulemaking which was published in the *D.C. Register* for the public comment period on August 11, 2017 at 64 DCR 7951.

Comments from K&M Attorneys at Law: Regarding §§ 800.2: Patients may not want to disclose to their primary care physicians that they are using medical marijuana and requiring them to do so could violate HIPAA. DOH Response: This is not a recreational marijuana program. Patient participation is and has always been contingent upon the patient being under the treatment of and receiving a recommendation from his or her health care provider. The purpose was never for people who want medical marijuana to doctor-shop for health providers that will give them a recommendation because they want it and then never follow up with the patient for any monitoring of their health condition, effects of the treatment, or to provide any health care related services. The comment that a patient may not want their primary care physician to know that they are receiving medical marijuana suggests that physicians are expected to treat medical marijuana patients differently than other patients. It is the customary standard of the profession that a treating physician is to know every medication, even over the counter medications and nutritional supplements, that a patient is taking. The purpose of this is to protect the patient's health and safety from receiving medications that are contraindicated. The commenter suggests that it may be a violation of HIPAA for a patient to be required to tell their treating physician that they are now being treated by another physician with medical marijuana. DOH disagrees. Further, it is not a violation of HIPAA for a patient to tell his or her physician of treatment he or she receives from other practitioners. The patient has the right to disclose his or her health history to whomever he or she chooses to do so.

Comments from K&M Attorneys at Law: Regarding § 800.2: It will have a disparate effect on low-income and younger patients that do not have health insurance. DOH did not accept the recommendation for the following reasons: Low-income and younger patients and patients without health insurance will continue to obtain medical marijuana recommendations in the same manner that they currently do. Further, for most patients, even those with health insurance, they must pay cash for their physician visits as the health insurance companies do not pay for medical

marijuana health services.

Comments from K&M Attorneys at Law: Regarding §§ 803.3 and 9900.1, delete it because the rulemaking exceeds DOH's statutory authority: DOH did not accept the recommendation to delete § 803.3 for the following reasons: The commenter misinterprets this provision as banning expeditors, and states that DOH doesn't have statutory authority over these third party individuals. However, that interpretation is incorrect. The rulemaking governs the permissible activities for the providers who make the medical marijuana recommendations for patients. DOH has the statutory authority to address the permissible conduct pertaining to the recommending physicians. Further, this provision is consistent with the language included in the Act which specifically prohibits recommending physicians from having a professional office located at a dispensary, cultivation center, or testing laboratory and from receiving financial compensation from a dispensary, cultivation center, or testing laboratory, or a director, officer, member, incorporator, agent, or employee of a dispensary, cultivation center, or testing laboratory.

Comments from K&M Attorneys at Law: Regarding §§ 803.3 and 9900.1: the term "expediter" is overly broad and including it will stymie the progress of the MMP program. DOH did not accept the recommendation to delete § 803.3 for the following reasons: the commenter states that term "expeditors" includes "patient consultants" and that this is an attempt by DOH to prevent patient consultants from participating in the MMP. The rulemaking does not prevent, ban, or bar patient consultant activities. It only prohibits them from doing so in a recommending physician's office or clinic or place of practice. This is completely consistent with the language of the Act, which prohibits recommending physicians from having a professional office located at a dispensary, cultivation center, or testing laboratory, and from receiving financial compensation from a dispensary, cultivation center, or testing laboratory, or a director, officer, member, incorporator, agent, or employee of a dispensary, cultivation center, or testing laboratory.

Further, this rulemaking is consistent with the spirit and intent of the law, which is to ensure that recommending physicians are able to provide medical care, treatment, and recommendations to patients in an environment free from undue or improper influence. Further, it protects patients from undue or improper influence from persons who have a financial interest in registering patients into the program. The Council has clearly articulated and implemented legislation to make it clear that this process is to be between a patient and the patient's physician or health provider. Therefore, this rulemaking helps to preserve the sanctity of that relationship by ensuring that patients are able to see their physicians without the pressure and influence of a third party that has a financial interest in registering the patient for participation. The Department is aware that some expeditors are directly or indirectly affiliated with registered cultivation centers or dispensaries. These "patient consultants" are not neutral parties but rather have a financial incentive for registering patients in the program.

Further, the commenter fails to provide a reason as to why a patient consultant would only be able to provide their services to patients in a physician's office or clinic. Presumably, the patient consultants have business offices, or are able to make home visits for patients that are too ill to travel to their offices. Again, it is unclear as to why a patient consultant would be unable to

provide his or her services if not allowed to do so directly inside of a recommending physician's office or clinic.

Comments from Takoma Wellness Center, Metropolitan Wellness Center, and Capital City Care: Regarding § 800.2: Delete it because: (1) It imposes a referral requirement on patients that is unduly burdensome. (2) It is contrary to the intent of the Legalization of Medical Marijuana for Medical Purposes Act and imposes an unnecessary burden on patients. DOH did not accept the recommendation to delete § 800.2 for the following reasons: The commenters misinterpret and misunderstand § 800.2. This rulemaking expands the options for physicians to recommend medical marijuana. It does not restrict them. Under Subsection 800.1, the current process for a physician to recommend medical marijuana will remain intact. Subsection 800.2 **adds** an additional avenue for a physician to recommend medical marijuana. Specifically, for those physicians who are uncomfortable with recommending medical marijuana, or whose places of employment or malpractice carriers will not allow them to recommend medical marijuana, Subsection 800.2 allows them to refer their patients to a physician that is comfortable with recommending medical marijuana.

This rulemaking is consistent with the intent of the Act, which explicitly required that the recommendations be made pursuant to a *bona fide* physician patient relationship, and that the physician have responsibility for the ongoing care and treatment of the patient. The commenters argue that it is difficult for patients to find a doctor that will write a recommendation. However, this statement does not prove or support the comment that this rulemaking is contrary to the intent of the law. Council clearly intended that there be a legitimate *bona fide* physician patient relationship with ongoing responsibility for care and treatment. This rulemaking is consistent with that intent. Further, regarding the comment that it is difficult for patients to find doctors to make recommendations for them, this regulation will help to broaden the pool of physicians that can make recommendations for patients.

Comments from Takoma Wellness Center, Metropolitan Wellness Center, and Capital City Care: Regarding § 800.2: It will impose significant costs on patients. DOH did not accept the recommendation to delete § 800.2 for the following reasons: This rulemaking will not impose significant costs on patients because patients are not being required to see two physicians.

Comments from Takoma Wellness Center, Metropolitan Wellness Center, and Capital City Care: Regarding § 800.2: It is not necessary for the purpose of ensuring that authorized practitioners are in a *bona fide* provider patient relationship with patients. DOH did not accept the recommendation to delete § 800.2 for the following reasons: The comment is self-contradictory. The commenters state that this rulemaking is not necessary to ensure that recommendations are made pursuant to *bona fide* physician patient relationships, but then state that DOH should allow patients to seek out the "provider of their choice" so long as the provider is "reasonably available" to provide follow up care and treatment. The purpose of this Act is to allow authorized health care providers to recommend medical marijuana as a treatment for their patients that suffer from illnesses that could benefit from the use of medical marijuana. This is not a recreational program in disguise as a medical marijuana program. By stating that the providers would only be "reasonably available" the commenters essentially concede that these providers are not providing the ongoing care and treatment required by the Act and that the

relationship is in fact not *bona fide*. The suggested change is not consistent with the spirit and intent of the law the Council created and which governs the District's Medical Marijuana Program.

Comment from Edward Weidenfeld, a patient and an Officer of Phyto Management, LLC, a D.C.-registered cultivation center: Regarding § 800.1: Delete it because it fails to include the new additional recommenders. DOH Response: the new additional recommenders are being addressed through separate rulemaking which was published in the *D.C. Register* for the public comment period on August 11, 2017 at 64 DCR 7951.

Comment from Edward Weidenfeld, a patient and an Officer of Phyto Management, LLC, a D.C.- registered cultivation center: Regarding § 800.1: Delete it because it uses the term “bona fide” physician-patient relationship, which is vague. DOH did not accept the recommendation because the term “*bona fide* physician-patient relationship” is clearly defined in the law and regulations.

Comment from Edward Weidenfeld, a patient and an Officer of Phyto Management, LLC, a D.C.-registered cultivation center: Regarding § 800.1(a)(1): Delete it because it requires a personal physical examination within ninety (90) days and responsibility for the ongoing care and treatment of the patient. DOH did not accept the recommendation because these provisions, save the 90 days requirement, are required by the Act. Further, the 90 days period is consistent with current standards of practice.

Comment from Edward Weidenfeld, a patient and an Officer of Phyto Management, LLC, a D.C.-registered cultivation center: Regarding § 800.2: Delete it. No specific reason stated. DOH did not accept the recommendation because the commenter did not state a reason for doing so.

The Department considered the comments, but did not find that any changes were warranted based on the comments. Therefore, no changes have been made to the rulemaking.

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

Chapter 8, RECOMMENDING PHYSICIANS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 800, QUALIFICATIONS TO BE RECOMMENDING PHYSICIAN, is amended to read as follows:

800 QUALIFICATIONS TO BE A RECOMMENDING PHYSICIAN

800.1 A physician who is licensed and in good standing to practice medicine or osteopathy in the District of Columbia may recommend the use of medical

marijuana to a qualifying patient if the physician:

- (a) Is in a *bona fide* physician-patient relationship with the qualifying patient, which for purposes of complying with this chapter and the Act shall mean that the physician:
 - (1) Has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination, not more than ninety (90) days prior to making the recommendation; and
 - (2) Has responsibility for the ongoing care and treatment of the patient either directly or in consultation with another licensed physician;
- (b) Makes the recommendation based upon the physician's assessment of the qualifying patient's:
 - (1) Medical history;
 - (2) Current medical condition; and
 - (3) A review of other approved medications and treatments that might provide the qualifying patient with relief from a qualifying medical condition or the side effects of a qualifying medical treatment; and
- (c) Is not the owner, director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center.

800.2

A physician who is licensed and in good standing to practice medicine or osteopathy in the District of Columbia may evaluate a patient for the sole or primary purpose of the recommendation of medical marijuana only if:

- (a) The evaluation is based upon a written referral to the recommending physician by the patient's current primary care physician or a physician specialist responsible for the current treatment of the patient's medical condition;
- (b) The recommending physician complies with the requirements set forth in Subsection 800.1; and
- (c) There is no exchange of any form of remuneration, gift, donation, bartering, referral fees, or fee-splitting between the referring and recommending physician either directly or indirectly.

Section 803, NO OFFICE AT DISPENSARY OR CULTIVATION CENTER, is amended to read as follows:

803 NO OFFICE AT DISPENSARY OR CULTIVATION CENTER

- 803.1 A physician recommending the use of medical marijuana to a qualifying patient shall not have a professional office located at or adjacent to a dispensary or cultivation center, shall not have employees, agents, volunteers, or independent-contractors affiliated directly or indirectly with the physician be located at or adjacent to a dispensary or cultivation center, and shall not receive financial compensation directly or indirectly from a dispensary or cultivation center.
- 803.2 A physician recommending the use of medical marijuana to a qualifying patient shall not have employees, agents, volunteers, or independent-contractors affiliated directly or indirectly with a dispensary or cultivation center on the premises of the physician's professional office, clinic, or an institutional facility where the physician sees patients or has privileges to see patients.
- 803.3 A physician recommending the use of medical marijuana to a qualifying patient shall not have expeditors or employees, agents, volunteers or independent-contractors affiliated directly or indirectly with an expeditor on the premises of the physician professional office, clinic, or an institutional facility where the physician sees patients or has privileges to see patients.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding one (1) new definition to appear in alphabetical order:

Expediter - other than a registered caregiver, any person or entity employed, contracted, volunteering, or compensated by any form of remuneration, gift, donation, or bartering, to register individuals as patients in the medical marijuana program, to connect individuals with recommending physicians, to solicit individuals to become qualifying patients, to complete application forms or to assist individuals in completing application forms to become qualifying patients, or to transport or deliver to the Department application forms for individuals seeking to become qualifying patients.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Section 7a of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036. (2012 Repl.)) (“Facilities Act”); Mayor’s Order 2009-130, dated July 16, 2009; the Child Care and Development Block Grant Act of 2014 (“CCDBG Act”), approved November 19, 2014 (Pub.L. 113-186; 42 USC §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby gives notice of her intent to adopt the following amendments to Chapter 1 (Child Development Facilities: Licensing) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this proposed rulemaking is to extend the deadline for staff members to comply with specific credential requirements for teachers, assistant teachers, and child development home care givers. On December 2, 2016, OSSE published a Final Rulemaking setting forth an updated framework for obtaining and maintaining a license to operate a child development facility. The Final Rulemaking required that center directors, teachers, assistant teachers, home caregivers, associate caregivers, and expanded home caregivers to earn progressively higher education credentials over time based on their roles. Since promulgation, OSSE has determined that in addition to resources, some staff in child development facilities will need more time to reach the minimum education requirements deadline. Therefore, through this proposed rulemaking, the Office of the State Superintendent of Education seeks to address stakeholder concerns that the amount of time provided in the final rulemaking was not sufficient to meet the heightened credential requirement. As demonstrated by this proposed rulemaking, Mayor Bowser and OSSE remain committed to supporting D.C.’s community of child development providers to ensure stability and sustainability during the transition to new staffing requirements. As a final note, OSSE recognizes that there has been other concerns raised and requests for other amendments in the licensing regulations made by various stakeholders, and OSSE plans to address additional amendments in future rulemaking.

This proposed rulemaking will be submitted to the Council of the District of Columbia for a thirty (30) day review period or Council approval before final adoption, pursuant to the Section 7(a) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036(a) (2012 Repl.)). The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 1, CHILD DEVELOPMENT FACILITIES: LICENSING, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Subsection 165.1 of Section 165, CHILD DEVELOPMENT CENTER: TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended to read as follows:

165.1 A Teacher in a Child Development Center shall be at least eighteen (18) years of age and shall either:

- (a) Have earned, an associate's or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, child and family studies, or a closely related field;
- (b) Have earned an associate's or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in a field other than early childhood education, early childhood development, or child and family studies, earned at least twenty-four (24) semester credit hours, or its recognized equivalent, from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation in early childhood education, early childhood development, child and family studies, or a closely related field, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction;
- (c) Have earned at least forty-eight (48) semester credit hours, or its recognized equivalent, from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, of which fifteen (15) semester hours, or its recognized equivalent, shall be in early childhood education, early childhood development, or child and family studies, and has at least two (2) years of supervised occupational experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction; provided that he or she earns an associate's degree as described in (a) or (b) by December 2, 2023;
- (d) Have earned a high school diploma or its equivalent and a current Child Development Associate (CDA) credential, which specifies that the individual is qualified for the assigned age classification; provided that he or she earns an associate's degree in compliance with (a) or (b) by December 2, 2023; or
- (e) For a Montessori school teacher, have earned an associate's degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, and a Montessori certificate issued by the National Center for Montessori Education, American Montessori Society, or the Association Montessori International, or a program accredited by the Montessori Accreditation Commission for Teacher Education.

Subsection 166.1 of Section 166, CHILD DEVELOPMENT CENTER: ASSISTANT TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended to read as follows:

- 166.1 An Assistant Teacher in a Child Development Center shall be at least eighteen (18) years of age and shall either:
- (a) Have earned an associate's or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation;
 - (b) Have earned a high school diploma or its equivalent, and have a current CDA credential, which specifies that the individual is qualified to serve as an Assistant Teacher for the age classification with whom he or she will work;
 - (c) Have earned a high school diploma or its equivalent, and certification of training and competence in the field of early childhood education or early childhood development from a duly authorized vocational high school; provided that he or she earns a CDA credential by December 2, 2019 ;
 - (d) Have earned a high school diploma or its equivalent and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction; provided that he or she earns a CDA credential by December 2, 2019; or
 - (e) For a Montessori school Assistant Teacher, have earned a minimum of twenty (20) hours of Montessori specific training, completed an orientation program specific to the school, and works under the supervision of a Montessori credentialed lead teacher.

Subsection 168.1 of Section 168, CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended to read as follows:

- 168.1 A Child Development Home Caregiver shall be at least eighteen (18) years of age and shall:
- (a) Have earned a high school diploma or its equivalent; and shall earn a Child Development Associate (CDA) credential by December 2, 2019;
 - (b) Attend at least four (4) child development-related training courses, approved by the District of Columbia Government, per year, for a total of at least twelve (12) hours of professional development annually; and

- (c) Successfully complete all health and safety training requirements set forth in this chapter.

Subsection 170.2 in Section 170, EXPANDED CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended to read as follows:

170.2 An Expanded Home Caregiver shall be at least eighteen (18) years of age and shall:

- (a) Have earned at least one of the following:
 - (1) An associate's or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, child and family studies or a closely related field; or
 - (2) A high school diploma or its equivalent, and a current Child Development Associate (CDA) credential; provided that he or she earns an associate's or more advanced degree as described in Subsection 170.2(a)(1) by December 2, 2023.
- (b) Have successfully completed one of the following:
 - (1) At least one (1) year of operating as the Caregiver in a licensed District of Columbia Child Development Home or its equivalent in another jurisdiction; or
 - (2) At least one (1) year of supervised occupational experience in a licensed Child Development Center, or its equivalent in another jurisdiction, as a Center Director or Teacher.

Subsection 171.1 in Section 171, EXPANDED CHILD DEVELOPMENT HOME: ASSOCIATE CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended to read as follows:

171.1 An Associate Caregiver in an Expanded Home shall be at least eighteen (18) years of age and shall:

- (a) Have earned a high school diploma or its equivalent, and a current CDA credential, except that an Associate Caregiver currently working in a licensed expanded home on the effective date of these regulations shall obtain the CDA credential by December 2, 2019; and
- (b) Have successfully completed at least one of the following:

- (1) At least one (1) year of operating as the Caregiver in a District of Columbia licensed Child Development Home, or its equivalent in another jurisdiction; or
- (2) At least one year of supervised occupational experience in a District of Columbia licensed Child Development Center, or its equivalent in another jurisdiction, as a Center Director, Teacher, or Assistant Teacher.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email at ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: Child Development Facilities: Licensing - Credentials, 810 First Street, N.E. 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 22 of the Vital Records Act of 1981 ("Act"), effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-221 (2012 Repl.)), and Mayor's Order 2002-13, dated January 25, 2002, hereby gives notice of the intent to adopt the following amendments to Chapter 28 (Vital Records) of Title 29 (Public Welfare) 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 proposed rules will amend the fee for certificates of search to differentiate between searches for death records versus searches for birth records.

Chapter 28, VITAL RECORDS, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 2880, GENERAL REQUIREMENTS, Subsection 2880.1, is amended to read as follows:

2880.1 The following fees shall be for the services provided by the Department of Health Vital Records Division:

<u>Description of Record or Service</u>	<u>Fee</u>
Adoption	\$28
Adjudication of parentage	\$23
Administrative copy of a vital record (government use only)	\$10
Archival birth certificate	\$23
Certificate of search for birth record (3 years searched)	\$23
Certificate of search for death record (3 years searched)	\$18
Correction to a birth record	\$23
Death certificate	\$18
Death record correction	\$23
Delayed birth record filing	\$23
Divorce record	\$18

Legal change without certificate	\$15
Legal name change	\$23
Marital acknowledgment	\$23
Verification of a vital record	\$5

Comments on the proposed rules should be sent in writing to the Department of Health, Office of the General Counsel, 6th Floor, 899 North Capitol Street, N.E., Washington, D.C. 20002, 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 Monday through Friday, except holidays, between the hours of 8:15 A.M. and 4:45 P.M. at the same address. Questions concerning the rulemaking should be directed to Angli Black, Paralegal Specialist, at Angli.Black@dc.gov or (202) 442-5977.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKINGRM27-2014, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT,

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice pursuant to Sections 34-802, 2-505, and 34-2002(g) of the District of Columbia Code¹ of its intent to amend Chapter 27 (Regulation of Telecommunications Service Providers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR"), in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The proposed amendments to Section 2720 and 2799 of Title 15 DCMR update the retail quality of service measures that are applicable to telecommunications service providers that have more than ten thousand (10,000) access lines. The proposed amendments add two new measures, a Trouble Clearing Time measure and a Repeat Trouble measure to evaluate the time needed to repair service-affecting but not out-of-service problems and to evaluate the percentage of repeated problems with a particular service line. The proposed amendments also include changing some reporting requirements, requiring aggregation of results and disaggregation of results both by the type of customer and the type of facility used to provide service. This Notice of Proposed Rulemaking makes revisions to the Notice of Proposed Rulemaking published on July 11, 2014.²

Chapter 27, REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2720, RETAIL QUALITY OF SERVICE MEASURES, is amended to read as follows:

2720 RETAIL QUALITY OF SERVICE MEASURES

2720.1 All telecommunications service providers having more than ten thousand (10,000) access lines shall comply with and report on the following retail quality of service measures.

2720.2 Installation Commitments Met measure – This measure evaluates the percentage of times that a telecommunications service provider completed the installation of the customer's local exchange service by the installation date. The installation date for business and residential customers is the close of business on the fifth

¹ D.C. Official Code § 34-802 (2012 Repl.); D.C. Official Code § 2-505 (2012 Repl.); D.C. Official Code § 34-2002(g) (2012 Repl.).

² 61 DCR 7057 (July 11, 2014).

business day following the date that the request for the installation was made or the customer-requested date, whichever is later. The following requirements apply:

- (a) The standard for this measure is ninety-five percent (95%) completion by the installation date per month;
- (b) Results for this measure shall be calculated by dividing the number of installation dates met by the total number of installation date commitments made. Results shall be stated as a percentage rounded to the hundredth decimal place using traditional mathematical rounding;
- (c) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and into copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories; and
- (d) If the installation date is missed due to customer fault, then it shall not be included in the sample to be measured. Customer fault means that access to the customer premises is unavailable during the five day window or installation at the customer's premise cannot be done because the premises is unsafe or if the customer requests a different installation date from the telecommunications service provider before the installation date.

2720.3

Trouble Reports Per One hundred (100) Lines measure – This measure evaluates the number of access lines per one hundred (100) access lines for which a customer reports a trouble. The following requirements apply:

- (a) If a customer has multiple access lines and more than one (1) access line experiences a network service problem, then each access line shall be counted separately;
- (b) The standard for this measure is four (4) troubles per one hundred (100) lines;
- (c) Results for this measure shall be calculated by dividing the number of initial trouble reports by the total number of access lines. This figure is then multiplied by one hundred (100). Results shall be reported to the hundredth decimal place, rounded using traditional mathematical rounding principles; and
- (d) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories.

2720.4 Out-of-service Clearing Time measure – This measure evaluates the percentage of customer troubles that are classified as out-of-service problems that are cleared within twenty-four (24) hours. The following requirements apply:

- (a) For purposes of starting the twenty-four (24) hour time clock to calculate the time period:
 - (1) The time clock begins when the outage report is received by the telecommunications service provider, whether through the business office during normal business hours or through an automated 24-hour outage reporting system;
 - (2) If the telecommunications service provider is unable to gain access to the customer premises to repair the out-of-service condition, then the twenty-four (24) hour time clock is stopped until the provider can gain access to the property; and
 - (3) Each telecommunications service provider shall establish its normal business hours in its customer bills and on a page that is readily accessible to consumers on its website.
- (b) The standard for this measure shall be eighty percent (80%) clearance within twenty-four (24) hours;
- (c) Results for this measure shall be calculated by dividing the number of out-of-service reports cleared within twenty-four (24) hours by the total number of out-of-service reports received. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding; and
- (d) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories.

2720.5 Trouble Clearing Time measure – This measure evaluates the percentage of customer trouble reports that are cleared within forty-eight (48) hours.

- (a) The forty-eight (48) hour time period shall be calculated as follows:
 - (1) when the trouble report is received by the telecommunications service provider either through the business office during normal business hours or by an automated 24-hour outage reporting system; and

(2) If the telecommunications service provider is unable to gain access to the customer's premises to repair the trouble condition, then the forty-eight (48) hour time clock is stopped until the provider can gain access to the property.

- (b) The standard for this measure shall be eighty percent (80%) clearance within forty-eight (48) hours;
- (c) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories; and
- (d) Results for this measure shall be calculated by dividing the number of trouble reports in each category that is cleared within forty-eight (48) hours by the total number of trouble reports received for that category. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding.

2720.6 Repeat Trouble measure – This measure evaluates the percentage of troubles that occur again within thirty (30) calendar days. The following requirements apply:

- (a) The standard for this measure shall be eleven percent (11%) repeat troubles per month;
- (b) Data collected for this measure shall be aggregated and disaggregated into residential and business customer categories and by copper and fiber facilities and reported in aggregate and by the business customer/copper facility; business customer/fiber facility; residential customer/copper facility; and residential customer/fiber facility categories; and
- (c) Results for this measure shall be calculated by dividing the number of repeat troubles for each category by the total number of trouble reports received for that category. The result shall be reported as a percentage rounded to the hundredth decimal place using traditional mathematical rounding.

2720.7 Data for all measures shall be collected and reported on a District of Columbia-wide basis.

2720.8 Included services.

The following types of access lines shall be included in the measurement:

- (a) Residential access lines;
- (b) Business single line and Centrex lines;
- (c) Payphone lines; and
- (d) Voice-grade PBX trunks.

2720.9 Exceptions - The measures shall not apply to the following services:

- (a) UNE-P;
- (b) UNE-L;
- (c) DS1;
- (d) DS0;
- (e) DS3;
- (f) EEL;
- (g) Resold services;
- (h) Dedicated non-switched services;
- (i) Wide area telephone service;
- (j) Integrated service digital network services;
- (k) The special service portion of PBX service;
- (l) Broadband services;
- (m) Voice mail and customer premises equipment;
- (n) Inside wire; and
- (o) Payphone equipment.
- (p) VoIP services; and
- (q) Failures caused by collocation or interconnection problems.

2720.10 Reporting - Each telecommunications service provider shall collect and retain accurate data demonstrating their compliance with the measures in this chapter.

Data is to be collected on a monthly basis in a format established by Commission order and these rules. The following applies to the data telecommunication service providers are required to provide:

- (a) Each telecommunications service provider shall submit its monthly reports to the Commission on a quarterly basis, with the months of January, February, and March being submitted on April 30; the months of April, May, and June being submitted on July 30; the months of July, August, and September being submitted on October 30; and the months of October, November, and December being submitted on January 30 of the next year;
- (b) If a telecommunications service provider fails a measure in a quarterly report, the provider shall file an explanation for the failure and a plan to remedy the failure. If the failure was due to data clustering, customer error, or unforeseeable events, then the telecommunications service provider may request a waiver of the performance standard. The request for a waiver shall contain a detailed explanation of the reasons for granting such a waiver; and
- (c) Each telecommunications service provider shall retain its reporting data for three (3) years in the event that the records are audited by the Commission.

Section 2799, DEFINITIONS, is amended to add the following definition:

“Repeat trouble” - the same trouble that occurs again within thirty (30) days.

3. Any person interested in commenting on the subject matter of this proposed rulemaking must submit comments and reply comments in writing no later than thirty (30) days and forty-five (45) days, respectively, from the date of publication of this NOPR in the *D.C. Register*. Comments and reply comments are to be addressed 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 or via email to psc-commissionsecretary@dc.gov. After the comment period expires, the Commission will take final rulemaking action. Persons with questions concerning this NOPR should call (202) 626-5150.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to Sections 7(d)(2)(A) and 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.06(d)(2)(A) and 7-1671.13 (2012 Repl. & 2016 Supp.)); the Medical Marijuana Dispensary Temporary Amendment Act of 2016, effective April 1, 2017 (D.C. Law 21-234; D.C. Official Code § 7-1671.06(d)(2)) and § 7-731(d) (2012 Repl. & 2016 Supp.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 52 (Registration Limitations) of Subtitle C (Medical Marijuana), Title 22 (Health), of the District of Columbia Municipal Regulations (DCMR).

The Council of the District of Columbia has declared the existence of an emergency need to increase the number of medical marijuana dispensaries that may be registered to operate in the District from five (5) to six (6), and to require the Mayor to open an application period for the registration of a dispensary in Ward 7 or Ward 8. The impetus of that emergency legislation is that a quarter of the qualifying patients in the District's Medical Marijuana Program live in Wards 7 and 8, but there are no dispensaries east of the Anacostia River, resulting in a geographical barrier to access to these healthcare services. To further ensure adequate access to medical marijuana for patients located in Wards 7 and 8, the Department exercised its authority under D.C. Official Code §§ 7-1671.06(d)(2)(A) to increase the number of dispensaries registered to operate in the District by rulemaking from six (6) to seven (7) so that a new dispensary can be registered in Ward 7 and in Ward 8.

This emergency action is necessary to immediately preserve and promote the health, safety and welfare of the public and is being taken to enable the Department to exercising its authority to increase the number of dispensaries that may be registered in the District to seven (7) with the requirement that one dispensary shall be located in Ward 7 and one dispensary shall be located in Ward 8.

This emergency rulemaking action is necessary as the proposed regulations are pending approval by the Council of the District of Columbia under the Medical Marijuana Authorized Number of Dispensaries Increase Rulemaking Approval Resolution of 2017, PR22-0433. The regulations will be deemed approved by the Council of the District of Columbia on November 2, 2017 if the Council does not previously act to approve or disapprove the regulations. The emergency regulations adopted on June 30, 2017, and published in the *D.C. Register* on September 1, 2017 expired October 18, 2017.

This rulemaking is identical to the Notice of Emergency and Proposed Rulemaking published in the *D.C. Register* on September 1, 2017 at 64 DCR 8720, with the exception of an added expiration date of December 31, 2017 shown in Subsection 5200.4. No comments were received after the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 1, 2017.

This Emergency Rulemaking was adopted on October 16, 2017, and became effective on that date. This emergency rulemaking will expire on December 31, 2017, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 52, REGISTRATION LIMITATIONS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5200, LIMITATION ON THE NUMBER OF DISPENSARIES AND CULTIVATION CENTERS, is amended as follows:

Subsection 5200.1 is amended to read as follows:

5200.1 The number of dispensaries registered to operate in the District of Columbia shall not exceed seven (7). To ensure that qualifying patients have adequate access to medical marijuana, the sixth (6th) and seventh (7th) registrations shall be issued in Ward 7 and Ward 8.

A new Subsection 5200.4 is added to read as follows:

5200.4 These emergency rules will expire on December 31, 2017.

These rules were published as Emergency and Proposed Rulemaking in the *D.C. Register* on September 1, 2017 for the thirty (30) day public comment period. No comments were received after publication of the Notice. Copies of the Emergency and Proposed Rulemaking can be obtained at www.dcregs.dc.gov or by contacting Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl.)); the Medical Marijuana Dispensary Temporary Amendment Act of 2016, effective April 1, 2017 (D.C. Law 21-234; D.C. Official Code § 7-1671.06(d)(2); D.C. Official Code § 7-731(d) (2012 Repl.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapters 54 (Registration Applications) and 60 (Director Approval Procedures) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Council of the District of Columbia has declared the existence of an emergency need to increase the number of medical marijuana dispensaries that may be registered to operate in the District from five (5) to six (6), and to require the Mayor to open an application period for the registration of a dispensary in Ward 7 or Ward 8. The impetus of that emergency legislation is that a quarter of the qualifying patients in the District's Medical Marijuana Program live in Wards 7 and 8, but there are no dispensaries east of the Anacostia River, resulting in a geographical barrier to access to these healthcare services. To further ensure adequate access to medical marijuana for patients located in Wards 7 and 8, the Department exercised its authority under D.C. Official Code §§ 7-1671.06(d)(2)(A) to increase the number of dispensaries registered to operate in the District by emergency and proposed rulemaking from six (6) to seven (7) so that a dispensary could be registered in Ward 7 and in Ward 8.

This emergency action is necessary to immediately preserve and promote the health, safety and welfare of the public and is being taken to enable the Department to effectively and efficiently implement the application process for the addition of a new dispensary in Ward 7 and in Ward 8, and to streamline and clarify the judicial review process for unsuccessful applicants.

This emergency rulemaking action is necessary as the proposed regulations are pending approval by the Council of the District of Columbia under the Medical Marijuana Judicial Review Rulemaking Approval Resolution of 2017, PR22-0408. The regulations will be deemed approved by the Council of the District of Columbia on October 26, 2017 if the Council does not previously act to approve or disapprove the regulations. The emergency regulations adopted on June 30, 2017, and published in the *D.C. Register* on July 21, 2017 expired October 18, 2017.

This rulemaking is identical to the Notice of Emergency and Proposed Rulemaking published in the *D.C. Register* on July 21, 2017 at 64 DCR 6875, with the exception of an added expiration date of December 31, 2017 shown in Subsection 6001.16. No comments were received after the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on July 21, 2017.

This Emergency Rulemaking was adopted on October 16, 2017, and became effective on that date. This emergency rulemaking will expire on December 31, 2017, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 54, REGISTRATION APPLICATIONS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5402, SELECTION PROCESS, is amended as follows:

Subsections 5402.5 through 5402.9 are amended to read as follows:

- 5402.5 The panel shall prepare a report of its final proposed selections and then submit it to the Director. The report shall assign the numerical rank for each applicant based on the application's final score, include a narrative of the basis for each of the panel's final proposed selections, and shall include not more than the ten (10) highest scoring cultivation center applicants and not more than the five (5) highest scoring dispensary applicants.
- 5402.6 In the event that two (2) or more applicants for a cultivation center registration receive the same total score, the panel shall give priority in rank to the applicant that received the highest score in the security plan category. In the event that the same two (2) applicants received the same score in the security plan category, the panel shall give priority in rank to the applicant that received the highest score in the cultivation plan category.
- 5402.7 In the event that two (2) or more applicants for a dispensary registration receive the same total score, the panel shall give priority in rank to the applicant that received the highest score in the security plan category. In the event that the same two (2) applicants received the same score in the security plan category, the panel shall give priority in rank to the applicant that received the highest score in the product safety and labeling plan category.
- 5402.8 In the event that a selected cultivation center or dispensary application is subsequently denied by the Director, the applicant who received the next highest ranking from the panel who was not initially accepted shall be selected.
- 5402.9 An applicant submitting a cultivation center or dispensary registration application shall be required to submit the five thousand dollar (\$5,000) nonrefundable application fee at the time the cultivation center or dispensary application is filed with the Director.

Section 5404, APPLICATION FORMAT AND CONTENTS, is amended as follows:

Subsection 5404.9 is amended to read as follows:

- 5404.9 The Director shall not permit any applicant for a cultivation center or dispensary

to make any additions, changes, alterations, amendments, modifications, corrections, or deletions to the application package once it has been submitted to the Department; however, an applicant may be permitted to modify the location of the premises identified on the application pursuant to Subsection 6001.10 of this chapter.

Chapter 60, DIRECTOR APPROVAL PROCEDURES, is amended as follows:

Section 6001, DIRECTOR FINAL DECISIONS AND JUDICIAL REVIEW, is amended to read as follows:

6001 DIRECTOR FINAL DECISIONS AND JUDICIAL REVIEW

6001.1 Denial by the Director of an application or renewal application for any registration under this subtitle shall be deemed a final Department action.

6001.2 An initial applicant for registration of a dispensary or cultivation center may seek review of the Director’s final decision in the Superior Court of the District of Columbia within thirty (30) days after receipt of the notice if the applicant:

- (a) Submitted a Letter of Intent that was not accepted by the Department;
- (b) Submitted an application that was determined to be non-responsive;
- (c) Received a score of less than one hundred fifty (150) by the panel prior to the ANC review; or
- (d) Received a score of one hundred fifty (150) or more by the panel prior to the ANC review and was denied registration.

6001.3 The petition for review shall include a clear and concise statement of the legal and factual grounds for which the applicant is seeking review, including copies of relevant documents, citations to statutes, or regulations claimed to be violated.

6001.4 Judicial review shall be an on the record review of the decision, and not a de novo review. Judicial review shall be conducted with deference to the agency’s factual findings, and such findings shall be final and conclusive unless the decision is fraudulent, arbitrary, capricious, not supported by substantial evidence, or so grossly erroneous as to necessarily imply bad faith.

6001.5 The Department record on judicial review shall include, where relevant:

- (a) Applicant’s letter of intent to file an application for a cultivation center or dispensary registration with the Medical Marijuana Program;
- (b) The application submitted by the applicant;

- (c) Scoring sheets, provisional score report, scoring tabulations for ANC comments, and the final score and ranking report prepared by the panel for the applicant's application;
- (d) The review of applicant's proposed security systems, as prepared by the Metropolitan Police Department;
- (e) Notices and correspondence between the Department and the applicant pertaining to the application for registration; and
- (f) Any other document or exhibits that are relevant to the scoring of applicant's application and are not proprietary or protected by confidentiality or privilege.

6001.6 A document or exhibit containing the confidential, proprietary, or privileged information of another applicant or a registered cultivation center or dispensary may be ordered under review by the Court, but shall be sealed and reviewable by the Court via *in camera* review, only. For purposes of this chapter, confidential, proprietary, or privileged information or documents shall include but not be limited to:

- (a) Security plans;
- (b) Business plans;
- (c) Cultivation plans;
- (d) Operation plans;
- (e) Marijuana transportation plans;
- (f) Marijuana disposal plans; and
- (g) Facility floor plans.

6001.7 The scoring of an application's criteria or individual criterion without comments from all panel members is not by itself arbitrary or capricious, provided that the panel as a whole provides comments that address each major criteria category.

6001.8 If the reviewing court rules in favor of the applicant, the case shall be remanded to the Department to rescore and rank the applicant's application according to the scoring process in § 5402 of this chapter.

6001.9 In the event that after a rescoring and ranking of the applicant's application the applicant has become eligible for registration, but issuing the applicant a registration would result in surpassing the number of dispensaries or cultivation

centers permitted to operate in a single election ward under D.C. Official Code § 7-1671.06 (2012 Repl.), the applicant shall be permitted to modify the location of the premises identified on the application within one hundred eighty (180) days of notice from the Department without negatively affecting the current status of the application or registration.

- 6001.10 In the event that after the rescoring and ranking the applicant has become eligible for a registration, but issuing the registration would result in surpassing the number of dispensaries or cultivation centers permitted in the District under § 5200 of this chapter, the Department may, for the convenience of the District, revoke the registration of the dispensary or cultivation center that was awarded a registration in lieu of the applicant, pursuant to § 6002 of this chapter.
- 6001.11 In the event that after the rescoring and ranking of its application an applicant is not eligible for a registration, the Director shall notify the applicant of the outcome of the rescoring process and that the applicant's application remains denied. Notification by the Director that an applicant is not eligible for a registration after the completion of a rescoring process shall be deemed a final Department action and the applicant may seek review of the Department action in the Superior Court of the District of Columbia.
- 6001.12 A registrant that has been denied the renewal of a registration for a dispensary or cultivation center may file a request for a hearing with OAH within thirty (30) days after service of the notice of denial by delivering, within thirty (30) days of service of the notice, a certified letter addressed to OAH containing a request for a hearing or hand delivery of same to OAH (receipt required for proof of delivery);
- 6001.13 The decision rendered by the Office of Administrative Hearings in a matter filed pursuant to § 6001.12 shall be the Final Order in the matter, and that either party may seek review of OAH's decision by the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedures Act, D.C. Official Code §§ 2-501- 2-511 (2012 Repl.).
- 6001.14 Any party may appeal a decision by the Superior Court of the District of Columbia to the District of Columbia Court of Appeals.
- 6001.15 The timely filing of a petition for review in the Superior Court of the District of Columbia or a petition for review to the District of Columbia Court of Appeals shall not stay the decision of the Director or prohibit the Director from issuing registrations to the selected applicants.
- 6001.16 These emergency rules will expire on December 31, 2017.

Section 6002, REVOCATION OF REGISTRATION FOR CONVENIENCE OF THE DISTRICT, is amended as follows:

Subsections 6002.1 and 6002.2 are amended to read as follows:

- 6002.1 If the Department determines a revocation is in the District's interest, the Department may revoke a registrant's registration. Revocation pursuant to this section may occur only if there are no further cultivation center or dispensary registrations permitted by law to be awarded to an applicant that has become eligible for a registration pursuant to § 6001.10.
- 6002.2 The registrant whose registration is in jeopardy of revocation pursuant to § 6002.1 shall receive notice of the action in the Superior Court of the District of Columbia which places the registrant's registration in jeopardy, and be provided an opportunity to intervene in the matter pursuant to § 6002.3. If after receiving notice of the action, the registrant fails to intervene in the matter within the allotted time period, the registrant shall have no further right of appeal of the Department's final action which results in the revocation or non-issuance of his or her registration.

Subsections 6002.3 through 6002.5 are renumbered 6002.4 through 6002.6, respectively.

A new Subsection 6002.3 is added to read as follows:

- 6002.3 The registrant whose registration is in jeopardy of revocation pursuant to § 6002.1 may, at the registrant's option, seek to be joined as a party pursuant to the rules of the Superior Court of the District of Columbia.

These rules were previously published as an Emergency and Proposed Rulemaking in the *D.C. Register* on July 21, 2017 for the thirty (30) day public comment period. No comments were received after publication of the Notice. Copies of the Emergency and Proposed Rulemaking can be obtained at www.dcregs.dc.gov or by contacting Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF SECOND EMERGENCY & PROPOSED RULEMAKING

The Director of the Department of For-Hire Vehicles (“Department” or “DFHV”) pursuant to the authority set forth in Sections 8(c) (2), (3), and (19), and 14 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124); D.C. Official Code §§ 50-301.07(c)(2), (3), and (19), and 50-301.13 (2014 Repl. & 2017 Supp.)) hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 4 (Taxicab Payment Service Providers), Chapter 5 (Taxicab Companies, Associations, Fleets, and Independent Taxicabs), Chapter 6 (Taxicab Parts and Equipment), Chapter 8 (Operating Rules for Public Vehicles-For-Hire), Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service), Chapter 20, (Fines and Civil Penalties), and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking amends Chapters 4, 5, 6, 8, 15, 18, 20, and 99, the Department’s regulations promulgated consistent with the “Modernization of Taxicabs” section of the Establishment Act, added by the Taxicab Service Improvement Amendment Act of 2012, effective October 27, 2013 (D.C. Law 19-0184; D.C. Official Code § 50-301.26 (2014 Repl.)) and for related purposes, and supersedes the emergency rulemaking that was adopted by the Department on August 28, 2017 and published in *D.C. Register* on September 1, 2017.¹ The Emergency and Proposed rulemaking published on September 1, 2017 (“First Notice”) represented the first major overhaul of the regulations adopted to implement provisions of the Taxicab Service Improvement Act (the “modernization regulations”) since those regulations were promulgated.

The Department received several comments during the forty-five (45)-day comment period that expired October 16, 2017. One PSP requested that the regulations be revised to clarify how digital taximeters must be certified, how they must calculate fares, how they must integrate with credit card processing devices, and how shared ride fares should be apportioned. Another PSP disagreed with the Department’s justifications for promulgating emergency rules, objected to the rules becoming effective prior to their publication in the *D.C. Register*, and voiced concerns with non-PSPs’ ability to process in-vehicle payments. Two comments were received from disability rights advocates, which both noted that the DTS rules should contain stronger safeguards to ensure that any new in-vehicle technology is fully accessible to the blind and people with low vision. Finally, the Department received comments from one of the largest DFHV-licensed taxicab companies expressing concerns that the DTS rollout had been delayed, and asserting that any delay in beginning the new DTS era would be extremely prejudicial to the taxi industry.

In response: the Department will now require DTSs to be PCI-compliant; require DTSs to be

¹ 64 DCR 008696 (September 1, 2017).

fully accessible to people who are blind and are low vision in accordance with Section 508 of the Federal Rehabilitation Act; and will require DTSs to publish open Application Programming Interface (“APIs”). The Department is in the process of adopting rules to calculate shared ride fares.

In addition to the changes referenced above, this Emergency and Proposed rulemaking modifies the First Notice by: (1) extending the Digital Taxicab Solution (“DTS”) transition period from October 31, 2017 to December 31, 2017; (2) increasing competition among payment processors by allowing all payment processors (including legacy businesses) to register as an Option for Payment Technology (“OPT”); (3) creating an online registration for OPTs to be certified, at no charge, as capable of working with the digital meters of one or more approved DTS providers for the trip data and surcharge collection; (4) allowing each DTS provider to choose as many OPTs they want; and (5) introducing a new business model under which independent owners can operate without using a DTS provider.

The overhaul of the modernization regulations is required for the reasons stated below; conforming amendments are also required for Chapters 20 and 99. The Department finds that the rulemaking must be enacted as emergency rulemaking because there is an immediate need to preserve and promote the safety and welfare of District residents, in order to directly and indirectly alleviate the rapidly-deteriorating competitive position of taxicabs in the District’s vehicle-for-hire industry, and to accomplish other lawful objectives within the jurisdiction of the Department, by: (1) incentivizing the prompt transition from legacy taxicab equipment to newer equipment that meets the challenges of today’s for-hire market – including replacing modern taximeter systems (“MTSs”) with new digital taxicab solutions (“DTSs”), and replacing the patented and licensed universal dome light with a lower-cost vehicle light – to attract more customers, lower regulatory barriers, and increase owner and driver revenue; (2) incentivizing the purchase of 100% electric vehicles, wheelchair accessible vehicles – including the additional accessible vehicles which were required to be purchased by taxicab companies not later than December 2016, vehicles that serve underserved communities, and other vehicles participating in the Department’s programs, by amending the uniform color rules to allow for modifications that enhance vehicle identification and appearance, promoting and growing participation in these programs; (3) shifting the responsibility for providing payment and meter systems from payment service providers (“PSPs”) that market the MTS systems to taxicab companies and, eventually, to the D.C. Taxicab Industry Co-op (“Co-op”) – for the purpose of promoting competition and innovation among a group of businesses that also have more direct ties to the District’s taxicab industry; (4) beginning a transition period ending December 31, 2017, from legacy technologies to new technologies – which will involve all 7,500 or so of the District’s taxicabs – for the purpose of minimizing disruption to stakeholders and customers during the transition; (5) ensuring consistency between Title 31 and the Establishment Act; (6) incentivizing the prompt availability of DTSs which – unlike systems that use legacy taximeters – facilitate shared taxicab rides without the need for reprogramming at a meter shop; (7) enhancing safety by incentivizing the early adoption of innovative technologies that integrate with autonomous and semi-autonomous vehicle control systems; (8) enhancing the Department’s ability to verify a vehicle’s location and status – at such times when the operator is on duty – thereby improving safety, consumer protections, and regulatory compliance, including compliance with the rules prohibiting discrimination

through refusal to haul; and (9) providing an extended opportunity for advance business planning by vehicle owners in selecting the equipment they wish to use in their vehicles during the transition period, and by PSPs in deciding how they wish to continue participating in the industry during and/or after the transition – beyond the opportunity created by the notice and comment requirements for proposed rulemaking – in light of the termination of the PSP/MTS program in 2017.

The Department finds that the continued approval of PSPs and MTSs is not in the interest of the District, its residents, its visitors, or taxicab owners or operators. PSP licensing will terminate on December 31, 2017. PSPs, which were granted licenses expiring August 31, 2017, shall have their licenses extended until December 31, 2017. This rulemaking does not create an independent basis for any person to cancel an existing contract with a PSP; it simply begins a transition period from MTSs to DTSs, with optional deployment of DTSs which began on September 1, 2017, and mandatory deployment of DTSs beginning January 1, 2018. The Department may post one or more administrative issuances as needed to guide affected stakeholders during the extended transition period. The Department encourages all stakeholders to participate in the public debate, by submitting comments during the comment period for the proposed rulemaking once this notice is published in the *D.C. Register*, by visiting the Department's website at <http://dfhv.dc.gov/>, and by attending and testifying at the public hearing to be scheduled once the comment period has been determined.

A notice of emergency and proposed rulemaking was adopted by the Department on September 13, 2016, unpublished in the *D.C. Register*. The first emergency rulemaking took effect immediately upon adoption and remained in effect for one hundred twenty (120) days expiring on January 11, 2017. A second emergency and proposed rulemaking was adopted on January 11, 2017, unpublished in the *D.C. Register*. It took effect immediately upon adoption and remained in effect for 120 days expiring on May 11, 2017. A third emergency rulemaking was adopted by the Department on May 11, 2017, unpublished in the *D.C. Register*, and took effect immediately upon adoption. It was superseded by a fourth emergency rulemaking, unpublished in the *D.C. Register*, which was adopted by the Department on June 28, 2017.

The fourth emergency rulemaking was superseded by a fifth emergency and proposed rulemaking, which was adopted on August 11, 2017 and which took effect immediately upon adoption, unpublished in the *D.C. Register*. The fifth notice of emergency and proposed rulemaking was superseded by a notice of emergency and proposed rulemaking which was adopted on August 28, 2017 and published at 64 DCR 008696 (September 1, 2017). That rulemaking took effect immediately upon adoption, and is hereby superseded by this Notice of Second Emergency and Proposed Rulemaking adopted by the Department on October 27, 2017. This emergency rulemaking took effect immediately upon adoption and expires on February 24, 2018.

The Department believes that this rulemaking must be enacted on an emergency basis because there is an immediate need to preserve and promote the safety and welfare of District residents by extending the DTS implementation date from November 1, 2017, to January 1, 2018, to allow additional opportunities for businesses that provide payment processing, and thereby to provide increased options to DTS providers and independent operators.

The Director hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than forty-five (45) days after the publication of this notice in the *D.C. Register*. A public hearing will be held on the proposed rulemaking in not fewer than twenty (20) days from the date of publication. Instructions on submitting comments on this rulemaking may be found at the end of this Notice.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 401, GENERAL REQUIREMENTS, is amended as follows:

A new Subsection 401.7 is added as follows:

401.7 Notwithstanding any other provision of this title, no PSP shall be approved by the Department to operate, or to market MTS units, after December 31, 2017.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, FLEETS, AND INDEPENDENT TAXICABS, is amended as follows:

Section 503, TAXICAB COLORINGS AND MARKINGS, is amended as follows:

Subsection 503.1 is amended to read as follows:

503.1 Uniform color scheme. Each vehicle used as a taxicab shall be in compliance with the uniform color scheme in § 503.3 if:

- (a) It is entering service using a new taxicab vehicle license (and corresponding new “H tag” from DMV);
- (b) It is entering service using an existing vehicle license, as required by the vehicle retirement rules of Chapter 6 or based on the owner’s decision to replace a vehicle earlier than required by such rules; or
- (c) The owner chooses to repaint in whole or in part for any reason, including changes in association or affiliation.

Subsection 503.3 is amended by adding a new subparagraph (h) to read as follows:

- (h) The PVIN shall appear in one or more locations on the vehicle if the vehicle is equipped with a cruising light rather than a legacy dome light, as set forth in an administrative issuance.

Subsection 503.4 is amended to read as follows:

503.4 The Department may allow or require enhancements to or modifications of the uniform color scheme for a vehicle that participates in a pilot, grant, donation

agreement, or other program, or that is equipped with a digital taxicab solution (“DTS”).

Section 510, TAXICAB COMPANIES AND ASSOCIATIONS – OPERATING REQUIREMENTS, is amended as follows:

Subsections 510.5 and 510.6 are amended to read as follows:

510.5 Beginning September 13, 2016, each taxicab company may operate a digital taxicab solution (“DTS”), and may equip its owned and/or associated vehicles, or any other licensed taxicab, with a DTS unit. Beginning January 1, 2018, each taxicab company shall operate a DTS and shall equip each of its owned and associated vehicles with a DTS unit. Each DTS shall be approved and operated pursuant to Chapter 6, other applicable provisions of this title, other applicable laws, and any applicable administrative issuance. Each DTS unit shall be installed and operated pursuant to a written agreement. Until a taxicab company operates an approved DTS, it shall continue to provide one or more safety devices for all of its owned and associated vehicles that conforms to the equipment requirements of § 603.8(n)(3), as specified in an administrative issuance, including a device which provides for operator safety.

510.6 Each taxicab company shall maintain a website containing only current and accurate information about the company, including, if it operates a DTS:

- (a) If it uses dynamic street hail pricing: a prominent, clear, and complete disclosure of its current discount, if any, on the street hail rates and charges in Chapter 8, which shall be the same as the disclosure that appears on the passenger console of each DTS unit; and
- (b) A general description of the DTS and its components, the most recent date on which the DTS was approved by the Department pursuant to Chapter 6, and a disclosure of the DTS contract terms including its pricing structure.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:

Section 602, TAXIMETERS, is amended to read as follows:

602 TAXIMETERS AND DIGITAL TAXICAB SOLUTIONS

602.1 Beginning September 13, 2016, no legacy (non-digital) taximeters shall be approved by the Department.

602.2 Beginning September 1, 2017, a taxicab may use either an MTS unit or a DTS unit.

602.3 Beginning January 1, 2018:

- (a) The Department shall approve only DTSs, each of which shall incorporate a digital taximeter;
- (b) The approval of each legacy taximeter shall terminate; and
- (c) No person shall participate in dispatching or otherwise providing taxicab service if the service is provided without an approved DTS or approved digital taximeter and registered OPT.

602.4 Each DTS shall be provided and maintained by a taxicab company, or by the D.C. Taxicab Industry Co-op (“Co-op”) (collectively for purposes of this section, “provider”). Each DTS shall comply with the technology and service requirements of this section. The Co-op shall seek approval of its DTS not later than six months following its registration as a DDS.

602.5 Each DTS shall have one digital taximeter and one or more OPT (payment processor) as selected by the DTS provider, provided however, that if the Department makes a digital taximeter available to the industry free of charge, then each DTS provider shall incorporate such digital taximeter into its DTS within ninety (90) days of its availability, or such longer period as set by administrative issuance, provided however, that each DTS provider may in lieu thereof incorporate any other digital taximeter that meets or exceeds the performance and features of the Department’s digital meter; and provided further that each OPT shall be registered with the Department.

602.6 The Department may issue an administrative issuance concerning DTSs, digital meters, and OPTs, in order to:

- (a) Establish requirements for when approval or renewal of approval is required, including establishing uniform approval periods of not less than twelve (12) months; establishing an annual DTS open season during which DTS providers approved for the next uniform approval period may compete for customers during such period; establishing an annual deadline by which DTSs must apply for approval or renewal in order to be approved for the next uniform approval period and to participate in the next DTS open season, or otherwise be considered only for approval during the uniform approval period starting one (1) year after the next uniform approval period; and establishing standards from when re-approval is required due to a material modification of a DTS during an approval period;
- (b) Interpret and provide guidance about DTS technology and service requirements;
- (c) Establish reasonable requirements related to surcharge bonds;

- (d) Establish reasonable requirements for the use, operation, configuration, placement, and installation of DTS units and their components, such as requirements for accessibility and use by disabled passengers including visually-impaired and blind customers, which shall be in full compliance with federal law including but not limited to Section 508 of the Rehabilitation Act, 29 USC § 794(d);
- (e) Establish reasonable requirements concerning the use of dynamic street hail pricing, including the placement of signs in and/or on vehicles to inform passengers about such pricing;
- (f) Establish reasonable requirements concerning the requirements for separate mechanisms for the operator and the passenger to discreetly summon assistance;
- (g) Interpret and provide guidance on the requirements for a digital taximeter to meet or exceed the performance and features of the Department's digital meter made available to the industry for free, if applicable.
- (h) Interpret and provide guidance on the requirements for a payment card processor that a DTS provider seeks to use to process payments;
- (i) Provide guidance on the technical and other reasonable requirements for the registration of an OPT;
- (j) Provide guidance for independent owners who choose to operate without affiliating with a DTS provider;
- (k) Establish other reasonable requirements for DTSs and DTS units related to safety, passenger privacy, consumer protection, compliance with any other applicable law, and other reasonable purposes within the jurisdiction of the Department; or
- (l) Take any action with respect to achieving PCI compliance, as measured or determined by the PCI Security Standards Council.

602.7 The legality or wisdom of any administrative issuance promulgated pursuant to this section may be challenged in any administrative proceeding where the Department seeks to rely on such administrative issuance.

602.8 The approval of a DTS may be suspended or revoked, and a renewed approval may be denied, in addition to other civil penalties under this title, if the DTS provider fails to comply with an applicable administrative issuance, provided that the DTS provider shall have the opportunity to challenge the legality or wisdom of any or all provisions of the relevant administrative issuance or issuances in an

administrative hearing.

602.9 Each application for the approval of a DTS shall be executed by an individual with authority to file the application, and shall contain the following information and documentation:

- (a) Contact information for the applicant, including name, telephone number, email, and website URL;
- (b) Information and documentation about each component of the DTS unit, including its digital meter, driver console, passenger console, and credit card processing device, and how it interacts with the vehicle's dome light or innovation cruising light, including a narrative, photographs, and screenshots for each component;
- (c) Information and documentation showing the DTS complies with all service and technology requirements of this section, other requirements of this title, the Establishment Act, and other applicable laws;
- (d) A certification that the applicant owns the rights to, or holds a license to use, all the intellectual property that comprises the DTS other than intellectual property required by this section to be used in connection with a digital meter, or an arrangement with a payment card processor, made available by the Department;
- (e) Information showing the applicant is in good standing with the Department and is in compliance with all applicable laws pertaining to its business, including without limitation the Clean Hands Act;
- (f) Information demonstrating that the applicant will collect from the passenger and pay to the District the taxicab passenger surcharge of twenty-five cents (\$0.25);
- (g) A sample of each agreement with owners and operators used by the applicant;
- (h) An explanation of the provider's pricing structure, and whether the provider expects to offer dynamic street hail pricing; and
- (i) A certification that the DTS is fully integrated with the DC TaxiApp, as required by this section, Chapter 16, and any applicable administrative issuance, and the names of any other apps with which the DTS is also integrated.

602.10 Each application shall be accompanied by a filing fee of two thousand five hundred dollars (\$2,500), regardless of whether: it is a new or renewal

application; or it seeks re-approval of a DTS due to its material modification by its provider during an approval period.

- 602.11 Each application for the approval of a DTS shall be accompanied by a bond, naming the District as obligee, to secure the payment of the passenger surcharges owed to the District under this title and the Establishment Act during the current approval period. Such bond(s) shall:
- (a) Be in effect throughout the current approval period to which the approval applies and for one (1) year thereafter; and
 - (b) Be in the amount of one hundred fifty thousand dollars (\$150,000).
- 602.12 An application may be denied if it contains or was submitted with materially false information provided orally or in writing for the purpose of inducing approval.
- 602.13 An applicant seeking to renew the approval of a DTS shall meet all requirements for a new approval, or such portion thereof, as the Department may require by administrative issuance.
- 602.14 The Department shall issue all decisions to grant or deny the approval of a DTS within the period established in an administrative issuance.
- 602.16 Each approval of a DTS shall be for the duration of the uniform approval period set forth in an administrative issuance, or the remainder of the current period, whichever is less.
- 602.17 Each DTS provider shall execute contracts with operators that are no longer than the license period for which they are granted operating authority, and DTSs must allow operators to switch to another DTS provider during an annual DTS open season as that term is defined in an administrative issuance, without penalty.
- 602.18 Technology requirements for DTS units. Each DTS unit shall:
- (a) Operate in a manner which ensures the vehicle owner and operator, and the DTS provider, are able to comply with all requirements of this title and other applicable laws, and all applicable administrative issuances;
 - (b) Use open architecture, open application program interfaces, and a modular design, to ensure proper interaction among:
 - (1) A driver console incorporating a digital taximeter that—
 - (A) Is fully integrated with the DC TaxiApp and, at the option of the provider, the app of any other DDS registered and operated as required by this title and other applicable laws;

- (B) Processes shared and group rides, calculates fares (including dynamic street hail prices, if offered by the provider), and provides receipts as required by Chapter 8;
 - (C) Provides the Department with real-time trip and location data when the operator is on duty, and such other information as reasonably required by an administrative issuance;
 - (D) Is linked electronically, or via a DFHV network, API, integration hub, website, mobile app, URL, or hardware, to one or more registered digital dispatch services, including at a minimum, full integration with the DC TaxiApp, for the purpose of receiving ehails and allowing ehail passengers to choose in-vehicle or digital payments; and
 - (E) Provides the operator and District enforcement officials with the ability to view the vehicle's electronic manifest as required by § 823 for the prior forty-eight (48) hours, and maintains all manifest records for at least two (2) years.
- (2) A passenger console;
 - (3) A credit card processing device;
 - (4) Any other device the provider wishes to include that does not impair the required function and performance of the DTS; and
 - (5) Complies with all other applicable requirements of this title and other applicable laws, and any applicable administrative issuance;
- (c) Interact with the vehicle's legacy dome light or cruising light to properly control its functions in the manner required by this chapter.
 - (d) Be integrated with two or more registered OPTs at the time of renewal of the DTS' operating authority.
 - (e) Bear the costs of integrating with any OPTs beyond the initial two with which it is integrated.

602.19

Service requirements for DTSs. Each DTS provider shall:

- (a) Ensure that each of its DTS units is in compliance with the technology and other requirements of this title and other applicable laws, including proper operation and connectivity with a cruising light or legacy dome light;

- (b) Comply with the following requirements for the taxicab passenger surcharge. It shall:
- (1) Collect the surcharge as an authorized additional charge under Chapter 8;
 - (2) Remit to the District, at the end of each month, a payment to the D.C. Treasurer reflecting all surcharges owed to the District for such period based on the number of trips during such period, regardless of whether or not the surcharge was actually collected from the passenger;
 - (3) Transmit to the Department a report certifying its payment to the District, and containing a basis for the amount of the payment and such other information reasonably related to the payment as may be required by an administrative issuance; and
 - (4) Cooperate with the Department to resolve any issue related to compliance with this subsection, including a discrepancy in the amount of a payment. If the issue remains unresolved to the satisfaction of the Department within thirty (30) days following notice of the issue to the payer, the Department shall have discretion to make a claim against the payer's surcharge bond, as necessary and appropriate to satisfy the amount of the discrepancy. A surcharge bond shall be returned to the payee within thirty (30) days following the expiration of the bond, or, upon written request of the payer, at an earlier date if the payer establishes to the satisfaction of the Department that the payer's obligations under this section have been fully discharged;
- (c) Pay each owner or operator with which it is associated the portion of its revenue to which such owner or operator is entitled within twenty-four (24) hours or one (1) business day of when such revenue is received, provided however, that such periods may be extended to not more than one (1) calendar week or five (5) business days if such terms are clearly and transparently disclosed in the contract; and
- (d) Pay all costs and fees related to the DTS, including without limitation, the costs for development, improvement, installation, maintenance, service, support, and legal compliance, provided however, that such costs may be allocated pursuant to a written agreement that clearly and transparently discloses each and every cost, and does not exceed the length of the approval period. No person other than the provider shall pay a cost or fee related to a DTS which has not been fully disclosed in the manner required by this subsection.

- 602.20 Each payment processor seeking to register with DFHV as a OPT provider shall submit a completed registration application which will be available online.
- 602.21 Each OPT shall be capable of working or operating with one or more approved digital meters for trip data and surcharge collection and OPT hardware shall be PCI compliant as determined by the PCI Security Standards Council.
- 602.22 Each OPT shall have an open API beginning January 1, 2018, which shall be published on its website.
- 602.23 The approval of a DTS may be suspended or revoked if its provider integrates with or uses the app of a DDS not registered or operated as required by this title and other applicable laws.
- 602.24 A taxicab equipped to provide taxicab service using a DTS unit shall use the DTS unit for each and every trip.
- 602.25 No taxicab shall be equipped with or use more than one taximeter (analog or digital), more than one DTS unit, or both an MTS unit and a DTS unit.
- 602.26 An operator shall not pick up or transport a passenger unless the taxicab and its DTS unit are functioning properly and the DTS unit is able to provide receipts.
- 602.27 Each approved DTS and each approved taximeter shall be listed on the Department's website.

Section 603, MODERN TAXIMETER SYSTEMS, is amended as follows:

A new Subsection 603.11 is added as follows:

- 603.11 Notwithstanding any other provision of this title, no MTS or MTS unit shall be operated or used after December 31, 2017.

Section 605, DOME LIGHTS AND TAXI NUMBERING SYSTEM, is amended as follows:

- 605.1 Each taxicab in service on September 13, 2016, and each vehicle introduced as a replacement vehicle under § 609, may continue to be equipped with an existing legacy dome light or may be equipped with a cruising light, at the option of the owner, subject to the requirements of this section. Each legacy dome light shall continue to be subject to the legacy dome light regulations to the extent such regulations do not conflict with this section, provided however, that each legacy dome light shall interact with a DTS and otherwise operate as required by this chapter and any applicable administrative issuance if a DTS is installed in the vehicle.

- 605.2 Beginning November 13, 2016, or such later date established by an administrative issuance, each vehicle placed into service other than as a replacement vehicle under § 609, shall be equipped only with a cruising light approved by the Department pursuant to this section, which interacts with the MTS or DTS and otherwise operates as required by this title and any applicable administrative issuance.
- 605.3 Each approved DTS provider shall be responsible for ensuring the interconnectivity and proper functioning of a DTS unit and the legacy dome light or cruising light.
- 605.4 The Department may approve as a cruising light any light which—
- (a) Shall be constructed in a manner that meets or exceeds industry best practices;
 - (b) Shall display the vehicle's PVIN;
 - (c) Shall indicate whether the vehicle is available for booking by street hail;
 - (d) Shall interact with the vehicle's legacy taximeter or DTS as required by this chapter;
 - (e) May incorporate features to indicate that the taxicab is an autonomous or semi-autonomous vehicle; and
 - (f) May incorporate features to indicate that the operator is engaged in delivering goods or performing services.
- 605.5 The Department may issue an administrative issuance which:
- (a) Approves one or more products meeting the requirements for a cruising light under this section;
 - (b) Provides guidance to DTS providers for installing cruising lights and ensuring their proper operation with DTS units;
 - (c) Provides guidance to affected stakeholders about the transition from the legacy dome light to the cruising light;
 - (d) Provides guidance to owners about the transfer of legacy dome lights from vehicles already in service to replacement vehicles, and about the decommissioning of legacy dome lights, where required by this section; and
 - (e) Establishes additional criteria for the appearance, functionality,

connectivity, and installation of the cruising light, for safety, consumer protection, and other reasonable purposes within the jurisdiction of the Department.

- 605.6 A legacy dome light shall not be used on a vehicle placed into service unless the vehicle is replacing one already in service. An owner may elect to transfer a legacy dome light to a replacement vehicle at the owner's expense.
- 605.7 At the time a vehicle equipped with a legacy dome light is retired from service, if the light is not transferred to a replacement vehicle, it shall be decommissioned by the deadline and in the manner required by an administrative issuance; an owner that fails to comply with such administrative issuance shall be subject to the suspension of the owner's vehicle license and/or other civil penalties for the violation of such administrative issuance; provided that the DTS provider or owner shall have the opportunity to challenge the legality or wisdom of any or all provisions of the relevant administrative issuance or issuances in an administrative hearing.
- 605.8 No taxicab shall be operated without a properly functioning legacy dome light or cruising light. The operation of a taxicab without a properly functioning legacy dome light or cruising light, as required or permitted by this title, shall give rise to a rebuttable presumption that the operator knew the condition of the light and operated the taxicab with such knowledge.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES-FOR-HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.1 is amended to read as follows:

- 801.1 No person regulated by this title shall charge a rate, charge, or fare for taxicab service in the District in excess of the amounts established by this section. Notwithstanding any other provision of this title, a DTS provider may elect to offer dynamic street hail pricing based on a discount on the total amount of all rates and charges established by this section for rides booked by street hail or by telephone dispatch (if the provider is a taxicab company registered to provide telephone dispatch under Chapter 16), consistent with an applicable administrative issuance. A dynamic street hail discount may be in any amount up to one hundred percent (100%).

Subsection 801.12 is amended to read as follows:

- 801.12 Notwithstanding any other provision of this chapter, a person subject to licensing, registration, or regulation by the Department pursuant to this title or the Establishment Act, that participates in a pilot, grant, donation agreement, or other program, with the approval of the Department, or that engages in approved live

field testing of an app pursuant to Chapter 16, shall use the rates and charges, if any, established or approved by the Department in connection with such pilot, grant, donation agreement, or other program, if any, in lieu of the rates and charges otherwise applicable pursuant to this subsection.

Section 802, TAXICAB OPERATOR SURCHARGE ACCOUNTS, is amended to read as follows:

802 DTS AND DIGITAL METER RECEIPTS

802.1 Each taxicab providing service using a DTS unit or approved digital taximeter shall comply with this section.

802.2 At the end of the ride, the passenger shall be given a receipt as follows:

- (a) If the ride was booked by ehail, the receipt shall be sent through the app used to book the ride; and
- (b) If the ride was booked by street hail or telephone dispatch, the passenger shall be provided with a printed receipt.

802.3 Each receipt shall contain the following information:

- (a) The taxicab owner's name and telephone number;
- (b) The taxicab's PVIN number;
- (c) The operator's DFHV operator license (Face ID) number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The amount paid by the passenger, showing the total fare and the gratuity, if any, and, if a DTS unit was used to process the payment, an indication of whether dynamic street hail pricing was used by the DTS provider, and, if so, the applicable discount;
- (i) A depiction of the navigational path of the vehicle during the ride;
- (j) Contact information for the Department; and

- (k) Such other information about the ride that the Department may reasonably require through an administrative issuance.

802.4 The Department may issue an administrative issuance to allow or require operators to provide a DFHV ride code or other information to the passenger in lieu of or in combination with any of the requirements for receipts under this section, and to establish additional criteria for receipts for safety, consumer protection, and other reasonable purposes within the jurisdiction of the Department.

Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended as follows:

The title of Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended to read as follows:

803 MTS RECEIPTS

Section 803 is amended to read as follows:

803.1 Each taxicab providing service using an MTS unit shall comply with this section.

803.2 At the end of each taxicab trip, the operator shall provide the passenger with a printed receipt (except as authorized by § 803.4). The printed receipt shall contain the following information:

- (a) The taxicab owner’s name and telephone number;
- (b) The taxicab’s PVIN number;
- (c) The operator’s DFHV operator’s license (face ID) number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The form of payment, including:
 - (1) If the payment was an in-vehicle payment, whether it was made in cash, by payment card (including the type of card, the last four digits of the card number, and the transaction authorization code), by voucher, or by account; and

- (2) If the payment was a digital payment, the name, customer service telephone number or URL for the DDS’s customer service website;
- (i) If the passenger made an in-vehicle payment:
 - (1) The total charges established by § 801.7(c), itemized to show the time and distance charge pursuant to § 801.7(c)(1), and any authorized additional charges pursuant to § 801.7(c)(2), the passenger surcharge, and any gratuity; and
 - (2) The last four digits of any payment card processed and the transaction authorization code.
- (j) Where pursuant to this title a DDS determined the amount of the fare, if any:

“[NAME OF DDS] DETERMINED THE AMOUNT OF YOUR TAXICAB FARE. THE AMOUNT YOU HAVE BEEN CHARGED MAY BE HIGHER OR LOWER THAN THE AMOUNT DISPLAYED ON THE TAXIMETER, WHICH DID NOT APPLY TO YOUR TRIP.”
- (k) The following statement:

“DFHV COMPLAINTS LINE AND WEBSITE ADDRESS: 855-484-4966, TTY 711, www.dfhv.dc.gov”.

803.3 When payment is made by a cash or cashless payment, a printed receipt shall be provided using the vehicle’s MTS printer component. If the printer component malfunctions while printing a receipt, the operator shall provide the passenger with a handwritten receipt and the vehicle shall then be out of service until the printer component is operational.

803.4 When payment is made by digital payment, the passenger shall receive a printed receipt or an electronic receipt containing the information required by § 803.2, which shall be sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

803.5 In the case of messenger or parcel delivery service, the operator shall provide the customer with a written invoice describing the article(s) transported.

Section 806, CARRYING AND MAKING CHANGE, is amended to read as follows:

806 SURCHARGE ACCOUNTS FOR INDEPENDENT OWNERS OPERATING WITHOUT A DTS

806.1 Each independent owner may elect to provide service without a DTS if the owner:

- (a) Uses one (1) meter app that is part of an approved DTS;
- (b) Uses one (1) or more registered OPTs that are integrated with such app;
- (c) Maintains a surcharge account as provided in this Section, unless all the OPTs selected by the owner have transfer account capability to ensure the OPT pays all collected passenger surcharges directly to the District; and
- (d) Remains compliant with all other applicable regulations and laws.

806.2 Each owner who elects to provide service without a DTS is liable for all surcharges owed to the District.

806.3 Each surcharge account shall be administered as follows.

- (a) The minimum account balance is twenty dollars (\$20). DFHV shall deposit the minimum if the account is opened when the owner's operator license (face card) is issued. Otherwise, the owner shall pay the minimum to open the account.
- (b) If an account balance falls below the required minimum, DFHV shall promptly email a notice to the owner stating that:
 - (1) The owner must either: replenish the account; or close the account, pay all passenger surcharges owed, and obtain an approved DTS; and
 - (2) If the owner fails to comply within two (2) business days, the meter will be deactivated until the owner comes into compliance.
- (c) Each account shall accrue interest at one percent (1%) annually. The remaining balance with accrued interest shall be paid to the owner when an account is closed.
- (d) The burden shall at all times be on the owner to establish eligibility to operate under this Section, including by executing an application provided by the Department. Each application shall be granted or denied within two (2) business days.

806.4 The Department may post an administrative issuance concerning this Section.

Section 816, STANDARDS OF CONDUCT; UNLAWFUL ACTIVITIES PROHIBITED, is amended as follows:

New Subsections 816.16 and 816.17 are added as follows:

- 816.16 No person subject to regulation by the Department shall tamper with, damage, destroy, deface, vandalize, remove, modify, or in any way attempt to defeat or bypass equipment authorized or required by this title.
- 816.17 No person subject to regulation by the Department shall aid, abet, or be an accessory after the fact to a violation of § 816.16.

Section 818, DISCRIMINATION PROHIBITED, is amended as follows:

Subsection 818.2 is amended to read as follows:

- 818.2 Discriminatory conduct prohibited by this section includes, but is not limited to, the following:
- (a) Not picking up a passenger on the basis of any protected characteristic or trait, including not picking up a passenger with a service animal;
 - (b) Requesting that a passenger get out of a taxicab on the basis of a protected characteristic or trait;
 - (c) Using derogatory or harassing language on the basis of a protected characteristic or trait;
 - (d) Refusing a telephone or digital dispatch to a specific geographic area of the District; and
 - (e) Using dynamic street hail pricing in any manner that constitutes prohibited discrimination under this section or other applicable law.

Section 823, MANIFEST RECORD, is amended as follows:

The title of Section 823, MANIFEST RECORD, is amended to read as follows:

823 MANIFESTS

Section 823, MANIFESTS, is amended to read as follows:

- 823.1 Each operator of a taxicab equipped with an MTS unit, and each operator of a black car, shall comply with the requirements of this Section 823 in effect on January 9, 2017 (allowing the use of either a paper or electronic manifest pursuant to the requirements of that section).
- 823.2 The operator of a taxicab equipped with a DTS unit shall use only the electronic manifest incorporated in the DTS unit to permanently record all for-hire activity by the vehicle during the most recent forty-eight (48) hours. Paper manifests are

not permitted.

823.3 Each DTS electronic manifest shall contain the information required by § 802.3 for DTS receipts, the information required by the DC TaxiApp and by any other app with which the DTS is integrated, and the following:

- (a) The date, time, and vehicle mileage each time the operator logs in or out; and
- (b) The vehicle's PVIN and "H" tag number.

823.4 No person shall alter or attempt to alter an electronic manifest maintained by a DTS unit or the DTS provider.

823.5 Each operator and owner of a vehicle equipped with a DTS unit shall make the electronic manifest available for inspection upon demand by a District enforcement official.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, is amended as follows:

Section 1806, TAXICAB COMPANIES AND OPERATORS — OPERATING REQUIREMENTS, is amended as follows:

Subsection 1806.9(b) is amended to read as follows:

- (1) Is in compliance with all applicable provisions of this title, including: vehicle licensing requirements; uniform color scheme requirements; and equipment requirements such as a modern taximeter system (MTS) unit until December 31, 2017, or a digital taxicab solution (DTS) unit, and a legacy dome light or cruising light, as required for all taxicabs by § 602;
- (2) If it is a wheelchair accessible vehicle, is operated only by an operator trained to provide wheelchair service, as required by this chapter;
- (3) If it is a wheelchair accessible vehicle, other than a WMATA van or a wheelchair accessible vehicle that was associated with the company prior to its approval to participate in Transport DC: meets all applicable provisions of this chapter for use in Transport DC; and
- (4) Has an MTS or DTS unit which has been configured to report Transport DC trip data in the format directed by the Department, allowing the Department to identify Transport DC trips and such other information related to Transport DC as may reasonably be required by an administrative issuance.

Chapter 20, FINES AND CIVIL PENALTIES, is amended as follows:

The title of Chapter 20 is amended to read as follows:

CHAPTER 20 CIVIL FINES

Section 2000, FINES AND CIVIL PENALTIES, is amended as follows:

Subsection 2000.8 is amended as follows:

A civil fine is added to Schedule 2, Fines for Entities and Owners, Maximum Fines Based on Circumstances, as follows:

DTS Providers	\$2,500
Prohibited discrimination in violation of § 818	

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add definitions as follows:

“**Approved digital taximeter**” – the taximeter app component of any approved DTS, as defined in this chapter.

“**Autonomous vehicle**” – a vehicle in which operation occurs without direct operator input to control the steering, acceleration, and braking, and which is capable of monitoring road conditions and performing navigation for an entire trip without human conduction.

“**API**” or “**Application Programming Interface**” – a set of subroutine definitions, protocols, and tools for building application software.

“**Credit card processing device**” – a component of a DTS unit that allows passengers to make payments using credit cards and other methods of non-cash payment in the manner required by the Act and other applicable laws.

“**Digital taxicab solution**” or “**DTS**” – a technology solution for the operation of taxicabs that consists at a minimum of a digital taximeter running on a driver console, as defined in this chapter, a passenger console, and a credit card processing device, as such terms are defined in this chapter, and any optional components that the DTS provider may choose to include.

“**Driver console**” – a component of a DTS unit, as defined in this chapter, which incorporates a digital meter and other DTS functions used by operators

during taxicab rides; is safely-secured in the vehicle; and is accessible to District enforcement officials during traffic stops and compliance surveys.

“DTS unit” – an individual unit of a DTS, as defined in this chapter, that is installed in a vehicle.

“Dynamic street hail pricing” – a District-wide variable pricing structure for taxicab rides booked by street hail or telephone dispatch, which is established, maintained, and publicized by a DTS provider, as defined in this chapter.

“Ehail” – digital dispatch, as defined in this chapter. As used in this title, the terms “ehail” and “digital dispatch” are synonymous.

“Legacy dome light” – the patented and licensed dome light required for use on all taxicabs as of September 12, 2016.

“Legacy dome light regulations” – the regulations applicable to the legacy dome light, appearing in § 605.1 and in effect on September 12, 2016.

“Option for payment technology” and “OPT” - a payment processing service that meets the technical requirements of DFHV, including the reporting of trip data and the collection of passenger surcharges, the ability to work with one or more approved digital taximeters, with which it is integrated at its own expense, and that processes payments at a total cost at or below two and seventy-five one hundredths percent (2.75%) per swipe.

“Passenger console” – a component of a DTS unit, as defined in this chapter, which provides passengers with: the operator’s license number; the vehicle’s navigational path; applicable rates and charges (including if the provider uses dynamic street hail pricing: a disclosure of its current discount, if any, which shall be the same as the disclosure that appears on the DTS provider’s website); advertising; any audiovisual content required by the Department; a statement about payment and receipt options.

“PCI Compliant” – Adherence to set of policies and procedures developed by the PCI Security Standards Council to protect credit, debit and cash card transactions and prevent the misuse of cardholders' personal information.

“Semi-autonomous vehicle” – a vehicle which has automation of at least two primary control functions designed to work in unison to relieve the operator of control of these functions, such as adaptive cruise control with lane centering.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons wishing to file comments on the proposed rulemaking action should submit written comments via e-mail to dfhv@dc.gov or by mail to the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020, no later than forty-five (45) days after the publication of this notice in the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-286
November 8, 2017


SUBJECT: Appointments — Kennedy Street, N.W., Economic Development and Small Business Revitalization 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 the Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee Establishment Act of 2016, effective February 18, 2017, D.C. Law 21-184; D.C. Official Code § 2-1210.61 (2017 Supp.), it is hereby **ORDERED** that:

1. **DEREK FORD** is appointed as the member chosen by the Washington DC Economic Partnership member of the Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee (“**Committee**”), filling a vacant seat, for a term to end when the Committee is dissolved on December 31, 2020.
2. The following persons are appointed as members of the Committee filling vacant seats:
 - a. **DEREK COLBERT** as the designee of the Director of the Department of Small and Local Business Development.
 - b. **SYBONGILE COOK** as the designee of the Deputy Mayor for Planning and Economic Development.
 - c. **ANNIE MCCARTHY** as the designee of the Director of the Department of Consumer and Regulatory Affairs.
 - d. **ERKIN OZBERK** as the designee of the Director of the Office of Planning.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 24, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-287
November 8, 2017

SUBJECT: Appointment — Sustainable Energy Utility Advisory Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 203 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008, D.C. Law 17-250; D.C. Official Code § 8-1774.03 (2013 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **MILLIE KNOWLTON** is appointed as the representative of the building construction industry member of the Sustainable Energy Utility Advisory Board, replacing Nigel Parkinson, to serve the remainder of an unexpired term to end July 13, 2018.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-288
November 8, 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) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(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. The following members are appointed to the Youth Apprenticeship Advisory Committee to serve at the pleasure of the Mayor:
 - a. **DOUGLAS A. DAVIS** as the University of the District of Columbia Community College representative.
 - b. **KENDRA SMITH** as the Office of the State Superintendent of Education representative.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST:  _____
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-289
November 8, 2017

SUBJECT: Reappointment - Eastern Market Community 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 12(a) of the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1988, effective April 16, 1999, D.C. Law 12-228; D.C. Official Code § 37-111(a) (2013 Repl.), it is hereby **ORDERED** that:

1. **JONATHAN PAGE** is reappointed as a voting member of the Eastern Market Community Advisory Committee, for a term to end October 6, 2019.
2. **EFFECTIVE DATE:** This order shall be effective *nunc pro tunc* to October 25, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-290
November 8, 2017

SUBJECT: Appointment — Advisory Board on Veterans Affairs for the District of Columbia


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to the Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. **SHAY RANGEL**, is appointed as a public member of the Advisory Board on Veterans Affairs for the District of Columbia, replacing Daryl McLendon, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

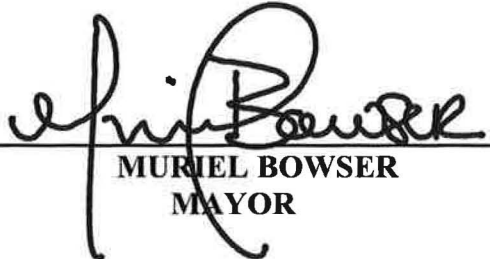
Mayor's Order 2017-291
November 8, 2017

SUBJECT: Appointment — State Advisory Panel on Special Education


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2012-48, dated April 5, 2012, it is hereby **ORDERED** that:

1. **MARGARET COWLEY** is appointed as a designee of the Office of the State Superintendent of Education of the State Advisory Panel on Special Education, replacing Jennifer Halper, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-292
November 8, 2017

SUBJECT: Appointment — District of Columbia Higher Education Licensure Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 4 of the Education Licensure Commission Act of 1976, effective April 6, 1977, D.C. Law 1-104; D.C. Official Code § 38-1304 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **ANITA SHELTON** is appointed as a member of the District of Columbia Higher Education Licensure Commission, replacing Cheryl Steplight, for the remainder of an unexpired term to end August 15, 2019.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-293
November 8, 2017

SUBJECT: Delegation - Authority to the State Superintendent of Education - Promulgation of Rules Under the District of Columbia State Athletics Consolidation Act of 2016


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and pursuant to the District of Columbia State Athletics Consolidation Act of 2016 (“Act”), effective April 7, 2017, D.C. Law 21-263; 64 DCR 2110 (February 24, 2017), it is hereby **ORDERED** that:

1. The State Superintendent of Education is delegated the Mayor’s authority under section 113 of the Act to promulgate rules to implement the Act.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-294
November 8, 2017

SUBJECT: Appointment - Acting Director, Department of Small and Local Business Development


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 2312 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005, D.C. Law 16-33, D.C. Official Code § 2-218.12 (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. **KRISTI WHITFIELD** is appointed Acting Director, Department of Small and Local Business Development, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2017-186, dated August 18, 2017.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 6, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-295
November 8, 2017

SUBJECT: Appointment – Coordinator, Office of Clean City


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2001-31, dated March 1, 2001, it is hereby **ORDERED** that:

1. **JULIE LAWSON** is appointed Coordinator, Office of Clean City, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2016-143, dated September 30, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to October 30, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

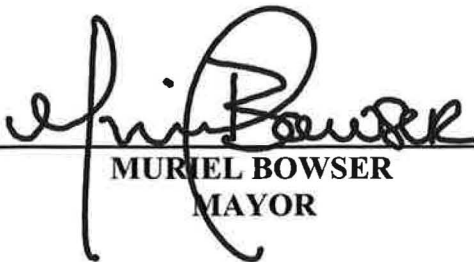
Mayor's Order 2017-296
November 8, 2017

SUBJECT: Appointment – Acting Director, Homeland Security and Emergency Management Agency


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 2 of An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, approved August 11, 1950, 64 Stat. 438; Pub. L. 81-686; D.C. Official Code § 7-2202 (2013 Repl.), and 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. **CHRISTOPHER RODRIGUEZ** is appointed Acting Director, Homeland Security and Emergency Management Agency, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2017-093, dated April 11, 2017.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 23, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-297
November 8, 2017

SUBJECT: Appointment - Acting Director, District Department of Transportation


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 by section 3(a) 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(a) (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. **JEFFREY MAROOTIAN** is appointed Acting Director, District Department of Transportation, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2017-188, dated August 21, 2017.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 16, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-298
November 9, 2017

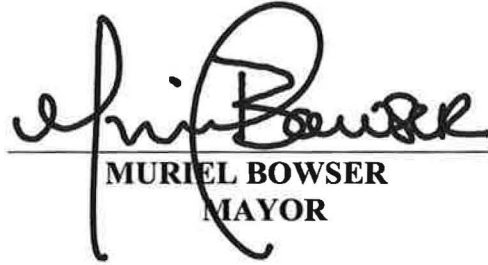
SUBJECT: Delegation - Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the Land and Improvements Located at 1201 -1215 Good Hope Road, S.E. and surrounding parking lot area, known collectively as MLK Gateway, and known for taxation and assessment purposes as Lots 1017, 847, 867, 866, and 864 in Square 5769, Lot 31 in Parcel 224, Lot 17 in Square 5600, and a portion of Lot 865 in Square 5601 (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* to May 30, 2016.



MURIEL BOWSER
MAYOR



ATTEST: _____
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-299
November 13, 2017

SUBJECT: Reappointments and Appointment — Commission on Aging


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 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24; D.C. Official Code § 7-504.02) (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The following persons are reappointed as public members of the Commission on Aging ("**Commission**") for terms to end October 28, 2020:
 - a. **BARBARA HAIR**
 - b. **GRACE LEWIS**
2. **MARY TAYLOR** is appointed as a public member of the Commission, replacing Sheila Dean, for an unexpired term to end October 27, 2020.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 25, 2017.



MURIEL BOWSER
MAYOR

ATTEST:  _____
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2017-300
November 13, 2017

SUBJECT: Reappointments and Appointment — Green Building Advisory Council

ORIGINATING AGENCY: Office of the Mayor

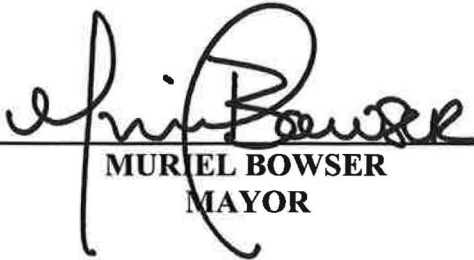
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 10 of the Green Building Act of 2006, effective March 8, 2007, D.C. Law 16-234; D.C. Official Code § 6-1451.09 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The following members are reappointed to the Green Building Advisory Council ("**Council**") as private sector members, for terms to end December 3, 2018:
 - a. **EUGENIA GREGORIO**
 - b. **MARK JAMES**
 - c. **ANICA LANDRENEAU**


2. The following members are reappointed to the Council as non-profit sector members, for terms to end December 3, 2018:
 - a. **LISA MALLORY**
 - b. **SANDY WIGGINS**
 - c. **JESSICA ZIMBABWE**

3. **STEPHEN GYOR** is appointed as the Director of the District Department of Energy and Environment designee member of the Council, replacing William Updike, for a term to end September 17, 2019.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST:  _____
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-301
November 13, 2017

SUBJECT: Reappointments and Appointments — Emergency Management Services
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 the Emergency Medical Services Act of 2008, effective March 25, 2009, D.C. Law 17-357, D.C. Official Code § 7-2341.22 (2012 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the District of Columbia Emergency Management Services Advisory Committee (“**Committee**”), for terms to end January 1, 2019:
 - a. **CYNTHIANA LIGHTFOOT** as a representative of a professional medical organization concerned with emergency medical services.
 - b. **KENNETH LYONS** as a representative of labor organizations representing emergency medical services personnel.
 - c. **ANNE RENSHAW** as a community representative of the senior community.
 - d. **JACK SAVA** as a representative of a commercial ambulance service.
 - e. **JOELLE SIMPSON** as a representative concerned with pediatric trauma care.
2. The following persons are appointed as members of the Committee, for terms to end January 1, 2019:
 - a. **AMILCAR GUZMAN** as a community representative of the Latino community, replacing Jorge Delgado.
 - b. **DAVID MILZMAN** as a representative of hospitals, including trauma centers, located in the District, replacing Dr. William Strudwick.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-302
November 13, 2017

SUBJECT: Appointment — Interstate Commission on the Potomac River Basin


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Article I of the Potomac River Basin Compact, approved September 25, 1970, 84 Stat. 856, Pub. L. 91-407, D.C. Official Code § 8-1602 (2016 Repl.), it is hereby **ORDERED** that:

1. **JAMES T. TSAI** is appointed as a District of Columbia member of the Interstate Commission on the Potomac River Basin, replacing Merrit Drucker, serving at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-303
November 13, 2017

SUBJECT: Appointment — Interim Director, Office of Labor Relations and Collective Bargaining

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.), it is hereby **ORDERED** that:

1. **REPUNZELLE BULLOCK** is appointed Interim Director, Office of Labor Relations and Collective Bargaining, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-195, dated August 17, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 27, 2017.



MURIEL BOWSER
MAYOR

ATTEST:  _____
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-304
November 13, 2017

SUBJECT: Appointment – Executive Director, Office of Neighborhood Safety and Engagement


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.), it is hereby **ORDERED** that:

1. **DELBERT MCFADDEN** is appointed Executive Director, Office of Neighborhood Safety and Engagement, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to October 30, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE

The Department of Behavioral Health Establishment Act of 2013 authorizes the Department to “plan, develop, coordinate, and monitor comprehensive and integrated behavioral health systems of care for adults and for children, youth, and their families in the District, so as to maximize utilization of behavioral health services and behavioral health supports and to assure that services for priority populations identified in the Department's annual plan are funded within the Department's appropriations or authorizations by Congress and are available.” The Department has identified a need for additional behavioral health service providers in order to provide high quality behavioral health services for District of Columbia residents.

Therefore, the Director of the Department of Behavioral Health, pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08)(2013 Supp.), hereby gives notice that effective November 1, 2017, the Department will accept new certification applications for the following services as defined by Title 22-A, D.C. Municipal Regulation, Chapter 34 “Mental Health Rehabilitation Services Provider Certification Standards” and Title 22-A, D.C. Municipal Regulation, Chapter 63 “Certification Standards For Substance Use Disorder Treatment and Recovery Providers.” Certification applications will be accepted through March 31, 2018 for the following services:

Supported Employment, Child Parent Psychotherapy (CPP-FV), Trauma Focused-Cognitive Behavioral Therapy (TF-CBT), Multi-systemic Therapy (MST), Core Services Agency (CSA), Assertive Community Treatment (ACT), Functional Family Therapy (FFT), Medication Assisted Treatment (MAT), Clubhouse, and Level 3.7 Medically Monitored Inpatient Withdrawal Management.

There is a moratorium on processing applications for all other certifications. Applications received for other services not covered in this Notice will be returned to the applicant and will not be reviewed or processed by the Department.

This notice is solely for parties interested in certification. Obtaining certification does not guarantee that the applicant will receive a Human Care Agreement. A Human Care Agreement, if available in the future, is subject to availability of funds. Additionally, a provider must meet all contract requirements as determined by the Office of Contracting and Procurement prior to receiving a Human Care Agreement.

All questions regarding this Notice should be directed to Atiya Frame-Shamblee, Director, Accountability Administration, DBH, at 64 New York Ave. NE, 3rd floor, Washington D.C. 20002; or Atiya.Frame@dc.gov; or (202) 673-2245.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY17.18:

- Maintenance/HVAC Services
- Security/Traffic Services
- Fundraising/Grant Writing Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Monday, November 27, 2017**. Proposals should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

CROSS-SECTOR COLLABORATION TASK FORCE NOVEMBER MEETING

Deputy Mayor for Education Jennifer Niles announces the scheduling of a Cross-Sector Collaboration Task Force meeting. During the meeting, the two Task Force working groups (the At-Risk working group and the Opening, Closing, and Siting working group) will continue identifying possible policy solutions and/or recommendations. The At-Risk working group will then report out possible recommendations to the entire group. The date, time and location shall be as follows:

- Date:** November 28, 2017
- Time:** 6:00 p.m. – 8:00 p.m.
- Location:** Education Counsel
101 Constitution Ave., NW Suite 900
Washington, DC
- Contact:** Ramin Tahri
Deputy Mayor for Education
202.727.4036 or ramin.taheri@dc.gov

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1A06

Petition Circulation Period: **Monday, November 20, 2017 thru Monday, December 11, 2017**
Petition Challenge Period: **Thursday, December 14, 2017 thru Wednesday, Dec. 20, 2017**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections “Board” from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Jamie Barden
Single-Member District 4D04

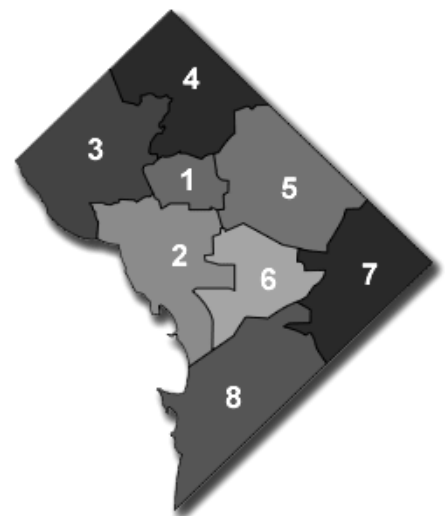
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of OCTOBER 31, 2017**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	44,277	2,901	610	143	170	11,143	59,244
2	30,154	5,685	215	165	153	10,627	46,999
3	37,633	6,419	337	142	153	10,875	55,559
4	48,661	2,230	521	85	168	8,883	60,548
5	51,764	2,316	579	113	225	9,267	64,264
6	54,082	7,048	475	238	238	13,338	75,419
7	47,430	1,275	420	51	166	6,461	55,803
8	45,701	1,372	434	51	172	7,136	54,866
Totals	359,702	29,246	3,591	988	1,445	77,730	472,702
Percentage By Party	76.09%	6.19%	.76%	.21%	.31%	16.44%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF OCTOBER 31, 2017**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboe.org>



**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,398	32	8	2	3	244	1,687
22	3,684	381	27	13	13	958	5,076
23	2,852	219	44	14	10	763	3,902
24	2,630	252	25	14	13	772	3,706
25	3,744	434	43	15	12	1,079	5,327
35	3,527	224	49	13	8	819	4,640
36	4,110	242	54	7	17	1,008	5,438
37	3,352	160	47	12	10	795	4,376
38	2,855	128	44	17	13	733	3,790
39	4,057	197	67	7	15	919	5,262
40	3,847	187	80	9	18	987	5,128
41	3,521	209	64	8	17	1,004	4,823
42	1,796	79	27	3	11	455	2,371
43	1,783	69	24	4	7	362	2,249
137	1,121	88	7	5	3	245	1,469
TOTALS	44,277	2,901	610	143	170	11,143	59,244

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	912	176	6	9	12	540	1,655
3	1,621	372	16	8	11	641	2,669
4	1,885	478	5	11	8	721	3,108
5	2,079	598	13	15	10	760	3,475
6	2,295	829	17	16	16	1,240	4,413
13	1,280	227	4	2	5	412	1,930
14	2,870	480	26	18	9	944	4,347
15	2,944	396	31	17	15	864	4,267
16	3,396	423	27	20	15	942	4,823
17	4,719	628	30	19	17	1,470	6,883
129	2,328	406	14	11	12	882	3,653
141	2,360	305	13	11	13	649	3,351
143	1,465	367	13	8	10	562	2,425
TOTALS	30,154	5,685	215	165	153	10,627	46,999

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,260	396	15	4	6	556	2,237
8	2,405	628	27	6	8	774	3,848
9	1,162	495	6	8	8	484	2,163
10	1,855	416	19	6	13	683	2,992
11	3,313	877	38	30	22	1,219	5,499
12	484	184	0	4	4	206	882
26	2,825	338	19	8	7	818	4,015
27	2,419	245	23	9	3	567	3,266
28	2,501	474	40	9	11	762	3,797
29	1,331	224	10	8	8	409	1,990
30	1,283	206	11	4	6	294	1,804
31	2,401	305	16	7	12	567	3,308
32	2,695	291	24	5	11	563	3,589
33	2,874	287	22	4	4	661	3,852
34	3,699	425	35	13	9	1,083	5,264
50	2,131	275	15	5	8	483	2,917
136	830	91	6	1	3	261	1,192
138	2,165	262	11	11	10	485	2,944
TOTALS	37,633	6,419	337	142	153	10,875	55,559

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,260	68	32	5	9	384	2,758
46	2,810	94	32	7	11	502	3,456
47	3,379	138	44	9	15	761	4,346
48	2,804	129	27	5	7	551	3,523
49	887	43	13	3	5	197	1,148
51	3,302	507	20	8	10	616	4,463
52	1,243	150	9	0	5	233	1,640
53	1,241	74	21	1	4	241	1,582
54	2,338	97	24	2	4	440	2,905
55	2,425	77	17	1	11	424	2,955
56	3,104	97	33	8	13	634	3,889
57	2,438	70	35	6	12	471	3,032
58	2,269	62	19	3	4	345	2,702
59	2,600	86	29	7	7	425	3,154
60	2,153	72	24	4	10	610	2,873
61	1,564	52	15	1	7	283	1,922
62	3,129	128	22	3	5	386	3,673
63	3,678	130	56	1	20	660	4,545
64	2,342	68	21	6	6	358	2,801
65	2,695	88	28	5	3	362	3,181
Totals	48,661	2,230	521	85	168	8,883	60,548

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,378	190	61	9	15	963	5,616
44	2,794	239	27	8	18	648	3,734
66	4,458	87	44	4	16	572	5,181
67	2,830	99	23	4	9	417	3,382
68	1,905	162	20	7	6	392	2,492
69	2,085	70	19	1	10	283	2,468
70	1,440	79	25	0	5	210	1,759
71	2,371	71	26	5	10	326	2,809
72	4,285	139	39	8	24	715	5,210
73	1,956	92	23	6	8	358	2,443
74	4,583	258	60	10	22	971	5,907
75	3,845	213	45	17	22	823	4,965
76	1,594	88	20	6	6	352	2,066
77	2,859	121	28	3	14	501	3,526
78	2,917	95	44	9	10	477	3,552
79	2,029	73	20	3	11	351	2,487
135	3,026	179	39	11	13	610	3,878
139	2,406	61	16	2	6	298	2,789
TOTALS	51,764	2,316	579	113	225	9,267	64,264

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,416	547	45	27	18	1,204	6,257
18	4,786	362	44	15	22	1,080	6,309
21	1,162	58	8	7	1	250	1,486
81	4,604	366	44	11	18	924	5,967
82	2,558	252	32	10	8	585	3,445
83	5,241	729	37	30	27	1,379	7,443
84	1,955	408	19	5	10	529	2,926
85	2,627	490	17	12	9	720	3,875
86	2,188	256	21	10	8	447	2,930
87	2,669	277	16	3	16	580	3,561
88	2,108	289	20	6	4	495	2,922
89	2,541	629	21	13	9	750	3,963
90	1,573	236	10	6	10	452	2,287
91	3,995	396	34	14	20	925	5,384
127	4,131	319	42	21	19	854	5,386
128	2,430	204	26	10	10	601	3,281
130	769	302	6	1	3	274	1,355
131	2,759	743	18	24	19	858	4,421
142	1,570	185	15	13	7	431	2,221
TOTALS	54,148	7,048	475	238	238	13,338	75,419

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,425	84	20	5	2	261	1,797
92	1,593	33	12	1	5	226	1,870
93	1,572	39	17	2	5	221	1,856
94	1,928	58	18	0	6	258	2,268
95	1,653	46	12	1	2	262	1,976
96	2,342	64	16	0	13	330	2,765
97	1,396	42	14	1	6	208	1,667
98	1,897	40	22	4	7	249	2,219
99	1,506	51	18	4	8	246	1,833
100	2,374	46	16	2	8	281	2,727
101	1,581	28	14	3	5	176	1,807
102	2,309	53	19	0	12	288	2,681
103	3,439	79	39	2	9	478	4,046
104	3,069	84	29	1	19	435	3,637
105	2,398	71	20	5	8	362	2,864
106	2,789	57	18	1	11	372	3,248
107	1,742	60	13	1	8	220	2,044
108	1,074	28	6	0	2	128	1,238
109	964	38	4	0	1	99	1,106
110	3,703	102	22	7	10	418	4,262
111	2,445	61	33	3	7	379	2,928
113	2,193	55	20	4	7	267	2,546
132	2,038	56	18	4	5	297	2,418
TOTALS	47,430	1,275	420	51	166	6,461	55,803

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of OCTOBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,211	62	16	1	10	317	2,617
114	3,466	133	34	4	21	566	4,223
115	2,824	65	25	5	9	606	3,534
116	4,118	97	42	5	14	634	4,910
117	2,084	50	18	2	10	342	2,506
118	2,744	77	32	3	12	411	3,279
119	2,687	112	28	1	12	449	3,289
120	1,883	34	15	2	3	228	2,165
121	3,365	78	28	3	5	464	3,943
122	1,790	46	23	0	9	241	2,109
123	2,313	162	25	12	19	381	2,912
124	2,604	69	21	2	6	360	3,062
125	4,474	107	38	3	14	700	5,336
126	3,790	130	45	6	15	704	4,690
133	1,294	42	8	0	1	174	1,519
134	2,195	50	26	1	6	292	2,570
140	1,859	58	10	1	6	268	2,202
TOTALS	45,701	1,372	434	51	172	7,136	54,866

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 9/30/2017 and 10/31/2017

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	360,157	29,297	3,599	996	1,424	77,755	473,228
Board of Elections Over the Counter	44	3	1	0	0	26	74
Board of Elections by Mail	25	4	0	0	0	9	38
Board of Elections Online Registration	107	10	2	0	2	17	138
Department of Motor Vehicle	1,183	165	10	5	25	437	1,825
Department of Disability Services	3	0	0	0	0	0	3
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	1	0	0	1	2
Department of Human Services	3	0	0	0	0	0	3
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	64	5	1	0	0	31	101
+Total New Registrations	1,429	187	15	5	27	521	2,184

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	241	22	4	0	3	58	328
Administrative Corrections	2	1	0	0	0	1	4
+TOTAL ACTIVATIONS	243	23	4	0	3	59	332

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	1116	112	16	9	3	312	1,568
Moved Out of District (Deleted)	1	0	0	1	0	1	3
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	6	0	0	0	0	1	7
Administrative Corrections	1,038	139	11	11	3	289	1,491
-TOTAL DEACTIVATIONS	2,161	251	27	21	6	603	3,069

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	219	58	17	17	14	189
- Changed From Party	-185	-68	-17	-9	-17	-191
ENDING TOTALS	359,702	29,246	3,591	988	1,445	77,730

DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS
FISCAL YEAR 2018 MONTHLY MEETING SCHEDULE

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. The meetings are held at 955 L'Enfant Plaza, Suite 2500, SW, Washington, D.C. A copy of the draft agenda for each meeting will be posted on the agency's website and the lobby of the Office of Employee Appeals. For further information, please contact the front desk at 202.727.0004. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Tuesday, November 7, 2017	11:00 AM	Conference Room
Tuesday, December 19, 2017	11:00 AM	Conference Room
Tuesday, January 30, 2018	11:00 AM	Conference Room
Tuesday, March 13, 2018	11:00 AM	Conference Room
Tuesday, April 24, 2018	11:00 AM	Conference Room
Tuesday, June 5, 2018	11:00 AM	Conference Room

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue permit Nos. 7127, 7128, and 7130 to the District of Columbia Water and Sewer Authority (DC Water) to construct and operate three (3) identical radial carbon adsorber odor scrubbers (“RCAOS”), ECF-OS2, ECF-OS3 and ECF-OS1 each rated at 28,700 cfm, to control odorous emissions from the screenings and grit processing buildings and the headspace of the screenings influent and effluent channels, grit influent channel, and vortex grit units. The emission control equipment is located at 5000 Overlook Avenue SW, Washington DC 20032. The contact person for the facility is Meena Gowda, Principal Counsel, at (202) 787-2628.

Odor Scrubbers to be Permitted

Equipment Location	Address	Equipment Size	Equipment ID	Type	Permit Number
Blue Plains WWTP- North of the Grit Removal Facility	5000 Overlook Ave SW Washington, DC 20032	28,700 cfm	ECF-OS2	Radial Carbon Adsorber	7127
Blue Plains WWTP- North of the Grit Removal Facility	5000 Overlook Ave SW Washington, DC 20032	28,700 cfm	ECF-OS3	Radial Carbon Adsorber	7128
Blue Plains WWTP- North of the Grit Removal Facility	5000 Overlook Ave SW Washington, DC 20032	28,700 cfm	ECF-OS1	Radial Carbon Adsorber	7130

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the equipment covered by these permits. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this condition, this condition shall not be applicable. [20 DCMR 201]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- c. The Permittee shall ensure that the Enhanced Clarification Facility odor control systems are properly operated to achieve at least a 99 percent removal rate for hydrogen sulfide in the

foul air streams from the ECF (screenings and grit processing buildings, the headspace of the screenings influent and effluent channels, grit influent channel, and vortex grit units) or a maximum outlet concentration of 0.02 ppm of hydrogen sulfide, whichever results in a higher emission rate. [20 DCMR 201]

The estimated emissions from the odor scrubbers are as follows:

			Hydrogen Sulfide (H ₂ S)			
			Flow scfm	Removal Efficiency %	Emissions (per scrubber)	
		ppm			lb/hr	tpy
ECF Odor Scrubbers (3)	Avg.	Uncontrolled	28,700	99	2	1.34
		Controlled			0.020	0.013
	Peak	Uncontrolled	28,700	99	5	0.76
		Controlled			0.050	0.008

The applications to construct and operate the odor scrubbers and the draft set of permits and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person’s name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
 Chief, Permitting Branch
 Air Quality Division
 Department of Energy and Environment
 1200 First Street NE, 5th Floor
 Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after December 18, 2017 will be accepted.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue permit No. 7129 to the District of Columbia Water and Sewer Authority (DC Water) to construct and operate one (1) Daniel Company vertical carbon adsorber odor scrubber (TDPS-OS4), rated at 3,500 cfm, to control odorous emissions from the tunnel dewatering pump station (TCPS) vent shaft during non-event periods. The emission control equipment is located at 5000 Overlook Avenue SW, Washington DC 20032. The contact person for the facility is Meena Gowda, Principal Counsel, at (202) 787-2628.

Odor Scrubber to be Permitted

Equipment Location	Address	Equipment Size	Equipment ID	Type	Permit Number
Blue Plains WWTP, South of TDPS	5000 Overlook Ave SW Washington, DC 20032	3,500 cfm	TDPS-OS4	Vertical Carbon Adsorber	7129

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the equipment covered by this permit. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this condition, this condition shall not be applicable. [20 DCMR 201]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- c. The Permittee shall ensure that the Tunnel Dewatering Pump Station odor control system is properly operated to achieve at least a 99 percent removal rate for hydrogen sulfide (H₂S) in the foul air streams from the TDPS vent shaft and pump manifold or a maximum outlet concentration of 0.02 ppm of hydrogen sulfide, whichever results in a higher outlet emission rate. [20 DCMR 201 and 20 DCMR 803]

The estimated emissions from the odor scrubber are as follows:

			Hydrogen Sulfide (H ₂ S)			
			Flow scfm	Removal Efficiency %	Emissions (per scrubber)	
					ppm	lb/hr
TDPS Odor Scrubber (1)	Avg.	Uncontrolled	3,500	99	2	0.163
		Controlled			0.020	0.002
	Peak	Uncontrolled	3,500	99	5	0.09
		Controlled			0.050	0.001

The application to construct and operate the odor scrubber and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
 Chief, Permitting Branch
 Air Quality Division
 Department of Energy and Environment
 1200 First Street NE, 5th Floor
 Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after December 18, 2017 will be accepted.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC HEARING AND
SOLICITATION OF PUBLIC COMMENT****Air Quality Permit for Superior Concrete Materials, Inc.**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, is proposing to issue an air quality permit (#7188) to Superior Concrete Materials, Inc. to construct and operate a ready mix portable concrete batch plant at 1721 South Capitol Street SW, Washington DC, 20003. This plant will replace the existing Superior Concrete Materials, Inc. plant located at 1601 South Capitol Street SW, Washington DC, 20003. The contact person for the applicant is Roberto Talavera, Director of Technical Services/Operation, at (301) 343-7660.

Emissions Estimate:

The maximum potential emissions from the proposed facility have been developed assuming maximum allowable operations of 4,200 hours per year, operating at the facility's maximum rated capacity of 240 cubic yards of concrete per hour. Based on these assumptions, emissions are not expected to exceed 11.0 tons per year of total particulate matter. Of this particulate matter, approximately 4.7 tons per year is expected to have an aerodynamic diameter less than ten microns (PM10).

Emission Limits:

The proposed emission limits for the facility are as follows:

- a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of the permit.
- b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- c. The discharge of total suspended particulate matter (TSP) into the atmosphere from any process shall not exceed three hundredths (0.03) grains per dry standard cubic foot of the exhaust. [20 DCMR 603.1]
- d. The discharge of TSP from the concrete batch plant shall not exceed 40 pounds per hour. [20 DCMR 603.1 and Appendix 6-1]
- e. Visible emissions shall not be emitted from the equipment covered by this permit except that discharges not exceeding 40% opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minutes period and for an aggregate of twelve (12) minutes in any twenty-four (24) hours period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]

- f. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues.

A public hearing at which interested parties may present comments will also be held as follows:

Public Hearing: Monday, December 18, 2017

HEARING DATE: Monday, December 18, 2017
TIME: 5:00 pm
PLACE: Southwest Public Library
900 Wesley Place SW
Washington DC 20024

Waterfront (Green Line) Metro Stop

All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit paper or electronic copies of any written statements. Written comments on the proposed permit not delivered in person at the hearing should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

All relevant comments will be considered before taking final action on the permit application.

No comments submitted after December 18, 2017 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds pursuant to the authority established by the Fiscal Year 2018 Budget Support Act of 2017, Subtitle C, Section 5032 to make grant funds available to facilitate the development and application of telehealth services to homeless shelters or public housing projects. The Director of DHCF has authority to issue grants under 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(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunities will be released under a separate announcement with guidelines for submitting the application, review criteria and DHCF terms and conditions for applying for and receiving funding. The anticipated performance period for these grants is February 15, 2018 to September 30, 2018.

Descriptions of Opportunities:

Shelter and Public Housing Telehealth Development and Application Grants: Two (2) grants of \$75,000 each are anticipated to be awarded to facilitate the development and application of telehealth services in homeless shelters or public housing projects.

Eligibility Requirements:

Applicants must have a demonstrated record of providing health services in homeless shelters or public housing projects. All applicants must also be registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

A RFA will be released on or around December 4, 2017. The RFA package will be available online at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> and the DHCF website. Hard copies of the RFA package may be obtained at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk daily from 9:00 am until 4:00 pm. All eligible applications are reviewed through a competitive process.

DHCF will hold a pre-proposal conference on Monday, December 11, 2017 at 1:00 p.m. Eastern at 441 4th St. N.W., Main Street Conference Room on the 10th Floor, Washington, D.C. 20001. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4:00 pm Eastern Time on Friday, January 5, 2018. Applications must be submitted in hard copy and in-person at DHCF, 441

4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk. No applications will be accepted after the submission deadline.

For additional information regarding this NOFA, please contact Joe Weissfeld, Project Manager, DHCF, Health Care Reform and Innovation Administration at joe.weissfeld@dc.gov or at (202) 442-5839.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
November 29, 2017

On NOVEMBER 29, 2017 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

**DISTRICT OF COLUMBIA GOVERNMENT
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

HOUSING PRODUCTION TRUST FUND ADVISORY BOARD

**NOTICE OF DATE CHANGE FOR THE NOVEMBER
HPTF MONTHLY BOARD MEETING**

The Housing Production Trust Fund (HPTF) Advisory Board announces its next Meeting on **Tuesday, November 21, 2017, from 10:30 A.M. to 12:00 P.M.**, at the D.C. Department of Housing and Community Development, Housing Resource Center, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020.

For additional information, please contact Danilo Pelletiere, via e-mail at Danilo.Pelletiere@dc.gov or by telephone at 202-442-7200.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****General Contracting Services**

KIPP DC is soliciting proposals from qualified vendors for General Contracting Services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on December 8, 2017.

Questions can be addressed to tania.honig-silbiger@kippdc.org & justin@clark-architecture.com.

Family & Community Engagement Consultant Services

KIPP DC is soliciting proposals from qualified vendors for Family & Community Engagement Consultant Services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on November 29, 2017. Questions can be addressed to althea.holford@kippdc.org.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

FY2018 Creative Economy Initiative Grant

Grant Identification No.: DMPED - CEI – 018- 401162

Background Information: The Office of the Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of applications for the Creative Economy Initiative . Funding for this program is authorized from the Economic Development Special Account, per D.C. Official Code §2-1225.21(d).

Purpose of Grant Program: The purpose of the grant is to support DC’s creative economy and to market the District in line with with the Economic Strategy, which can be found at DCEconomicStrategy.com. To this end, DMPED is soliciting grant applications from qualified businesses that seek to promote DC through a multimedia project that highlights the District of Columbia.

Length of Award: Date of grant execution through September 30, 2018.

Anticipated Number of Awards: DMPED will award one grant of up to a maximum of \$500,000.

Eligibility Criteria: Eligible applicants for this grant are multimedia businesses with a track record of creating media that is distributed nationally. Eligible applicants must be a District registered business or organization in Good Standing with the DC Department of Consumer and Regulatory Affairs (DCRA), the DC Office of Tax and Revenue (OTR), the DC Department of Employment Services (DOES), and the federal Internal Revenue Service (IRS).

Availability of RFA: The grant application will be released on December 1, 2017. The RFA will be posted on DMPED’s website (www.dmped.dc.gov), Great Streets website (www.greatstreets.dc.gov) and

Contact Name: LaToyia Hampton, Grants Manager
dmpedgrants@dc.gov
202.724.8111

Deadline for Electronic Submission: Applicants must submit a completed online application to DMPED via the GiftsOnline system by **January 2, 2018 at 4:00 PM**

DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19596 of Richard and Allison Sedwick, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, to construct a rear, screened porch addition to an existing one-family dwelling in the R-3 Zone at premises 3931 Benton Street N.W. (Square 1810, Lot 136).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: November 1, 2017¹

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 7.) 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") 3B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on October 6, 2017, at which a quorum was in attendance, ANC 3B voted 5-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report, dated October 6, 2017, in support of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report, dated October 4, 2017, expressing no objection to the approval of the application. (Exhibit 32.)

¹ This case was originally scheduled for the Expedited Review Calendar of October 18, 2017 and administratively postponed to that of November 1, 2017. (Exhibits 34 and 37.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, to construct a rear, screened porch addition to an existing one-family dwelling in the R-3 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, and Subtitle D §§ 5201 and 304.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 9.**

VOTE: 3-0-2 (Carlton E. Hart, Peter G. May, and Lesylleé M. White to APPROVE; Frederick L. Hill not participating, not voting; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: November 2, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED

BZA APPLICATION NO. 19596

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STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19603 of MDG 435 Park Road LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5203.3 from the rooftop architectural element restrictions in Subtitle E § 206.1, to remove an existing bay window in an existing one-family dwelling in the RF-1 Zone at premises 435 Park Road N.W. (Square 3036, Lot 17).

HEARING DATE: November 1, 2017¹

DECISION DATE: November 1, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 12.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 11, 2017, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 33.)

The Office of Planning ("OP") submitted a timely report, dated October 6, 2017, in support of the application. (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a timely report, dated October 6, 2017, expressing no objection to the approval of the application. (Exhibit 30.)

A neighbor, C. Prince, submitted a letter that raised concerns about parking in the area surrounding the premises. (Exhibit 35.)

¹ This case was originally scheduled for the hearing of October 18, 2017 and administratively postponed to that of November 1, 2017. (Exhibits 32 and 36.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5203.3 from the rooftop architectural element restrictions in Subtitle E § 206.1, to remove an existing bay window in an existing one-family dwelling in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5203.3 and 206.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter G. May to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: November 3, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

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§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19609 of Massachusetts Avenue Properties LLC, pursuant to 11 DCMR § 3103.2, for variances from the rear yard requirements of § 774.1, from the height requirements of § 1203.1, and from the off-street parking requirements of § 2101.1, to construct a new three-story office building in the CAP/CHC/C-2-A Zone at premises 226 Massachusetts Avenue, N.E. (Square 755, Lot 850).¹

HEARING DATE: November 8, 2017²
DECISION DATE: November 8, 2017

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 8.) 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") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a timely report on November 6, 2017, recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 11, 2017, at which a quorum was present, the ANC voted 6-0 to support the application.³ (Exhibit 43.)

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 34.)

¹ The application is vested under the Zoning Regulations of 1958 ("1958 Regulations"). The proposal was granted concept approval by the Historic Preservation Review Board on June 23, 2016. While the procedural rules of the Zoning Regulations of 2016, which went into effect on September 6, 2016, were applied to this case, the merits of the case were reviewed under the 1958 Regulations.

² This case was administratively postponed from the hearing date of October 25, 2017 to that of November 8, 2017.

³ The ANC report expressed no issues or concerns pertaining to zoning. It did raise public space concerns but acknowledged that these were not within the purview of this Board. (Exhibit 43.)

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application, subject to three conditions. (Exhibit 33.)

The Architect of the Capitol (“AOC”) was also served with notice of the case and filed a report. In its report, the AOC noted that it cannot comment on variance applications, but only special exceptions. (Exhibit 36.)

Letters in support from the adjacent property owner and from the Capitol Hill Restoration Society were submitted to the record. (Exhibits 42 and 37.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for variances from the rear yard requirements of § 774.1, from the height requirements of § 1203.1, and from the off-street parking requirements of § 2101.1, to construct a new three-story office building in the CAP/CHC/C-2-A Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR §§ 774.1, 1203.1, and 2101.1, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 1 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall identify a TDM Coordinator to work with goDCgo on implementation.
2. The Applicant shall provide two additional short-term bicycle parking spaces (one inverted U-rack) in the “furniture zone” in public space or on private property.

3. The Applicant shall provide website links to CommuterConnections.com and goDCgo.com on developer and property management websites.

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: November 9, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY

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BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19612 of Elizabeth Boison, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, and from the prohibitions against expanding nonconforming structures of Subtitle C § 202.2, to construct a rear addition to an existing one-family dwelling in the R-1-B Zone at premises 3909 Huntington Street N.W. (Square 1754, Lot 915).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: November 8, 2017¹

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 8.) 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") 3E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. The ANC submitted a resolution indicating that at a regularly scheduled and properly noticed meeting on October 12, 2017 at which a quorum was in attendance, ANC 3E voted 4-0-0 to support the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report, dated October 13, 2017, in support of the application. (Exhibit 32.) The District Department of Transportation ("DDOT")

¹This case was originally scheduled for the Expedited Review Calendar of October 25, 2017 and administratively postponed to that of November 8, 2017. (Exhibits 30 and 33.)

submitted a timely report, dated October 13, 2017, expressing no objection to the approval of the application. (Exhibit 31.)

Four letters in support of the application by neighbors were submitted to the record. (Exhibit 12.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, and from the prohibitions against expanding nonconforming structures of Subtitle C § 202.2, to construct a 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 and 306.1, 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 6 AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall provide a rain barrel on the property.

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

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FINAL DATE OF ORDER: November 9, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

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AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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