

***District of Columbia***

**REGISTER**

---

---

**HIGHLIGHTS**

- D.C. Council enacts Act 21-650, UDC DREAM Amendment Act of 2016, to allow University of the District of Columbia students to pay in-state tuition regardless of immigration status
- D.C. Council enacts Act 21-654, End Taxation Without Representation Amendment Act of 2016
- D.C. Council schedules Fiscal Year 2016-2017 Agency Performance Oversight Hearings
- Alcoholic Beverage Regulation Administration revises the pub crawl regulations
- Department of Energy and Environment establishes regulations that require food service entities to use only disposable food service ware that is compostable or recyclable
- Department of Health announces funding availability for programs to improve pediatric asthma outcomes
- Office of the State Superintendent of Education schedules community engagement sessions on the DC's State Education Plan
- Office of Tax and Revenue updates the District's tax withholding requirements

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 *et seq.* (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR §§300, *et seq.*). The Rules of the Office of Documents and Administrative Issuances are available online at [dcregs.dc.gov](http://dcregs.dc.gov). Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §§2-501 *et seq.* (2012 Repl.).

All documents published in the *District of Columbia Register* (*Register*) must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the D.C. government (6) Notices, Opinions, and Orders of D.C. Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

## Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at [dcdocuments@dc.gov](mailto:dcdocuments@dc.gov). For guidelines on how to format and submit documents for publication, email [dcdocuments@dc.gov](mailto:dcdocuments@dc.gov).

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at [dcdocuments@dc.gov](mailto:dcdocuments@dc.gov) to request the *District of Columbia Register* publication schedule.

## Viewing the DC Register

The Office of Documents and Administrative Issuances publishes the *D.C. Register* ONLINE every Friday at [www.dcregs.dc.gov](http://www.dcregs.dc.gov). The Office of Documents does not offer paid subscriptions to the *D.C. Register*. Copies of the *Register* from April 2003 through July 2010 are also available online in the *D.C. Register* Archive on the website for the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov). Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtonian Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *Register*. News services are encouraged to publish all or part of the *Register*.

## Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

**CONTENTS**

**ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA**

**D.C. ACTS**

A21-610 William Jackson Way Designation Act of 2016 [B21-469] ..... 000866 - 000867

A21-611 Closing of a Public Alley in Square 126, S.O. 14-17521,  
Act of 2016 [B21-586] ..... 000868 - 000869

A21-613 Extension of Time to Dispose of the Strand Theater  
Amendment Act of 2016 [B21-658] ..... 000870 - 000871

A21-614 Janice Wade McCree Way Designation Act of 2016 [B21-788] ..... 000872 - 000873

A21-615 Closing of a Public Alley in Square 453, S.O. 14-17847,  
Act of 2016 [B21-447] ..... 000874 - 000875

A21-616 Council Independent Authority Clarification Amendment  
Act of 2016 [B21-581] ..... 000876 - 000880

A21-617 Skyland Town Center Amendment Act of 2016 [B21-854] ..... 000881 - 000882

A21-618 Medical Marijuana Dispensary Temporary Amendment  
Act of 2016 [B21-953] ..... 000883 - 000884

A21-619 Campaign Finance Reform and Transparency Temporary  
Amendment Act of 2016 [B21-964] ..... 000885 - 000886

A21-620 Modification Nos. 2 and 3 to Contract No. CW40855  
Approval and Payment Authorization Emergency  
Act of 2016 [B21-951] ..... 000887 - 000888

A21-621 Exercise of Option Year 2 via Modification No. 2 to  
Contract No. DCAM-14-NC-0133D Approval and  
Payment Authorization Emergency Act of 2016 [B21-968] ..... 000889 - 000890

A21-622 Task Order Agreement No. CW46793 against GSA  
Contract No. GS-25F-0062L Approval and Payment  
Authorization Emergency Act of 2016 [B21-969] ..... 000891 - 000892

A21-623 Modification No. M0002 to Contract No. CW46486  
Approval and Payment Authorization Emergency  
Act of 2016 [B21-971] ..... 000893 - 000894

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

**D.C. ACTS CONT'D**

A21-624	Exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-01 33B Approval and Payment Authorization Emergency Act of 2016 [B21-972].....	000895 - 000896
A21-625	Exercise of Option Year 2 via Modification No. 02 to Contract No. DCAM-14-NC-0133A Approval and Payment Authorization Emergency Act of 2016 [B21-973] .....	000897 - 000898
A21-626	Modification No. 1 to Contract No. CW46876 Approval and Payment Authorization Emergency Act of 2016 [B21-975].....	000899 - 000900
A21-627	Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Amendment Act of 2016 [B21-979] .....	000901 - 000902
A21-628	Change Order Nos. 1 and 2 to Contract No. DCAM-16-CS-0074 Approval and Payment Authorization Emergency Act of 2016 [B21-983] .....	000903 - 000904
A21-629	Medical Respite Services Exemption Emergency Amendment Act of 2016 [B21-984].....	000905 - 000906
A21-630	Stun Gun Regulation Emergency Amendment Act of 2016 [B21-986] .....	000907 - 000910
A21-631	Contract No. NFPHC-151 Approval and Payment Authorization Emergency Act of 2016 [B21-992] .....	000911 - 000912
A21-632	Contract No. NFPHC-207 Approval and Payment Authorization Emergency Act of 2016 [B21-993] .....	000913 - 000914
A21-633	Contract No. NFPHC-121 Approval and Payment Authorization Emergency Act of 2016 [B21-994] .....	000915 - 000916
A21-634	Contract No. NFPHC-344 Approval and Payment Authorization Emergency Act of 2016 [B21-995] .....	000917 - 000918
A21-635	Modification Nos. 1 and 2 to Contract No. NFPHC-238 Approval and Payment Authorization Emergency Act of 2016 [B21-996] .....	000919 - 000920
A21-636	Modification No. 2 to Contract No. NFPHC-8-1 Approval and Payment Authorization Emergency Act of 2016 [B21-997] .....	000921 - 000922

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

**D.C. ACTS CONT'D**

A21-637	Chancellor of the District of Columbia Public Schools Salary and Benefits Authorization Emergency Amendment Act of 2016 [B21-998].....	000923 - 000924
A21-638	Exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM- 14-NC-0133C Approval and Payment Authorization Emergency Act of 2016 [B21-970] .....	000925 - 000926
A21-639	Modification No. 3 to Contract No. CFOPD-15-C-001 Approval and Payment Authorization Emergency Act of 2016 [B21-974] .....	000927 - 000928
A21-640	Snow Removal Agreement Authorization Emergency Amendment Act of 2016 [B21-976].....	000929 - 000930
A21-641	Council Financial Disclosure Emergency Amendment Act of 2016 [B21-982] .....	000931 - 000934
A21-642	Downtown Business Improvement District Emergency Amendment Act 2016 [B21-990].....	000935 - 000936
A21-643	Certified Business Enterprise Bonding Liability Amendment Act of 2016 [B21-863].....	000937 - 000938
A21-644	Nuisance Abatement Notice Congressional Review Emergency Amendment Act of 2016 [B21-881].....	000939 - 000941
A21-645	Four-unit Rental Housing Tenant Grandfathering Amendment Act of 2016 [B21-885].....	000942 - 000943
A21-646	At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2016 [B21-967].....	000944 - 000945
A21-647	Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016 [B21-279].....	000946 - 000948
A21-648	Active Duty Pay Differential Amendment Act of 2016 [B21-298] .....	000949 - 000950
A21-649	Continuing Care Retirement Community Exemption Amendment Act of 2016 [B21-402] .....	000951 - 000952
A21-650	UDC DREAM Amendment Act of 2016 [B21-422].....	000953 - 000954
A21-651	Accountancy Practice Amendment Act of 2016 [B21-541].....	000955 - 000959

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

**D.C. ACTS CONT'D**

A21-652	Pesticide Education and Control Amendment Act of 2016 [B21-580] .....	000960 - 000962
A21-653	Risk-Based Capital Amendment Act of 2016 [B21-610] .....	000963 - 000965
A21-654	End Taxation Without Representation Amendment Act of 2016 [B21-708] .....	000966 - 000968

**ADOPTED CEREMONIAL RESOLUTIONS**

ACR 21-254	Car Free Day Recognition Resolution of 2016.....	000969 - 000970
ACR 21-255	Donna Wood Recognition Resolution of 2016.....	000971 - 000972
ACR 21-269	Elvin "Ned" Sloan Recognition Resolution of 2016.....	000973 - 000974
ACR 21-270	Community Development Week Recognition Resolution of 2016.....	000975 - 000976
ACR 21-271	Public Service Commission’s Winter Ready DC Campaign Recognition Resolution of 2016.....	000977 - 000978
ACR 21-272	District of Columbia World Mental Health Day Recognition Resolution of 2016.....	000979
ACR 21-281	Mount Carmel Baptist Church 140th Anniversary Recognition Resolution of 2016.....	000980 - 000981
ACR 21-282	Reverend Alonzo David Hart, Jr. Retirement Recognition Resolution of 2016.....	000982
ACR 21-283	Edgewood/Brookland Family Support Collaborative 20-Year Anniversary Recognition Resolution of 2016 .....	000983 - 000984
ACR 21-284	Transgender Day of Remembrance Recognition Resolution of 2016.....	000985 - 000986
ACR 21-285	Tara Morrison Recognition Resolution of 2016.....	000987 - 000988
ACR 21-286	Ambassador Susan E. Rice Recognition Resolution of 2016.....	000989 - 000990
ACR 21-287	Douglas E. Moore Recognition Resolution of 2016.....	000991 - 000993
ACR 21-288	John Wall Recognition Resolution of 2016.....	000994
ACR 21-289	Capital Community News, Inc. 40th Anniversary of the Hill Rag Recognition Resolution of 2016 .....	000995 - 000996

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

**ADOPTED CEREMONIAL RESOLUTIONS CONT'D**

ACR 21-290 Ward 4 District of Columbia State Board of Education  
Representative and District of Columbia Library  
Trustee D. Kamili Anderson Recognition  
Resolution of 2016.....000997 - 000998

ACR 21-291 75th Anniversary of the Young Women’s League, Inc.  
Recognition Resolution of 2016 .....000999 - 001000

ACR 21-292 Mrs. Thompson-Vincent Recognition Resolution of 2016.....001001 - 001002

ACR 21-293 Director of the Smithsonian National Museum of African  
American History and Culture Dr. Lonnie G. Bunch  
Recognition Resolution of 2016 .....001003 - 001005

ACR 21-294 90th Anniversary of John Greenleaf Whittier Education  
Campus Recognition Resolution of 2016 .....001006 - 001007

ACR 21-295 Engine Company No. 28 Centennial Celebration  
Recognition Resolution of 2016 .....001008 - 001009

ACR 21-296 Fleet Master Chief April Beldo Recognition  
Resolution of 2016.....001010 - 001011

ACR 21-297 Ward 4 Democrats Seventh Annual Ethel Delaney Lee  
Awards Dinner Recognition Resolution of 2016.....001012 - 001013

ACR 21-298 St. John’s College High School Girls Varsity Volleyball  
Team Recognition Resolution of 2016 .....001014 - 001015

ACR 21-299 St. John’s College High School Girls Varsity Soccer Team  
Recognition Resolution of 2016 .....001016 - 001017

**BILLS INTRODUCED AND PROPOSED RESOLUTIONS**

**Notice of Intent to Act on New Legislation -**

Proposed Resolutions PR22-81 through PR22-86.....001018 - 001019

**COUNCIL HEARINGS**

**Notice of Public Hearings -**

Agency Performance Oversight Hearings,  
Fiscal Year 2016-2017 (Abbreviated) .....001020 - 001027

B22-3 Williams Alley Designation Act of 2017 .....001028

**Notice of Public Oversight Roundtable -**

Department of Consumer and Regulatory Affairs:  
What Issues Should the Committee Pursue? .....001029

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

**COUNCIL HEARINGS CONT'D**

**Notice of Public Roundtable -**

PR22-0060	Homeland Security Commission Akosua Ali Confirmation Resolution of 2017 .....	001030
-----------	--	--------

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES**

**PUBLIC HEARINGS**

Alcoholic Beverage Regulation Administration -

Ambo Market - ANC 5E - New .....	001031
District Hardware and Bike - ANC 6D - New .....	001032
Las Placitas Restaurant - ANC 4C - Renewal.....	001033
Pitango Gelato and Cafe - ANC 1C - New .....	001034
Third Eye - ANC 2B - New .....	001035

Energy and Environment, Department of -

Notice of Public Hearing & Solicitation of Public Comment -  
Clean Water Construction Program Project Priority  
Rating System - See Page 001242

Zoning Adjustment, Board of - March 22, 2017 Hearings

19441	Richardson Place Neighborhood Association - ANC 5E (Appeal) .....	001036 - 001038
19453	Edward Hickey, III - ANC 1A .....	001036 - 001038
19454	Kathleen Kern - ANC 1B.....	001036 - 001038
19455	Wacap LLC - ANC 1C .....	001036 - 001038
19457	Realty Associates Fund XI LP - ANC 2F.....	001036 - 001038
19458	3G 1G 1352 Randolph St NW, LLC - ANC 4C .....	001036 - 001038

**FINAL RULEMAKING**

Alcoholic Beverage Regulation Administration -

Amend 23 DCMR (Alcoholic Beverages), Ch. 7 (General Operating Requirements), Sec. 712 (Pub Crawls), and Ch. 8 (Enforcement, Infractions, and Penalties), Sec. 800 (ABRA Civil Penalty Schedule), to revise the pub crawl regulations .....	001039 - 001044
--	-----------------

Consumer and Regulatory Affairs, Department of - Amend

16 DCMR (Consumers, Commercial Practices, and Civil Infractions), Ch. 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) and Ch. 34 (Fire and Emergency Medical Services (EMS) Department Infractions), to implement the provisions of the 2013 District of Columbia Construction Codes .....	001045 - 001090
---	-----------------

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**FINAL RULEMAKING CONT'D**

Contracting and Procurement, Office of - Amend 27 DCMR  
(Contracts and Procurement), Ch. 16 (Procurement by Competitive  
Sealed Proposals), Sec. 1617 (Visual Quality Concepts), to modify  
regulations governing the use of visual quality concepts (VQCs)  
with the procedure for submission and revision of VQC proposals.....001091 - 001093

Energy and Environment, Department of - Amend 21 DCMR  
(Water and Sanitation), Ch. 23 (Expanded Polystyrene  
Prohibition), Sec. 2301 (Expanded Polystyrene Prohibition),  
Sec. 2302 (Compostable or Recyclable Product Requirement),  
and Sec. 2399 (Definitions), to require food service entities to  
use only disposable food service ware that is compostable  
or recyclable.....001094 - 001095

Health Care Finance, Department of - Amend 29 DCMR  
(Public Welfare), Ch. 41 (Medicaid Reimbursement for  
Intermediate Care Facilities for Individuals with Intellectual  
Disabilities), Sec. 4102 (Reimbursement Methodology), to update  
the reimbursement methodology for Intermediate Care Facilities  
for Individuals with Intellectual Disabilities (ICFs/IID).....001096 - 001110

Health, Department of - Amend 29 DCMR (Public Welfare),  
Ch. 5 (Emergency Medical Services), Sec. 526 (EMS Providers:  
Scope of Services), to provide rules for termination of resuscitation  
in the field by paramedics and remote pronouncement of death.....001111 - 001114

Motor Vehicles, Department of - Amend 18 DCMR  
(Vehicles and Traffic), Ch. 1 (Issuance of Driver Licenses),  
Sec. 112 (Special Identification Cards), to require an applicant  
for a special identification card who is under eighteen (18) years  
of age, to provide a written notarized statement signed by a parent  
or guardian consenting to the issuance of the card.....001115

Tax and Revenue, Office of - Amend 9 DCMR (Taxation and  
Assessments), Ch. 1 (Income and Franchise Taxes),  
Sec. 130 (Withholding: General Provisions), Sec. 132 (Returns  
of Taxes Withheld), Sec. 133 (Payment of Withholding Tax),  
and Sec. 135 (Annual Report of Withholding), to update the  
District's tax withholding requirements.....001116 - 001120

**PROPOSED RULEMAKING**

Contracting and Procurement, Office of - Amend 27 DCMR  
(Contracts and Procurement), Ch. 23 (Delivery and Performance),  
Sections 2300 - 2304, 2309, and Sec. 2399 (Definitions), to update  
regulations governing delivery and performance of contracts .....001121 - 001125

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

**PROPOSED RULEMAKING CONT'D**

Contracting and Procurement, Office of - Amend 27 DCMR  
(Contracts and Procurement), Ch. 27 (Bonds, Other Security, and  
Insurance), Sections 2700 - 2704, 2707 - 2712, and Sec. 2799 (Definitions),  
to update regulations governing contractor insurance and bonding  
requirements, and surety liability .....001126 - 001137

Energy and Environment, Department of - Amend 20 DCMR  
(Environment), Ch. 1 (Air Quality - General Rules) and  
Ch. 2 (Air Quality - General and Non-Attainment Area Permits),  
to update the air quality regulations .....001138 - 001167

Energy and Environment, Department of - Amend 20 DCMR  
(Environment), Ch. 2 (Air Quality – General and Non-Attainment  
Area Permits) and Ch. 3 (Air Quality – Operating Permits and Acid  
Rain Programs), to revise fees and requirements for Title V permits  
and create a synthetic minor permitting program.....001168 - 001203

Human Resources, Department of - Amend 6 DCMR  
(Personnel), Subtitle B (Government Personnel),  
Ch.16 (Corrective and Adverse Actions; Enforced Leave;  
and Grievances), to update regulations governing corrective  
and adverse actions, enforced leave, and grievances .....001204 - 001211

Motor Vehicles, Department of - Amend 18 DCMR  
(Vehicles and Traffic), Ch. 1 (Issuance of Driver Licenses),  
Ch. 4 (Motor Vehicle Title and Registration),  
Ch. 6 (Inspection of Motor Vehicles), Ch. 7 (Motor Vehicle Equipment),  
Ch. 22 (Moving Violations), and Ch. 99 (Definitions), to create a new  
classification for autocycles and clarify motor vehicle types that do not  
require emission inspections .....001212 - 001215

Public Service Commission - RM01-2017-01 to Amend  
15 DCMR (Public Utilities and Cable Television),  
Ch. 1 (Public Service Commission Rules of Practice  
and Procedure), Sec. 100 (Dockets and Filings),  
Sec. 113 (Form of Formal Pleadings), and Sec. 133 (Exhibits),  
to revise paper filing requirements.....001216 - 001219

**NOTICES, OPINIONS, AND ORDERS**

**MAYOR’S ORDERS**

2017-021 Designation of Representative – Board of Zoning Adjustment  
(Carlton Hart).....001220

2017-022 Reappointments and Appointments – Developmental Disabilities  
State Planning Council (12 members) .....001221 - 001222

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Alcoholic Beverage Regulation Administration -

ABC Board's Calendar - February 8, 2017 .....001223 - 001224

ABC Board's Cancellation Agenda - February 8, 2017 ..... 001225

ABC Board's Investigative Agenda - February 8, 2017.....001226 - 001227

ABC Board's Licensing Agenda - February 8, 2017..... 001228

Consumer and Regulatory Affairs, Department of - Meetings -

Board of Accountancy - Notice of Public Meeting -  
February 3, 2017 ..... 001229

Board of Barber and Cosmetology - February 6, 2017 ..... 001230

Board of Funeral Directors - February 2, 2017 ..... 001231

Board of Industrial Trades - February 21, 2017 ..... 001232

Board of Real Estate Appraisers - February 15, 2017..... 001233

Boards and Commissions - February 2017 Meeting Schedule ..... 001234

Boxing and Wrestling Commission - February 16, 2017 ..... 001235

Professional Engineers Board - February 23, 2017 ..... 001236

Real Estate Commission - February 14, 2017..... 001237

Education, Office of the State Superintendent of -

Notice of Community Engagement Sessions and Public  
Comment Period regarding DC's State Education Plan  
pursuant to the Every Student Succeeds Act.....001238 - 001239

Energy and Environment, Department of -

Notice of Filing of an Application to Perform Voluntary  
Cleanup - 10 Q Street NW - Case No. VCP2016-048 .....001240

Intent to Issue Air Quality Permit -

#6095-R2 Architect of the Capitol,  
Dirksen Senate Office Building,  
First Street and Constitution Ave NE..... 001241

Notice of Public Hearing & Solicitation of Public Comment -

Clean Water Construction Program Project Priority Rating System..... 001242 - 001243

Ethics and Government Accountability, Board of-

Advisory Opinion 1559-001 - Social Media and the Code of Conduct .....001244 - 001255

**ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D**

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

For-Hire Vehicles, Department of -  
Advisory Council Meeting - February 8, 2017 .....001256

Friendship Public Charter Schools, DC -  
Notice of Intent to enter Two Sole Source Contracts -  
On-Line University Affiliation (Liberty) and Teacher  
Recruitment (TNTP, Inc.) .....001257

Request for Proposals - Dietitian, Medicaid Billing  
Services and Staff Training, Installation of Synthetic  
Football field, Accommodations and Catering.....001258

Health Benefit Exchange Authority, DC-  
Executive Board Meeting - February 8, 2017 .....001259

Health, Department of -  
Notice of the 2017 Meetings of the Board of Marriage  
and Family Therapy .....001260

Notice of Funding Availability - Improving Pediatric  
Asthma Outcomes - RFA# CHA\_IPAO02.17.17 .....001261 - 001262

Library, Public-  
Public Notice of Administrative Change - Change in  
Cash Acceptance for Fines and Fees .....001263

Police Department, Metropolitan -  
District of Columbia Police Officers Standards and  
Training (D.C. POST) Board meeting - February 8, 2017 .....001264

Public Service Commission -  
Gas Tariff 2016-2 and Formal Case 1127 - Notice of  
Final Tariff - Washington Gas Light Company's  
Residential Essential Service (RES) Reform Tariff .....001265 - 001266

Zoning Adjustment, Board of -  
Case No. 19119 - Warder LLC - ANC 1A - Order .....001267 - 001276

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-610**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2017**

To symbolically designate the 100 block of Rhode Island Avenue, N.W., as William Jackson Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “William Jackson Way Designation Act of 2016”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 100 block of Rhode Island Avenue, N.W., as “William Jackson Way”.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

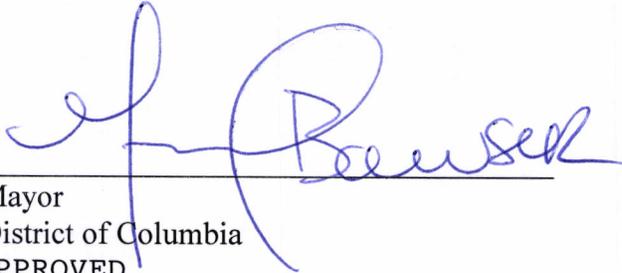
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as \

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-611**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2017**

To order the closing of a portion of the public alley system in Square 126, bounded by K Street, N.W., 17th Street, N.W., I Street, N.W., and 18th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 126, S.O. 14-17521, Act of 2016".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 126, as shown on the Surveyor's plat filed in S.O. 14-17521, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The approval of the Council of this alley closing is contingent upon the payments specified herein as well as satisfaction of all the conditions set forth in the official file for S.O. 14-17521 prior to the recordation of the alley-closing plat, including:

(1) That the applicant execute and record an easement for the benefit of the District of Columbia over the surface of the closed alley, with a clearance of 15 feet above the surface of the closed alley, that includes an agreement by the owner of the property encumbered by the easement to maintain the closed alley for public use. This easement shall run with the land and be recorded in the land records of the Recorder of Deeds for the District of Columbia.

(2) That the applicant execute and record an easement for the benefit of the District of Columbia Water and Sewer Authority for the maintenance and operation of the manhole and catch basin located in the portion of the alley to be closed.

(3) That the applicant make a payment of \$98,000 to the District for the fiscal impact of the alley closing and a payment of \$217,000 to the Golden Triangle Business Improvement District ("BID"). The payment to the Golden Triangle BID shall be used for public purposes and shall be in addition to any other assessments and payments imposed on the applicant by the Golden Triangle BID.

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-613**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2017**

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property, commonly referred to as the Strand Theater, located at 5131 Nannie Helen Burroughs Avenue, N.E., and designated for tax and assessment purposes as Lot 801 in Square 5196.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Extension of Time to Dispose of the Strand Theater Amendment Act of 2016”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-6) to read as follows:

“(d-6) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., designated for tax and assessment purposes as Lot 801 in Square 5196, for the construction of a mixed-use residential and retail development, which was approved by the Council pursuant to the Strand Theater Disposition Approval Resolution of 2009, effective October 9, 2009 (Res. 18-263; 56 DCR 8410), is extended to December 10, 2018.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 13, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-614**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 13, 2017**

To symbolically designate the 700 block of 24th Street, N.E., as Janice Wade McCree Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Janice Wade McCree Way Designation Act of 2016”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 700 block of 24th Street, N.E., as “Janice Wade McCree Way”.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 13, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-615**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 20, 2017**

To order the closing of a portion of the public alley system in Square 453, bounded by I Street, N.W., 7th Street, N.W., H Street, N.W., and 6th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 453, S.O. 14-17847, Act of 2016".

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 453, as shown on the Surveyor's plat filed in S.O. 14-17847, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

(b) The approval by the Council of this alley closing is contingent upon:

(1) The recordation of a covenant establishing new portions of the alley system by easement, as shown on the Surveyor's plat filed in S.O. 14-17847, that includes an agreement by the owner of the property encumbered by the easement to maintain the new portions of the alley system; and

(2) The satisfaction of all conditions set forth in the official file for S.O. 14-17847 prior to the recordation of the alley-closing plat.

Sec. 3. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia

UNSIGNED

Mayor  
District of Columbia  
January 13, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-616**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify that the Council is an independent entity for personnel purposes and create a new process by which certain Council attorneys shall file a certificate of good standing with the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Council Independent Authority Clarification Amendment Act of 2016".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 103(a)(2) (D.C. Official Code § 1-601.02(a)(2)) is amended by striking the phrase "independent agencies" and inserting the phrase "the Council, independent agencies" in its place.

(b) Section 201(c) (D.C. Official Code § 1-602.01(c)) is amended by striking the phrase "all District agencies" and inserting the phrase "the Council and all District agencies" in its place.

(c) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "as an agency." and inserting the phrase "as an agency. The term "agency" shall not include the Council." in its place.

(2) Paragraph (13) is amended by striking the phrase "the Council of the District of Columbia and the Office of the Attorney General for the District of Columbia shall be considered independent agencies" and inserting the phrase "the Office of the Attorney General for the District of Columbia shall be considered an independent agency" in its place.

(d) Section 407 (D.C. Official Code § 1-604.07) is amended by striking the phrase "independent agencies" and inserting the phrase "Council or within the independent agencies" in its place.

(e) Section 701(b) (D.C. Official Code § 1-607.01(b)) is amended by striking the phrase "Each agency" and inserting the phrase "The Council and each agency" in its place.

(f) Section 852 (D.C. Official Code § 1-608.52) is amended by striking the phrase "independent and subordinate agencies" and inserting the phrase "the Council, independent agencies, and subordinate agencies" in its place.

## ENROLLED ORIGINAL

(g) Section 855 (D.C. Official Code § 1-608.55) is amended by adding a new subsection (a-2) to read as follows:

“(a-2) Attorneys employed by the Council:

“(1) If employed in the office of a Councilmember, shall act under the direction, supervision, and control of the Councilmember;

“(2) If employed in the office of a Committee of the Council, shall act under the direction, supervision, and control of the Chair of the Committee; and

“(3) If employed in the office of a Council Officer, shall act under the direction, supervision, and control of the Council Officer.”.

(h) Section 857(a)(1) (D.C. Official Code § 1-608.57(a)(1)) is amended by striking the phrase “independent agencies” and inserting the phrase “an independent agency or the Council” in its place.

(i) Section 881 (D.C. Official Code § 1-608.81) is amended to read as follows:

“Sec. 881. Certificate of Good Standing filing requirement for Executive Branch attorneys.

“(a)(1) Except as provided by the rules for temporary waiver of this requirement, each attorney, hearing officer, or administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of employment, and who is employed by the Mayor, a subordinate agency under the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or by any independent agency, shall file with the Department of Human Resources a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals by December 15 of each year.

“(2) The Director of Human Resources may verify the good standing of attorneys, hearing officers, and administrative law judges subject to this requirement by electronic means with the District of Columbia Bar.

“(b) The Director of Human Resources shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys, hearing officers, and administrative law judges who have not met the filing requirements of subsection (a) of this section.

“(c) The Director of Human Resources shall promulgate rules and regulations concerning:

“(1) The timing for filing a Certificate of Good Standing pursuant to subsection (a) of this section and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement established by subsection (a) of this section may be granted by the personnel authority for the agency; and

“(3) The procedures by which attorneys, hearing officers, or administrative law judges shall be notified of the filing requirement established by subsection (a) of this section and whether they are in compliance with the requirement.

“(d) The rules and regulations promulgated pursuant to subsection (c) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the

## ENROLLED ORIGINAL

proposed rules and regulations within the 45-day review period, the rules and regulations shall be deemed approved.

“(e) The failure of an attorney, hearing officer, or administrative law judge subject to subsection (a) of this section to comply with its requirements shall result in the forfeiture of employment.

“(f) This section shall not apply to an attorney employed by the Council.”.

(j) A new section 881a is added to read as follows:

“Sec. 881a. Certificate of Good Standing filing requirement for Council attorneys.

“(a) Except for temporary waiver of this requirement pursuant to procedures established by the Council, each attorney who is required to be a member of the District of Columbia Bar as a prerequisite of employment, and who is employed by the Council, shall file annually with the Secretary to the Council a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals.

“(b) The Secretary to the Council shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys who have not met the filing requirements of subsection (a) of this section.

“(c) The Council may develop policies and procedures to implement this section including:

“(1) Procedures addressing the timing for filing a Certificate of Good Standing pursuant to subsection (a) of this section and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement established by subsection (a) of this section may be granted by the personnel authority for the attorney who is employed by the Council; and

“(3) The procedures by which an attorney who is employed by the Council shall be notified of the filing requirement established by subsection (a) of this section and whether he or she is in compliance with the requirement.”.

(k) Section 1119(b) (D.C. Official Code § 1-611.19(b)) is amended by striking the phrase “personnel authority” and inserting the phrase “personnel authority, as defined in section 406(b),” in its place.

(l) Section 1232 (D.C. Official Code § 1-612.32) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Each agency or independent agency” and inserting the phrase “The Council, each agency, and each independent agency” in its place.

(2) Subsection (c) is amended by striking the phrase “Office of Personnel” and inserting the phrase “the Secretary to the Council, if the recipient employee is an employee of the Council, or the Director of Human Resources, if the recipient employee is an employee of an agency or independent agency” in its place.

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

“(d)(1) Notwithstanding any other provision of this section, if the head of an agency, or in the case of the Council, the Secretary to the Council, determines that any organization or program within the Council, agency, or independent agency is being substantially disrupted in carrying out its functions or is incurring additional costs because of its participation in the

## ENROLLED ORIGINAL

voluntary leave transfer program, the agency head, or in the case of the Council, the Secretary to the Council, may exclude from the program any employee or group of employees.

“(2) If the head of an agency excludes an employee or group of employees from the voluntary leave transfer program, he or she shall submit a report to the Director of Human Resources specifying how the organization or program would be substantially disrupted in carrying out its functions or would incur additional costs. This information shall be included in the Voluntary Transfer of Leave Program Report required under section 1238. This paragraph shall not apply to the Council.”.

(m) Section 1233 (D.C. Official Code § 1-612.33) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, to the Secretary to the Council,” in its place.

(2) Subsection (c)(3) is amended by striking the phrase “the agency or independent agency” and inserting the phrase “the Council, agency, or independent agency” in its place.

(3) Subsection (d) is amended by striking the phrase “The agency” and inserting the phrase, “The Council or an agency” in its place.

(n) Section 1234(a) (D.C. Official Code § 1-612.34(a)) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, to the Secretary to the Council,” in its place.

(o) Section 1235 (D.C. Official Code § 1-612.35) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, the Secretary to the Council,” in its place.

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

(A) Strike the phrase “agency head or designee” and insert the phrase “agency head or designee, or in the case of an employee of the Council, the Secretary to the Council,” in its place.

(B) Strike the phrase “agency or independent agency” and insert the phrase “agency, independent agency, or, in the case of the Council, the relevant Council office,” in its place.

(3) Subsection (c) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council, the Secretary to the Council,” in its place.

(p) Section 1236(a) (D.C. Official Code § 1-612.36(a)) is amended by striking the phrase “Each agency or independent agency” and inserting the phrase “The Council, each agency, and each independent agency” in its place.

(q) Section 2801 (D.C. Official Code § 1-628.01) is amended by striking the phrase “The Mayor” and inserting the phrase “The Council, the Mayor” in its place.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-617**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 23, 2017**

To amend the Skyland Town Center Omnibus Act of 2014 to change the base year for the determination of Available Sales Tax Revenues and Available Real Property Tax Revenues.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Skyland Town Center Amendment Act of 2016".

Sec. 2. Section 202(c) of the Skyland Town Center Omnibus Act of 2014, effective June 21, 2014 (D.C. Law 20-110; D.C. Official Code § 2-1217.35c(c)), is amended to read as follows:

“(c)(1) The base year for determination of Available Sales Tax Revenues from locations within the Skyland TIF Area shall be tax year 2016.

“(2) The base year for determining Available Real Property Tax Revenues shall be tax year 2016 and the initial assessed value to be used in making the determination of Available Real Property Tax Revenues shall be the assessed value of each lot of taxable real property in the Skyland TIF Area for tax year 2016.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 23, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-618**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to increase the number of medical marijuana dispensaries that may be registered to operate in the District from 5 to 6, and to require the Mayor to open an application period for the registration of a medical marijuana dispensary in Ward 7 or Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Dispensary Temporary Amendment Act of 2016”.

Sec. 2. Section 7(d)(2) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(d)(2)), is amended as follows:

(a) Subparagraph (A) is amended by striking the number “5” and inserting the number “6” in its place.

(b) A new subparagraph (D) is added to read as follows:

“(D) The Mayor shall open an application period for the registration of a dispensary in Ward 7 or Ward 8 within 60 days after the effective date of the Medical Marijuana Dispensary Emergency Amendment Act of 2016, passed on emergency basis on December 6, 2016 (Enrolled version of Bill 21-952).”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

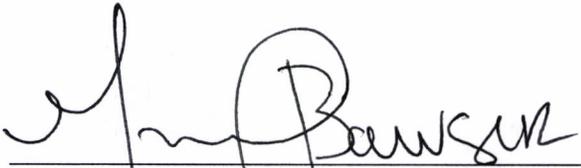
ENROLLED ORIGINAL

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-619**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2017**

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Campaign Finance Reform and Transparency Temporary Amendment Act of 2016".

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

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

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

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

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

\_\_\_\_\_  
UNSIGNED  
Mayor  
District of Columbia  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-620**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To approve, on an emergency basis, Modification Nos. 2 and 3 to Contract No. CW40855 with Cellco Partnership dba Verizon Wireless to provide District-wide telecommunications products and services, and to authorize payment in the not-to-exceed amount of \$7,084,015 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification Nos. 2 and 3 to Contract No. CW40855 Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 2 and 3 to Contract No. CW40855 with Cellco Partnership dba Verizon Wireless, and authorizes payment in the not-to-exceed amount of \$7,084,015 for the goods and services received and to be received under the contract for the period from December 1, 2016, through November 30, 2017.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-621**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133D with W.L. Gary Company, Inc. for HVAC capital improvement services, and to authorize payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133D Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133D with W.L. Gary Company, Inc. for HVAC capital improvement services, and authorizes payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

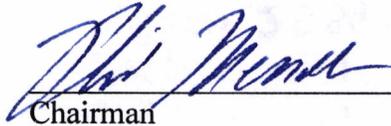
The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-304.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-622**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Task Order Agreement No. CW46793 against GSA Contract No. GS-25F-0062L with Xerox Corporation to provide copier lease and maintenance services for multiple District agencies, and to authorize payment in the not-to-exceed amount of \$25,000,000 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as "Task Order Agreement No. CW46793 against GSA Contract No. GS-25F-0062L Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Task Order Agreement No. CW46793 against GSA Contract No. GS-25F-0062L with Xerox Corporation to provide copier lease and maintenance services for multiple District agencies, and authorizes payment in the not-to-exceed amount of \$25,000,000 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-623**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Modification No. M0002 to District Contract of Supply Schedule Contract No. CW46486 with Tandem Conglomerate, LLC, to provide Mission Oriented Business Integrated Services, and to authorize payment in the not-to-exceed amount of \$10,000,000 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. M0002 to Contract No. CW46486 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M0002 to District Contract of Supply Schedule Contract No. CW46486 with Tandem Conglomerate, LLC, to provide Mission Oriented Business Integrated Services to the District, and authorizes payment in the not-to-exceed amount of \$10,000,000 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-624**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133B with R&R Mechanical, Inc. for HVAC capital improvement services, and to authorize payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133B Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133B with R&R Mechanical, Inc. for HVAC capital improvement services, and to authorize payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

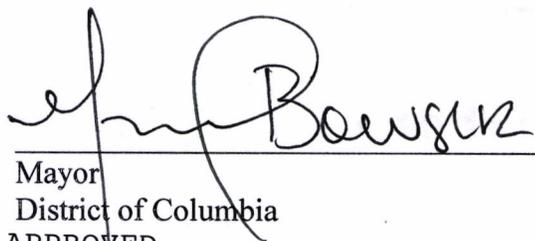
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-625**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133A with Adrian L. Merton, Inc. for HVAC capital improvement services, and to authorize payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Exercise of Option Year 2 via Modification No. 02 to Contract No. DCAM-14-NC-0133A Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133A with Adrian L. Merton, Inc. for HVAC capital improvement services, and authorizes payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-626**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Modification No. 1 to Contract No. CW46876 with United Rental, Inc. to provide rental snow equipment for the Department of Public Works, and to authorize payment in the amount of \$2,937,542.52 for the goods received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 1 to Contract No. CW46876 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to Contract No. CW46876 with United Rental, Inc. to provide rental snow equipment for the Department of Public Works, and authorizes payment in the amount of \$2,937,542.52 for the goods received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-627**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend, on an emergency basis, due to congressional review, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property, commonly referred to as the Strand Theater, located at 5131 Nannie Helen Burroughs Avenue, N.E., and designated for tax and assessment purposes as Lot 801 in Square 5196.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Amendment Act of 2016”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-6) to read as follows:

“(d-6) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., designated for tax and assessment purposes as Lot 801 in Square 5196, for the construction of a mixed-use residential and retail development, which was approved by the Council pursuant to the Strand Theater Disposition Approval Resolution of 2009, effective October 9, 2009 (Res. 18-263; 56 DCR 8410), is extended to December 10, 2018.”.

Sec. 3. Applicability.

This act shall apply as of December 10, 2016.

Sec. 4. Fiscal impact statement.

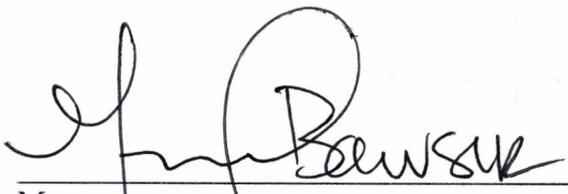
The Council adopts the fiscal impact statement in the committee report for the Extension of Time to Dispose of the Strand Theater Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-658), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-628**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Change Order Nos. 1 and 2 to Contract No. DCAM-16-CS-0074 with W.M. Schlosser Company, Inc. for infrastructure work in connection with the future DC United soccer stadium, and to authorize payment in the aggregate amount of \$1,630,088 for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Order Nos. 1 and 2 to Contract No. DCAM-16-CS-0074 Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Change Order Nos. 1 and 2 to Contract No. DCAM-16-CS-0074 with W.M. Schlosser Company, Inc. for infrastructure work in connection with the future DC United soccer stadium, and authorizes payment in the aggregate amount of \$1,630,088 for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-304.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-629**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Respite Services Exemption Emergency Amendment Act of 2016”.

Sec. 2. 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.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended by adding new paragraph (26A) to read as follows:

“(26A) “Medical respite services” means limited-time acute and post-acute 24-hour residential care that is provided 7 days a week to eligible individuals who are:

“(A) Homeless; and

“(B) Determined by a qualified medical professional, licensed in the District and regulated by and subject to the grievance processes of the appropriate professional licensing board, to require medical assistance.”.

(b) Section 19 (D.C. Official Code § 4-754.33) is amended by adding a new subsection (b-2) to read as follows:

“(b-2) All providers of medical respite services shall give to any client receiving medical respite services prompt oral and written notice that the client no longer requires medical respite services and that the placement will end within 24 hours following receipt of the written notice.”.

(c) A new section 29a is added to read as follows:

“Sec. 29a. Medical respite services; exemptions.

“Medical respite services shall be exempt from the requirements of section 9(a)(15), (16), and (18), and sections 20, 21, 22, 23, 24, 25, 26, and 27.”.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-630**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to permit and regulate the possession and sale of stun guns, to repeal the age requirement for the possession and use of self-defense sprays, and to repeal the registration requirement for self-defense sprays; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to conform the definition of stun gun; to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to provide for an enhanced penalty for committing a crime while armed with a stun gun; and to amend section 47-2851.03 of the District of Columbia Official Code to require vendors to obtain an endorsement to the basic business license to sell stun guns.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Stun Gun Regulation Emergency Amendment Act of 2016".

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (7)(D) is repealed.

(2) Paragraph (9) is amended as follows:

(A) Subparagraph (C) is amended by striking the word "or" at the end.

(B) Subparagraph (D) is amended by striking the phrase "a weapon." and inserting the phrase "a weapon; or" in its place.

(C) A new subparagraph (E) is added to read as follows:

"(E) A stun gun."

(3) A new paragraph (17A) is added to read as follows:

"(17A) "Stun gun" means any device designed or redesigned, made or remade, or readily converted or restored, and used or intended to be used offensively or defensively to immobilize or incapacitate a person by the use of electric current or audible, optical, or electromagnetic pulse."

## ENROLLED ORIGINAL

(b) Section 213 (D.C. Official Code § 7-2502.13) is amended by striking the phrase “18 years of age or older”.

(c) Section 214 (D.C. Official Code § 7-2502.14) is repealed.

(d) New sections 215 and 216 are added to read as follows:

“Sec. 215. Possession of stun guns.

“(a) No person under 18 years of age shall possess a stun gun in the District; provided, that brief possession for self-defense in response to an immediate threat of harm shall not be a violation of this subsection.

“(b) No person who possesses a stun gun shall use that weapon except in the exercise of reasonable force in defense of person or property.

“(c) Unless permission specific to the individual and occasion is given, no person, except a law enforcement officer as defined in section 901, shall possess a stun gun in the following locations:

“(1) A building or office occupied by the District of Columbia government, its agencies, or instrumentalities;

“(2) A penal institution, secure juvenile residential facility, or halfway house;

“(3) A building or portion thereof, occupied by a children’s facility, preschool, or public or private elementary or secondary school; or

“(4) Any building or grounds clearly posted by the owner or occupant to prohibit the carrying of a stun gun.

“Sec. 216. Sale of stun guns.

“(a) In order to lawfully sell a stun gun in the District, a vendor shall obtain pursuant to D.C. Official Code § 47-2851.03(e) a stun gun endorsement on its basic business license from the Department of Consumer and Regulatory Affairs (“Department”) on a form to be provided by the Department.

“(b) This section shall not apply to a vendor who sells fewer than 5 stun guns in a 12-month period.”.

(e) Section 706(b)(1) (D.C. Official Code § 7-2507.06(b)(1)) is amended as follows:

(1) Subparagraph (B) is amended by striking the word “and” at the end.

(2) Subparagraph (C) is amended by striking the phrase “time of arrest.” and inserting the phrase “time of arrest;” in its place.

(3) New subparagraphs (D) and (E) are added to read as follows:

“(D) Possession of a self-defense spray in violation of section 213; and

“(E) Possession of a stun gun in violation of section 215.”.

Sec. 3. Section 2(2)(A)(iii)(III) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(2)(A)(iii)(III)), is amended to read as follows:

## ENROLLED ORIGINAL

“(III) A stun gun, as defined in section 101(17A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(17A));”.

Sec. 4. Section 2(a) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4502(a)), is amended by striking the phrase “rifle, dirk,” and inserting the phrase “rifle, stun gun, dirk,” in its place.

Sec. 5. Section 47-2851.03 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (11A) to read as follows:

“(11A) Stun Gun;”.

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

“(e) A vendor who sells more than 5 stun guns in a 12-month period shall obtain a stun gun endorsement under subsection (a)(11A) of this section on its basic business license from the Department on a form provided by the Department. No additional information shall be required for the issuance of a stun gun endorsement.”.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-631**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Contract No. NFPHC-151 between the Not-for-Profit Hospital Corporation and the Wisconsin Avenue Psychiatric Center dba Psychiatric Institute of Washington to provide behavioral health services to the Not-for-Profit Hospital Corporation, and to authorize payment in the not-to-exceed amount of \$1,992,385.23 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-151 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-151 between the Not-for-Profit Hospital Corporation and the Wisconsin Avenue Psychiatric Center dba Psychiatric Institute of Washington to provide behavioral health services to the Not-for-Profit Hospital Corporation, and authorizes payment in the not-to-exceed amount of \$1,992,385.23 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-632**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Contract No. NFPHC-207 between the Not-for-Profit Hospital Corporation and Hiscox, Inc., to provide insurance coverage to the Not-for-Profit Hospital Corporation, and to authorize payment in the not-to-exceed amount of \$1,748,795 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-207 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-207 between the Not-for-Profit Hospital Corporation and Hiscox, Inc., to provide insurance coverage to the Not-for-Profit Hospital Corporation, and authorizes payment in the not-to-exceed amount of \$1,748,795 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

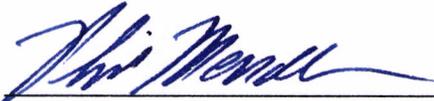
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-633**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Contract No. NFPHC-121 with the Not-for-Profit Hospital Corporation and Washington Imaging Associates of Maryland dba Progressive Radiology to provide radiology services to the Not-for-Profit Hospital Corporation, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-121 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-121 with the Not-for-Profit Hospital Corporation and Progressive Radiology to provide radiology services to the Not-for-Profit Hospital Corporation, and authorizes payment in the not-to-exceed amount of \$1,104,900 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-634**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Contract No. NFPHC-344 between the Not-for-Profit Hospital Corporation and the Kaiser Foundation Health Plan of the Mid-Atlantic, Inc., to provide employee health benefits services to the Not-for-Profit Hospital Corporation, and to authorize payment in the not-to-exceed amount of \$5,332,090 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. NFPHC-344 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. NFPHC-344 between the Not-for-Profit Hospital Corporation and the Kaiser Foundation Health Plan of the Mid-Atlantic to provide employee health benefits to the Not-for-Profit Hospital Corporation, and authorizes payment in the amount not-to-exceed \$5,332,090 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED

January 25, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-635**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Modification Nos. 1 and 2 to Contract No. NFPHC-238 between the Not-for-Profit Hospital Corporation and Emergency Medicine Associates to provide emergency department services to the United Medical Center, and to authorize payment in the not-to-exceed amount of \$1,761,653 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification Nos. 1 and 2 to Contract No. NFPHC-238 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 1 and 2 to Contract No. NFPHC-238 between the Not-for-Profit Hospital Corporation and Emergency Medicine Associates to provide emergency department services to the United Medical Center, and authorizes payment in the not-to-exceed amount of \$1,761,653 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-636**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Modification No. 2 to Contract No. NFPHC-8-1 between the Not-for-Profit Hospital Corporation and Morrison Management Specialists, Inc., to provide nutritional services to the Not-for-Profit Hospital Corporation, and to authorize payment in the not-to-exceed amount of \$2,634,513 for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 2 to Contract No. NFPHC-8-1 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 2 to Contract No. NFPHC-8-1 between the Not-for-Profit Hospital Corporation and Morrison Management Specialists, Inc., for nutritional services to the Not-for-Profit Hospital Corporation, and authorizes payment in the not-to-exceed amount of \$2,634,513 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

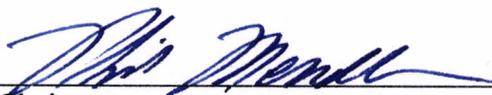
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-637**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the annual salary and the provision of certain employment benefits to the Chancellor of the District of Columbia Public Schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Chancellor of the District of Columbia Public Schools Salary and Benefits Authorization Emergency Amendment Act of 2016”.

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1052(b) (D.C. Official Code § 1-610.52(b)) is amended by adding a new paragraph (5) to read as follows:

“(5)(A) Notwithstanding paragraphs (1), (2), (3), and (4) of this subsection, Antwan Wilson shall be compensated \$280,000 annually, effective February 1, 2017, while serving in the capacity of the Chancellor of the District of Columbia Public Schools.

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

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

“(ii) For the purposes of this subparagraph, the term “cause” means:

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

“(II) Committing on-duty conduct that is reasonably known to be a violation of a law or regulation; using public office for private gain; or

ENROLLED ORIGINAL

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

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

(b) Section 1055(3) (D.C. Official Code § 1-610.55(3)) is amended by striking the period and inserting the phrase “; provided, that the Chancellor of the District of Columbia Public Schools Antwan Wilson and his immediate family may be provided a reasonable temporary housing allowance for a period not to exceed 90 days.” in its place.

Sec. 3. Applicability.

This act shall apply as of February 1, 2017.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-638**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANAURY 25, 2017**

To approve, on an emergency basis, the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133C with RSC Electrical & Mechanical Contracting, Inc. for HVAC capital improvement services, and to authorize payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133C Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the exercise of Option Year 2 via Modification No. 2 to Contract No. DCAM-14-NC-0133C with RSC Electrical & Mechanical Contracting, Inc. for HVAC capital improvement services, and authorizes payment in the not-to-exceed amount of \$8 million for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-304.47a).

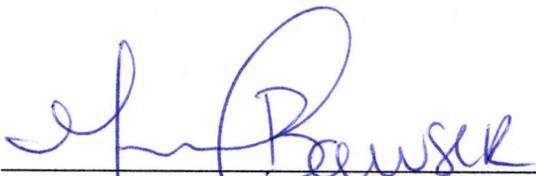
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-639**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To approve, on an emergency basis, Modification No. 3 to Contract No. CFOPD-15-C-001 with Revenue Solutions, Inc. to continue to provide information technology technical support personnel and Electronic Taxpayer Service Center hosting in support of the Integrated Tax System to the Office of the Chief Financial Officer on behalf of the Office of Tax and Revenue, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification No. 3 to Contract No. CFOPD-15-C-001 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 3 to Contract No. CFOPD-15-C-001 with Revenue Solutions, Inc. to continue to provide information technology technical support personnel and Electronic Taxpayer Service Center hosting to the Office of the Chief Financial Officer on behalf of the Office of Tax and Revenue and authorizes payment in the not-to-exceed amount of \$4 million for services received and to be received under the contract from October 20, 2016, through October 19, 2017.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-640**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2017**

To amend, on an emergency basis, An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia to authorize the Mayor to enter into an agreement with a Business Improvement District, DC Main Streets program, or Clean Team grantee for snow and ice removal from sidewalks, curb cuts, and crosswalks within the geographical boundary of the district or program during a declared snow emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Snow Removal Agreement Authorization Emergency Amendment Act of 2016”.

Sec. 2. An Act Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, approved September 16, 1922 (42 Stat. 845; D.C. Official Code § 9-601 *et seq.*), is amended by adding a new section 2a to read as follows:

“Sec. 2a. Mayor’s authority to enter into agreements with certain entities for removal of snow and ice.

“Notwithstanding the Procurement Practice Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the Mayor may enter into an agreement, excluding grant agreements, with a BID corporation, as defined in section 2(4) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.02(4)) (“BID act”), a DC Main Streets program, or Clean Team grantee, duly organized with a current grant agreement with the Department of Small and Local Business Development, to remove snow and ice from sidewalks, curb cuts, and crosswalks within the boundaries of or adjoining to the BID, as defined in section 2(7) of the BID act, the DC Main Streets program, or the Clean Team grantee agreement during a declared snow emergency.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Snow Removal Agreement Authorization Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-921), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

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

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-641**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to establish financial disclosure requirements for the Council of the District of Columbia and to clarify financial disclosure requirements for certain Washington Metropolitan Area Transit Authority Board members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Council Financial Disclosure Emergency Amendment Act of 2016”.

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

(a) Section 101(47) (D.C. Official Code § 1-1161.01(47)) is amended as follows:

(1) Subparagraph (G-1) is amended by striking the phrase “pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)” and inserting the phrase “appointed by the Council pursuant to section 5(a) of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01(5)(a))” in its place.

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

“(G-2) A Member or Alternate Member of the Washington Metrorail Safety Commission appointed by the District of Columbia pursuant to Article III.B. of the Metrorail Safety Commission Interstate Compact enacted pursuant to the Washington Metrorail Safety Commission Establishment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-828);”.

(3) Subparagraph (H) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) Subparagraph (I) is amended as follows:

(A) Strike the phrase “A District of Columbia Excepted Service employee” and insert the phrase “A District of Columbia Excepted Service employee, except an employee of the Council,” in its place.

(B) Strike the phrase “appearance of a conflict of interest.” and insert the phrase “appearance of a conflict of interest; and” in its place.

(5) A new subparagraph (J) is added to read as follows:

## ENROLLED ORIGINAL

“(J) An employee of the Council paid at a rate equal to or above the midpoint rate of pay for Excepted Service 9.”

(b) Section 224 (D.C. Official Code § 1-1162.24) is amended as follows:

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

(A) Strike the phrase “, members of the Washington Metropolitan Area Transit Authority Board of Directors appointed pursuant to section 1 of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01),”.

(B) Strike the phrase “shall file annually” and insert the phrase “shall file” in its place.

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

“(c)(1) Except as otherwise provided in this subsection, reports required by this section shall be filed annually no later than 11:59 p.m. on May 15 of each year. If, prior to 11:59 p.m. on May 15, a public official ceases to hold an office or position, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the public official shall file the report required by subsection (a) of this section within 3 months after leaving the office or position.

“(2) Reports required by this section for the Chairman and each member of the Council shall be filed semiannually no later than 11:59 p.m. on May 15 and November 15 of each year. If, prior to 11:59 p.m. on May 15 or November 15, the Chairman or a member of the Council ceases to hold office, the occupancy of which imposes upon him or her the reporting requirements set forth in subsection (a) of this section, the Chairman or member of the Council shall file the report required by subsection (a) of this section within 3 months after leaving the office.”.

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

“(c-1) The Ethics Board shall publish in the District of Columbia Register no later than 11:59 p.m. on June 15 of each year, or in the case of the Chairman or a member of the Council, no later than 11:59 p.m. on June 15 and December 15, of each year, the name of each public official who has:

“(1) Filed a report under this section;

“(2) Sought and received an extension of the filing deadline and the reason for the extension; and

“(3) Not filed a report and the reason for not filing, if known.”.

(4) A new subsection (i) is inserted to read as follows:

“(i) Each personnel authority shall compile a list of all public officials, as defined by section 101(47), within its respective agency or the Council, and shall supply the list to the Ethics Board no later than 11:59 p.m. on March 1 of each year. The list required by this subsection shall include the name, title, position, grade level, home address, work e-mail address, and work telephone number for each public official appearing on the list.”.

(c) Section 225 (D.C. Official Code § 1-1162.25) is amended to read as follows:

“(a)(1) Each employee, other than a public official or a Council employee, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration

## ENROLLED ORIGINAL

of grants or subsidies, developing policies, land-use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file a report containing a full and complete statement of the information required by section 224 with the appropriate agency head no later than 11:59 p.m. on May 15 of each year.

“(2) Each Council employee who acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by that employee’s personnel authority, shall file a confidential report containing a full and complete statement of the information required by section 224 with the General Counsel to the Council no later than 11:59 p.m. on May 15 of each year.

“(b) Each personnel authority shall review each confidential financial disclosure statement filed by an employee of its agency or the Council pursuant to subsection (a) of this section no later than 11:59 p.m. on June 1 of each year. Any violation of the Code of Conduct found by the personnel authority shall be forwarded immediately to the Ethics Board for review.

“(c) Each personnel authority shall compile a list of all employees required to submit a confidential financial disclosure statement within its agency or the Council and shall supply the list to the Ethics Board by 11:59 p.m. on March 1 of each year. The list required by this subsection shall include the name, title, position, and grade level for each employee.

“(d) A confidential financial disclosure statement filed pursuant to this section shall remain confidential, and shall be retained by the personnel authority for at least 6 years.

“(e) For the purposes of this section, the Chairman of the Council may delegate all or a portion of his or her personnel authority, described in section 406(b)(3)(A)(i) 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 § 1-604.06(b)(3)(A)(i)), to one or more employees of the Council.”

### Sec. 3. Applicability

(a) Amendatory section 224(c)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.24(c)(2)), within section 2(b)(2) of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Council Financial Disclosure Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-332), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, effective October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-642**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To amend, on an emergency basis, the Business Improvement Districts Act of 1996 to provide that a board of directors of a condominium association within the geographical area of the Downtown Business Improvement District may petition to join the Downtown Business Improvement District, and to establish the residential tax rate for the Downtown Business Improvement District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Downtown Business Improvement District Emergency Amendment Act of 2016".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 3(24)(B) (D.C. Official Code § 2-1215.02(24)(B)) is amended by striking the phrase "and Capitol Riverfront BIDs," and inserting the phrase "Capitol Riverfront, and Downtown BIDs," in its place.

(b) Section 10b(a)(1) (D.C. Official Code § 2-1215.09b(a)(1)) is amended by striking the phrase "the BID;" and inserting the phrase "the BID or the board of directors of any condominium association on behalf of a real property within the geographic boundaries of the Downtown BID petition to join the Downtown BID;" in its place.

(c) Section 201(c)(3)(A) (D.C. Official Code § 2-1215.51(c)(3)(A)) is amended as follows:

(1) Sub-subparagraph (ii) is amended by striking the word "and" at the end.

(2) Sub-subparagraph (iii) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(iv) Subject to paragraph (2) of this subsection, the amount of \$120 per unit annually for nonexempt residential properties; provided, that for a residential unit restricted to residents based upon income pursuant to a federal or District affordable housing program, the BID tax due on the unit shall be computed by applying the percentage of area median income that an eligible household must meet to participate in the affordable housing program for the unit to the amount of the BID tax that would otherwise be due."

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Downtown Business Improvement District Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-905), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia

APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-643**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To amend the Small and Certified Business Enterprise Development and Assistance Act of 2005 to require that a certified business enterprise that owns a majority interest in a joint venture formed to serve as a general contractor on a project has a minimum bonding capacity of 51% of the total contract amount, to require a joint venture to submit quarterly income and project-end statements to the Department of Small and Local Business Development, and to require the Department of Small and Local Business Development to submit to the chair of the Council committee with oversight of the Department of Small and Local Business Development a semiannual report on joint ventures.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Certified Business Enterprise Bonding Liability Amendment Act of 2016”.

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

(a) Section 2339a (D.C. Official Code § 2-218.39a) is amended as follows:

(1) Subsection (h)(1)(A) (D.C. Official Code § 2-218.39a(h)(1)(A)) is amended to read as follows:

“(A) The certified business enterprise owner with majority interest in the joint venture has bonding capacity equal to at least 51% of the total contract amount;”.

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

“(i)(1) No later than 60 days after the end of each operating quarter of the calendar year, a joint venture shall submit quarterly income statements to the Department showing all income and contract receipts and expenses, including the:

“(A) Fees for services and labor;

“(B) Salaries of the principals of the joint venture; and

“(C) Distribution of profits.

“(2) No later than 45 days after the completion of the project, the joint venture shall submit a project-end income statement to the Department with a statement of final profit distribution.”.

ENROLLED ORIGINAL

(b) Section 2354(c) (D.C. Official Code § 2-218.54(c)) is amended as follows:

(1) Paragraph (8) is amended by striking the word “and” at the end.

(2) Paragraph (9) is amended by striking the period at the end and inserting the phrase “; and” in its place.

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

“(10) A list of joint ventures certified by the Department, including the number of compliance checks completed on the joint ventures and a summary of the results, and a list of joint ventures that met the requirements set forth in section 2339a(i).”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-644**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To amend, on an emergency basis, due to congressional review, An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes to clarify that the posting requirement in section 5a is satisfied by posting the initial vacant or blight determination.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nuisance Abatement Notice Congressional Review Emergency Amendment Act of 2016".

Sec. 2. Section 5a of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective August 15, 2008 (D.C. Law 17-216; D.C. Official Code § 42-3131.05a), is amended by striking the phrase "Notice shall also be posted on the vacant building" and inserting the phrase "Notice of the initial vacant or blighted property determination shall also be posted on the vacant building" in its place.

Sec. 3. Applicability.  
This act shall apply as of December 11, 2015.

Sec. 4. Fiscal impact statement.  
The Council adopts the fiscal impact statement in the committee report for the Nuisance Abatement Notice Amendment Act of 2015, enacted January 12, 2016 (D.C. Act 21-260; 63 DCR 760), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.  
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

- (5) Pests;
- (6) The use of any pesticides that are not minimum risk pesticides or organic pesticides;
- (7) Toxic chemicals and hazardous waste;
- (8) Asbestos;
- (9) Lead-based paint;
- (10) Lead in drinking water;
- (11) Radon; and
- (12) Carbon monoxide.

(b) For each assessment listed in subsection (a) of this section, DGS shall establish protocols, in coordination with the Department of Energy and Environment and the Department of Health, by which DGS shall conduct the assessments required by subsection (a) of this section. The protocols shall describe, at a minimum:

- (1) The frequency and methods of assessment;
- (2) The threshold levels at which remediation measures shall be taken; and
- (3) The remediation and public disclosure measures that shall be taken when an assessment reveals levels that exceed a threshold level established pursuant to paragraph (2) of this subsection.

(c) Protocols already in existence for an assessment described in subsection (a) of this section may serve as the protocol for the relevant assessment under subsection (b) of this section if the protocol meets the requirements of subsection (b) of this section.

(d) DGS shall make available online:

- (1) The protocols established pursuant to subsection (b) of this section, including any updates to the protocols;
- (2) By September 30, 2017, user-friendly information about the assessments described in subsection (a) of this section for each public building, including:
  - (A) If an assessment found an exceedance of a threshold established under subsection (b) of this section, a brief explanation of plans for remediation;
  - (B) Whether DGS is complying with the protocols for each assessment;

and

(C) If DGS is not complying with a protocol for an assessment, a brief explanation of its plans to come into compliance with the protocols.

(e)(1) By September 30, 2017, DGS shall submit a report to the Council describing its compliance with this act.

(2) By September 30, 2018, DGS shall submit another report to the Council describing its compliance with this act.

**Sec. 4. Fiscal impact statement.**

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

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-645**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To amend the Rental Housing Act of 1985 to provide that the 4-unit exemption from rent control laws shall not apply to a housing accommodation that is acquired by a housing provider following a TOPA-exempt transfer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Four-unit Rental Housing Tenant Grandfathering Amendment Act of 2016”.

Sec. 2. Section 205 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.05), is amended as follows:

(a) Subsection (a)(3) is amended by striking the phrase “Any rental unit” and inserting the phrase “Except as provided by subsection (a-1) of this section, any rental unit” in its place.

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

“(a-1) A housing accommodation that came into the possession of a housing provider as a result of a transfer pursuant to section 402(c)(2) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)(2)), shall not be eligible for the exemption provided by subsection (a)(3) of this section.”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

The Council of the District of Columbia adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative

ENROLLED ORIGINAL

Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code §1-301.47a).

Sec. 5. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED

January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-646**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 25, 2017**

To amend, on a temporary basis, Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the Office of the Attorney General is authorized to petition the Superior Court of the District of Columbia to issue temporary or permanent injunctions against housing providers that violate certain consumer protection laws that protect tenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2016”.

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

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

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 25, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-647**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2017**

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to repeal provisions governing the licensing of professional engineers; and to amend section 105.3 of Chapter 12A of the District of Columbia Municipal Regulations to clarify that designs that require architectural work may only be approved by architects licensed by the District and that designs that require engineering work may only be approved by engineers licensed by the District, and to require architects and engineers to attest in writing that they are responsible for the design work and have prepared or directly supervised the design development.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Professional Engineers Licensure and Regulation Clarification Amendment Act of 2016".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by amending part D of subchapter IV to read as follows:

"PART D

"Professional Engineers. [Repealed].

- "47-2886.01. Short title. [Repealed].
- "47-2886.02. Definitions. [Repealed].
- "47-2886.03. Declaration of Policy. [Repealed].
- "47-2886.04. Practice of engineering without registration prohibited. [Repealed].
- "47-2886.05. [Omitted]. [Repealed].
- "47-2886.06. [Omitted]. [Repealed].
- "47-2886.07. [Omitted]. [Repealed].
- "47-2886.08. District of Columbia Board of Registration for Professional Engineers— Powers. [Repealed].
- "47-2886.09. District of Columbia Board of Registration for Professional Engineers— Complaints; hearings; appeals [Repealed].
- "47-2886.10. Exemptions from part. [Repealed].
- "47-2886.11. Seal of registrant. [Repealed].

## ENROLLED ORIGINAL

- “47-2886.12. Display of certificate of registration. [Repealed].
  - “47-2886.13. Fees; Professional Engineers’ Fund; expenses of Board; audit. [Repealed].
  - “47-2886.14. Unlawful acts. [Repealed].
  - “47-2886.15. Prosecutions; legal services to Board; investigations; injunctions. [Repealed].
  - “47-2886.16. Annual report. [Repealed].
  - “47-2886.17. Severability. [Repealed].
  - “47-2886.18. Conflicting laws and regulations repealed. [Repealed].”.
- (b) Part D of subchapter IV is repealed.

Sec. 3. Section 105.3 of Chapter 12A of the District of Columbia Municipal Regulations is amended as follows:

(a) Paragraph (10) is amended to read as follows:

“105.3.10 Design Professional in Responsible Charge. All design for new construction work, alteration, repair, expansion, addition, or modification work involving the practice of professional architecture shall be prepared only by an architect licensed by the District and work involving the practice of professional engineering shall be prepared only by an engineer licensed by the District. All drawings, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a licensed architect or licensed engineer and shall bear the signature and seal of the architect or the engineer.”.

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

“105.3.10.3. Attestation. An application for a building permit requiring a stamp from a design professional shall include an attestation by the design professional in responsible charge stating as follows:

“(a) For architects: “I am responsible for determining that the architectural designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the architectural designs included in this application.

“(b) For engineers: “I am responsible for determining that the engineering designs included in this application are in compliance with all laws and regulations of the District of Columbia. I have personally prepared, or directly supervised the development of, the engineering designs included in this application.”.

Sec. 4. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 26, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-648**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to expand the pay differential authorization for agency and independent agency employees who serve in the reserve units of the United States Armed Forces and who are called or ordered to active duty in preparation for or as a result of Operation New Dawn, Operation Odyssey Dawn, or any contingency operation as defined in 10 U.S.C. § 101(a)(13).

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Active Duty Pay Differential Amendment Act of 2016”.

Sec. 2. Section 1103(a)(7)(A) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.03(a)(7)(A)), is amended to read as follows:

“(A) Any full-time permanent, indefinite, or term employee of a District agency or independent agency, who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty in preparation for, or as a result of, Operation New Dawn, Operation Odyssey Dawn, or any contingency operation as defined in 10 U.S.C. § 101(a)(13), shall receive, upon application and approval, an amount that equals the difference in compensation between the employee’s District government basic pay reduced by the employee’s basic military pay. This amount shall not be considered as basic pay for any purpose and shall be paid for any period following the formal inception of Operation New Dawn in 2010, any period following the formal inception of Operation Odyssey Dawn in 2011, or any period following the formal inception of any contingency operation as defined in 10 U.S.C. § 101(a)(13), during which the employee is carried in a non-pay status from the time the employee is called into active duty, until the employee is released from active duty occasioned by any of these military operations, or, in the case of a term employee, until the date of the end of the term of employment.”.

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 4. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-649**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2017**

To amend section 47-1002 of the District of Columbia Official Code to exempt a continuing care retirement community from real property taxes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Continuing Care Retirement Community Exemption Amendment Act of 2016".

Sec. 2. Section 47-1002 of the District of Columbia Official Code is amended by adding a new paragraph (32) to read as follows:

"(32)(A) Real property belonging to an organization that is not organized or operated for private gain and that maintains a current license as a continuing care retirement community, as provided by § 44-151.02, or any successor provision, shall be exempt from taxation; provided, that the real property is used as a continuing care retirement community.

"(B) For the purposes of this paragraph, the term "continuing care retirement community" means a continuing care facility, as defined in in § 44-151.01(3), governed by Chapter 1A of Title 44 (D.C. Official Code § 44-151.01 *et seq.*)".

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 26, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-650**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2017**

To amend the District of Columbia Public Postsecondary Education Reorganization Act to allow certain individuals, regardless of federal immigration status, to pay in-state tuition at the University of the District of Columbia and to receive local financial aid.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “UDC DREAM Amendment Act of 2016”.

Sec. 2. Section 206 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code § 38-1202.06), is amended to by adding a new paragraph (8A) to read as follows:

“(8A) Allow any individual, regardless of federal immigration status, to pay tuition at the rate adopted for residents pursuant to paragraph (8) of this section and to receive local financial aid for attendance at any school, college, or branch campus of the University of the District of Columbia; provided, that the individual:

“(A) Within the previous 10 years, attended high school in the District of Columbia for 3 years, graduated from a high school in the District, or received the equivalent of a high school diploma in the District; and

“(B) Submits one of the following:

“(i) An official transcript from a District of Columbia public, public charter, or private school as evidence of attendance;

“(ii) A diploma from a District of Columbia public, public charter, or private school as evidence of graduation;

“(iii) A state diploma from the Office of the State Superintendent of Education; or

“(iv) An official certificate of completion of the equivalent of a high school diploma;”.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 26, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-651**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend Chapter 28 of Title 47 of the District of Columbia Official Code to conform the definition of attestation services to section 23 of the Uniform Accountancy Act, to revise the eligibility requirements for licensure to eliminate restrictions concerning residency and place of employment, to clarify licensure requirements for firms of certified public accountants that provide attestation services to clients located in the District, to repeal permitting requirements, and to expand the range of disciplinary actions that may be imposed on firms of certified public accountants that are licensed or permitted to operate in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Accountancy Practice Amendment Act of 2016".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

- (a) The table of contents is amended by striking the phrase "47-2853.47. Permits; issuance." and inserting the phrase "47-2853.47. Permits; issuance. [Repealed]." in its place.
- (b) Section 47-2853.41(1) is amended as follows:
  - (1) The lead-in language is amended by striking the phrase "financial statement".
  - (2) Subparagraph (C) is amended by striking the phrase "and" and inserting a semicolon in its place.
  - (3) Subparagraph (D) is amended by striking the period and inserting the phrase "; and" in its place.
  - (4) A new subparagraph (E) is added to read as follows:
    - "(E) An examination, review, or agreed-upon procedures engagement to be performed in accordance with the Statements on Standards for Attestation Engagements, other than an examination described in subparagraph (C) of this paragraph."
- (c) Section 47-2853.42 is amended as follows:
  - (1) The lead-in language is amended by striking the phrase "that he or she:" and inserting the phrase "that the applicant:" in its place.
  - (2) Paragraph (2) is repealed.
  - (3) Paragraph (4)(C) is amended by striking the period and inserting the phrase "; and" in its place.
  - (4) A new paragraph (5) is added to read as follows:

## ENROLLED ORIGINAL

“(5) Meets any other requirements established by rule to ensure that the applicant has the proper training, experience, and qualifications to practice as a certified public accountant.”.

(d) Section 47-2853.43 is amended as follows:

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

(A) Strike the phrase “and holds a valid permit to practice as a certified public accountant in the District”.

(B) Strike the phrase “and holds a valid permit under § 47-2853.47”.

(C) Strike the phrase “under § 47-2853.44(a)(2) or (3)” and insert the phrase “under § 47-2853.44(a)(4)” in its place.

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

(A) Strike the phrase “and holds a valid permit issued in accordance with § 47-2853.47”.

(B) Strike the phrase “under § 47-2853.44(a)(2) or (3)” and insert the phrase “under § 47-2853.44(a)(4)” in its place.

(3) Subsection (c) is amended by striking the phrase “anyone who holds a valid permit issued under the special rules in § 47-2853.47, or”.

(4) Subsection (d)(1) is amended by striking the word “permit” and inserting the phrase “license or registration” in its place.

(5) Subsection (e) is amended as follows:

(A) Strike the word “permit” and insert the word “registration” in its place.

(B) Strike the phrase “and its offices in the District for the practice of public accounting are maintained and registered as required under § 47-2853.44, or a” and insert the phrase “, or is a” in its place.

(C) Strike the phrase “under § 47-2853.44(a)(2) or (3)” and insert the phrase “under § 47-2853.44(a)(4)” in its place.

(6) Subsection (f) is amended by striking the phrase “under § 47-2853.44(a)(2) or (3)” and inserting the phrase “under § 47-2853.44(a)(4)” in its place.

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

(A) Strike the word “permit” and insert the word “registration” in its place.

(B) Strike the phrase “requirements of § 47-2853.44(a)(2) or (3), whichever is applicable” and insert the phrase “requirements of § 47-2853.44(a)(4)” in its place.

(e) Section 47-2853.44 is amended as follows:

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

(A) Paragraph (3) is repealed.

(B) The lead-in language of paragraph (4) is amended to read as follows:

“(4) A firm that is not subject to the requirements of paragraph (2) of this subsection may perform other professional services in the practice of certified public accounting in the District and may use the title "CPA" or "CPA firm" without registering under this section, if the firm:”.

## ENROLLED ORIGINAL

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

(A) Paragraph (1) is amended by striking the phrase “subsection (a)(2)(A)” and inserting the phrase “subsection (a)(2)(C)” in its place.

(B) Paragraph (5)(A) is amended by striking the phrase “subsection (a)(2)(A)” and inserting the phrase “subsection (a)(2)(C)” in its place.

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

(A) Strike the phrase “and holds a permit issued by the Board.”.

(B) Strike the phrase “and permit under subsection (a)(2) and (3)” and insert the phrase “under subsection (a)(4)” in its place.

(C) Strike the phrase “provided in subsection (a)(2) and (3)” and insert the phrase “provided in subsection (a)(4)” in its place.

(4) Subsection (e) is amended by striking the word “permit” and inserting the word “registration” in its place.

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

“(f)(1) An applicant firm for initial issuance or renewal of a registration under this section shall, in its application, list all states (including the District) in which the firm has applied for or has been registered as a CPA firm and list any past denial, revocation, or suspension of a license or registration by the District or any other state.

“(2) Each licensee or applicant for a registration under this section shall notify the Board in writing within 30 days after its occurrence of any:

“(A) Change in the identities of partners, officers, shareholders, members, or managers whose principal place of business is in the District;

“(B) Change in the number or location of offices within the District;

“(C) Change in the identity of the persons in charge of offices within the District; or

“(D) Issuance, denial, revocation, or suspension of a license, permit, or registration by any other state.”.

(6) Subsection (g) is amended by striking the word “permit” and inserting the word “registration” in its place.

(f) Section 47-2853.47 is repealed.

(g) Section 47-2853.48 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “shall revoke the registration and permit” and inserting the phrase “shall suspend or revoke the registration” in its place.

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

“(b) After a notice and hearing as provided in this subchapter, and upon a determination by the Board that an applicant or firm has committed any of the acts described in § 47-2853.17(a), or violated any rule promulgated pursuant to this subchapter, the Board may take any of the following disciplinary actions:

“(1) Deny a registration or refuse to renew a registration of a firm;

“(2) Revoke or suspend the registration of a firm;

“(3) Censure or reprimand a firm registered or permitted to practice in the District;

## ENROLLED ORIGINAL

“(4) Impose a civil fine not to exceed \$25,000 for each violation by an applicant or a firm registered or permitted to practice in the District; or

“(5) Restrict a firm from offering or providing attestation services, as defined in § 47-2853.41(1), in the District.”.

(h) Section 47-2853.49 is amended as follows:

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

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

(i) Strike the phrase “and permit holders”.

(ii) Strike the phrase “or a permit under § 47-2853.47,”.

(B) Paragraph (1) is amended by striking the phrase “valid license” and inserting the phrase “valid, unrestricted license” in its place.

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

“(e) An individual who has been granted practice privileges under this section, who performs any of the services listed in § 47-2853.41(1) and who performs the services for an entity with its home office in the District may only perform the services through a firm that has obtained a registration under § 47-2853.44.”.

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

(A) Strike the phrase “firm permit” and insert the phrase “firm registration” in its place.

(B) Strike the phrase “or a permit under § 47-2953.47”.

(4) Subsection (g) is amended by striking the phrase “permit holder” both times it appears and inserting the word “licensee” in its place.

### Sec. 3. Fiscal impact statement.

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

### Sec. 4. Effective date.

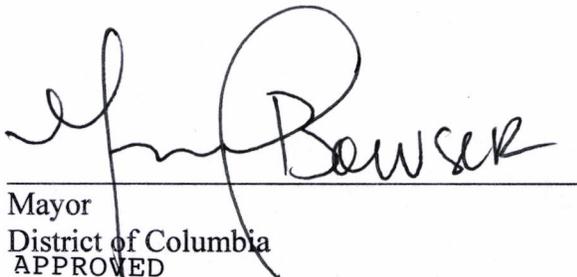
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 21-652**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2017

To amend the Pesticide Education and Control Amendment Act of 2012 to restrict and to require reporting of the application of certain pesticides near schools, child-occupied facilities, waterbody-contingent property, or District property, to remove the requirement that the Mayor list non-essential pesticides, and to remove the requirement that a person seek an exemption to apply a non-essential pesticide.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pesticide Education and Control Amendment Act of 2016".

Sec. 2. The Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code § 8-431 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-431) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "District Department of the Environment" and inserting the phrase "Department of Energy and Environment" in its place.

(2) Paragraph (10) is repealed.

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

"(10A) "Organic pesticide" means a pesticide including no active ingredients other than those published in the National List at 7 C.F.R. §§ 205.601 and 205.606."

(b) Section 3 (D.C. Official Code § 8-432) is amended as follows:

(1) The section heading is amended by striking the phrase "and non-essential".

(2) Subsection (a) is amended by striking the phrase "or non-essential".

(3) Subsection (b) is repealed.

(4) Subsection (c)(2) is amended by striking the phrase "reclassification." and inserting the phrase "reclassification. In making this determination, the Department may rely on the findings of state, national, or international government bodies or non-governmental organizations that publish lists of chemicals that are known or likely to be hazardous to human health or the environment." in its place.

(c) Section 4 (D.C. Official Code § 8-433) is amended to read as follows:

"Sec. 4. Prohibited and restricted uses.

"(a) Except as provided in section 5, no person or entity shall apply a pesticide to schools, child-occupied facilities, waterbody-contingent property, or District property; provided, that a person or entity may apply:

ENROLLED ORIGINAL

“(1) Minimum-risk pesticides or organic pesticides; and

“(2) Any pesticide, except a District restricted-use pesticide, that is applied for the purpose of:

“(A) Controlling plants that are poisonous to touch or may cause damage to a structure or infrastructure;

“(B) Controlling insects that bite or sting, are venomous, or that may cause damage to a structure or infrastructure;

“(C) Controlling disease vectors;

“(D) Controlling organisms that threaten the health of trees or shrubs;

“(E) Maintaining property as part of efforts by a public utility to comply with applicable vegetation management provisions of any federal or District law or regulation;

“(F) Controlling pests or weeds while engaged in agriculture or forestry;

“(G) Controlling a pest outbreak that poses an imminent threat to human health; and

“(H) Preventing significant economic damage.

“(b) In addition to the restrictions in subsection (a) of this section, the Department may establish additional restrictions on the use of District restricted-use pesticides.

“(c) If a pesticide is applied under subsection (a)(2) of this section, the person or entity applying the pesticide shall, within 7 days after the application, notify the Department of the application, the reasons for application of the pesticide, and the reason why pesticides allowed under subsection (a)(1) of this section were insufficient.”.

(d) Section 5(c) (D.C. Official Code § 8-434(c)) is repealed.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-653**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 26, 2017**

To amend the Risk-Based Capital Act of 1996 to adopt the risk-based capital trend test ratio of the National Association of Insurance Commissioners and to clarify that fraternal benefit societies are subject to the District's risk-based capital requirements; and to amend the Health Organization RBC Amendment Act of 2002 to adopt a risk-based capital trend test ratio for health organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Risk-Based Capital Amendment Act of 2016".

Sec. 2. The Risk-Based Capital Act of 1996, effective April 9, 1997 (D.C. Law 11-233; D.C. Official Code § 31-2001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 31-2001) is amended by adding new paragraphs (6A) and (6B) to read as follows:

“(6A) “Fraternal benefit society” means any insurance company licensed under the Fraternal Benefit Societies Act of 1998, effective April 29, 1998 (D.C. Law 12-86; D.C. Official Code § 31-5301 *et seq.*).

“(6B) “Insurer” means an insurance company covered by this act. The term “insurer” includes a fraternal benefit society.”

(b) Section 3(g) (D.C. Official Code § 31-2002(g)) is amended by striking the phrase “insurer of the adjustment.” and inserting the phrase “insurer of the adjustment. An RBC Report so adjusted is an Adjusted RBC Report.” in its place.

(c) Section 4(a)(1) (D.C. Official Code § 31-2003(a)(1)) is amended as follows:

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

(A) Strike the phrase “If a life or health insurer,” and insert the phrase “If a life or health insurer or fraternal benefit society,” in its place.

(B) Strike the figure “2.5” and insert the figure “3.0” in its place.

(2) Subparagraph (C) is amended by striking the phrase “licensed as”.

(d) Section 7(b)(1) (D.C. Official Code § 31-2006(b)(1)) is amended by striking the phrase “With respect to a life insurer” and inserting the phrase “With respect to a life insurer or fraternal benefit society” in its place.

## ENROLLED ORIGINAL

Sec. 3. The Health Organization RBC Amendment Act of 2002, effective June 18, 2003 (D.C. Law 14-312; D.C. Official Code § 31-3451.01 *et seq.*), is amended as follows:

(a) Section 101(5)(A) (D.C. Official Code § 31-3451.01(5)(A)) is amended to read as follows:

“(A)(i) The filing of an RBC report by a health organization that indicates that the health organization’s total adjusted capital is greater than or equal to its Regulatory Action Level RBC but less than its Company Action Level RBC; or

“(ii) A health organization has a total adjusted capital that is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0, and triggers the trend test determined in accordance with the trend test calculation included in the RBC instructions;”.

(b) Section 102(b) (D.C. Official Code § 31-3451.02(b)) is amended to read as follows:

“(b) A health organization’s RBC level shall be determined in accordance with the formula set forth in the RBC instructions. The formula shall apply and may be adjusted for the covariance between the following factors in the manner set forth in the RBC instructions:

“(1) Asset risk;

“(2) Credit risk;

“(3) Underwriting risk; and

“(4) All other business risks and such other relevant risks as are set forth in the RBC instructions.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
January 26, 2017

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-654**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 24, 2017**

To amend the District of Columbia Revenue Act of 1937 to require the Department of Motor Vehicles to add the phrase “End Taxation Without Representation” to the standard motor-vehicle identification tag and to require the Mayor to design and issue a new motor-vehicle identification tag that includes the phrase “We Demand Statehood”; to amend the District of Columbia Statehood Constitutional Convention Initiative of 1979 to provide that fees for the “We Demand Statehood” motor-vehicle identification tags shall be deposited in the New Columbia Statehood Fund; and to amend the Anacostia River Clean Up and Protection Act of 2009 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “End Taxation Without Representation Amendment Act of 2016”.

Sec. 2. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-1501.02) is amended by adding a new subsection (f-1) to read as follows:

“(f-1)(1) Identification tags designed pursuant to subsection (f)(3) of this section, not including identification tags for vehicles for-hire, motor vehicles bearing organization plates, motorcycles, or autocycles, shall display the phrase “End Taxation Without Representation”.

“(2) An individual who does not wish to display the phrase “End Taxation Without Representation” on his or her identification tag may request an identification tag featuring an alternate design, to be supplied by the Department of Motor Vehicles.”.

(b) Section 2b(a) (D.C. Official Code § 50-1501.02b(a)) is amended by striking the phrase “TAXATION WITHOUT REPRESENTATION” and inserting the phrase “End Taxation Without Representation” in its place.

(c) Section 2c(a) (D.C. Official Code § 50-1501.02c(a)) is amended by striking the phrase “TAXATION WITHOUT REPRESENTATION” and inserting the phrase “End Taxation Without Representation” in its place.

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

“Sec. 2d. We Demand Statehood motor-vehicle identification tags.

“(a) The Mayor shall design and make available for issue a red-and-white motor-vehicle identification tag that displays the phrase “We Demand Statehood”.

## ENROLLED ORIGINAL

“(b)(1) A resident ordering a “We Demand Statehood” identification tag designed and issued pursuant to subsection (a) of this section shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$51 and the display fee shall be \$26, or such other amounts as the Mayor may establish by rule.

“(2) The application fee and annual display fee shall be deposited into the New Columbia Statehood Fund, established by section 32 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 1-129.32).”

(e) Section 3 (D.C. Official Code § 50-1501.03) is amended as follows:

(1) Subsection (a)(1) is amended by adding a new subparagraph (H) to read as follows:

“(H) Any person ordering a “We Demand Statehood” identification tag designed and made available pursuant to section 2d(a) shall pay the fees established pursuant to section 2d(b)(1).”

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

(A) Paragraph (4) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (5) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(C) A new paragraph (6) is added to read as follows:

“(6) The fees collected for “We Demand Statehood” identification tags shall be deposited in the New Columbia Statehood Fund, established by section 32 of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 1-129.32).”

Sec. 3. Section 32(b)(1) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective May 2, 2015 (D.C. Law 20-71; D.C. Official Code § 1-129.32(b)(1)), is amended as follows:

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

(b) Subparagraph (D) is amended by striking the period at the end and inserting a semicolon in its place.

(c) New subparagraphs (E) and (F) are added to read as follows:

“(E) Fees collected pursuant to section 2d of Title IV of the District of Columbia Revenue Act of 1937, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-708); and

“(F) Fees collected pursuant to section 3(d)(6) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501.03(d)(6)).”

ENROLLED ORIGINAL

Sec. 4. Section 8(a) of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.07(a)), is amended by striking the phrase "TAXATION WITHOUT REPRESENTATION" and inserting the phrase "End Taxation Without Representation" in its place.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED  
January 24, 2017

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To declare September 22, 2016 as “Car Free Day” in the District of Columbia.

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

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

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

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

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

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

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

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

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Car Free Day Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia declares September 22, 2016, "Car Free Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize and honor Donna Wood for her induction into the 2016 Howard University Athletic Hall of Fame.

WHEREAS, Donna Wood was born in Washington D.C. on July 21, 1960, and attended John Burroughs Elementary School, William H. Taft Junior High School, and McKinley Technology High School;

WHEREAS, Donna Wood began playing sports at an early age, participated on the girls track and field team at Taft Junior High School, and in 1979, played in the D.C. Public Schools Girls Basketball All-Star Game, for which she received the Most Valuable Player award;

WHEREAS, Donna Wood attended Florida A&M University before transferring in 1980 to Howard University, where she joined the Lady Bison basketball team;

WHEREAS, Donna Wood, in 1982 scored 16 points and 12 rebounds to help Howard University win the Mid-Eastern Atlantic Conference (“MEAC”) Women’s Basketball Championship and was selected to the All-MEAC basketball team;

WHEREAS, Donna Wood made college history and played on the first MEAC team to play in the NCAA tournament;

WHEREAS, Donna Wood, in 1983, was named the team co-captain and most valuable player, and selected 2<sup>nd</sup> team All-MEAC;

WHEREAS, Donna Wood received the D.C. International Association of Approved Basketball Officials College Student Athlete Award;

WHEREAS, Donna Wood competed as a high jumper on the Howard University women’s track and field team; and

WHEREAS, Donna Wood was born and still resides in Ward 5, where she is a member of the Michigan Park Christian Church.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Donna Wood Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and honors Donna Wood for her exceptional athletic ability and for her induction into the 2016 Howard University Athletic Hall of Fame.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To posthumously recognize and honor Elvin “Ned” Sloan for his tireless advocacy for the less well-off and his leadership in the District of Columbia’s fight for statehood.

WHEREAS, Elvin “Ned” Sloan was born on November 7, 1935 in Youngstown, Ohio, the only son of William and Ida (Davis) Sloan;

WHEREAS, Ned Sloan graduated from Youngstown University in 1960 with a degree in Sociology and earned a Juris Doctorate in 1972 from the Columbia School of Law, Catholic University of America;

WHEREAS, growing up in Campbell, Ohio, Ned Sloan was impressed with local African-American lawyers, politicians, and community leaders who advocated for social justice and equality for those on the margin of society;

WHEREAS, Ned Sloan accepted a position as Parole Officer for the Ohio Bureau and Corrections, a position which enhanced his determination to become an advocate for those who have no one to speak for them and was instrumental in helping many young men and women turn their lives around;

WHEREAS, Ned Sloan continued this important work in Denver, Detroit, and Los Angeles;

WHEREAS, in 1965, Ned Sloan moved to the District of Columbia to become the Executive Director of Programs for PRIDE, INC., where he established educational and employment programs for those in need of a help;

WHEREAS, during this period, Ned Sloan also worked with the United Planning Organization, which helped young adults gain employment and young mothers obtain day care services;

WHEREAS, Ned Sloan served as an Advisory Neighborhood Commissioner in Ward 4 (ANC4A-01) from 1986 to 1992, served as Legal Advisor and Chair of the Legal Redress Committee for the D.C. Branch of the NAACP, and established a Lawyer’s Referral Committee for the DC NAACP;

**ENROLLED ORIGINAL**

WHEREAS, Ned Sloan served as chair of the District of Columbia Statehood Compact Commission and was appointed by the Council of the District of Columbia to conduct organized public outreach programs to promote, educate, and advocate for statehood for the District of Columbia - a mission he pursued over the last several decades of his life;

WHEREAS, Ned Sloan was a loving and dedicated husband, and father and grandfather to 4 children and 4 grandchildren; and

WHEREAS, Elvin “Ned” Sloan passed from this life on August 15, 2016.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Elvin ‘Ned’ Sloan Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia posthumously recognizes, thanks, and honors Ned Sloan for his lengthy career of public service and sacrifice to the residents of the District of Columbia and for his tireless efforts and advocacy for District of Columbia statehood.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To honor and recognize the community development field of the District of Columbia for its many contributions to improving the quality of life for residents of the District of Columbia.

WHEREAS, the District of Columbia has a rich spectrum of community development entities, including nonprofit and for-profit affordable housing developers, housing counseling and human service agencies, workforce development providers, small business technical assistance providers and associations, community lenders, community development intermediaries, and government agencies, that have made tremendous contributions to improving the quality of life of low- and moderate-income residents and the economic vitality of our community;

WHEREAS, affordable housing developers have created and preserved thousands of quality affordable homes throughout the District of Columbia for the benefit of low- and moderate-income residents;

WHEREAS, small business technical assistance providers, community lenders, and business associations have fostered opportunities for entrepreneurs to start and expand businesses, creating jobs for District residents;

WHEREAS, workforce development providers have assisted District residents in finding and creating career pathways through training and jobs, enhancing residents' economic security and mobility, and their ability to afford decent housing;

WHEREAS, community development organizations provide an array of human services for those in need of individual and family habilitation;

WHEREAS, community development practitioners shape policies and legislation, strengthen programs, and generally improve the infrastructure of community development activity in the District;

**ENROLLED ORIGINAL**

WHEREAS, the Coalition for Nonprofit Housing & Economic Development (“CNHED”) is committed to highlighting the accomplishments and dedication, and critical need for these organizations and efforts;

WHEREAS, CNHED has designated early October, annually, to be the time of recognition for these organizations and their efforts to enable all District residents to be part of thriving, livable communities that are socially, racially, and economically just; and

WHEREAS, during the week of October 10 – 14, 2016, the government and the citizens of the District of Columbia will join together to celebrate the many accomplishments and importance of our community development sector.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Community Development Week Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes the multitude of organizations engaged in community development, both nonprofit and for-profit, along with their government agency partners, for their accomplishments and exemplary dedication to all residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize the Public Service Commission of the District of Columbia’s Winter Ready DC Campaign, which encourages District residents to prepare for the upcoming winter weather conditions.

WHEREAS, District of Columbia citizens can suffer during severe winter weather conditions such as extremely cold temperatures, ice or heavy rain storms, or blizzard-like storms with blinding snow, strong winds, severe drifting, dangerous wind chill, and heavy accumulation of snow;

WHEREAS, severe winter weather can cause power outages and interruptions in electric, telecommunications, and natural gas services, affecting Districts residents, businesses, and governments;

WHEREAS, winter weather can lead to injury and death from cold exposure, over-exertion or heart attacks related to snow removal, traffic accidents on icy roads, fallen trees, downed power lines, fires, and carbon monoxide poisoning caused by improper indoor use of heat sources;

WHEREAS, because winter heating costs consume a large portion of a household’s budget, District residents should have an “Energy Preparedness Plan” that includes conducting a home energy audit, winterizing their homes by finding and eliminating leaks, adding insulation where needed, servicing their heating systems, and using energy efficient light bulbs;

WHEREAS, District residents can reduce their overall energy costs by keeping meters and vents clear of snow, using a programmable thermostat, and, where income-eligible, enrolling in utility discount programs;

WHEREAS, when replacing appliances, District residents are encouraged to purchase energy efficient appliances that use less energy than standard models;

WHEREAS, community planning and preparation can prevent the loss of life and property and hardship if precautionary steps are taken before severe weather occurs, and by following appropriate measures during and after winter storms;

**ENROLLED ORIGINAL**

WHEREAS, the Public Service Commission Winter Ready DC campaign encourages District residents, through education and outreach efforts, to create an Energy Preparedness Plan for their homes during the winter season;

WHEREAS, Winter Ready DC will encourage District residents to prepare emergency supply kits for their homes and vehicles including blankets, flashlights, water, first aid kit, non-perishable food, back-up batteries for telephones and battery chargers for mobile devices and laptops, and to check-in on neighbors, especially elderly individuals with physical or mental health disabilities, and individuals who live alone; and

WHEREAS, Winter Ready DC promotes integration of efforts across all levels of government, utility service providers, businesses, and residents to ensure that the community is aware of available resources during winter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Service Commission’s Winter Ready DC Campaign Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes the Winter Ready DC Campaign in the District of Columbia and supports its promotion to all residents and businesses in the District.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize the significant impact that Amazing Love Health Services has rendered to adults attempting to manage their mental health care with person-centered treatment, and to declare October 10<sup>th</sup>, 2016 as “World Mental Health Day” in the District of Columbia.

WHEREAS, World Mental Health Day, founded by the World Federation for Mental Health, announces the theme of Dignity in Mental Health/Removing the Negative Stigma/Mental Health First is the mission of Amazing Love Health Services;

WHEREAS, Amazing Love Health Service designates October 10<sup>th</sup>, 2016 as the day to increase the awareness of the need to normalize mental health issues, concerns, and treatment in the District of Columbia;

WHEREAS, Amazing Love Health Services, a freestanding mental health clinic, was founded to address the ignorance, poor knowledge base, education, stigma, and discrimination associated with mental illness as there can be no health without mental health;

WHEREAS, Amazing Love Health Services has served over 700 individuals with person-centered treatment, including psychiatric treatment, individual and group therapy, and medical monitoring in the District of Columbia; and

WHEREAS, Amazing Love Health Services is dedicated to providing exceptional mental health care to improve the lives of consumers with pride, honor, and dignity.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia World Mental Health Day Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and honors Amazing Love Health Services for its service in providing mental health care, and declares October 10, 2016 as “World Mental Health Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-281

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To recognize and honor Mount Carmel Baptist Church on the occasion of its 140th anniversary.

WHEREAS, Mount Carmel Baptist Church (“Mount Carmel”) is celebrating the journey to 140 years of community welfare and ministerial services;

WHEREAS, Mount Carmel was organized in 1876 by 275 former members of Second Baptist Church;

WHEREAS, in 1914, during the pastorate of the late Reverend Dr. William Henry Jernigan, the Mount Carmel congregation marched from 4th and L Streets, N.W., to 901 3rd Street, N.W., where it has remained;

WHEREAS, Mount Carmel has had 10 pastors during its history;

WHEREAS, from 1876 to 1892, Mount Carmel was served by 4 pastors: Reverend J.W. Rhone, Reverend H. Plummer, Reverend S.G. Lampkins, and Reverend G. Gray;

WHEREAS, from 1892 to 1912, Mount Carmel was pastored by Reverend W.P. Gibbons;

WHEREAS, from 1912 to 1958, Mount Carmel was pastored by Reverend Dr. Williams H. Jernigan, and through his leadership, Mount Carmel received national and international recognition for its many accomplishments and several creations of institutions;

WHEREAS, from 1959 to 1986, Mount Carmel was pastored by Reverend Rossie L. Patterson;

WHEREAS, from 1987 to 1993, Mount Carmel was pastored by Reverend Albert Gallmon, Jr., and through his leadership, Mount Carmel had its first female ordained minister, Reverend Lesa D. Cheatham, serve and also had its first salaried assistant pastor, Reverend Ernest A. Hickerson;

WHEREAS, from 1993 to 1995, Mount Carmel operated under the leadership of Reverend Ernest A. Hickerson and the Board of Senior Deacons;

**ENROLLED ORIGINAL**

WHEREAS, from 1995 to 1996, Mount Carmel was served by an interim pastor, Reverend Dr. Charles W. Green;

WHEREAS, from 1996 to 2000, Mount Carmel was pastored by Reverend Dr. Albert A. Avant, Jr., and through his leadership, Mount Carmel was restructured into 6 ministries and departments;

WHEREAS, from 2001 to the present, Mount Carmel Baptist Church has been pastored by Reverend Dr. Joseph Norman Evans, and through his leadership, Mount Carmel has developed an economic partnership with MQW, Quadrangle, and the Wilkes Company;

WHEREAS, from 2011 to the present, Reverend Dr. Joseph Norman Evans also serves as Chairman of the Mount Vernon Triangle Community Improvement District; and

WHEREAS, Reverend Dr. Joseph Norman Evans envisions Mount Carmel as a center seat at the negotiation tables for further investments in employment for local residents and other regional economic opportunities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mount Carmel Baptist Church 140th Anniversary Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes Mount Carmel Baptist Church and all its pastors for their many contributions to the community welfare and ministerial services in the Mount Vernon Triangle community over the past 140 years.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-282

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To honor Reverend Alonzo David Hart, Jr. for 12 years of pastoral service to the Salem Baptist Church of Washington, D.C. on the occasion of his retirement.

WHEREAS, Pastor Hart is a native son of the District of Columbia, born to Alonzo and Mary Hart;

WHEREAS, Pastor Hart is a graduate of Eastern High School;

WHEREAS, Pastor Hart continued his studies, graduating with his bachelor's degree from the Washington Saturday College of Howard University, and received his master's degree from Faith Bible College and Seminary, which certified him to teach religious studies;

WHEREAS, Pastor Hart is an accomplished soloist, as shown through his provocative preaching and songs of praise during services, as well as being the leading force to initiate new choirs, dance ministries, and a mime ministry at Salem Baptist Church; and

WHEREAS, Pastor Hart always focuses on prayer being the first response rather than the last resort and lives by the mission set forth at Salem Baptist Church to help expand the Kingdom one family at a time, starting with his loving wife Cheryl, children Rochelle, Alonzo III, Rhonda, and Pam, and granddaughter Denise.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reverend Alonzo David Hart, Jr. Retirement Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia commends Reverend Alonzo David Hart, Jr. for 12 years of pastoral service to the Salem Baptist Church, and thanks him for his leadership, discipleship, and love.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-283

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To recognize the Edgewood/Brookland Family Support Collaborative on the occasion of its 20th anniversary of service to families and communities in Ward 5 and Ward 6.

WHEREAS, in 1996, a partnership of residents and neighborhood-based organizations developed the Edgewood/Brookland Family Support Collaborative to work together to reweave the social fabric, strengthen families, and build vibrant communities;

WHEREAS, the Edgewood/Brookland Family Support Collaborative has worked with numerous residents, neighborhood groups, and other service providers over 2 decades, building supportive services critical to the development of a neighborhood-based service system that best meets the needs of children and families living in the community;

WHEREAS, the Edgewood/Brookland Family Support Collaborative provides services that support and preserve families, including case management, crisis intervention, parenting education, housing assistance, employment services, fatherhood support, youth and school-based activities, community engagement, capacity building, and much more, all at no cost to the families;

WHEREAS, the Edgewood/Brookland Family Support Collaborative believes that the strengths in every community serve as a foundation for working with children and families in a collaborative, committed, flexible, innovative, passionate, and responsive neighborhood-based service delivery system;

WHEREAS, the Edgewood/Brookland Family Support Collaborative’s founder and Executive Director, Louvenia Williams, has committed her entire career to the children and families of the District of Columbia, and 20 years to the development of the Edgewood/Brookland Family Support Collaborative; and

WHEREAS, in 2016, the Edgewood/Brookland Family Support Collaborative is celebrating 20 years of service to promoting healthy families and vibrant communities in Ward 5 and Ward 6.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Edgewood/Brookland Family Support Collaborative 20-Year Anniversary Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes the Edgewood/Brookland Family Support Collaborative for its many contributions to family support services and community welfare in Ward 5 and Ward 6 neighborhoods over the past 20 years.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-284

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To recognize the Transgender Day of Remembrance, and to declare November 20, 2016, as "Transgender Day of Remembrance" in the District of Columbia.

WHEREAS, transgender individuals face high rates and severity of violence, including accounting for over 67% of murdered lesbian, gay, bisexual, transgender or HIV-positive individuals in 2015 according to the National Coalition of Anti-Violence Projects;

WHEREAS, the District of Columbia has a particularly alarming history of violence against transgender individuals, especially transgender women of color, including the murders of Deoni Jones, Lashai Mclean, Tyli'a Mack, Elexius Woodland, Bella Evangelista, Emonie Spaulding, Stephanie Thomas, Ukea Davis, and too many others;

WHEREAS, countless transgender individuals experienced violence and harassment this year in the District of Columbia and the metropolitan area, including the tragic murders of Deeniquia Dodds in Northeast, D.C. in July and Keyonna Blakeney in Rockville in May;

WHEREAS, the national political climate this year has demonized transgender people by restricting access to bathrooms based on the discriminatory assumption that transgender people are perpetrators of violence, while they are actually far more likely to be victims of attacks;

WHEREAS, the District of Columbia strives to be a city that is welcoming and safe for all residents and visitors, including transgender people;

WHEREAS, the Transgender Day of Remembrance is held on November 20 around the world to memorialize those killed due to anti-transgender hatred or prejudice;

**ENROLLED ORIGINAL**

WHEREAS, Transgender Day of Remembrance is also a time to recognize the resilience of transgender communities and individuals, and to celebrate those who are living and fighting against hatred; and

WHEREAS, the D.C. transgender community and allies have commemorated Transgender Day of Remembrance since 2001, growing from a small group of activists to an event that attracts hundreds of participants and attendance from government officials.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Transgender Day of Remembrance Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes the contributions of the transgender community and its vulnerability to violence, and declares Sunday, November 20, 2016 as "Transgender Day of Remembrance" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-285

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To recognize Ms. Tara Morrison for her years of service to the National Park Service and her more recent contribution to the District of Columbia as the superintendent of Rock Creek Park.

WHEREAS, Ms. Morrison assumed the role of superintendent of Rock Creek Park on March 31, 2011;

WHEREAS, she began her career with the National Parks Service in 1998 as a park ranger at Boston African American National Historic Site;

WHEREAS, she joined the National Underground Railroad Network to Freedom Program as the Northeast Region coordinator, providing advice and subject-matter expertise toward the implementation of the National Underground Railroad Network to Freedom Act;

WHEREAS, for the past 10 years, Ms. Morrison served as superintendent of African Burial Ground National Monument in lower Manhattan, a 6.6-acre site where free and enslaved African Americans were buried;

WHEREAS, there she developed the park’s first general management plan, maintained a \$2 million budget, and oversaw a \$5.2 million visitor center;

WHEREAS, previously, Ms. Morrison served in the Northeast Regional Office leading the African Burial Ground Assistance Project and coordinating with various National Park Service offices and General Service Administration regarding the development of a memorial and interpretative center at the monument;

WHEREAS, previously Ms. Morrison served as acting assistant superintendent at Gateway National Recreation Area in Sandy Hook, New Jersey; and

WHEREAS, Ms. Morrison holds a Bachelor of Arts in African American Studies from Northeastern University in Boston, a graduate certificate in museum management, and a Masters in Anthropology from the University of South Carolina.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tara Morrison Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and commends Ms. Tara Morrison on her outstanding work in public service, especially to African American history.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-286

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To recognize Ambassador Susan E. Rice for her contributions in the field of National Security and her outstanding years of service as U.S. Permanent Representative to the United Nations and National Security Advisor to the President of the United States.

WHEREAS, Ambassador Susan E. Rice currently serves as President Obama's National Security Advisor and chairs the Cabinet-level National Security Principals Committee;

WHEREAS, from 2009 to 2013, Ambassador Rice served as U.S. Permanent Representative to the United Nations and was a member of President Obama's Cabinet;

WHEREAS; at the United Nations, she stiffened United Nations sanctions against Iran and North Korea, prevented the proliferation of nuclear weapons and materials, supported life-saving interventions in Libya and Cote D'Ivoire, and began work to reform the flawed UN Human Rights Council;

WHEREAS, before the United Nations, Ambassador Rice served as Senior Advisor National Security Affairs on the Obama for America Campaign and co-chair of the policy working group on national security on the Obama-Biden Transition;

WHEREAS; from 1997 to 2001, Ambassador Rice served as the U.S. Assistant Secretary of State for African Affairs, where she formulated and implemented U.S. policy for 38 countries in Sub-Saharan Africa and oversaw the management of 43 U.S. Embassies

WHEREAS, in 2000, Ambassador Rice was the co-recipient of the White House's 2000 Samuel Nelson Drew Memorial Award for distinguished contributions to the formation of peaceful, cooperative relationships between states.

WHEREAS, from 1995 to 1997, Ambassador Rice served as Special Assistant to President William J. Clinton and Senior Director for African Affairs at the National Security Council;

WHEREAS, from 1993 to 1995, she served as the Director for International Organizations and Peacekeeping on the National Security Council staff;

**ENROLLED ORIGINAL**

WHEREAS, Ambassador Rice received her Masters and Doctorate degrees in International Relations from the New College, Oxford University, where she was a Rhodes Scholar;

WHEREAS, she was awarded the Chatham House-British International Studies Association Prize for the most distinguished doctoral dissertation in the United Kingdom in the field of International Relations; and

WHEREAS, she obtained her Bachelor of Arts in History with honors from Stanford University, where she graduated Phi Beta Kappa and was a Truman Scholar.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ambassador Susan E. Rice Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Ambassador Rice for her life’s work to matters of national security and public service to the United States.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-287

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To recognize and honor Douglas E. Moore for his remarkable service to the citizens of the District of Columbia as a Councilmember, as an entrepreneur in business in the District of Columbia, and as an unrelenting civil rights activist committed to justice and equal rights;

WHEREAS, Douglas Moore was born on July 3, 1928 in Hickory, North Carolina;

WHEREAS, destined to be a child of protest, young Douglas took his rightful place as a city newspaper carrier at an all-white dinner for newspaper boys;

WHEREAS, in 1945 Douglas Moore became the first black Eagle Scout in the county;

WHEREAS, Douglas Moore graduated from North Carolina College in 1949 and studied one year at the Howard University School of Theology before attending the Boston University School of Divinity from 1953 to 1958, earning a Bachelor of Sacred Theology and a Masters of Sacred Theology;

WHEREAS, while matriculating at Boston University, Douglas Moore was a classmate of Martin Luther King Jr;

WHEREAS, Douglas Moore engaged in ministerial leadership in North Carolina, serving as pastor of Methodist churches in Ramseur, Leakesville, and Durham, from 1955 to 1960; founding a chapter of the NAACP and a voters' rights organization in Leakesville; serving as a Professor of Theology at Livingston College, and as Director of the Wesley Foundation at North Carolina College in Durham;

WHEREAS, on June 23, 1957, Douglas Moore, while serving as the Pastor of Ashbury Temple Methodist Church in Durham, North Carolina, led the Royal Ice Cream Parlor Sit-in to protest segregation in Durham, sparking a wave of student sit-ins in other North Carolina cities and throughout the South in the years to come;

## ENROLLED ORIGINAL

WHEREAS, for his efforts in organizing the Durham Seven in the first sit-in in the State of North Carolina, Douglas Moore was awarded the key to the city of Durham by Mayor William V. Bell in 2007 and a historical marker was placed at the site to honor the event in 2008;

WHEREAS, Douglas Moore demonstrated the importance of direct action and collective organizing to students and was instrumental in laying the seeds that galvanized the social movement that confronted Jim Crow laws in North Carolina;

WHEREAS, as a civil rights activist, Douglas Moore was a participant in the Raleigh Easter Conference on Civil Disobedience in 1960 and served on the Executive Board of Martin Luther King's Southern Christian Leadership Conference;

WHEREAS, Douglas Moore, after attending Yale University and the University of Grenoble to gain fluency in French, briefly left the civil rights movement in the United States from 1962 to 1965 to serve as a Methodist missionary in the Belgian Congo;

WHEREAS, Douglas Moore, after his return from the Belgian Congo, settled in Washington D.C. and served as Assistant Director of the Shaw Urban Renewal Project from 1966 to 1969 and also became involved in the civil rights movement in the city, joining the newly founded Black United Front and eventually becoming its leader;

WHEREAS, Douglas Moore, as Chairman of the Black United Front, challenged the United Givers Fund ("UGF") for its failure to provide funding to black organizations in the District and in response to the findings of discrimination by the UGF, created the United Black Fund with Cox and Baily as Charter Cosigners;

WHEREAS, Douglas Moore, along with Chuck Stone, Jessie Anderson, and others, in March of 1969 founded the DC Statehood Committee, thus initiating the modern-day drive for statehood for the District of Columbia;

WHEREAS, Douglas Moore voluntarily established ministerial visits to Lorton Penitentiary, prompting the United Methodist Church to establish a position for permanent visitation there;

WHEREAS, Douglas Moore performed the ceremony that united civil rights activist Stokely Carmichael and international South African singer Miriam Makeba in marriage near the courthouse in Washington, D.C. in 1968;

WHEREAS, in 1974 Douglas Moore was elected to the Council of the District of Columbia as an At-Large member and with the greatest number of votes of any At-Large member;

## ENROLLED ORIGINAL

WHEREAS, Douglas Moore served as Chairman of the Council's Budget Committee and presided over a balanced budget during his tenure;

WHEREAS, Douglas Moore served as founder and President of Moore Energy Resources in 1981 and garnered energy and fuel contracts to sell gas, coal, and oil from Pepco, Washington Gas, Coastal Energy, Duke Energy, and Brooklyn Union; as a result, philanthropic work was carried out; donating funds to charitable organizations, colleges and universities and deserving students;

WHEREAS, Douglas Moore spent decades rallying against racial hiring biases in corporations at the District and national levels; and bought shares so that he could serve as a 'corporate circuit rider', attending meetings to challenge the lack of minority representation in hiring and on boards of directors; to challenge the failure of wealthy corporations to contribute to worthy minority nonprofits and minority educational institutions; and to query them regarding legal, ethical, and moral business practices;

WHEREAS, Douglas Moore is cited as a historical figure and civil rights activist of renown in books such as *The Parting of the Waters* by Taylor Branch, *Dream City* by Tom Sherwood and Harry Jaffe, and other texts, books, and historical documents on the civil rights movement; and

WHEREAS, Douglas Moore has devoted his life to fighting injustice and advocating for change.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Douglas E. Moore Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the work of Douglas E. Moore, for his distinguished service and contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

**ENROLLED ORIGINAL**

## A CEREMONIAL RESOLUTION

21-288

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To honor and recognize John Wall, point guard for the Washington Wizards, a local hero and role model for youth in Washington, D.C., and to declare November 18, 2016 as “John Wall Day” in the District of Columbia.

WHEREAS, John Wall, point guard for the Washington Wizards, has been an exceptional and inspirational fixture in Washington, D.C. sports and culture;

WHEREAS, John Wall is a driving force behind reemergence of the Washington Wizards in the Eastern Conference of the National Basketball Association;

WHEREAS, through John Wall’s charitable efforts and community outreach to children and families in Washington, D.C., he demonstrates his dedication and commitment through the work of the John Wall Family Foundation to local organizations, Bright Beginnings Inc., the Leukemia and Lymphoma Society of the National Capital Area, and the Boys and Girls Club of Greater Washington, earning him the 2015-16 Season long NBA Cares Community Assist Award; and

WHEREAS, John Wall, one of the unofficial ambassadors of Washington, D.C., a constant figure in and around the Nation’s Capital – throwing out the first pitch at the Washington National’s Game, supporting the Washington Mystics, playing in the Goodman Summer Basketball League, dining at local restaurants, and attending social and charity events;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “John Wall Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia is proud to honor John Wall as one of the core members of the Washington Wizard’s franchise who represents the Nation’s Capital with distinction and class all around the world. An athlete, philanthropist, role model, and face of our city, we salute John Wall and declare November 18, 2016 as “John Wall Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-289

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To recognize and honor Capital Community News, Inc., on the 40th anniversary of its flagship newspaper publication, the Hill Rag.

WHEREAS, the Hill Rag was first published in October 1976 as The Hill Discount Rag;

WHEREAS, the Hill Rag idea was born when Capitol Hill resident Jean-Keith Fagon, a recent immigrant from Jamaica, established friendships with many local business owners and discovered their need for an affordable means of advertising to neighborhood residents;

WHEREAS, Jean-Keith Fagon decided to produce an advertising flyer of discount coupons that would be delivered door-to-door to all Capitol Hill homes;

WHEREAS, as the flyer grew in popularity, neighbors began asking if notices and other information could be included in the flyer;

WHEREAS, Jean-Keith Fagon subsequently added photos, hired a freelance writer, and began producing short articles on neighborhood news;

WHEREAS, the addition of editorial content led to the transition from flyer to tabloid and The Hill Discount Rag became the Hill Rag;

WHEREAS, the Hill Rag has grown into a beautifully designed, 4-color, award-winning publication that averages 168 pages monthly;

WHEREAS, the Hill Rag cover showcases art chosen from local galleries and museums, which has become a hallmark of the publication;

WHEREAS, the Hill Rag now includes articles on local politics and business, Advisory Neighborhood Commission news, neighborhood reports, real estate development, arts and entertainment, dining reviews, school notes, and home and garden tips;

**ENROLLED ORIGINAL**

WHEREAS, Melissa Ashabranner, co-owner and Executive Editor, has been with the paper since 1982, helping to shape the business structure and ensure sustainable growth;

WHEREAS, the Hill Rag grew in popularity, encouraging Jean-Keith Fagon and Melissa Ashabranner to expand and offer coverage across most of the District;

WHEREAS, in 2006, Capital Community News launched MidCity DC (formerly DC North) and East of the River, the only publication focused on the District’s neighborhoods east of the Anacostia River;

WHEREAS, each Capital Community News publication now has a corresponding website -- [www.hillrag.com](http://www.hillrag.com), [www.eastoftheriverdcnews.com](http://www.eastoftheriverdcnews.com), and [www.midcitydcnews.com](http://www.midcitydcnews.com) -- where daily up-to-date local news is published; and

WHEREAS, Capital Community News remains a strong force and the favored go-to medium for local and neighborhood news coverage, publishing daily online and monthly in print.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Capital Community News, Inc. 40th Anniversary of the Hill Rag Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes Capital Community News, Inc. and its publication of the Hill Rag newspaper for continuous service and celebration of the neighborhoods and residents of the District.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-290

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To recognize D. Kamili Anderson for her contributions in the fields of community service, education, publishing, and library service; and for her outstanding years of service as the Ward 4 Representative to the District of Columbia State Board of Education.

WHEREAS, D. Kamili Anderson currently serves as the Ward 4 Representative to the District of Columbia State Board of Education and is a member of the District of Columbia’s Board of Library Trustees;

WHEREAS, D. Kamili Anderson was first elected to her position as the Ward 4 Representative to the District of Columbia State Board of Education in 2011 and was re-elected in 2012;

WHEREAS, during her term with the State Board for Education, D. Kamili Anderson was a staunch advocate for the greater engagement of families and communities in and by schools, and for the elimination of disparities in school facilities, services, and policies across the city;

WHEREAS, she worked to identify critical issues relating to the District’s NCLB waiver and obtain federal Race to the Top funding; contributed to the development of the District’s Environmental Literacy Plan; worked to adopt the Next Generation Science Standards and early childhood education standards; and served as an advisor in the District’s establishment of a master facilities plan for District of Columbia schools;

WHEREAS, during her 2 terms, she served as Chair of the State Board of Education’s Truancy and Student Engagement Committee and its Parent and Community Engagement Committee;

WHEREAS, she was a member of the Office of the State Superintendent of Education’s School Garden Advisory Committee; a member of the Office of the Deputy Mayor for Education’s Public Education Master Facilities Plan Interagency Working Group; and a member of the LaSalle-Backus Education Campus and Roosevelt High School modernization teams;

## ENROLLED ORIGINAL

WHEREAS, she also led the State Board of Education's community and interagency engagement around revisions to school absenteeism and truancy regulations, spearheading the State Board of Education's roundtable outreach efforts and authoring its summative report;

WHEREAS, D. Kamili Anderson has been a leader in Ward 4 civic affairs, working diligently with local government and private-sector partners to promote conscientious, community-friendly development and neighborhood stability;

WHEREAS, as President of the Brightwood Community Association (2004 to 2009), she led efforts to revitalize vacant and blighted properties, increase senior and affordable housing opportunities, address transportation and pedestrian safety issues, and improve park and recreational facilities;

WHEREAS, she also served on several local and citywide planning committees and task forces, including service as a member of the Community Advisory Group for the Walter Reed Army Medical Center Local Redevelopment Authority (Mayoral appointment; December 2012 to June 2013);

WHEREAS, D. Kamili Anderson is a Board Member of the Beacon Brightwood Business Alliance (2009 to present) and of the Emory Beacon of Light (2015 to present);

WHEREAS, D. Kamili Anderson is a proud graduate of Howard University, having obtained a Bachelor of Arts in Science from that institution, from which she graduated *magna cum laude*; and

WHEREAS, D. Kamili Anderson is the proud parent of 3 children, each of whom graduated from Washington, D.C.'s Benjamin Banneker Academic High School and went on to obtain postsecondary degrees from Howard University, Stanford University, American University, and the Parsons School of Design.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ward 4 District of Columbia State Board of Education Representative and District of Columbia Library Trustee D. Kamili Anderson Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and congratulates D. Kamili Anderson for her public service to the District of Columbia and for her personal and professional achievements.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-291

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To recognize and congratulate the Young Women's League, Inc. on its commitment to bettering the lives of the less fortunate in the metropolitan Washington, D.C. area, and to celebrate the organization on its 75<sup>th</sup> anniversary.

WHEREAS, the Young Women's League, Inc. ("YWL") was founded in 1941 as a charitable organization serving the metropolitan Washington, D.C. area;

WHEREAS, since its founding, the YWL has remained committed to serving the needs of the metropolitan Washington, D.C. area by rendering financial assistance and promoting general welfare to those persons less fortunate and in great need;

WHEREAS, over the past 75 years, the YWL has expanded and broadened the scope of its community service projects to aid the sick and homeless, the disabled and mentally challenged, and the young and aged as well as providing support in civic, social, and educational endeavors, including scholarships, throughout the metropolitan Washington, D.C. community at-large;

WHEREAS, the YWL has generously provided financial support to the American Cancer Society, the HIV AIDS Walk, the ARC, and Operation Sisters United;

WHEREAS, the YWL continues to promote academic excellence and increasing access to higher education by providing scholarships to high school students in the District of Columbia;

WHEREAS, the YWL continues to provide for the needs of the less fortunate through its impact projects with Howard University Hospital, Children's National Medical Center, DC General Health Campus, UNCF, Girls Scouts of Central Maryland, the Haiti Relief Fund, the HSC Health Care System, the Health Care Institute, and N Street Village; and

WHEREAS, the YWL's philanthropic efforts continue to uphold its motto, "Those who give service to others know the greatest love," and proudly carry on the vision of service by its founder, Miss Doris Carter Mundy.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “75<sup>th</sup> Anniversary of the Young Women’s League, Inc. Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Young Women’s League, Inc. for 75 years of dedicated service to the metropolitan Washington, D.C. area.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Registrar.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-292

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To recognize posthumously Mrs. Melvalee “Mickey” Thompson-Vincent, for her years of service and contributions to the District of Columbia as a photojournalist and AFRO photographer.

WHEREAS, over the years Mrs. Thompson-Vincent’s work appeared in several publications in the District, including the AFRO, The Washington Informer, East of the River, Politico, and The Washington Examiner;

WHEREAS, she began her award-winning career as a photojournalist in 2001, documenting the class, pride, and best of African-American people in her weekly column Social Sightings;

WHEREAS, Social Sightings was created to capture and publicize positive occurrences in the African American community, including events hosted by the Divine 9, fraternities and sororities, and African American social and civic organizations;

WHEREAS, she was a recipient of the High Tea Society Community Service and Main Avenue Ministries Journalist awards;

WHEREAS, she hosted the William S. Thompson Follies, where she would raise money to help children from the District attend college;

WHEREAS, previously, Mrs. Thompson-Vincent served in the U.S. Marine Corps, earning the distinction as the first African-American Miss Armed Forces while moving up the ranks to the position of Staff Sergeant;

WHEREAS, Mrs. Thompson-Vincent held a Bachelor of Science in Communications Sciences from Federal City College in Washington, D.C.; and

**ENROLLED ORIGINAL**

WHEREAS, she resided in the Lamond neighborhood in Ward 4 and was married to Dr. Charles Vincent.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mrs. Thompson-Vincent Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and commends Mrs. Mickey Thompson-Vincent on her outstanding work in photojournalism.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

**ENROLLED ORIGINAL**

A CEREMONIAL RESOLUTION

21-293

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To recognize Dr. Lonnie G Bunch for his contributions as a museum director, historian, educator, author, and curator and his outstanding years of public service as Founding Director of the Smithsonian National Museum of African American History and Culture.

WHEREAS, Dr. Lonnie G. Bunch, a long-time resident of Ward 4’s Shepherd Park, currently serves as Founding Director of the Smithsonian National Museum of African American History and Culture, the Smithsonian’s 19<sup>th</sup> museum;

WHEREAS, under Dr. Bunch’s leadership, the Smithsonian National Museum of African American History and Culture opened on September 24, 2016;

WHEREAS, Dr. Bunch raised over \$500 million through private and public funding for the 5-acre site on the National Mall with 400,000 square feet that houses and displays thousands of artifacts collected from all over the world, the largest collection of African American artifacts in one place;

WHEREAS, Dr. Bunch has (1) identified the museum’s mission; (2) oversaw fundraising; (3) identified staff for the 200-person organization; (4) developed partnerships; and (5) provided oversight for exhibitions, programs, and the collection of thousands of artifacts documenting several centuries of African American life, art, history, and culture;

WHEREAS, before the opening of the National Museum of African American History and Culture, Dr. Bunch oversaw the installation of 7 exhibitions at a temporary space in the Smithsonian’s National Museum of American History;

WHEREAS, Dr. Bunch’s traveling exhibit, “Changing America,” will be exhibited at 50 venues across the country through 2018;

WHEREAS, from 2001 to 2005, Dr. Bunch served as President of the Chicago Historical Society, one of the nation's oldest history museums;

## ENROLLED ORIGINAL

WHEREAS, Dr. Bunch led a successful capital campaign to transform the Chicago Historical Society in celebration of its 150th anniversary, managed an institutional reorganization, initiated an unprecedented outreach initiative to diverse communities and launched a much-lauded exhibition and program on teenage life titled “Teen Chicago”;

WHEREAS, from 1989 through 2000, Dr. Bunch served as a Curator, Assistant Director of Curatorial Affairs and Supervising Curator with the Smithsonian Museum of American History;

WHEREAS, as a curator, Dr. Bunch oversaw the curatorial and collections management staff, supervised the planning and implementation of the museum’s research and collection programs, and oversaw several of the museum’s divisions, including Community Life;

WHEREAS, Dr. Bunch led the team that developed a major permanent exhibition, “The American Presidency: A Glorious Burden,” and developed “Smithsonian’s America” for the American Festival Japan 1994 that explored the history, culture, and diversity of the United States;

WHEREAS, from 1983 to 1989, Dr. Bunch became the first Curator of History and Program Manager of the California Afro-American Museum, and, while there, he organized several award-winning exhibitions, including “The Black Olympians, 1904–1950” and “Black Angelenos: The Afro-American in Los Angeles, 1850–1950”;

WHEREAS, Dr. Bunch held teaching positions at various universities as a professor at University of Maryland, Massachusetts University, and George Washington University;

WHEREAS, Dr. Bunch is a published author and speaker, and has written on topics ranging from the black military experience, the American presidency, and all-black towns in the American West to diversity in museum management and the impact of funding and politics on American museums;

WHEREAS, Dr. Bunch has served on the advisory boards of the American Association of Museums and The American Association of State and Local History;

WHEREAS, Dr. Bunch was appointment by President George W. Bush to the Commission for the Preservation of the White House in 2002 and reappointed by President Barack Obama in 2010;

**ENROLLED ORIGINAL**

WHEREAS, Dr. Bunch was awarded the Jackie Robinson Society Community Recognition Award, 2011; and Visionary Historian Award from the Historical Society of Washington, D.C in 2016; and

WHEREAS, Dr. Bunch received his Bachelors, Masters, and Doctorate degrees in American and African American history from American University, and began his studies at Howard University.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Smithsonian National Museum of African American History and Culture Dr. Lonnie G. Bunch Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Dr. Bunch for his life’s work in matters of history, education, museums, and public service to the United States.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-294

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To commemorate John Greenleaf Whittier Education Campus, located at 6201 5th Street, N.W., in Ward 4, on the occasion of its 90<sup>th</sup> anniversary, and for its many accomplishments and achievements.

WHEREAS, in 1926, John Greenleaf Whittier Education Campus (“Whittier”) was founded and named after famous poet and abolitionist, John Greenleaf Whittier;

WHEREAS, Whittier, a science, technology, engineering, and mathematics catalyst school, serves nearly 400 students in grades pre-school through 8, and is designed around science, technology, engineering, and mathematics (“STEM”);

WHEREAS, Whittier’s mission is to provide an interactive, hands-on approach to inquiry and project-based learning focused on STEM;

WHEREAS, Whittier, led by Principle Tenia Pritchard, engages students in rich and rigorous STEM learning, sets high expectations for their participation and performance, prepares them for success in, high school, college and careers, and encourages the pursuit of advanced STEM careers;

WHEREAS, Whittier continues to uphold its vision statement, “to prepare all students to become life-long, innovative, learners and productive competitors in the ever-changing 21st century”;

WHEREAS, Whittier is an academically challenging environment where students and teachers are engaged and motivated, and work together as fellow adventurers to explore while they learn; and

WHEREAS, John Greenleaf Whittier Education Campus remains a trusted and valuable member of the District’s education community and Ward 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “90th Anniversary of John Greenleaf Whittier Education Campus Recognition Resolution of 2016”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and congratulates John Greenleaf Whittier Education Campus, located at 6201 5th Street, N.W., in Ward 4, on its 90<sup>th</sup> anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-295

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To recognize and celebrate the centennial anniversary of Engine Company No. 28, located in the Cleveland Park neighborhood of the District of Columbia.

WHEREAS, Engine Company 28, also known as the Cleveland Park Firehouse, was established on December 1<sup>st</sup>, 1916 at 3522 Connecticut Avenue, N.W., following advocacy efforts by the local citizenry to secure essential infrastructure and spur development;

WHEREAS, the Cleveland Park Firehouse is the oldest surviving building in the Cleveland Park Historic District’s Connecticut Avenue commercial area and –when built– was the only structure in an otherwise undeveloped section of the neighborhood until the 1920s;

WHEREAS, the building was designed by Snowden Ashford, the municipal architect for the District of Columbia from 1909 to 1921, in the Colonial Revival style, and Mr. Ashford’s specific design elements of the symmetrical brick façade, light-colored stone accents, and white-painted woodwork would serve as the architectural inspiration for buildings within the commercial district for decades to come;

WHEREAS, in 2010, the Cleveland Park Firehouse received its first rehabilitation and modernization after nearly a century of operation, and, upon reopening in 2014, thanks in large part to the input from residents and community organizations, the building was able to boast a number of new environmentally sustainable features while also maintaining its historic integrity;

WHEREAS, in the past hundred years of operation, the Cleveland Park Firehouse has lost 2 firefighters in the line of duty: 5th Battalion Fire Chief Twyman S. Jones on April 11th, 1938, and 5th Battalion Fire Chief’s Aide Charles M. Chamberlin, Jr. on March 1st, 1965;

WHEREAS, the firefighters and emergency medical personnel of the Cleveland Park Firehouse continue to serve and protect the community from multi-dwelling fires, rooftop blazes, automobile and pedestrian accidents, and many other fire and medical emergencies with the highest degree of dedication, expertise, and bravery; and

**ENROLLED ORIGINAL**

WHEREAS, Engine Company No. 28 is celebrated as a historic treasure by a number of community organizations, including: the Cleveland Park Citizens Association, the Advisory Neighborhood Commission 3C, the Cleveland Park Historical Society, the Cleveland Park Business Association, the Cleveland & Woodley Park Village, the Cleveland Park Club, and the Woodley Park Community Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Engine Company No. 28 Centennial Celebration Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia honors the District’s first responders and celebrates Engine Company No. 28’s 100<sup>th</sup> anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-296

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and honor Fleet Master Chief April Beldo for her outstanding service in the United States Military and to honor her service for Veterans Day 2016.

WHEREAS, Master Chief April Beldo is a native of Lancaster, California, and graduated from Desert High School in 1982;

WHEREAS, Master Chief April Beldo entered the Navy through the Delayed Entry Program and completed basic training in May 1983 at Recruit Training Center, Orlando, Florida;

WHEREAS, Master Chief April Beldo reported to the Checkertails of Composite Squadron Five (VC-5) at Naval Air Station Cubi Point, Phillipine Islands, and, while there, she was detailed to attend Aviation Maintenance Administrationman "A" School in Meridian, Mississippi;

WHEREAS, Master Chief April Beldo's tours include: Carrier Airborne Early Warning Squadron (VAW-110) at NAS Miramar, California; Patrol Squadron 11 (VP-11) at RecoRNAS Brunswick, Maine; Naval Hospital Corpus Christi; and Helicopter Anti-Submarine Squadron 6 (HS-6) at NAS North Island, California;

WHEREAS, Master Chief April Beldo was deployed aboard the aircraft carriers USS *Abraham Lincoln* (CVN 72), and USS *Kitty Hawk* (CVN 63) while she was with HS-6;

WHEREAS, Master Chief April Beldo served at Commander, Naval Air Force Atlantic (CNAL) with their Aviation Maintenance Management Teams (AMMT), and aboard the aircraft carrier USS *George Washington* (CVN 73), in Norfolk, Virginia;

WHEREAS, Master Chief April Beldo, in December 2002, was selected into the Command Master Chief Program and graduated as honor student of her Senior Enlisted Academy class;

WHEREAS, Master Chief April Beldo then reported as Command Master Chief aboard the guided missile destroyer USS *Bulkeley* (DDG 84) from May 2003 to December 2005;

## ENROLLED ORIGINAL

WHEREAS, Master Chief April Beldo, after completing Recruit Division Commander School, became Commander Master Chief of Recruit Training Command, Great Lakes, Illinois from April 2006 to June 2008 and immediately after, assumed the duties of Command Master Chief at Naval Service Training Command (NSTC), Great Lakes, Illinois followed by a tour as Command Master Chief aboard the aircraft carrier *USS Carl Vinson (CVN 70)* from October 2009 to March 2012;

WHEREAS, Master Chief April Beldo served as the Force Master Chief for Naval Education and Training Command from April 2012 to February 2013.

WHEREAS, Master Chief April Beldo also received personal awards, including the Meritorious Service Medal (4 awards); Navy and Marine Corps Commendation Medal (3 awards), Navy and Marine Corps Achievement Medal (3 awards) and numerous of unit awards; and

WHEREAS, Master Chief April Beldo reported for her current assignment as the Manpower, Personnel, Training, and Education (MPT&E) Fleet Master Chief in March 2013.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fleet Master Chief April Beldo Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and honors Fleet Master Chief April Beldo, on the occasion of Veterans Day 2016 and for her service and dedication to the United States of America.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-297

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and celebrate the contributions and accomplishments of the Ward 4 Democrats of Washington, D.C.

WHEREAS, since 1975, the Ward 4 Democrats of Washington, D.C. has conducted the affairs of the Democratic Party in Ward 4 by conducting programs such as voter registration and Get Out the Vote, which have resulted in strong victories for Democratic candidates in Ward 4 and across the District of Columbia;

WHEREAS, the Ward 4 Democrats Annual Ethel Delaney Dinner began in 2010 and was established to honor the accomplishments of Mrs. Ethel Delaney Lee as a founding member of the Ward 4 Democrats, a member of the D.C. Democratic State Committee, and a continuing advocate for the residents of the District of Columbia;

WHEREAS, the leadership of the Ward 4 Democrats has been highlighted by some extraordinary individuals;

WHEREAS, this year’s “President’s Award of Excellence” is presented to Honorable Mayor Muriel E. Bowser for her work with fellow Democrats and community leaders on major issues such as crime, homelessness, affordable housing, public utilities, youth services, development, and transportation;

WHEREAS, Mayor Bowser served Ward 4 with neighbors to resolve issues as an Advisory Neighborhood Commissioner and Ward 4 Councilmember from January 2007 to January 2015 and currently serves as the 8<sup>th</sup> Mayor of the District of Columbia;

WHEREAS, this year’s “Man of the Year Award” is presented to the Honorable Sterling Tucker for his exemplification of leadership and dedication to improving the lives of Washingtonians and Americans;

WHEREAS, in 1963, Sterling Tucker served as Vice Chairman of the historic March on Washington, and as President of the Washington Urban League for 18 years; he was appointed by the President of the Unites States to serve as Vice Chairman of the City Council and later

**ENROLLED ORIGINAL**

became the first elected Vice Chairman of the City Council; and he worked under 4 Presidential Administrations in various positions; and

WHEREAS, this year's "Woman of the Year Award" is presented to Ms. Ella Peete for her work in the Democratic Party and her dedication and extreme care to the community;

WHEREAS, Ella Peete has been a member of the DC Federation of Democratic women for several years, and led the operations of Horton's Funeral Home as business owner and resident of Ward 4; and

WHEREAS, this year's Joan Thomas Spirit Award is presented to Theresa Cusick, Esq., for her role as an active member of Ward 4 Democrats' Executive Committee, and her roles as the Recording Secretary and General Counsel of the Ward 4 Democrats of Washington, DC; she also has served as counsel to the Judiciary Committee of the Council of the District of Columbia as well as the Board of Parole, and as General Counsel of the District's Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ward 4 Democrats Seventh Annual Ethel Delaney Lee Awards Dinner Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia commends and recognizes the Ward 4 Democrats of Washington, D.C. for its outstanding work and contributions, and further recognizes the leadership of the aforementioned individuals for their distinctive efforts.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-298

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and congratulate the St. John’s College High School Girls Varsity Volleyball Team for its outstanding 2016 season in which the team won the D.C. State Athletic Association championship for a 4th straight year.

WHEREAS, St. John’s College High School, established in 1851, is the second-oldest Christian Brothers school in the United States;

WHEREAS, St. John’s College High School, located in northwest Washington, D.C., remains a bastion of academic excellence with 100% of St. John’s graduates accepted into 4-year colleges or universities;

WHEREAS, St. John’s succeeds in preparing young men and women for a life dedicated to leadership, achievement, and service to the community;

WHEREAS, the philanthropic efforts of St. John’s include 25,000 hours of annual student Christian service;

WHEREAS, the St. John’s College High School Girls Varsity Volleyball Team, led by Head Coach Bill Pribac, captured the 2016 D.C. State Athletic Association (“DCSAA”) championship, its 4th consecutive DCSAA title, on November 11, 2016, with a 3-0 victory over Model Secondary School for the Deaf;

WHEREAS, the St. John’s College High School Girls Varsity Volleyball Team for 2016 includes:

- Rebecca Frye
- Emily Goodwin
- Abigail Sligh

ENROLLED ORIGINAL

Nia Taylor  
 Lauren Antonucci  
 Madison Battle  
 Claire Beins  
 Sophia Bellamah  
 Aaliyah Demas  
 Anika Eigen-Zucchi  
 Paige Martin  
 Julia Miller  
 Caitlin Munar  
 Carla Neustadt  
 Daisy Scarvell  
 Nicole Taylor  
 Colleen Terry

Bill Pribac (Head Coach)  
 Rebecca Bateman (Coach)  
 Danielle Thorne (Coach)

WHEREAS, the St. John’s College High School Girls Varsity Volleyball Team has triumphed, and excelled on the court and in the classroom.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “St. John’s College High School Girls Varsity Volleyball Team Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia heartily congratulates Coach Bill Pribac for his coaching excellence and the players of the St. John’s College High School Girls Varsity Volleyball Team for their accomplished athletic abilities.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-299

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and congratulate the St. John’s College High School Girls Varsity Soccer Team for its outstanding 2016 season in which the team won the D.C. State Athletic Association championship.

WHEREAS, St. John’s College High School, established in 1851, is the second-oldest Christian Brothers school in the United States;

WHEREAS, St. John’s College High School, located in northwest Washington, D.C., remains a bastion of academic excellence, with 100% of St. John’s graduates accepted into 4-year colleges or universities;

WHEREAS, St. John’s succeeds in preparing young men and women for a life dedicated to leadership, achievement, and service to the community;

WHEREAS, the philanthropic efforts of St. John’s include 25,000 hours of annual student Christian service;

WHEREAS, the St. John’s College High School Girls Varsity Soccer Team, led by Head Coach Jess Baynton, captured the 2016 D.C. State Athletic Association (“DCSAA”) championship on November 12, 2016, with a 6-0 victory over Wilson High School; and

WHEREAS, the St. John’s College High School Girls Varsity Soccer Team has triumphed, and excelled on the field and in the classroom.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “St. John’s College High School Girls Varsity Soccer Team Recognition Resolution of 2016”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia heartily congratulates Coach Jess Baynton for her coaching excellence and the players of the St. John's College High School Girls Varsity Soccer Team for their accomplished athletic abilities.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

---

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

- |         |   |
|---------|---|
| PR22-81 | Board of Occupational Therapy Tracey Ellis Confirmation Resolution of 2017<br><br>Intro. 1-24-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health    |
| <hr/>   |   |
| PR22-82 | Board of Occupational Therapy Roxanne Arneaud Confirmation Resolution of 2017<br><br>Intro. 1-24-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health |
| <hr/>   |   |
| PR22-83 | Board of Occupational Therapy Charles Bond Confirmation Resolution of 2017<br><br>Intro. 1-24-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health    |
| <hr/>   |   |
| PR22-84 | Property Maintenance Code Approval Resolution of 2017<br><br>Intro. 1-24-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole                      |

PR22-85      Police Complaints Board Bobbi Strang Confirmation Resolution of 2017  
Intro. 1-26-17 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Judiciary and Public Safety

---

PR22-86      Board of Marriage and Family Therapy Sylvia Rosario Confirmation  
Resolution of 2017  
Intro. 1-26-17 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Health

---

**COUNCIL OF THE DISTRICT OF COLUMBIA  
 ABBREVIATED NOTICE OF PUBLIC HEARINGS  
 AGENCY PERFORMANCE OVERSIGHT HEARINGS  
 FISCAL YEAR 2016-2017**

1/30/2017

**SUMMARY**

February 2, 2017	Committee of the Whole Public Briefing on the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR) 9:30 a.m. in Room 500
February 8, 2017 to March 16, 2017	Agency Performance Oversight Hearings on Fiscal Year 2016-2017

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2016 and FY 2017. The hearings will begin Wednesday, February 8, 2017 and conclude on Thursday, March 16, 2017 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 10 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule, please contact the committee of interest.

**ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE**

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
2/17/2017	2/16/2017	Commission on the Arts and Humanities (Finance & Revenue-Room 412)
2/24/2017	2/28/2017	Office of Public-Private Partnerships (Government Operations-Room 412)
2/17/2017	2/27/2017	Secretary of the District of Columbia (Government Operations-Room 120)

**PUBLIC HEARING SCHEDULE**

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>THURSDAY, FEBRUARY 2, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Subject</b>
9:30 a.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR)

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>WEDNESDAY, FEBRUARY 8, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Housing Finance Agency
	Board of Condemnation of Insanitary Buildings
	Board of Real Estate Appraisers
	Real Estate Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>FRIDAY, FEBRUARY 10, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Motor Vehicles
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>MONDAY, FEBRUARY 13, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - 5:00 p.m.	Deputy Mayor for Public Safety and Justice
	Criminal Justice Coordinating Council
	Office of Victim Services and Justice Grants
	Department of Corrections
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>TUESDAY, FEBRUARY 14, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Office of the State Superintendent of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, FEBRUARY 15, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles
	For-Hire Vehicle Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham ([dcheatham@dccouncil.us](mailto:dcheatham@dccouncil.us)) or by calling 202-297-0152.

**COMMITTEE ON HUMAN SERVICES**

**Chairperson Brianne Nadeau**

<b>WEDNESDAY, FEBRUARY 15, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON LABOR ON WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>WEDNESDAY, FEBRUARY 15, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:30 a.m. - End	Office of Employee Appeals
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>WEDNESDAY, FEBRUARY 15, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Education
	State Board of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

<b>THURSDAY, FEBRUARY 16, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>THURSDAY, FEBRUARY 16, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Age-Friendly DC Task Force
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 16, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
12:00 p.m. - 5:00 p.m.	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	Office of the Attorney General
	District of Columbia Sentencing Commission
	Criminal Code Reform Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>FRIDAY, FEBRUARY 17, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON FINANCE & REVENUE** **Chairperson Jack Evans**

<b>FRIDAY, FEBRUARY 17, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>FRIDAY, FEBRUARY 17, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Secretary of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, FEBRUARY 22, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Office of Cable Television, Film, Music and Entertainment
	Office of the People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham ([dcheatham@dccouncil.us](mailto:dcheatham@dccouncil.us)) or by calling 202-297-0152.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>WEDNESDAY, FEBRUARY 22, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Library System

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON FINANCE & REVENUE** **Chairperson Jack Evans**

<b>WEDNESDAY, FEBRUARY 22, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the Chief Financial Officer
	District of Columbia Lottery and Charitable Games
	Real Property Tax Appeals Commission
	Events DC
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>THURSDAY, FEBRUARY 23, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>THURSDAY, FEBRUARY 23, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>THURSDAY, FEBRUARY 23, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Administrative Hearings
	Office of the Inspector General
	Public Access Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governments@dccouncil.us](mailto:governments@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 23, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
2:00 p.m. - 6:00 p.m.	Office of Human Rights
	District of Columbia Board of Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies should email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>FRIDAY, FEBRUARY 24, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Serve DC
	Office of Community Affairs
	Office of Religious Affairs
	Interfaith Council
	Commission for Women
	Office of Gay, Lesbian, Bisexual, Transgender & Questioning Affairs
	Advisory Committee to the Office of GLBTQ Affairs
	Office of Asian and Pacific Islander Affairs
	Commission on Asian and Pacific Islander Affairs
	Office on African Affairs
	Commission on African Affairs
	Commission on African American Affairs
	Commission on Fathers, Men and Boys
	Office of Latino Affairs
	Commission on Latino Community Development
	Advisory Commission on Caribbean Community Affairs
Office of Veterans Affairs	
Office of Public-Private Partnerships	

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governments@dccouncil.us](mailto:governments@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>MONDAY, FEBRUARY 27, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Mayor's Office of Legal Counsel
	Emancipation Commemoration Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governments@dccouncil.us](mailto:governments@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>TUESDAY, FEBRUARY 28, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Washington Aqueduct
	District of Columbia Water & Sewer Authority
	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>TUESDAY, FEBRUARY 28, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - 4:00 p.m.	District of Columbia National Guard
	Homeland Security and Emergency Management Agency
	Department of Forensic Sciences
	Office of the Chief Medical Examiner

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE OF GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>TUESDAY, FEBRUARY 28, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Office of Partnerships and Grants Services
	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>TUESDAY, FEBRUARY 28, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Charter School Board
	Bully Prevention Task Force

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, MARCH 1, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Youth Rehabilitation Services
	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON LABOR ON WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>WEDNESDAY, MARCH 1, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Risk Management
	Office of Labor Relations and Collective Bargaining
	Department of Human Resources

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-8835.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>WEDNESDAY, MARCH 1, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Health Boards

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, MARCH 1, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development
	District of Columbia Boxing and Wrestling Commission
	Walter Reed Army Medical Center Site Reuse Advisory Committee

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham ([dcheatham@dccouncil.us](mailto:dcheatham@dccouncil.us)) or by calling 202-297-0152.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, MARCH 2, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - 5:00 p.m.	Metropolitan Police Department
	Office of Police Complaints
	Fire and Emergency Medical Services Department
	Office of Unified Communications

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>THURSDAY, MARCH 2, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>FRIDAY, MARCH 3, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Office of the Tenant Advocate
	Department of Housing and Community Development
	Housing Production Trust Fund
	Rental Housing Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>MONDAY, MARCH 6, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - 2:00 p.m.	Metropolitan Washington Airports Authority
	Metropolitan Washington Council of Governments
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>WEDNESDAY, MARCH 8, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Deputy Mayor for Health and Human Services
	United Medical Center
	District of Columbia Health Benefit Exchange Authority
	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>WEDNESDAY, MARCH 8, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
4:00 p.m. - End	Office on Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs
	Advisory Neighborhood Commissions

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>MONDAY, MARCH 13, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Pedestrian Advisory Council
	Bicycle Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>MONDAY, MARCH 13, 2017; Room 412</b>	
Time	Agency
10:00 a.m. - 2:00 p.m.	University of the District of Columbia
	District of Columbia Retirement Board/Funds
	District Retiree Health Contribution

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON LABOR ON WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>WEDNESDAY, MARCH 15, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Employment Services
	Deputy Mayor for Greater Economic Opportunity
	Workforce Investment Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, MARCH 15, 2017; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Human Services
	Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MARCH 15, 2017; Room 123</b>	
Time	Agency
10:00 a.m. - 2:00 p.m.	District of Columbia Auditor
	New Columbia Statehood Commission
	Contract Appeals Board
	Office of Contracting and Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>THURSDAY, MARCH 16, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - 4:00 p.m.	Office of Budget and Planning
	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>THURSDAY, MARCH 16, 2017; Room 412</b>	
Time	Agency
11:00 a.m. - End	Department of Public Works
	Department of Energy and Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

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 22-3, Williams Alley Designation Act of 2017**

on

**Thursday, February 23, 2017**  
**12:00 p.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 22-3, the “Williams Alley Designation Act of 2017.” The hearing will be held at 12:00 p.m. on **Thursday, February 23, 2017** in Hearing Room 123 of the John A. Wilson Building.

The stated purpose of **Bill 22-3** is to officially designate the public alley that runs between Irving Street, N.W. and Columbia Road, N.W. and 11<sup>th</sup> Street N.W. and Sherman Avenue N.W., in Ward 1, as Williams Alley. The Council originally approved the designation of this public alley as “Theodore ‘Ted’ Williams” alley on July 12, 2016 under Bill 21-421. However, Bill 21-421 did not specify the designation as an official naming, as the initiators intended. Thus, Bill 22-3 has been introduced and the Committee is holding a new hearing pursuant to the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 *et seq.*). An official naming typically involves the designation of postal addresses and the primary entrance in residences or offices.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **Wednesday, February 22, 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 February 22, 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, March 6, 2017.

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

---

**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

**The Department of Consumer and Regulatory Affairs:  
What Issues Should the Committee Pursue?**

on

**Tuesday, February 21, 2017  
12:00 p.m., Hearing Room 500, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public oversight roundtable before the Committee of the Whole seeking public comment on what issues at the Department of Consumer and Regulatory Affairs should the committee pursue. The roundtable will be held at 12:00 p.m. on Tuesday, February 21, 2017 in Hearing Room 500 of the John A. Wilson Building.

The purpose of the roundtable is to elicit public comment on the critical issues related to the services and programs provided by the Department of Consumer and Regulatory Affairs with input from a variety of stakeholders. The Committee is particularly interested in hearing from those individuals and groups that have frequent interaction with the agency, including property owners, tenants, businesses, contractors, developers, vocational professionals and advocates. The Committee also seeks feedback about the agency's newly implemented service improvements. Testimony at this hearing will be limited to members of the public (including non-government organizations).

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Randi Powell, Legislative Policy Advisor, at 202-724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, February 16, 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 Friday, February 17, 2017 the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on March 10, 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**

**PR22-0060, THE “HOMELAND SECURITY COMMISSION AKOSUA ALI  
CONFIRMATION RESOLUTION OF 2017”**

**Wednesday, February 15, 2017, 9:30 a.m.  
Room 120, John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004**

On Wednesday, February 15, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider Proposed Resolution 22-0060, the “Homeland Security Commission Akosua Ali Confirmation Resolution of 2017”. The roundtable 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 the resolution is to confirm the nominee to the Homeland Security Commission. The Homeland Security Commission is tasked with gathering and evaluating information on the status of homeland security in the District; measuring progress and gaps in homeland security preparedness; recommending security improvement priorities in consultation with major public and private entities; and advising the District government on the homeland security program. Commissioners are appointed by the Mayor and confirmed by the Council for a three-year term.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee on the Judiciary and Public Safety via email at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, February 10, 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 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](mailto: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 either to the Committee at [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on March 1.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 3, 2017
Protest Petition Deadline: March 20, 2017
Roll Call Hearing Date: April 3, 2017
Protest Hearing Date: May 24, 2017

License No.: ABRA-105293
Licensee: Ambo, LLC
Trade Name: Ambo Market
License Class: Retailer's Class "B" 25%
Address: 301 P Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 5

ANC 5E

SMD 5E05

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 April 3, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on May 24, 2017 at 4:30 p.m.

NATURE OF OPERATION

New Class "B" 25% selling beer, wine and non-alcoholic products.

HOURS OF OPERATION

Sunday through Saturday 8 am - 10 pm

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 10 am -10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 3, 2017
Protest Petition Deadline: March 20, 2017
Roll Call Hearing Date: April 3, 2017
Protest Hearing Date: May 24, 2017

License No.: ABRA-104936
Licensee: District Hardware, Inc.
Trade Name: District Hardware and Bike
License Class: Retailer's Class "C" Tavern
Address: Wharf Parcel 5, 730 Maine Avenue, S.W.
Contact: Jarret Conway: (240) 498-4412

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 3, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on May 24, 2017 at 1:30 p.m.

NATURE OF OPERATION

A new retailer's class "C" tavern with 30 seats and a Total Occupancy Load of 100. CT will be located in the café area of a bicycle sales/service shop.

HOURS OF OPERATION ON PREMISE AND FOR SUMMER GARDEN

Sunday 10 am - 7 pm, Monday through Saturday 8 am - 8 pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON PREMISE AND IN SUMMER GARDEN

Sunday 11 am - 7 pm, Monday through Saturday 12 pm - 8 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
2/3/2017

Notice is hereby given that:

License Number: ABRA-094559

License Class/Type: C Restaurant

Applicant: Las Placitas Cafe, LLC

Trade Name: Las Placitas Restaurant

ANC: 4C02

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

**4724 14TH ST NW, WASHINGTON, DC 20011**

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

**3/20/2017**

A HEARING WILL BE HELD ON:

**4/3/2017**

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

ENDORSEMENT(S): Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 3, 2017
Protest Petition Deadline: March 20, 2017
Roll Call Hearing Date: April 3, 2017
Protest Hearing Date: May 24, 2017

License No.: ABRA-105197
Licensee: Pitango Sei, LLC
Trade Name: Pitango Gelato and Café
License Class: Retailer’s Class “C” Restaurant
Address: 1841 Columbia Road, N.W.
Contact: Ryan Helfer, Agent: 301-351-2761

WARD 1

ANC 1C

SMD 1C03

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 April 3, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on May 24, 2017 at 1:30 p.m.

NATURE OF OPERATION

A Gelato and Coffee Shop that serves salads, fresh baked bread, and an assorted selection of Sorbet. Seating Capacity of 49, Total Occupancy Load of 59, and a Sidewalk Cafe with 10 seats.

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

Sunday through Thursday 8 am – 11 pm, and Friday and Saturday 8 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 3, 2017
Protest Petition Deadline: March 20, 2017
Roll Call Hearing Date: April 3, 2017
Protest Hearing Date: May 24, 2017

License No.: ABRA-105234
Licensee: Everest Restaurant Inc.
Trade Name: Third Eye
License Class: Retailer's Class "C" Tavern
Address: 1723 Connecticut Avenue, N.W.
Contact: Eugene Mark Jr.: 301-237-7850

WARD 2 ANC 2B SMD 2B01

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 April 3, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on May 24, 2017 at 4:30 p.m

NATURE OF OPERATION

New traditional American bar/tavern with Nepalese-influenced cuisine. Live Entertainment to include dancing. Total Occupancy Load of 120.

HOURS OF OPERATON

Sunday through Thursday 11 am - 3 am, Friday and Saturday 11 am - 4 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, MARCH 22, 2017  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD FIVE**

19441            **Appeal of Richardson Place Neighborhood Association**, pursuant to 11  
ANC-5E            DCMR §§ 3100 and 3101, from decisions made on September 27, 2016 and  
October 20, 2016 by the Zoning Administrator, Department of Consumer and Regulatory  
Affairs, to issue building permits B1611469 and B1611470, to permit the construction of  
two adjacent flats in the R-4 District at premises 410 and 412 Richardson Place N.W.  
(Square 507, Lots 101 and 102).

**WARD ONE**

19453            **Application of Edward Hickey, III**, pursuant to 11 DCMR Subtitle X,  
ANC-1A            Chapters 9 and 10, for a special exception under Subtitle F § 5201, from the lot  
occupancy requirements of Subtitle F § 304.1, and variances from the court requirements  
of Subtitle F § 202.1, and the FAR requirements of Subtitle F § 302.1, to add two units to  
an existing apartment building in the RA-2 Zone at premises 1457 Girard Street N.W.  
(Square 2668, Lot 37).

**WARD ONE**

19454            **Application of Kathleen Kern**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC-1B            10, for variances from the FAR requirements of Subtitle F § 302.1, and the lot  
occupancy requirements of Subtitle F § 304.1, to renovate and expand an existing two-  
story, one-family dwellings into a three-story, one-family dwelling in the RA-2 Zone at  
premises 2212 12th Place N.W. (Square 271, Lot 127).

**WARD ONE**

19455            **Application of Wacap LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for  
ANC-1C            a special exception under Subtitle F § 5201, from the lot occupancy requirements  
of Subtitle F § 304.1, to permit the addition to an existing three-story condominium  
building in the RA-2 Zone at premises 2464 Ontario Road N.W. (Square 2563, Lot 850).

**WARD TWO**

## BZA PUBLIC HEARING NOTICE

MARCH 22, 2017

PAGE NO. 2

19457            **Application of Realty Associates Fund XI LP**, pursuant to 11 DCMR  
ANC-2F           Subtitle X, Chapter 9, for a special exception under the penthouse requirements  
                         of Subtitle C § 1504.1, to renovate and expand an existing penthouse in the D-6 Zone at  
                         premises 1411 K Street N.W. (Square 217, Lot 807).

**WARD FOUR**

19458            **Application of 3G 1G 1352 Randolph St NW, LLC**, pursuant to 11  
ANC-4C           DCMR Subtitle X, Chapter 9, for a special exception under the RF-use  
                         requirements of Subtitle U § 320.2, to expand an existing one-family dwelling into an  
                         apartment house in the RF-1 Zone at premises 1352 Randolph Street N.W. (Square 2825,  
                         Lot 112).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.**\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

*\*Note that party status is not permitted in Foreign Missions cases.*

BZA PUBLIC HEARING NOTICE

MARCH 22, 2017

PAGE NO. 3

**Do you need assistance to participate?**

Amharic

ለሙከራ ተፈጻሚነት ስፈራ ለማድረግ ይደግፉ?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON  
CARLTON HART, NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl.)), and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, adopted rules amending Chapter 7 (General Operating Requirements) and Chapter 8 (Enforcement, Infractions, and Penalties) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The amendments include: (1) revising the pub crawl license requirements; (2) establishing a pub crawl licensing fee; (3) giving the Board more authority to manage pub crawls; and (4) strengthening the requirements for pub crawl applicants regarding their responsibilities before, during, and after pub crawl events, to include having a litter plan in place.

The Board originally adopted emergency and proposed pub crawl rules on January 13, 2016. The Board took emergency action after receiving numerous complaints from District residents, Advisory Neighborhood Commissions, Business Improvement Districts, and the Metropolitan Police Department (MPD) concerning pub crawls, specifically as it relates to noise, litter, crowd control, and public intoxication. The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 18, 2016, at 63 DCR 4098 [EXPIRED] for public comment.

On March 2, 2016, the Board held a public hearing to receive comments from the community concerning the pub crawl rules. The feedback was generally positive. *See* Notice of Second Emergency and Proposed Rulemaking at 63 DCR 9426 [EXPIRED]. Yet, several comments the Board received prompted it to make several substantive changes to the rulemaking. *Id.* Those changes were incorporated in the Notice of Second Emergency and Proposed Rulemaking that the Board adopted on April 6, 2016, and were published on July 8, 2016, at 63 DCR 9426 [EXPIRED].

The thirty (30)-day comment period ended on August 7, 2016. The Board did not receive any comments in response to the Notice of Second Emergency and Proposed Rulemaking. Prior to the conclusion of the comment period, the emergency rules expired on August 4, 2016. In order to prevent the rules from expiring, on August 3, 2016, the Board adopted the Notice of Emergency Rulemaking, published at 63 DCR 11195 (September 2, 2016). These emergency rules expired on December 1, 2016.

Having not received any comments concerning the Notice of Second Emergency and Proposed Rulemaking, the Board, on September 7, 2016, voted five (5) to zero (0) to send the rules to the

Council for a ninety (90)-day period of review. The Council approved the rules on November 15, 2016. See PR 21-652 at <http://lms.dccouncil.us/Legislation/PR21-0885?FromSearchResults=true>.

In light of the Council having approved the proposed rules, the Board, on November 30, 2016, voted, five (5) to zero (0), to adopt the rules as final. No changes have been made to the rules since they were published as proposed in the *D.C. Register*. The final rules shall supersede the Notice of Second Emergency and Proposed Rulemaking.

The final rules shall take effect five (5) days after they are published in the *D.C. Register* in accordance with D.C. Official Code § 25-211(d)(1).

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

**712 PUB CRAWLS**

- 712.1 A promoter/organizer (“Promoter/Organizer” or “Applicant”) of a “pub crawl” shall be required to obtain a pub crawl license. The Promoter/Organizer shall submit an application for a pub crawl license that contains a Pub Crawl Event Form for each pub crawl event at least sixty (60) days prior to the applicant’s first scheduled pub crawl event. The sixty (60)-day in advance filing requirement shall apply to all pub crawl applications filed after July 1, 2016.
- 712.2 A Promoter/Organizer shall obtain the Board’s approval prior to hosting any pub crawl events not included in the Promoter/Organizer’s pub crawl license application. The Promoter/Organizer shall submit a Pub Crawl Event Form to the Board for approval of any subsequent pub crawl event not listed on the Promoter/Organizer pub crawl license application at least sixty (60) days in advance of the event. The Board may conduct a hearing for purposes of considering the Promoter/Organizer’s Pub Crawl Event Form submission.
- 712.3 For purposes of this section, a “pub crawl event” shall be defined as an organized group of establishments within walking distance which participate in the promotion of the event featuring the sale or service of alcoholic beverages during a specified time period.
- 712.4 The application fee for a pub crawl license shall be five hundred dollars (\$500). The pub crawl license fee shall cover all pub crawl events held by the licensee in a calendar year. A pub crawl license shall expire at the end of the calendar year in which it is issued. The requirement for a pub crawl license and application fee shall apply to applications filed after April 1, 2016.

- 712.5 No later than sixty (60) days prior to the scheduled date of the pub crawl event, the applicant must provide the Metropolitan Police Department, the D.C. Fire and Emergency Maintenance Service, and the Board with a Pub Crawl Event Form which shall include the following information:
- (a) The names and addresses of all licensed establishments which are expected to participate;
  - (b) The geographic area where the event will take place;
  - (c) The anticipated number and maximum number of participants;
  - (d) The actual hours of the event;
  - (e) The operational plan and security plan; and
  - (f) The plan for litter prevention, control and removal; and
  - (g) The location of the designated registration area(s).
- 712.6 The operational and security plan required by § 712.5(e) shall be posted at the designated registration area(s) and shall include, at a minimum:
- (a) The name and number of security personnel contracted for the event;
  - (b) A plan for controlling underage drinking; and
  - (c) The method to be used for checking participants' identification.
- 712.7 The litter plan required by § 712.5(f) shall:
- (a) Set a timeframe within which the litter removal vendor(s) will remove litter from the geographic area(s) in which the pub crawl occurred. The timeframe shall require that litter be removed by no later than 10 a.m. on the day after the pub crawl; and
  - (b) Include the following minimum requirements:
    - (1) Litter will be cleaned from both sides of the street of the entire block where an establishment participating in a pub crawl is located and on both sides of the street for all blocks between establishments;

- (2) Litter will be removed from tree boxes and planters on both sides of the street for the entire length of the block;
- (3) Litter removal shall include the cleaning of human waste (*e.g.*, vomit);
- (4) The litter removal company or companies shall not place trash and other debris in trash receptacles; and
- (5) The litter removal company or companies shall comply with the District's solid waste and sanitation regulations located in chapters 7 and 8 of title 21 of the District of Columbia Regulations.

- 712.8 The Applicant shall submit a signed contract and proof of payment for litter removal services within seventy two (72) hours from the conclusion of the pub crawl event.
- 712.9 The litter plan shall be approved, in writing, by the District Department of Public Works (DPW) within ten (10) days of the Promoter/Organizer filing the litter plan with DPW.
- 712.10 The Promoter/Organizer or its designee(s) must remain at the pub crawl event to superintend for the duration of the event, and shall neither purchase nor consume alcoholic beverages during the event.
- 712.11 The Board shall approve the Applicant's list of participating licensed establishments for each pub crawl event. In doing so, the Board shall determine each listed licensed establishment's eligibility to participate in the pub crawl event in accordance with § 712.12 and 712.13.
- 712.12 No establishment with more than two (2) primary tier violations within two (2) years of the scheduled date of the event may participate in a pub crawl event.
- 712.13 No licensed establishment may participate in a pub crawl event if it is prohibited from participating by the terms of its Settlement Agreement or Board Order.
- 712.14 Pub crawl events may not promote excessive drinking and may not include unlimited amounts of drinks for one (1) price (*i.e.*, "all you can drink" specials).
- 712.15 Literature describing "responsible drinking practices" shall be available at all pub crawl event designated registration area(s).
- 712.16 All advertising and promotional materials for pub crawl events shall:

- (a) Include a statement that “You must be twenty-one (21) or older to participate”;
  - (b) Promote the use of public transportation; and
  - (c) Include the plan for a designated driver program for the event.
- 712.17 Establishments that are required by law to serve food shall have food available for purchase during the hours of the pub crawl event.
- 712.18 The issuance of a pub crawl license shall be solely in the Board’s discretion. The Board shall approve or deny a pub crawl application no less than fourteen (14) days prior to the date of the pub crawl event.
- 712.19 The Board may place restrictions upon the hours, participating licensed establishments, and the number, nature or size of pub crawl events held under a pub crawl license in order to protect public safety.
- 712.20 The Board may also fine, suspend, or revoke the pub crawl license if the Promoter/Organizer:
- (a) Fails to control the environment of a pub crawl;
  - (b) Has sustained community complaints or police action;
  - (c) Fails to comply with the terms of its pub crawl license or pub crawl application, including the litter plan and security and/operational plans; or
  - (d) Otherwise violates this Title or D.C. Official Code §§ 25-101, *et seq.*
- 712.21 Any enforcement action taken in accordance with § 712.20 shall be in accordance with D.C. Official Code §§ 25-441 through 25-447 and chapter 16 of this Title.
- 712.22 When reviewing an application for a pub crawl license, the Board may consider the Applicant’s conduct and management of previous pub crawl events.
- 712.23 Licensed establishments shall not participate in an unlicensed pub crawl event. It shall be the licensed establishment’s responsibility to verify whether the pub crawl event is licensed by the Board.
- 712.24 The Board may prohibit a licensed establishment that participated in an unlicensed pub crawl event or has sustained community complaints or police action from participating in future pub crawl events for up to a year from the date of the incident.

712.25 Licensed establishments shall post in a conspicuous place for the duration of the pub crawl event a copy of the pub crawl organizer’s license for each pub crawl event in which they participate. The pub crawl license shall list the name and date of the pub crawl event and the name of the Promoter/Organizer.

712.26 A licensed establishment shall not be permitted to participate in more than one (1) pub crawl event at one time.

712.27 A pub crawl license is not required for a pub crawl containing fewer than two hundred (200) participants.

712.28 The Board shall not approve a pub crawl application for July 4, October 31, or December 31.

**Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended as follows:**

**Section 800, ABRA CIVIL PENALTY SCHEDULE, is amended by adding the following fine to the civil penalty schedule:**

23 DCMR 712.23	Participating in an Unlicensed Pub Crawl	Secondary	Y
----------------	--	-----------	---

## DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2016 Repl.)), and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of the adoption of regulations to amend Chapters 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) and 34 (Fire and Emergency Medical Services (EMS) Department Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking conforms Title 16 rules to the provisions of the 2013 District of Columbia Construction Codes, which became effective upon publication in the *D.C. Register* on March 28, 2014 at 61 DCR 2782-Part 2, and were subsequently amended on January 2, 2015 at 62 DCR 103.

This Notice of Final Rulemaking follows two notices of proposed rulemaking published July 3, 2015 at 62 DCR 9270 and February 12, 2016 at 63 DCR 1641. The agency addressed comments received in response to the first Notice of Proposed Rulemaking in the Notice of Second Proposed Rulemaking. No comments were submitted during the comment period for the Notice of Second Proposed Rulemaking.

The Council approved these rules through PR21-921, Department of Consumer and Regulatory Affairs Infractions Harmonization Approval Resolution of 2016, on October 14, 2016. They were adopted by the Director on December 9, 2016 and will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 33, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS (DCRA) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:**

**Strike Section 3306, BUILDING INSPECTION DIVISION INFRACTIONS, in its entirety, and insert a new Section 3306 in its place to read as follows:**

**3306 CONSTRUCTION CODE INFRACTIONS**

3306.1 CONSTRUCTION INFRACTIONS

The following abbreviations apply to this section:

IBC- International Building Code (2012 edition)

IPC- International Plumbing Code (2012 edition)

IPMC - International Property Maintenance Code (2012 edition)

- 3306.1.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-A DCMR §§ 105.1, 105.1.1 and 105.1.3 (failure to obtain required permit; working without a required permit);
  - (b) 12-A DCMR § 105.1 (work or conditions exceeding scope of permit);
  - (c) 12-A DCMR § 105.1.2 (working outside of permitted construction hours);
  - (d) 12-A DCMR § 105.1.3 (working outside of permitted hours without a required after-hours permit);
  - (e) 12-A DCMR § 105.1.8 (failure to submit timely permit application for emergency work)
  - (f) 12-A DCMR § 109.2 (failure to notify code official when stages of construction are reached that require inspection);
  - (g) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a 'Stop Work Order');
  - (h) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
  - (i) 12-A DCMR § 115.5 (failure to comply with terms of posted "Unsafe Notice");
  - (j) 12-A DCMR § 1603.2 (exceeding load restrictions);
  - (k) 12-A DCMR § 3307.1 (failure to protect adjoining property owner from damage);
  - (l) 12-A DCMR § 3307.2 (failure to provide required notification to owner of adjoining premises);
  - (m) 12-A DCMR § 3303.4 (failure to comply with site treatment requirements after demolition or raze);
  - (n) 12-A DCMR § 105.1.6 (HVAC work performed by non-D.C. licensed mechanic);
  - (o) 12-A DCMR § 105.1.6 (plumbing work performed by non-D.C. licensed plumber);

- (p) 12-A DCMR §115.1 (allowing/creating unsafe structures, conditions or equipment);
- (q) 12-A DCMR § 115.3 (failure to comply with notice of unsafe structure or equipment);
- (r) 12-F DCMR § 403.4 (improper signage for public plumbing facilities); or
- (s) 12-A DCMR § 105.1.6 (work performed by non-DC-licensed electrician).
- (t) 12-A DCMR § 105.1.6 (work performed by non-D.C. licensed elevator mechanic);

3306.1.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-A DCMR § 110.1 (use or occupancy of a premises, or change of load, without obtaining a certificate of occupancy);
- (b) 12-A DCMR § 109.3.14 (failure to obtain final inspection; use or occupancy of building or structure without final inspection);
- (c) IBC § 3301.2 (improper storage and placement of construction equipment and materials);
- (d) IBC § 3302 (failure to maintain construction safeguards);
- (e) IBC § 3306 (failure to protect pedestrian traffic during construction, remodeling or demolition activities);
- (f) 12-A DCMR § 3307.7 (failure to repair and restore flashing on adjoining property where damaged during construction);
- (g) 12-F DCMR § 1101.2 (failure to drain storm water into a separate storm sewer system, or a combined sewer system, or an approved place of disposal); or
- (h) IPC § 802.1.4 (swimming pool water discharge into public/park space).

3306.1.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-A DCMR § 105.1.7 (failure to post and maintain required raze notice);
- (b) 12-A DCMR § 105.1.9 (failure to post permit);
- (c) 12-A DCMR § 110.1.8 (failure to post certificate of occupancy);
- (d) 12-A DCMR § 117.1 (failure to post occupant load signs);
- (e) 12-A DCMR § 117.2 (failure to post design live loads; removal or defacement of design live load signs);
- (f) IPMC § 506.2 (Plumbing stack, vent, waste or sewer line are not properly maintained or kept free of obstructions, leaks and defects);
- (g) 12-F DCMR § 403.4 (improper signage for public plumbing facilities); or
- (h) Any provision of the District of Columbia Construction Codes adopted pursuant to the Construction Codes Approval and Amendment Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §§ 6-1401 *et seq.*) which is not cited elsewhere in Title 16 of the DCMR shall be a Class 3 infraction.

3306.1.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IPMC § 505.4 (water heating facilities improperly installed or maintained, or incapable of providing adequate amount of hot water at peak demand); or
- (b) IPC § 604.7 (failure to install water pressure booster system to provide required flow pressures at fixture outlets).

## 3306.2 BOILER INFRACTIONS

3306.2.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-E DCMR §§ 1004.7 and 1001.3; 12-A DCMR §§ 105.1 and 105.1.1 (installation, relocation, alteration or repair of a boiler or pressure vessel without a permit);
- (b) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to

comply with terms of a stop work order);

- (c) 12-A DCMR § 114.3 (unauthorized removal or obstruction of a posted stop work order);
- (d) 12-E DCMR §§ 1003.1 and 1003.3 (operation without a current Certificate of Inspection for a boiler or pressure vessel);
- (e) 12-A DCMR § 115.5; 12-E DCMR § 1003.17.1 (violation of conditions of posted Unsafe to Use notice);
- (f) 12-A DCMR § 108.5; 12-E DCMR § 1003.17; 12-G DCMR §108.4.1 (removal of Unsafe to Use placard without authorization);
- (g) 12-E DCMR § 1001.4 (operation of boiler or pressure vessel without proper D.C. engineer's license);
- (h) 12-E DCMR § 1003.2 (failure to obtain final inspection of work for which a permit is required);
- (i) 12-E DCMR §1003.5 (operation in excess of allowable pressure stated on certificate of inspection);
- (k) 12-E DCMR § 1003.6 (operation of equipment without safety appliances and piping; removal or tampering with safety appliances or piping);
- (l) 12-E DCMR § 1003.17.1 (operation of unsafe or condemned equipment); or
- (m) 12-A DCMR § 115.1 (failure to take down, remove or make safe defective or unsafe conditions or equipment).

3306.2.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-E DCMR § 1003.14 (failure to comply with insurance company reporting duties);
- (b) 12-E DCMR § 1003.12.3 (failure to file inspection reports with the code official);
- (c) 12-E DCMR §§ 1001.5; 1003.12; 1003.9 (failure to inspect annually); or
- (d) 12-E DCMR § 1018.1.5 (welder working without a valid D.C.

authorization card).

3306.2.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-E DCMR § 1001.2 (improper boiler or pressure vessel operation);
- (b) 12-E DCMR §§ 1003.16 and 1003.16.1 (failure to make a repair, alteration, or cleaning, within the time specified in a notice or order, to a boiler or pressure vessel as specified in a notice);
- (c) 12-E DCMR § 1003.4 (failure to notify code official that equipment is not covered by current certificate of inspection); or
- (d) 12-E DCMR § 1003.17.2 (failure to notify code official of unsafe condition);

3306.2.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 12-E DCMR § 1003.1 (certificate of inspection not properly posted); or
- (b) 12-E DCMR § 1005.3 (failure to provide unobstructed and accessible means of egress for power boiler rooms)

3306.3 ELEVATOR INFRACTIONS

The following abbreviations apply to this section:

IPMC - International Property Maintenance Code (2012 edition)

IFC - International Fire Code (2012 edition)

The following abbreviation applies to this section and identifies referenced standards adopted by the 2013 District of Columbia Construction Codes:

ASME- American Society of Mechanical Engineers

3306.3.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 105.1 and 105.1.1 (installation, relocation or alteration of elevators, escalators, dumbwaiters, man lift(s), and other conveying systems without a permit);

- (b) 12-A DCMR §§ 105.1 and 105.1.1 (failure to obtain required permit; working without a required or valid permit);
- (c) 12-A DCMR § 105.1 (work or conditions exceeding scope of permit);
- (d) 12-A DCMR § 105.1.8 (failure to submit timely permit application for emergency work);
- (e) 12-A DCMR § 105.1.2 (working outside of permitted construction hours);
- (f) 12-A DCMR § 105.1.3 (working outside of permitted hours without a required after-hours permit failure to obtain after hours permit);
- (g) 12-A DCMR § 105.1.9 (failure to post permit);
- (h) 12-A DCMR § 109.2 (failure to notify code official when stages of construction are reached that require inspection);
- (i) 12-A DCMR § 3010.3 (failure to obtain a final inspection of work for which a permit is required);
- (j) 12-A DCMR § 3010.3 (failure to obtain a valid certificate of inspection within thirty (30) working days after completion of final inspection);
- (k) 12-A DCMR § 3010.1; 12-G DCMR § 606.1 (operation of an elevator or conveying system without a valid certificate of inspection or limited approval of use);
- (l) 12-A DCMR § 3010.8; 12-G DCMR § 606.6 (failure to maintain at least one passenger elevator in operation in buildings equipped with passenger elevators);
- (m) 12-A DCMR §§ 108.5, 3010.10.2; 12-G DCMR § 108.4.1, 606.8.2 (removal of unsafe to use placard or operation of placarded equipment without code official authorization);
- (n) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order);
- (o) 12-A DCMR § 114.3 (unauthorized removal or obstruction of a posted stop work order);

- (p) 12-A DCMR § 115.5; 12-G DCMR § 108.5 (failure to comply with terms of unsafe notice);
- (q) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance, repair, replacement and testing):
  - (i) ASME A17.1 Rule 8.6.1.6.1 (making safety devices inoperative or ineffective);
  - (ii) ASME A17.1 Rule 8.6.1.6.3(c) (using or allowing to be used temporary wiring and insulators or blocks in the armatures or poles of magnetically operated switches, contactors, or relays);
  - (iii) ASME A17.1 Rule 8.6.1.6.3(d) (leaving jumpers installed or storing jumpers in machine rooms, control rooms, machine spaces, control spaces or other prohibited locations);
  - (iv) ASME A17.1 Rule 8.6.1.6.3(f) (substituting or allowing to be substituted a wire or other current carrying device for the correct fuse or circuit breaker in an elevator circuit);
  - (v) ASME A17.1 Rule 8.6.2.1 (repairing or allowing repairs to be made with parts not of equivalent material, strength, and/ or design);
  - (vi) ASME A17.1 Rule 8.6.4.19; Appendix N (failure to comply with Periodic Test Requirements - Category 1 (electric elevators));
  - (vii) ASME A17.1 Rule 8.6.4.20; Appendix N (failure to comply with Periodic Test Requirements - Category 5 (electric elevators));
  - (viii) ASME A17.1 Rule 8.6.5.14; Appendix N (failure to comply with Periodic Test Requirements - Category 1 (hydraulic elevators));
  - (ix) ASME A17.1 Rule 8.6.5.16; Appendix N (failure to comply with Periodic Test Requirements - Category 5 (hydraulic elevators));

- (x) ASME A17.1 Rules 8.6.4.19.6 and 8.6.1.1.1 (failure to maintain Firefighters' Emergency Operation and signaling devices in working order at all times);
  - (xi) ASME A17.1 Rule 8.6.8.1 (failure to repair or replace cracked or damaged handrails on escalators/ moving walks that present a pinching effect);
  - (xii) ASME A17.1 Rule 8.6.8.2 (failure to maintain and correct Step-to-Skirt Clearance on escalators/ moving walks);
  - (xiii) ASME A17.1 Rule 8.6.8.4.1 (failure to remove escalator from operation for combplates with two adjacent missing teeth);
  - (xiv) ASME A17.1 Rule 8.6.8.4.3 (failure to maintain adjustment of comb-step impact devices on escalator/moving walk); or
  - (xv) ASME A17.1 Rule 8.6.8.15; Appendix N (failure to comply with Periodic Test Requirement - Category 1 (escalators and moving walks)).
- (r) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4) (failure to comply with referenced standards for welding):
- (i) ASME A17.1 Rules 8.8.1(a) and 8.6.2.2 (welding of parts, except for tack welds later incorporated into finished welds, by unqualified welder);
  - (ii) ASME A17.1 Rules 8.8.2 and 8.6.2.2 (failure of welding to conform to applicable design and procedure requirements);
  - (iii) ASME A17.1 Rules 8.8.3 and 8.6.2.2 (failure to weld materials other than steel in accordance with requirements applicable to the specific materials used).
- (s) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1-606.3.4);12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for periodic tests, inspections and maintenance of elevators, escalators, and other conveyances listed in ASME A17.1 ):
- (i) ASME A17.1 Rule 8.11.2.1; Appendix N (failure to perform periodic inspection (six (6) month) of electric elevator);

- (ii) ASME A17.1 Rule 8.11.2.1.5(a); Appendix N (failure to inspect pit access, lighting, stop switch and condition (electric elevator), or to correct violative condition within period of time specified in a notice or order);
- (iii) ASME A17.1 Rules 2.7.1.1, 2.7.1.1.2 and 2.7.3.4; (failure to comply with requirements for fire-resistant, self-closing and self-locking access doors for pits);
- (iv) ASME A17.1 Rule 8.11.3.1; Appendix N (failure to perform periodic inspection (six (6) month) of hydraulic elevator);
- (v) ASME A17.1 Rule 8.11.3.1.5(a); ASME 17.2 Item 5.1; Appendix N (failure to inspect pit access, lighting, and condition (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (vi) ASME A17.1 Rule 8.11.4.1; Appendix N (failure to perform periodic inspection (six (6) month) of escalator or moving walkway);
- (vii) ASME A17.1 Rule 8.11.4.1(c); ASME 17.2 Items 7.3 and 9.3 Appendix N (failure to inspect handrails (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
- (viii) ASME A17.1 Rule 8.11.4.1(g); ASME 17.2 Items 7.7 and 9.7; Appendix N (failure to inspect combplates (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (t) IFC § 901.6 (failure to inspect, test, or maintain fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents in an operative condition at all times; failure to replace or repair where defective);
- (u) 12-G DCMR § 108.1.2 (Unsafe or dangerous equipment on the premises or within a structure which is in such disrepair or condition, in whole or in part, that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure);

- (v) 12-A DCMR § 115.1 (Abandoned, deteriorated, unsafe, unsanitary, or deficient equipment, or equipment which constitutes a fire hazard, or is otherwise dangerous to human life or the public welfare, or that involves illegal or improper use, or occupancy or inadequate maintenance);
- (w) 12-G DCMR § 108.1.6 (unserviceable equipment on the premises or within a structure);
- (x) 12-G DCMR § 109.1; 12-A DCMR § 116.1 (operating defective or dangerous equipment that immediately endangers the health or safety of occupants of the premises or those in the proximity of the premises);
- (y) IFC § 607.1 (failure to provide emergency recall and in-car operation); or
- (z) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.2; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of platform lifts and stairway chair lifts):
  - (i) ASME A18.1 Rule 10.3.1 (failure to perform annual inspection and tests for platform lift or stairway chair lift);
  - (ii) ASME A18.1 Rule 10.3.3 (failure to perform 5 year full load inspection and tests for platform lift or stairway chair lift);
  - (iii) ASME A18.1 Rule 10.2.2.3(n) (failure to maintain in operation at all times, or failure to repair door and gate equipment including the interlocks for platform lift or stairway chair lift);
  - (iv) AMSE A18.1 Rules 10.2.2.1, 10.2.2.2, 10.2.2.3, and 10.2.2.4 (failure to correct violative condition, relating to platform lift or stairway chair lift, within period of time specified in a notice or order);
- (aa) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.3; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of manlifts):
  - (i) ASME A90.1, Rule 8.1 (Failure to perform annual full load test of manlift);

- (ii) ASME A90.1 Rule 8.1 Note (use of humans as test weights for manlift);
  - (iii) ASME A90.1 Rule 4.5 (failure to maintain at all times protection of entrances and exits at all levels of manlift);
  - (iv) ASME A90.1 (failure to correct violative condition of manlift within period of time specified in a notice or order);
  - (v) ASME A90.1 Rule 7.1 and mandatory Appendix I (allowing users to ride the manlift without provision of the required safety training, instructions and procedures for operating the unit);
  - (vi) ASME A90.1 Rule 6, 6.1, 6.2, 6.3, and 6.4 (failure to provide or maintain safety signage for manlift);
  - (vii) ASME A90.1 (failure to have manlift comply with referenced standards within one year of adoption);
- (bb) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of conveyor and related equipment):
- (i) ASME B20.1 (failure to perform periodic and annual inspection and tests of conveyor and related equipment );
  - (ii) ASME B20.1 IPMC 606.3.4.1 and IPMC 606.3.1(failure to perform inspections and tests of conveyor and related equipment in accordance with the manufacturer's requirements);
  - (iii) ASME B20.1 Rule B20.1-6.17.2.1(b) (failure to maintain in operation at all times the means to detect personnel on or in unauthorized proximity to the conveyor inclusive of the entry and exit doors, with locking device at the top and bottom of the conveyor and related equipment unit);
  - (iv) ASME B20.1 Rule 6.17.2.1(d) (failure to maintain or replace the required warning signage at each point of access to the conveyor);
  - (v) ASME B20.1 (failure to correct violative condition of conveyor and related equipment within period of time

specified in a notice or order);

- (vi) ASME B20.1 Rule 6.21(c) (failure to provide warning signs that prohibit riding the conveyor unit by personnel);
- (vii) ASME B20.1 6.21.1(a) (failure to repair the backstop device sufficient to stop and hold the carrier with load);
- (viii) ASME B20.1 Rule 6.21.2(d) (failure to provide, maintain or replace snap chains or gates or standard railings (or equivalent) when personnel are allowed to walk onto conveyor unit for loading and unloading);
- (ix) ASME B20.1 Rule 6.21.2(e) (failure to provide controls located or installed where they cannot be actuated by a person on the carrier);

3306.3.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-G DCMR § 606.4; 12-A DCMR § 3010.6 (failure to submit report of inspections and tests to the code official within thirty (30) days after completion of inspection and tests);
- (b) 12-A DCMR § 3010.4.1; 12-G DCMR § 606.2.1 (failure to display most current certificate of inspection);
- (c) 12-A DCMR §§ 3001.2 and 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4; 12-G DCMR §§ 107.1 and 107.2 (failure to comply with referenced standards):
  - (i) ASME A17.1 Rule 8.6.1.2.1; 12-A DCMR § 3009.5 (failure to provide and/ or maintain a written Maintenance Control Program);
  - (ii) ASME A17.1 Rule 8.6.1.4.1 (failure to maintain elevator maintenance records);
  - (iii) ASME A17.1 Rule 8.6.4 (failure to maintain or test electric elevators in conformance with ASME A17.1, 8.6.1 through 8.6.4);
  - (iv) ASME A17.1 Rule 8.6.4.13.1(c) (failure to maintain door reopening devices (electric elevator));

- (v) ASME A17.1 Rule 8.6.4.13.1(l) failure to maintain door restrictors (electric elevator);
- (vi) ASME A17.1 Rule 8.6.4.15 (failure to maintain car emergency system including emergency operation of signaling devices, lighting, communication, and ventilation (electric elevator));
- (vii) ASME A17.1 Rule 8.6.4.16 (failure to maintain/correct electric elevator to provide stopping accuracy at the landings during normal operation);
- (viii) ASME A17.1 Rule 8.6.4.19.7; 12-A DCMR § 3009.5 (failure to perform testing of Standby or Emergency Power Operation (electric elevator));
- (ix) ASME A17.1 Rule 8.6.8.4.1 (failure to repair or replace combplates with any broken teeth (escalator or moving walk));
- (x) ASME A17.1 Rule 8.6.8.13 (failure to clean the interiors of escalators or components to prevent accumulations of oil, grease, lint, dirt, and refuse);
- (xi) ASME A17.1 Rule 8.11.2.1.1(f); ASME 17.2 Item 1.6; Appendix N (failure to inspect Car Emergency Signal (phone and alarm bell) in electric elevator or to correct violative condition within period of time specified in a notice or order);
- (xii) ASME A17.1 Rule 8.11.2.1.2(b); ASME 17.2 Item 2.1; Appendix N (failure to inspect means of access to machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xiii) ASME A17.1 Rules 2.7.1.1.2 and 2.7.3.4; ASME A17.2 Item 2.1 (failure to comply with requirements for fire-resistant, self-closing and self-locking access doors for machine rooms/spaces, or control rooms/spaces);
- (xiv) ASME A17.1 Rule 8.11.2.1.2(i); ASME 17.2 Item 2.6; Appendix N (failure to inspect machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);

- (xv) ASME A17.1- Rule 8.11.2.1.3(q); ASME 17.2 Item 2.12; Appendix N (failure to inspect hoistway smoke control (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvi) ASME A17.1- Rules 8.11.2.1.4(m) and 2.7.6.4; Appendix N (failure to inspect or to provide means necessary for tests (electric elevator));
- (xvii) ASME A17.1 Rule 8.11.3.1.1(f); ASME 17.2 Item 1.6; Appendix N (failure to inspect Car Emergency Signal (phone and alarm bell) (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xviii) ASME A17.1 Rule 8.11.3.1.2(i); ASME 17.2 Item 2.6; Appendix N (failure to inspect ventilation for machine room/spaces, control room/spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xix) ASME A17.1 Rule 8.11.3.1.3(l); ASME 17.2 Item 3.11; Appendix N (failure to inspect hoistway smoke control (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xx) ASME A17.1 Rules 8.11.3.1.4(l); 2.7.6.4, 3.7.1.8, 3.7.1.9, and 3.7.1.10; Appendix N (failure to inspect or to provide means necessary for tests (hydraulic elevator));
- (xxi) ASME A17.1 Rule 8.11.4.1(e); ASME 17.2 Items 7.5 and 9.5; Appendix N (failure to inspect lighting (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order; or
- (xxii) ASME A17.1 Rule 8.11.4.1(k); ASME 17.2 Item 7.11; Appendix N (failure to inspect skirt obstruction devices (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (xxiii) ASME A18.1 Rule 10.1.1 and 10.2.1(failure to perform periodic inspection of platform lifts or stairway chair lifts);
- (xxiv) ASME A90.1, Rule 8.2. (Failure to perform periodic inspection of manlifts on a monthly basis);

(xxv) ASME A90.1, Rule 8.2.4 (Failure to maintain a written inspection log for manlifts and/or failure to sign and date inspection records for manlifts);

3306.3.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards):

(i) ASME A17.1 Rule 8.6.1.6.5 (failure to provide a class “ABC” fire extinguisher);

(ii) ASME A17.1 Rule 8.6.4.1.1 (failure to maintain suspension means sufficiently clean so they can be visually inspected (electric elevator));

(iii) ASME A17.1 Rule 8.6.4.2.1 (failure to maintain governor ropes clean (electric elevator));

(iv) ASME A17.1 Rule 8.6.4.13.1(h) (failure to maintain sills and bottom guides, fastenings, condition and engagement (electric elevator));

(v) ASME A17.1 Rule 8.6.4.13.1(k) (failure to maintain door closers (electric elevator));

(vi) ASME A17.1 Rule 8.6.8.4.2 (failure to maintain adjustment of combplates in mesh with the slots in the step surface so that the points of the teeth are always below the upper surface of the treads (escalator/moving walk));

(vii) ASME A17.1 Rule 8.6.8.6.1 (failure to repair or replace steps with broken treads (escalator/moving walk));

(viii) ASME A17.1 Rule 8.6.8.6.2 (failure to repair or replace steps with dented or damaged risers (escalator/moving walk));

(ix) ASME A17.1 Rule 8.6.8.6.3 (failure to repair or replace steps that are worn damaged and that do not provide proper engagement with the combplates (escalator/moving walk));

- (x) ASME A17.1 § 8.1 (failure to provide required keys for access, operation, inspection, maintenance, repair, and emergency access);
- (xi) ASME A17.1 § 8.1 (failure to restrict key access to personnel in the assigned security level);
- (xii) ASME A17.1 § 8.9, Rule 8.6.1.5.1 (failure to provide Code Data Plate);
- (xiii) ASME A17.1 Rule 8.11.1.7 (failure to provide unique or product specific procedures or methods required to inspect or test equipment);
- (xiv) ASME A17.1 Rule 8.11.2.1.1(h); ASME A17.2 Item 1.8; Appendix N (failure to inspect correct door closing force (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xv) ASME A17.1 Rule 8.11.2.1.1(n); ASME 17.2 Item 1.14; Appendix N (failure to inspect ventilation (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvi) ASME A17.1 Rule 8.11.2.1.2(f); ASME 17.2 Item 2.3; Appendix N (failure to inspect lighting and receptacles for machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvii) ASME A17.1 Rule 8.11.2.1.2(h); ASME 17.2 Item 2.5; Appendix N (failure to inspect housekeeping for machine room/spaces, control room/ spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xviii) ASME A17.1 Rule 8.11.2.1.3(b); ASME 17.2 Item 3.2; Appendix N (failure to inspect car top light and outlet (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xix) ASME A17.1 Rule 8.11.3.1.1(n); ASME 17.2 Item 1.14; Appendix N (failure to inspect ventilation (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);

- (xx) ASME A17.1- Rule 8.11.3.1.2(f); ASME 17.2-Item 2.3; Appendix N (failure to inspect lighting and receptacles for machine room/spaces, control room/spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxi) ASME A17.1 Rule 8.11.3.1.2(h); ASME 17.2 Item 2.5; Appendix N (failure to inspect housekeeping for machine room/spaces, control room/ spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxii) ASME A17.1 Rules 8.11.3.1.2(x) and 8.6.5.7; ASME 17.2 Item 2.36; Appendix N (failure to inspect hydraulic fluid loss record (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxiii) ASME A17.1 Rule 8.11.3.1.3(b); ASME 17.2 Item 3.2; Appendix N (failure to inspect car top light and outlet (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxiv) ASME A17.1 Rule 8.11.4.1(d); ASME 17.2 Items 7.4 and 9.4; Appendix N (failure to inspect entrance and egress (escalator/moving walk));
- (xxv) ASME A17.1 Rule 8.11.4.1(i); ASME 17.2-Items 7.10 and 9.10; Appendix N (failure to inspect steps and treadway - per step (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
- (xxvi) ASME A17.1 Rule 8.11.4.1(s); ASME 17.2 Items 2.1 and 4.1; Appendix N (failure to inspect machine space access, lighting, receptacle, and condition of remote machine rooms (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).

3306.3.4 Violation of the following provisions shall be a Class 4 infraction:

- (a) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance):

- (i) ASME A17.1 Rule 8.6.1.4.2 (failure to have the maintenance records available to elevator personnel);
  - (ii) ASME A17.1 Rule 8.6.1.6.2 (allowing excess lubricant to accumulate and / or overflow from catch containers);
  - (iii) ASME A17.1 Rule 8.6.1.6.3(a) (failure to maintain up-to-date wiring diagrams); or
  - (iv) ASME A17.1 Rule 8.6.1.6.7 (failure to repair or replace damaged or missing signs or data plates).
- (b) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance, inspection and testing of electric elevators):
- (i) ASME A17.1 Rule 8.6.4.3.4 (failure to keep rails clean and free of lint and dirt accumulation and excessive lubricant. failure to provide a means to collect lubricant at the base of the rail);
  - (ii) ASME A17.1 Rule 8.6.4.7.1 (failure to maintain hoistways and pits free of dirt, rubbish, and stored materials);
  - (iii) ASME A17.1 Rule 8.6.4.7.4 (allowing water and oil to accumulate on floors);
  - (iv) ASME A17.1 Rule 8.6.4.8.1 (failure to keep floors and machinery and control spaces free of water, dirt, rubbish, oil, and grease);
  - (v) ASME A17.1 Rule 8.6.4.8.2 (Storing, or allowing to be stored, articles or materials not necessary for the maintenance or operation of the elevator in machine rooms, control rooms, machine spaces, or control spaces);
  - (vi) ASME A17.1 Rule 8.6.4.9 (failure to keep the tops of cars free of oil, water, dirt, rubbish, and stored lubricants, spare parts, tools, or other items); or
  - (vii) ASME A17.1 Rule 8.6.4.19.6 (failure to perform testing of Firefighters' Emergency Operation).
- (c) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards):

- (i) ASME A17.1 Rule 8.6.11.1 (failure to subject monthly, by authorized personnel, to Phase I recall by use of the key switch, and a minimum of one-floor operation on Phase II, or failure to make available to elevator personnel a record of findings (all elevators with firefighters' emergency operation));
  - (ii) ASME A17.1 Rule 8.11.2.1.1(o); ASME 17.2 Item 1.15; Appendix N (failure to inspect signs and operating device symbols (electric elevator) or to correct violative condition within period of time specified in a notice or order);
  - (iii) ASME A17.1 Rule 8.11.3.1.1(o); ASME 17.2 Item 1.15; Appendix N (failure to inspect signs and operating device symbols (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
  - (iv) ASME A17.1 Rule 8.11.3.1.2(d); Appendix N (failure to provide means necessary for tests in machine room/spaces, control room/spaces (hydraulic elevator));
  - (v) ASME A17.1 Rule 8.11.4.1(f); ASME 17.2 Items 7.6 and 9.6; Appendix N (failure to inspect caution signs (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order);
  - (vi) ASME A17.1 Rule 8.11.4.1(p); ASME 17.2 Items 7.16 and 9.16; Appendix N (failure to inspect ceiling intersection guards (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
  - (vii) ASME A17.1 Rule 8.11.4.1(v); ASME 17.2 Items 8.14 and 10.14; Appendix N (failure to inspect code data plate (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (d) 12-G DCMR § 606.9 (failure to provide required signage).

3306.4 DCRA FIRE AND SMOKE PROTECTION INFRACTIONS

The following abbreviations apply to this section:

IFC §- International Fire Code (2012 edition)

IBC- International Building Code (2012 edition)  
IPMC §- International Property Maintenance Code (2012 edition)  
NEC-National Electrical Code (2011 edition)  
NFPA- National Fire Protection Association

- 3306.4.1 Violation of any of the following provisions shall be a Class 1 infraction:
- (a) 12-G DCMR § 108.1; 12-A DCMR § 115.5 (failure to remedy unsafe or dangerous structures, premises or equipment);
  - (b) 12-A DCMR § 114.1 (failure to comply with terms of a stop work order);
  - (c) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
  - (d) IPMC § 702.1 (failure to provide safe, continuous and unobstructed path of travel from any point in a building to the public way);
  - (e) IBC § 709.3 (failure to maintain all required fire resistance rated doors or smoke barriers);
  - (g) IFC § 901.4.1 (failure to maintain in an operative condition at all times fire protection and life safety systems, devices, units, or service equipment);
  - (h) 12-H DCMR § 906.1 (failure to provide fire extinguishers);
  - (i) IFC § 1003.1 (failure to maintain in a safe condition and free of all obstructions the means of egress from each part of the building);
  - (j) IPMC § 702.3 (means of egress doors not readily openable);
  - (k) IPMC § 702.4 (improper maintenance of emergency escape openings; required emergency escape and rescue openings not operational from inside of room without the use of keys or tools; devices placed over emergency escape and rescue openings not releasable or removable from the inside);
  - (l) IPMC § 703.2 (fire or smoke stop doors not maintained in operable condition; fire doors or smoke barrier doors blocked, obstructed or otherwise inoperable);
  - (m) IPMC § 704.2 (smoke alarms not properly installed or maintained);

- (n) IBC § 1004.3 (overcrowding or admitting persons beyond the established posted occupant load for assembly occupancy);
- (o) IFC § 507.5.4 (access to fire hydrants is obstructed);
- (p) IBC § 912.3 (access to fire department connections obstructed by fences, bushes, trees, walls or other fixed or moveable object);
- (q) IFC § 1006.1 (failure to provide adequate lighting for stairways, hallways, and other means of egress);
- (r) IBC § 1020.1 (exit used for a purpose that interferes with its function as a means of egress); or
- (s) IBC § 1027.1 (exits fail to discharge directly to the exterior of the building; the exit discharge fails to provide a direct and unobstructed access to a public way; exit discharge fails to meet the required discharge capacity).

3306.4.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) IPMC § 308.1 (permitting the accumulation of rubbish or garbage, including combustible and noncombustible waste materials of any kind);
- (b) IFC § 904.11 (failure to install properly or maintain an automatic fire-extinguishing system for a commercial cooking system );
- (c) IFC § 904.11.1 (failure to install properly or maintain a manual actuation device for a commercial cooking system);
- (d) NEC (NFPA 70) § 110.32 (failure to provide the required clearance between all electrical service equipment and storage);
- (e) IFC § 904.11.5 (failure to provide a sufficient number of portable fire extinguishers);
- (f) IFC § 906.2; 12-G DCMR § 704.1.2 (failure to maintain, test, or recharge hand-operated portable fire extinguishing equipment);
- (g) IFC § 315.3. 2 (improper storage of combustible material in exits or enclosures for stairways or ramps);

- (h) IFC § 315.3.3 (improper storage of combustible material in boiler rooms, mechanical rooms or electrical equipment rooms);
- (i) IFC § 315.3 (failure to separate combustible material from heaters or heating devices);
- (j) IBC § 1005.3 (means of egress fails to meet the sizing requirements based upon occupant load);
- (k) IBC § 1008.1.9 (egress doors not readily openable from the egress side without the use of a key or special knowledge or effort);
- (l) IBC § 1008.1.10 (doors not equipped with approved panic hardware or fire exit hardware);
- (m) IBC § 1008.1.2 (exit doors swing in the wrong direction);
- (n) 12-E DCMR § 1003.6 (failure to equip boilers or unfired pressure vessels with required safety appliances and piping);
- (o) IBC § 1011.6.3 (failure to provide emergency lights, alarms, or power back-ups);
- (p) IBC § 1011.1 (impaired visibility of exit signs);
- (q) IBC § 716.5.9 (failure to maintain self- or automatic-closing fire doors);
- (r) IBC § 707.1 (failure to maintain fire barriers);
- (s) IBC § 709 (failure to maintain smoke barriers);
- (t) IBC § 1004.3 (failure to conspicuously post sign stating the number of occupants permitted within room or space for assembly occupancy);
- (u) IBC § 1011.1 (failure to mark exits or exit access doors with required exit signs);
- (v) IBC §§ 1011.3 and 1011.6.2 (failure to illuminate exit signs);
- (w) IBC § 806.1 (decorative materials are not non-combustible or flame resistant).

3306.4.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IFC §§ 904.1 and 904.4 (alternative automatic fire-extinguishing systems are not properly inspected and tested); or
- (b) IBC § 1006.1 (failure to illuminate means of egress at all times when the building is occupied).

### 3306.5 ENERGY INSPECTION INFRACTIONS

The following abbreviation applies to this section and refers to referenced standards adopted by the 2013 District of Columbia Energy Conservation Code:

ASHRAE- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

3306.5.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-I DCMR § R402.4.1.2 (failure to test and verify air leakage);
- (b) 12-I DCMR § R403.2.2 (failure to verify duct tightness); or
- (c) 12-I DCMR § C303.1.3, C401.2, C402.3, C407, ASHRAE 90.1 (failure to comply with fenestration requirements for applicable pathway)

**Strike Section 3309, DCRA FIRE PROTECTION DIVISION INFRACTIONS, in its entirety, and insert a new Section 3309 in its place to read as follows:**

### **3309 PROPERTY MAINTENANCE INFRACTIONS**

The following abbreviations apply to this section:

IPMC §- International Property Maintenance Code (2012 edition)

3309.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-G DCMR § 102.2 (failure to maintain utility, service, facility, equipment, system, device or safeguards in good working order);
- (b) 12-G DCMR §§ 108.1 and 108.1.1 (unsafe Structures);
- (c) 12-G DCMR §§ 108.1 and 108.1.2 (unsafe equipment);
- (d) 12-G DCMR §§ 108.1 and 108.1.3 (structure is unfit for human occupancy);

- (e) 12-G DCMR §§ 108.1 and 108.1.4 (unlawful Structure);
- (f) 12-G DCMR §§108.1 and 108.1.5 (dangerous structure or premises);
- (g) 12-G DCMR §§ 108.1 and 108.1.6 (unserviceable equipment);
- (h) 12-G DCMR § 108.4.1 (removal of placard by an unauthorized person);
- (i) 12-G DCMR § 108.5 (occupying a placarded premises or operating placarded equipment);
- (j) 12-G DCMR § 109.1 (building poses imminent danger to building occupants);
- (k) 12-G DCMR § 308.2.2 (permitting to exist on the premises discarded or abandoned refrigerators or similar equipment without first removing the doors);
- (l) 12-G DCMR § 310.1 (failure to install required carbon monoxide detector);
- (m) 12-G DCMR § 310.1.1 (failure to install required single station carbon monoxide detector properly);
- (n) 12-G DCMR § 310.1.2 (failure to install required combination smoke/ carbon monoxide detector properly);
- (o) 12-G DCMR § 310.2 (failure to maintain required carbon monoxide detection system);
- (p) 12-G DCMR § 310.2.1 (failure to replace or repair required carbon monoxide detectors within fifteen (15) days of receipt of notification from occupant or tenant that replacement or repairs are needed);
- (q) 12-G DCMR § 603.1.1(improperly located gas meter or fuel-fired appliances);
- (r) IPMC § 603.2 (failure to connect fuel-burning equipment to an approved chimney or vent);
- (s) IPMC § 603.3 (failure to maintain required clearances to combustible materials);

- (t) IPMC § 603.4 (failure to maintain safety controls for fuel-burning equipment);
- (u) IPMC § 603.5 (failure to provide supply of air for fuel-burning equipment);
- (v) IPMC § 701.2 (failure to provide and maintain required fire safety facilities and equipment);
- (w) 12-G DCMR § 701.3 (failure to properly store hazardous, combustible, flammable, explosive or other hazardous materials);
- (x) IPMC § 702.1 (failure to provide clear path of travel to the public way);
- (y) IPMC § 702.2 (failure to maintain aisles unobstructed);
- (z) IPMC § 702.3 (failure to make means of egress doors readily openable);
- (aa) 12-G DCMR § 702.4 (failure to maintain required emergency escape openings and egress facilities);
- (bb) IPMC § 703.1 (failure to maintain required fire-resistance rating);
- (cc) IPMC § 703.2 (failure to maintain required opening protective, fire or smoke stop doors);
- (dd) IPMC § 704.1 (failure to maintain required systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire);
- (ee) IPMC § 704.1.1 (failure to inspected and maintain automatic sprinkler system);
- (ff) 12-G DCMR § 704.1.2 (failure to provide and maintain fire extinguisher);
- (gg) 12-G DCMR § 704.2 (failure to install required smoke alarms);
- (hh) IPMC § 704.3 (failure to hardwire smoke alarm);
- (ii) IPMC § 704.4 (failure to interconnect smoke alarms as required);
- (jj) 12-G DCMR § 704.5 (failure to maintain fire alarm system);

(kk) 12-G DCMR § 704.5.1 (failure to maintain manual fire alarm box);  
or

(ll) IPMC § 704.5.4.4 (tampering with smoke alarm).

3309.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) 12-G DCMR § 102.5 (failure to make repairs or installations in a workmanlike manner);

(b) 12-G DCMR § 104.3 (failure to allow code official entry to structure or premises);

(c) 12-G DCMR § 104.3.3 (tenant refusal to permit inspection);

(d) 12-G DCMR § 104.3.4 (owner or operator refusal to permit inspection);

(e) 12-G DCMR § 105.4 (failure to follow provisions of 12-A DCMR § 104.9.1 with respect to the use of used materials and equipment);

(f) IPMC § 301.2 (failure to maintain premises in safe and sanitary condition);

(g) IPMC § 301.3 (failure to maintain vacant structures and land in a clean, safe, secure and sanitary condition to prevent causing a blighting problem or adversely affecting the public health and safety);

(h) IPMC § 302.6 (failure to correct condition where pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant );

(i) IPMC § 303.2 (failure to provide proper enclosure of swimming pool, hot tub and/or spa);

(j) IPMC § 304.1 (failure to maintain exterior of structure in good repair, structurally sound and sanitary);

(k) IPMC § 304.1.1 (permitting an unsafe exterior structural condition to exist on premises);

(l) 12-G DCMR § 304.2.1 (failure to properly eliminate peeling,

- flaking, chipping and defective paint on a pre-1978 structure);
- (m) IPMC § 304.4 (failure to maintain a structural member to provide a safe, firm and substantial base and support for the structure at all points);
  - (n) IPMC § 304.10 (failure to maintain exterior stairway, deck, porch and balcony structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads);
  - (o) 12-G DCMR § 304.11 (failure to maintain chimneys, cooling towers, smoke stacks, and similar appurtenances structurally safe and sound, and in good repair);
  - (p) IPMC § 304.12 (failure to maintain handrails and guards);
  - (q) IPMC § 304.18 (failure to provide building security);
  - (r) IPMC § 304.18.1 (failure to provide proper deadbolt lock);
  - (s) IPMC § 304.18.2 (failure to provide proper window lock);
  - (t) IPMC § 305.1 (failure to maintain interior of structure and equipment therein in good repair, structurally sound and sanitary);
  - (u) IPMC § 305.1.1 (permitting to exist on premises an unsafe interior structural condition);
  - (v) IPMC § 305.2 (failure to maintain structural members structurally sound, and capable of supporting the imposed loads);
  - (w) 12-G DCMR § 305.3 (failure to maintain interior surfaces in good repair);
  - (x) 12-G DCMR § 305.3.1 (failure to properly eliminate peeling, flaking, chipping and defective paint in a pre-1978 structure);
  - (y) 12-G DCMR § 305.4 (failure to maintain walking surface in sound condition and good repair);
  - (z) IPMC § 305.5 (failure to maintain handrails and guards in sound condition and good repair);
  - (aa) IPMC § 306.1.1 (failure to correct unsafe condition);
  - (bb) 12-G DCMR § 307.1 (failure to provide proper handrails and/or

- guardrails in good repair);
- (cc) IPMC § 401.2 (occupying or allowing the occupancy of premises not in compliance with light, ventilation or space conditions);
  - (dd) IPMC § 403.4 (failure to provide proper exhaust system to remove injurious, toxic, irritating or noxious fumes, gases, dusts or mists);
  - (ee) IPMC § 403.5 (failure to properly exhaust clothes dryer);
  - (ff) 12-G DCMR § 404.1 (failure to arrange units to provide privacy);
  - (gg) IPMC § 404.2 (habitable room has less than minimum room width);
  - (hh) IPMC § 404.3 (space has less than minimum ceiling height);
  - (ii) IPMC § 404.4.1 (insufficient room area);
  - (jj) 12-G DCMR § 404.4.1.1 (failure to comply with special provisions for existing high-density transient uses);
  - (kk) IPMC § 404.4.2 (improper access through bedroom);
  - (ll) 12-G DCMR § 404.4.3 (failure to provide properly accessible water closet);
  - (mm) 12-G DCMR § 404.4.3 (failure to provide properly accessible lavatory);
  - (nn) IPMC § 404.4.4 (kitchen or nonhabitable space used for sleeping purposes);
  - (oo) IPMC § 404.4.5 (bedroom does not comply with applicable provisions of the property maintenance code including but not limited to requirements of Chapters 4, 5, 6 and 7);
  - (pp) 12-G DCMR § 404.4.6 (subdivided room does not comply with the requirements for a habitable space);
  - (qq) IPMC § 404.5 (dwelling unit is overcrowded);
  - (rr) IPMC § 404.6 (failure to provide the minimum requirements for space and occupancy for an efficiency unit);
  - (ss) IPMC § 501.2 (failure to provide and maintain required plumbing

- facilities and plumbing fixtures);
- (tt) IPMC § 504.3 (failure to correct plumbing system hazard);
  - (uu) IPMC § 505.1 (failure to provide proper water supply to plumbing fixtures);
  - (vv) IPMC § 505.2 (failure to protect water supply from contamination);
  - (ww) IPMC § 505.3 (failure to provide adequate water supply system);
  - (xx) IPMC § 505.4 (failure to comply with requirements regarding water heaters);
  - (yy) IPMC § 506.1 (failure to connect plumbing fixture to an approved sewer system);
  - (zz) IPMC § 506.2 (failure to maintain plumbing stack, vent, waste and sewer lines);
  - (aaa) IPMC § 601.2 (failure to provide and maintain required mechanical and electrical facilities);
  - (bbb) IPMC § 602.2 (failure to provide proper heating facilities for residential occupancies capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms);
  - (ccc) 12-G DCMR § 602.3 (failure to supply heat during a period starting no later than October 1 and ending no earlier than May 1);
  - (ddd) 12-G DCMR § 602.4 (failure to provide sufficient heat in indoor occupiable work spaces);
  - (eee) IPMC § 603.1; 12-G DCMR § 603.1.1 (failure to properly install and maintain mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances);
  - (fff) IPMC § 604.1 (failure to provide electrical system);
  - (ggg) 12-G DCMR § 604.2 (failure to provide sufficient electrical service for a dwelling unit);
  - (hhh) IPMC § 604.3 (failure to correct electrical system hazard);

- (iii) IPMC § 604.3.1(failure to repair or replace electrical equipment that has been exposed to water);
  - (jjj) IPMC § 604.3.2 (failure to repair or replace electrical equipment that has been exposed to fire);
  - (kkk) 12-G DCMR § 702.5 (failure to arrange exits properly);
  - (lll) 12-G DCMR § 702.6 (failure to provide and maintain required exit signs);
  - (mmm)12-G DCMR § 702.7 (failure to provide signage for stairway doors);
  - (nnn) 12-G DCMR § 704.5.2 (failure to install required fire alarm signage adjacent to each manual fire alarm box);
  - (ooo) 12-G DCMR § 704.5.3 (failure to post and distribute written notice that provides information about fire alarm systems in the building);  
or
  - (ppp) 12-G DCMR § 704.6 (failure to have a fire safety and evacuation plan in high-rise building and hold fire drills as required).
- 3309.2.1 Violation of any of the following provisions shall be a Class 3 infraction:
- (a) 12-G DCMR § 302.1 (failure to maintain exterior property and premises in clean, safe and sanitary condition);
  - (b) IPMC § 302.3 (failure to maintain sidewalk, walkway, driveway, stairs or other walking surface safe for walking purposes);
  - (c) 12-G DCMR § 302.4 (excessive vegetative growth or weeds exceeding eight (8) inches in height is unattended or creates a dense area of shrubbery that is a detriment to the health, safety and welfare of the public);
  - (d) IPMC § 302.5 (failure to maintain structures and exterior property free from rodent harborage and infestation);
  - (e) IPMC § 302.7 (failure to maintain all accessory structures, including detached garages, fences and walls structurally sound and in good repair);
  - (f) IPMC § 302.8 (failure to comply with a requirement concerning

parked, kept or storing of unlicensed or inoperative motor vehicles, painting of vehicles and vehicles in a state of major disassembly, disrepair or in the process of being stripped or dismantled);

- (g) IPMC § 302.9 (failure to remove markings, carvings or graffiti and restore exterior surface to approved state of maintenance and repair);
- (h) IPMC § 302.9 (willfully or wantonly damaging, mutilating or defacing the exterior surface of any property with markings, carvings or graffiti);
- (i) IPMC § 303.1 (failure to maintain swimming pool);
- (j) IPMC § 304.2 (failure to maintain required protective treatment on exterior surfaces);
- (k) IPMC § 304.5 (failure to maintain foundation wall);
- (l) IPMC § 304.6 (failure to maintain exterior walls in a structurally sound condition);
- (m) 12-G DCMR § 304.7 (failure to comply with a requirement concerning gutters or drainage);
- (n) 12-G DCMR § 304.7.1 (failure to drain storm water to approved place of disposal);
- (o) IPMC § 304.8 (failure to maintain decorative feature in good repair with proper anchorage and in a safe condition);
- (p) IPMC § 304.9 (failure to maintain overhang extensions in good repair with proper anchorage and in a safe condition);
- (q) 12-G DCMR § 304.11.2 (failure to provide a flue opening with a flue crock, or with a metal or masonry thimble);
- (r) IPMC § 304.13 (failure to maintain windows, skylights and door frames);
- (s) IPMC § 304.15 (failure to maintain exterior doors);
- (t) IPMC § 304.16 (failure to maintain basement hatchway);
- (u) 12-G DCMR § 304.18.3 (failure to provide proper basement hatchway lock);

- (v) 12-G DCMR § 305.3 (failure to maintain interior surfaces in good repair);
- (w) 12-G DCMR § 308.1 (failure to maintain premises free from any accumulation of rubbish and garbage);
- (x) 12-G DCMR § 308.2 (failure to dispose of rubbish in approved containers);
- (y) 12-G DCMR § 308.2.1 (failure to maintain proper rubbish storage facilities);
- (z) 12-G DCMR § 308.2.3 (operator of a housing business permitting the accumulation of rags, waste paper, broken furniture or any combustible junk);
- (aa) 12-G DCMR § 308.3 (Occupant of a structure not disposing of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers);
- (bb) 12-G DCMR § 308.3.1 (Owner of the dwelling failed to supply either an approved mechanical food waste grinder in each dwelling unit or an approved leak-proof, covered, outside garbage container);
- (cc) 12-G DCMR § 308.3.2 (failure to provide and cause to be utilized approved leak-proof containers provided with close-fitting covers for the storage of garbage until removed from the premises for disposal);
- (dd) 12-G DCMR § 308.4 (failure to maintain storage receptacles in clean condition);
- (ee) 12-G DCMR § 309.1 (failure to maintain structure free from insect and rodent infestation);
- (ff) 12-G DCMR § 309.2 (Failed to exterminate prior to renting or leasing the structure);
- (ii) 12-G DCMR § 309.3 (Failed to exterminate one-family dwelling or single-tenant nonresidential structure);
- (jj) 12-G DCMR § 309.4 (failure to maintain non-residential structure containing multiple occupants free from insects, rodents and rodent

- harborages );
- (kk) 12-G DCMR § 309.4.1(failure to correct condition that cause infestation of non-residential structure);
  - (ll) 12-G DCMR § 309.5 (failure to maintain multiple occupancy residential structures and exterior property free from insects, rodents and rodent harborages);
  - (mm) 12-G DCMR § 309.5.1 (failure of owner to provide required extermination services);
  - (nn) 12-G DCMR §§ 402.1 through 402.1.2 (failure to provide adequate lighting in space intended for human occupancy);
  - (oo) 12-G DCMR § 402.2 (failure to provide common areas, stairways and means of egress with sufficient illumination);
  - (pp) IPMC § 402.3 (failure to provide sufficient illumination);
  - (qq) 12-G DCMR § 402.3.1 (failure to provide bathroom, toilet room and other similar rooms sufficient illumination);
  - (rr) 12-G DCMR § 403.1 (failure to provide proper natural or artificial ventilation);
  - (ss) IPMC § 403.2 (failure to provide proper ventilation for bathroom or toilet room);
  - (tt) IPMC § 403.3 (allowing cooking, cooking facility, or cooking appliance in rooming unit or dormitory unit);
  - (uu) IPMC § 404.7 (spaces occupied for food preparation purposes do not contain suitable space and equipment to store, prepare and serve foods in a sanitary manner including adequate facilities for the sanitary disposal of food wastes and refuse);
  - (vv) 12-G DCMR § 404.7.1 (failure of owner who furnishes facilities for cooking, storage or refrigeration of food that are not within a sleeping unit or dwelling unit to maintain those facilities in a safe and sanitary condition and in good working order);
  - (ww) IPMC § 502.1 (failure to provide and maintain required plumbing facilities and plumbing fixtures in dwelling units);
  - (xx) IPMC § 502.2 (failure to provide and maintain required plumbing

- facilities and plumbing fixtures in rooming house);
- (yy) IPMC § 502.3 (failure to provide and maintain required plumbing facilities and plumbing fixtures in hotel);
  - (zz) IPMC § 502.4 (failure to provide required plumbing facilities for employees);
  - (aaa) IPMC § 502.4.1 (failure to provide proper drinking facilities for employees);
  - (bbb) IPMC § 502.5 (failure to maintain public toilet facilities in safe, sanitary and working condition);
  - (ccc) IPMC § 503.1 (failure to provide privacy for bathrooms and toilet rooms);
  - (ddd) IPMC § 503.2 (failure to provide convenient access to toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units);
  - (eee) IPMC § 503.3 (failure to provide convenient access to employee toilet facilities);
  - (fff) 12-G DCMR § 503.4 (failure to provide proper floor and wall base in toilet room);
  - (ggg) IPMC § 504.1 (failure to properly install and maintain plumbing fixture);
  - (hhh) IPMC § 504.2 (failure to provide adequate clearances for usage and cleaning of plumbing fixtures);
  - (iii) 12-G DCMR § 505.4.1(failure to have water heating facility inspected annually and maintain the inspection and service reports available onsite);
  - (jjj) IPMC § 506.3 (failure to maintain grease interceptor);
  - (kkk) IPMC § 507.1 (allowing drainage to discharge in a manner that creates a public nuisance);
  - (lll) 12-G DCMR § 602.6 (failure to have heating facility inspected annually and to make inspection and service reports available onsite in the office of the building operator or in another permitted manner if no on-site office );

- (mmm)IPMC § 603.6 (failure to remove unapproved energy conservation devices);
  - (nnn) IPMC § 605.1(failure to properly install and maintain electrical equipment, wiring and appliances in a safe manner);
  - (ooo) IPMC § 605.2 (failure to provide and maintain proper electrical receptacles);
  - (ppp) IPMC § 605.3 (failure to provide and maintain proper electric luminaire);
  - (qqq) 12-G DCMR § 605.4 (failure to perform preventative maintenance on switchboards having a capacity of 1000 amperes or larger);
  - (rrr) IPMC § 607.1 (failure to maintain duct system free of obstructions and capable of performing the required function);
  - (sss) 12-G DCMR § 608.1 (failure to maintain air conditioning system);  
or
  - (ttt) 12-G DCMR § 608.2 (failure to have air conditioning system inspected annually and maintain the inspection and service reports available onsite).
- 3309.2.2 Violation of any of the following provisions shall be a Class 4 infraction:
- (a) IPMC § 302.2 (failure to maintain grading of premises to prevent erosion or the accumulation of stagnant water);
  - (b) 12-G DCMR § 304.3 (failure to properly display premises address);
  - (c) 12-G DCMR § 304.7.2 (failure to grade premises so that storm drainage flows away from buildings and to an approved place of disposal);
  - (d) 12-G DCMR § 304.7.3 (failure to grade premises so avoid accumulation of water);
  - (e) 12-G DCMR § 304.11.1 (failure to close a chimney opening which is unused);
  - (f) IPMC § 304.13.1 (failure to maintain glazing materials free from

cracks and holes);

- (g) IPMC § 304.13.2 (failure to maintain openable windows);
- (h) 12-G DCMR § 304.14 (failure to maintain insect screens);
- (i) IPMC § 304.17 (failure to provide basement windows with protection from entry by rodents);
- (j) IPMC § 304.19 (failure to maintain exterior gate in good condition); or
- (k) IPMC § 305.6 (failure to maintain interior doors).

**Insert a new Section 3314 to read as follows:**

**3314 GREEN BUILDING CODE AND ALTERNATIVE COMPLIANCE PATH INFRACTIONS**

The following abbreviations apply to this section and refer to referenced standards adopted by the 2013 District of Columbia Green Construction Code:

ASHRAE- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

LEED-Leadership in Energy & Environmental Design

**3314.1 GREEN BUILDING CODE INFRACTIONS**

- (a) 12-K DCMR § 405.3 (failure to comply with fifty percent (50%) native planting requirement). Fine Amount: \$20.00 per square foot of unplanted native planting area as specified in construction documents.
- (b) 12-K DCMR § 406.1 (failure to comply with seventy-five percent (75%) diversion requirement for land-clearing debris). Fine Amount:
  - (1) \$60.00 per ton of land-clearing debris [based on waste hauling receipts and documentation]; or
  - (2) \$16.00 per cubic yard of land-clearing debris [based on waste hauling receipts and documentation].
- (c) 12-K DCMR § 406.3 (failure to provide verification of compliance with seventy-five percent (75%) diversion requirement for land-clearing debris). Fine Amount: \$1.00 per square foot of land area disturbed as submitted at permit.
- (d) 12-K DCMR § 503.1 (failure to comply with requirement to recycle or

salvage at least fifty percent (50%) of nonhazardous construction waste).  
Fine Amount:

- (1) \$60.00 per ton of land-clearing debris [based on waste hauling receipts and documentation]; or
  - (2) \$16.00 per cubic yard of land-clearing debris [based on waste hauling receipts and documentation].
- (e) 12-K DCMR § 503.2 (failure to provide verification of compliance with requirement to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount: \$1.00 per square foot of building submitted at permit.
  - (f) 12-K DCMR § 505.1 (failure to comply with material selection requirements); fine amount \$0.05 per dollar below the minimum forty percent (40%) based on cost required by code.
  - (g) 12-K DCMR § 505.3 (failure to provide documentation verifying compliance with material selection or whole building life cycle). Fine Amount: two percent (2%) of “Estimated Cost of Work” in permit application.
  - (h) 12-K DCMR § 903.2 (failure to provide preliminary commissioning report to code official upon request). Fine Amount: \$1.00 per square foot of *gross floor area* of the *project* as submitted at permit.
  - (i) 12-K DCMR § 903.3 (failure to provide final commissioning report to code official upon request). Fine Amount: \$2.00 per square foot of *gross floor area* of the *project* as submitted at permit.
  - (j) 12-K DCMR Appendix A § A104.9.4 (failure to complete vegetated roof elective). Fine Amount: \$20.00 per square foot of unplanted vegetated roof area based on submitted and approved construction documents.
  - (k) 12-K DCMR Appendix A § A104.10 (failure to complete native planting elective). Fine Amount: \$20.00 per square foot of unplanted native planting area based on submitted and approved construction documents.
  - (l) 12-K DCMR Appendix A § A105.1 and 12-K DCMR §503.2 (failure to provide documentation of compliance with waste management project elective). Fine Amount: \$1.00 per square foot of gross floor area of project as submitted at permit.
  - (m) 12-K DCMR Appendix A § A105.1 and 12-K DCMR §503.1 (failure to comply with elective to recycle or salvage at least seventy percent (70%)

of nonhazardous construction waste). Fine Amount: \$60.00 per ton, or \$16.00 per cubic yard, of nonhazardous waste material [based on waste hauling receipts and documentation].

- (n) 12-K DCMR Appendix A § A105.2 and 12-K DCMR §503.2 (failure to provide documentation of compliance with construction waste landfill maximum project elective). Fine Amount: \$1.00 per square foot of gross floor area of project as submitted at permit.
- (o) 12-K DCMR Appendix A § A105.2 and 12-K DCMR §503.1 (failure to comply with construction waste landfill elective of maximum of 4lbs/sqft). Fine Amount: \$60.00 per ton of nonhazardous waste material [based on waste hauling receipts and documentation].
- (p) 12-K DCMR Appendix A § A105.3, option 1, and 12-K DCMR §505.2 (failure to comply with fifty percent (50%) material selection elective) fine amount \$0.05 per dollar below the minimum fifty percent (50%) based on cost required by code.
- (q) 12-K DCMR Appendix A § A105.3, option 1, and 12-K DCMR §505.3 (failure to provide documentation of compliance with fifty percent (50%) material selection elective). Fine Amount: 2.5% of “Estimated Cost of Work” in permit application.
- (r) 12-K DCMR Appendix A § A105.3, option 2, and 12-K DCMR §505.2 (failure to comply with seventy-five percent (75%) material selection elective). Fine amount \$0.05 per dollar below the minimum seventy-five percent (75%) based on cost required by code.
- (s) 12-K DCMR Appendix A § A105.3, option 2, and 12-K DCMR §505.3 (failure to provide documentation of compliance with seventy-five percent (75%) material selection elective). Fine Amount: 3.75% of “Estimated Cost of Work” in permit application.

## 3314.2

## ASHRAE 189.1 INFRACTIONS

- (a) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.a Greenfield sites (failure to retain twenty percent (20%) of native site vegetation). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (b) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.b Greenfield sites (failure to develop or retain twenty percent (20%) of site as vegetated area). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.

- (c) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.b Greenfield sites (failure to develop or retain minimum sixty percent (60%) of site vegetated area as native and/or adaptive plants). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (d) 12-K DCMR § 303.1, ASHRAE 189.1 § 6.3.1.1 Landscape Design (failure to provide a minimum of sixty percent (60%) of improved landscape as native and/or adaptive plants). Fine Amount: \$20.00 per square foot of planting area based on approved area in construction documents.
- (e) 12-K DCMR § 303.1; ASHRAE 189.1 § 9.3.1.1 Construction Waste Management Diversion (failure to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount: \$60.00 per ton or \$16.00 per cubic yard of nonhazardous waste material not recycled below the minimum fifty percent (50%) required by code.
- (f) 12-K DCMR § 303.1; ASHRAE 189.1 § 9.3.1.1 Construction Waste Management Diversion (failure to provide verification of compliance at code official request). Fine Amount: \$1.00 per square foot of building submitted at permit.
- (g) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.3.1.2 Construction Waste Management Total Waste (failure to meet construction waste maximum of 1.2 lbs/sqft). Fine Amount: \$60.00 per ton of construction waste material generated above the maximum 1.2 lbs/sqft required by code.
- (h) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.3.1.2 Construction Waste Management Total Waste (failure to provide verification of compliance at code official request). Fine Amount: \$1.00 per square foot of building submitted at permit.
- (i) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.1 Reduced Impact materials, Recycled Content (failure to meet ten percent (10%) based on cost of recycled content materials). Fine Amount: \$0.05 per dollar below the minimum ten percent (10 %) required by code.
- (j) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.1 Reduced Impact materials, Recycled Content (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of ten percent (10%) of the “Estimated Cost of Work” in permit application.
- (k) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.2 Reduced Impact materials, Regional Materials (failure to comply with regional materials requirements). Fine amount: \$0.05 per dollar below the minimum fifteen percent (15%) required by code.

- (l) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.2 Reduced Impact materials, Regional Materials (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of fifteen percent (15%) of the “Estimated Cost of Work” in permit application.
- (m) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.3 Reduced Impact materials, Biobased products (failure to comply with biobased product requirements). Fine amount \$0.05 per dollar below the minimum five percent (5%) required by code.
- (n) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.3 Reduced Impact materials, Biobased products (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of five percent (5%) of the “Estimated Cost of Work” in permit application.
- (o) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4 (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of forty-five percent (45%) of the reported “Estimated Cost of Work” in permit application.
- (p) 12-K DCMR § 303.1, ASHRAE 189.1 § 10.3.3 Final Commissioning Report (failure to provide final commissioning report to code official upon request). Fine Amount: \$2.00 per square foot of *gross floor area* of the *project* as submitted at permit application.

### 3314.3 LEED INFRACTIONS

- 3314.3.1 12-A DCMR § 101.4.9.4.2.2 (failure to submit evidence of LEED certification within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:
  - (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m<sup>2</sup>) of *gross floor area*.
  - (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m<sup>2</sup>) of *gross floor area*.
  - (c) The amount of a fine for non-compliance under this sub-section shall not exceed \$3,000,000.
- 3314.3.2 12-A DCMR § 101.4.9.4.2.2 (failure to submit evidence of LEED

certification within forty-eight (48) calendar months after receipt of the first certificate of occupancy for occupiable space in a *story above grade plane*. Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project* to the District of Columbia.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.3.1 and shall not be subject to the \$3,000,000 limit under Section 3314.3.1.

#### 3314.4 GREEN COMMUNITIES INFRACTIONS

3314.4.1 12-A DCMR § 101.4.9.4.2.3 (failure to submit evidence of compliance with Enterprise Green Community Partners standard within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m<sup>2</sup>) of *gross floor area*.
- (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m<sup>2</sup>) of *gross floor area*.
- (c) The amount of a fine for non-compliance under this subsection shall not exceed \$3,000,000.

3314.4.2 12-A DCMR § 101.4.9.4.2.3 (failure to submit evidence of compliance with Enterprise Green Community Partners standard within forty-eight (48)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project*.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.4.1 and shall not be subject to the \$3,000,000 limit under

## Section 3314.4.1.

## 3314.5 NATIONAL GREEN BUILDING STANDARD (ICC 700) INFRACTIONS

3314.5.1 12-A DCMR § 101.4.9.4.2.4 (failure to submit evidence of compliance with the National Green Building Standard, ICC 700, and the EPA's Energy Star New Homes program or Multifamily High Rise Program within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m<sup>2</sup>) of *gross floor area*.
- (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m<sup>2</sup>) of *gross floor area*.
- (c) The amount of a fine for non-compliance under this subsection shall not exceed \$3,000,000.

3314.5.2 12-A DCMR § 101.4.9.4.2.4 (failure to submit evidence of compliance with the National Green Building Standard, ICC 700, and the EPA's Energy Star New Homes program or Multifamily High Rise Program within forty-eight (48)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project* to the District of Columbia.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.5.1 and shall not be subject to the \$3,000,000 limit under Section 3314.5.1.

**Chapter 34, FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DEPARTMENT INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES AND CIVIL INFRACTIONS, is amended as follows:**

**Section 3401, FIRE PREVENTION CODE INFRACTIONS, is amended to read as follows:**

**3401 FIRE CODE INFRACTIONS**

The following abbreviations apply to this section:

IFC §- International Fire Code (2012 edition)

NFPA- National Fire Protection Association

3401.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-H DCMR § 102.3.1 (change in occupancy that will subject the structure to special provisions of the Fire Code or Building Code without the approval of the code official);
- (b) 12-H DCMR § 105.1.1 (failure to obtain and maintain required permits on the premises, including operational or installation permits as described by 12-H DCMR §§ 105.1.2 and 105.6);
- (c) 12-H DCMR § 104.11.6.2 (obstructing operations of the Fire Department in connection with extinguishment or control of any fire, or action relating to other emergencies);
- (d) 12-H DCMR § 109.2.5 (failure to remedy dangerous condition or remove hazardous materials);
- (e) 12-H DCMR § 110.1 (failure to remedy hazardous conditions liable to cause or contribute to the spread of fire in, or on, the premises, building or structure, or endangering life or property);
- (f) IFC § 5003.3.1.4 (failure to remedy hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials);
- (g) 12-H DCMR § 110.5 (failure to maintain, on a structure, premises, or lot, the fire protection equipment, systems or devices, means of egress or safeguards required by the Fire Code);
- (h) 12-H DCMR § 110.1.1 (failure to remedy unsafe conditions in an existing structure or vacant structure, or a deficiency in a means of egress);
- (i) 12-H DCMR § 110.2 (refusal to leave, or interference with the evacuation of other occupants or continuance of any operation after receiving an evacuation order);
- (j) 12-H DCMR § 109.2.4 (failure to comply with a notice of violation issued by the code official);

- (k) IFC § 311.2.1 (failure to secure exterior and interior openings of vacant premises);
- (l) IFC § 603.4 (failure to prohibit the use of portable unvented heaters or fuel fired heating equipment in use groups A, E, I, R-1, R-2, R-3 and R-4);
- (m) IFC § 604.1 (failure to maintain and inspect emergency and standby systems in accordance with the Fire Code, NFPA110 and NFPA111);
- (n) IFC § 904.1 (failure to inspect, test and maintain automatic fire-extinguishing systems (except sprinkler systems) in accordance with the Fire Code and the applicable referenced standards);
- (o) IFC § 1004.3 (failure to post occupant load);
- (p) 12-H DCMR § 107.5 (permitting overcrowding or admitting persons beyond the established occupant load); or
- (q) 12-H DCMR § 5609.1.1.1 (engaging in the manufacturing, possession, storage or display, sale, setting off, or discharge of prohibited fireworks).

3401.2 Violations of any of the following provisions shall be a Class 2 infraction:

- (a) 12-H DCMR § 308.1.4 (operating charcoal burners and other open-flame cooking devices on a balcony or within ten (10) feet of combustible construction);
- (b) IFC § 308.2 (failure to obtain a permit for open flame use in an educational or assembly occupancy);
- (c) IFC § 404.2 (failure to prepare and maintain a fire safety and evacuation plan in accordance with this section);
- (d) IFC § 405.5 (failure to maintain emergency evacuation drill records);
- (e) IFC § 406.3 (failure to ensure employees are provided with fire prevention, evacuation and fire safety training);
- (f) IFC § 505.1 (failure to provide approved legible and visible building address identification);
- (g) IFC § 507.5.4 (obstructing fire hydrants, department connections or other fire protection system control valves);

- (h) IFC § 907.2.11 (failure to install approved single or multi-station smoke alarms in existing dwellings, congregate residences, and hotel and lodging house guestrooms); or
- (i) IFC § 1029.1 (failure to maintain emergency escape windows operational).

3401.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IFC § 605.3 (failure to provide and maintain required clearance in front of electrical service equipment);
- (b) IFC § 807.4.1 (obstruction of egress or exit access visibility by placement of furnishing or other objects in educational, assembly and in institutional group 4 occupancies);
- (c) IFC § 906.1 (failure to provide fire extinguishers in required occupancies and locations); or
- (d) IFC § 1029.4 (failure to ensure security bars, grilles and screens over emergency escape windows are releasable or removable from the inside without the use of a key or tool).

3401.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IFC § 304.1 (failure to prohibit accumulation of prohibited waste);
- (b) IFC § 310.4 (removing, obscuring, defacing, mutilating or destroying “No Smoking” signs);
- (c) IFC § 807.4.3.2 (failure to limit artwork and teaching material to not more than twenty percent (20%) on walls of corridors in educational occupancies);
- (d) FC § 806.1.1 (failure to prohibit display of natural cut trees in certain occupancies); or
- (e) IFC § 1022.9 (failure to provide stair identification of interior and exterior doors connecting more than three stories).

3401.5 Violation of any provisions of the District of Columbia Fire Code not otherwise listed in Section 3401 shall be a Class 5 infraction.

**OFFICE OF CONTRACTING AND PROCUREMENT****NOTICE OF FINAL RULEMAKING**

The Chief Procurement Officer (CPO) of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice to adopt final rulemaking to amend Chapter 16 (Procurement by Competitive Sealed Proposals), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

This rulemaking amends the regulations applicable to procurement by competitive proposals. Specifically, this rulemaking modifies sections of the regulation governing the use of visual quality concepts (VQCs) in connection with the procedure for submission and revision of VQC proposals. The District Department of Transportation uses this method in the request for proposals process for the South Capitol Street Corridor project.

The rulemaking facilitates a major infrastructure project that will include replacing the Frederick Douglass Memorial Bridge and transforming related sections of urban freeway into a scenic boulevard in order to increase pedestrian and vehicular safety, improve multi-modal transportation options, increase community accessibility, and support economic development.

The CPO gave notice of intent to adopt these rules on September 2, 2016, and an Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 11, 2016, at 63 DCR 13984. No comments were received and no changes have been made to the text of the rules as published. The CPO adopted these rules as final on January 5, 2017 and they will become effective upon publication of this notice in the *D.C. Register*.

**Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:**

**Section 1617, VISUAL QUALITY CONCEPTS, is amended to read as follows:**

**1617 VISUAL QUALITY CONCEPTS**

- 1617.1 An RFP for the construction of a road, bridge, or other transportation system, or a facility or structure appurtenant to a road, bridge, or other transportation system, may require offerors to submit visual quality concepts (VQCs) prior to the submission of their final technical proposals, for review and comment by the date specified in the RFP.
- 1617.2 A VQC shall represent the offeror’s approach to meeting the project design appearance goals set forth in the RFP.
- 1617.3 An RFP requiring offerors to submit VQCs must specifically state the requirements for the content of a VQC; procedures for submission and

resubmission of VQCs, including the date by which the VQCs must be submitted; procedures for review of and comment on VQCs; procedures for confidential meetings related to the VQCs; and methods for evaluating VQCs.

- 1617.4 Before an offeror's submission of its technical proposal, the contracting officer shall meet with the offeror and discuss, on a confidential basis, whether the offeror's VQC meets each of the project design appearance goals set forth in the RFP. The contracting officer may invite to confidential meetings other attendees that the contracting officer deems useful for the purpose of assisting in the review of the VQC submitted by an offeror.
- 1617.5 The contracting officer may also seek confidential review of a VQC by anyone deemed useful by the contracting officer, including independent technical advisors, for the purpose of assisting in the evaluation of the VQC. Any such confidential review shall be subject to the requirements contained in § 1629.4 of this chapter.
- 1617.6 Following the confidential meeting and any confidential review, the contracting officer shall provide written comments to the offeror regarding whether the offeror's VQC meets each of the project design appearance goals set forth in the RFP. If the contracting officer determines that it is in the best interests of the District, the contracting officer may provide an offeror a reasonable opportunity to submit revisions to its VQC in response to the results of the confidential meeting or written comments issued to the offeror after the meeting. The written comments of the contracting officer shall set the date by which revisions to the VQC must be submitted by the offeror in order to be considered by the contracting officer.
- 1617.7 For as many times as the contracting officer determines it to be in the best interests of the District, the contracting officer may permit the offeror to submit revisions to a VQC in response to the results of a confidential meeting or written comments issued to the offeror after the meeting. When the offeror is permitted to submit a revised VQC, the contracting officer shall meet with the offeror and discuss, on a confidential basis, whether the offeror's revised VQC meets each of the project design appearance goals set forth in the RFP. Following each confidential meeting and any confidential review, the contracting officer shall provide written comments to the offeror regarding whether the offeror's revised VQC meets each of the project design appearance goals set forth in the RFP.
- 1617.8 The contracting officer shall not discuss any offeror's VQC at a confidential meeting other than the VQC of the offeror with whom the contracting officer is meeting.
- 1617.9 Nothing stated in a confidential meeting or included in a written record or summary of a meeting will modify the RFP unless it is incorporated into an amendment to the RFP.

- 1617.10 The offeror shall be solely responsible for ensuring that the final technical proposal complies with the requirements of the RFP.
  
- 1617.11 If an amendment to the RFP causes previously approved VQCs to become non-compliant with the project design appearance goals set forth in the RFP, then the offeror shall revise and resubmit its VQC for review and comment, in compliance with the terms of the amendment.

**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF FINAL RULEMAKING****Compostable or Recyclable Disposable Food Service Ware**

The Director of the Department of Energy and Environment (DOEE or Department), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Sustainable DC Omnibus Amendment Act of 2014 (“Act”), effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code §§ 8-1531 *et seq.* (2016 Supp.)); and Mayor’s Order 2015-069, dated February 4, 2015, hereby gives notice of the adoption of amendments to Chapter 23 (Expanded Polystyrene Prohibition) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking implements the Act’s requirement that food service entities only use disposable food service ware that is compostable or recyclable.

The Department published a Notice of Proposed Rulemaking in the *D.C. Register* on October 28, 2016, at 63 DCR 13499. The comment period closed on November 27, 2016. The Department received comments on the proposed rulemaking from one entity. The comments suggested methods for effective outreach to the regulated community but did not seek changes to the proposed rulemaking. The Department will take these comments into account when performing outreach related to the Act and this rulemaking. A detailed response on how the Department will perform outreach is available online at [doee.dc.gov/foam](http://doee.dc.gov/foam). Accordingly, this final rulemaking is unchanged from the proposed rulemaking.

These rules were adopted as final on January 24, 2017 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 23, EXPANDED POLYSTYRENE PROHIBITION, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:****Section 2301, EXPANDED POLYSTYRENE PROHIBITION, is amended to read as follows:****2301 EXPANDED POLYSTYRENE PROHIBITION**

2301.1 By January 1, 2016, no food service entity shall sell or provide food or beverages in expanded polystyrene food service products, regardless of where the food or beverage will be consumed.

2301.2 This section shall not apply to food or beverages that were filled and sealed in expanded polystyrene containers before a food service entity received them or to materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

A new Section 2302, **COMPOSTABLE OR RECYCLABLE PRODUCT REQUIREMENT**, is added to read as follows:

**2302 COMPOSTABLE OR RECYCLABLE PRODUCT REQUIREMENT**

2302.1 By January 1, 2017, no food service entity shall sell or provide food or beverages, for consumption on or off premises, in disposable food service ware unless the disposable food service ware is compostable or recyclable.

2302.2 This section shall not apply to prepackaged food or beverages that were filled and sealed outside of the District before a food service entity received them.

Section 2399, **DEFINITIONS**, Subsection 2399.1, is amended as follows:

By repealing the definition of “**Business or institutional cafeteria**”;

By repealing the definition of “**Food service business**” and replacing it as follows:

**Food service entity** - full service restaurants, limited-service restaurants, fast foods restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, cafeterias, including those operated by or on behalf of District departments and agencies, and other entities selling or providing food within the District for consumption on or off the premises. [Statutory]

By adding the following definitions:

**Compostable** - made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program and identified on the list of compostable materials authorized in Section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)). [Statutory]

**Recyclable** - made solely of materials that can be recycled using the District’s recycling collection program and identified on the list of recyclable materials authorized in Section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)). [Statutory]

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl.)) and Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Chapter 41 of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled “Medicaid Reimbursement for Intermediate Care Facilities for Individuals with Intellectual Disabilities.”

These rules update the reimbursement methodology for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) to reflect the elimination of the annual inflation adjustment currently used as a component of the methodology for certain cost centers for Fiscal Year 2017 and all years thereafter. This change in reimbursement methodology is being made in order to conform to the DHCF approved budget for upcoming fiscal years. The aggregate impact of eliminating the inflation adjustment is a reduction of approximately \$1,700,000 in FY17 and FY18.

The corresponding State Plan Amendment (SPA) to the District of Columbia State Plan for Medical Assistance (State Plan) must be approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) and the Council of the District of Columbia (Council). The Council approved the corresponding SPA through the Fiscal Year 2017 Budget Support Emergency Act of 2016, effective July 20, 2016 (D.C. Act 21-463; 63 DCR 009843 (July 29, 2016)). CMS approved the corresponding SPA on November 21, 2016, with an effective date of October 1, 2016.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 7, 2016, at 63 DCR 012401. No comments were received and no changes have been made for these final rules.

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

**Chapter 41, MEDICAID REIMBURSEMENT FOR INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 4102, REIMBURSEMENT METHODOLOGY, is amended as follows:**

**4102 REIMBURSEMENT METHODOLOGY**

- 4102.1 The rates for ICF/IID services were developed based on Fiscal Year (FY) 2010 cost data reported by providers of different sizes serving individuals at varying acuity levels. The rates shall vary based on staffing ratios, facility size, and beneficiary acuity level.
- 4102.2 For the purposes of rate-setting, and independent of the classification used by the Department of Health for licensing, DHCF shall classify ICFs/IID as follows:
- (a) Class I - A facility with five (5) or fewer licensed beds; and
  - (b) Class II - A facility with six (6) or more licensed beds.
- 4102.3 The residential component of the rate, as described in § 4100.5(a), shall be based on a model that includes the following seven (7) cost centers:
- (a) The “Direct Service” cost center, which shall include expenditures as follows:
    - (1) Nurses, including registered nurses (RNs), licensed practical nurses (LPNs), and certified nursing assistants (CNAs);
    - (2) Qualified Intellectual Disabilities Professionals (QIDPs);
    - (3) House managers;
    - (4) Direct Support Personnel;
    - (5) Allocated time of staff with administrative duties and who are also utilized in direct service support, subject to the results of a time study or time sheet process that has been approved by DHCF; and
    - (6) Fringe benefits, including but not limited to required taxes, health insurance, retirement benefits, vacation days, paid holidays, and sick leave.
  - (b) The “All Other Health Care and Program Related” cost center, which shall include expenditures for:
    - (1) Pharmacy co-pays and over-the-counter medications;
    - (2) Medical supplies;
    - (3) Therapy costs, including physical therapy, occupational therapy, and speech therapy;
    - (4) Behavioral health services provided by psychologists or psychiatrists;

- (5) Nutrition and food;
  - (6) Medical record maintenance and review;
  - (7) Insurance for non-direct care health staff;
  - (8) Quality Assurance;
  - (9) Training for direct care staff;
  - (10) Program development and management, including recreation;
  - (11) Incident management; and
  - (12) Clothing for beneficiaries.
- (c) The “Non-Personnel Operations” cost center, which shall include expenditures for:
- (1) Food service and supplies related to food service;
  - (2) Laundry;
  - (3) Housekeeping and linen; and
  - (4) Non-capital repair and maintenance.
- (d) The “Administration” cost center which shall include expenditures for:
- (1) Payroll taxes;
  - (2) Salaries and consulting fees to non-direct care staff;
  - (3) Insurance for administrators and executives;
  - (4) Travel and entertainment;
  - (5) Training costs;
  - (6) Office expenses;
  - (7) Licenses;
  - (8) Office space rent or depreciation;

- (9) Clerical staff;
  - (10) Interest on working capital; and
  - (11) Staff transportation.
- (e) The “Non-Emergency Transportation” cost center, which shall include expenditures for:
- (1) Vehicle license, lease, and fees;
  - (2) Vehicle maintenance;
  - (3) Depreciation of vehicle;
  - (4) Staffing costs for drivers and aides not otherwise covered by, or in excess of costs for, direct support personnel;
  - (5) Fuel; and
  - (6) Vehicle insurance.
- (f) The “Capital” cost center, which shall include expenditures for leased, owned, or fully depreciated properties, less all amounts received for days reimbursed pursuant to the “Policy on Reserved Beds,” as set forth on page 2 of Attachment 4.19C of the State Plan for Medical Assistance, for the following:
- (1) Depreciation and amortization;
  - (2) Interest on capital debt;
  - (3) Rent;
  - (4) Minor equipment;
  - (5) Real estate taxes;
  - (6) Property insurance;
  - (7) Other capital; and
  - (8) Utilities, including electricity, gas, telephone, cable, and water.
- (g) The “Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment” cost

center shall include only the allowable share of the Assessment expenditure consistent with 42 U.S.C. § 1396(b)(w) and 42 C.F.R. §§ 433.68, 433.70 and 433.72.

4102.4 Fiscal Year (FY) 2013 rates shall be based on FY 2010 cost data reported by providers, legal requirements, and industry standards, and shall be paid for services delivered beginning on October 1, 2012 through September 30, 2013. FY 2013 rates, and all rates thereafter, shall be set forth in this Chapter. FY 2013 rates were developed based upon the following assumptions:

- (a) FY 2013 Non-Personnel Operations per diem rates shall be based on FY 2010 costs, inflated twelve percent (12%);
- (b) FY 2013 Capital per diem rates shall be based on FY 2010 costs, inflated fifteen percent (15%);
- (c) FY 2013 rates for the cost centers described in §§ 4102.4(a) and (b) shall be calculated as the quotient of total industry expenditures divided by the total number of industry licensed bed days as reported for FY 2010;
- (d) The FY 2013 rate for Non-Emergency Transportation shall be eighteen dollars (\$18) per person, per day; and
- (e) Capital expenditures for Class I and Class II facilities shall be calculated separately.

4102.5 FY 2014 rates shall be based on the reported FY 2013 cost reports, adjusted for inflation, in accordance with the index described in § 4102.13. In establishing the rates for FY 2014, DHCF shall use FY 2013 rates as a baseline to compare to the FY 2013 cost reports. After inflationary adjustments, DHCF may make operational adjustments as described in this section to each cost center based on the provider's actual reported costs. These adjustments may increase or decrease the per diem rates for each cost center. For services rendered on or after January 1, 2014, DHCF shall also incorporate the following rate setting principles:

- (a) Effective January 1, 2014, and on October 1, annually thereafter, DHCF may make appropriate outlier adjustments when the entire ICF/IID provider community experiences uncharacteristically low or high costs (*e.g.*, wage increases) experienced by the entire ICF/IID provider community and supported by legislative or other unanticipated changes. With respect to the Capital cost center, market induced fluctuations in the cost of items comprising that rate (*e.g.*, property appreciation/depreciation, significant increase in the cost of utilities, etc.) shall be documented and confirmed using information from the Bureau of Labor Statistics, the Consumer Price Index, the District of Columbia Office of Tax and Revenue, and other relevant indices or reports;

- (1) All adjustments shall be limited to one (1) time in any given fiscal year.
- (2) Except for the Capital cost center, operational adjustments shall be subject to a five percent (5%) maximum. Operational adjustments to the Capital cost center shall be subject to a maximum of ten percent (10%);
- (3) An outlier adjustment shall not exceed the amount of the rebased cost center, subject to the upper payment limit;
- (4) Except for inflationary adjustments, all other adjustments under this section shall be supported through provider documentation and data reflecting the economic landscape of the Washington, D.C. Metropolitan area;
- (5) All adjustments described in § 4102.5 shall be limited to fiscal years when rebasing does not occur;
- (6) “Operational Adjustment” shall refer to an adjustment made to any cost center based on information reflected in an ICF/IID’s cost report (*i.e.*, actual reported costs). These reported costs will be compared to the actual reported aggregate costs for all ICF/IIDs. An operational adjustment provides a mechanism for DHCF to address under- or over-payments that are identified after comparing the projections used to determine the rate with the provider’s actual costs; and
- (7) “Outlier Adjustment” shall refer to an adjustment made after the ICF/IID submits a cost report and the actual reported costs reflect uncharacteristically low or high costs. In order to qualify for an outlier adjustment, the unexpected expense must impact all of the District’s ICF/IIDs.

- (b) Effective January 1, 2014, the rate for Non-Emergency Transportation shall be twelve dollars and sixteen cents (\$12.16).

4102.6 For dates of service on or after October 1, 2016, final reimbursement rates for the residential component will be based on providers’ FY 2014 cost reports subject to audit and adjustment by DHCF.

4102.7 Direct Service cost center reimbursement rates shall be calculated based on staffing ratios, facility size, and individuals’ acuity levels. All rates shall accommodate the following staffing patterns:

- (a) Two (2) Direct Support Personnel (DSP) at three (3) shifts per day for three hundred sixty-five (365) days per year, at the following staffing ratios:
  - (1) Class I Facilities: One (1) DSP to every two (2) individuals (1:2); and
  - (2) Class II Facilities: One (1) DSP to every three (3) individuals (1:3).
- (b) One (1) LPN for each facility at one (1) shift per day for three hundred sixty-five (365) days per year, for all ICFs/IID;
- (c) One (1) additional LPN for each ICF/IID at one (1) shift per weekend day (Saturday and Sunday) for fifty-two (52) weeks per year. This staffing pattern shall apply only to Class II facilities;
- (d) One (1) RN, one (1) QIDP, and one (1) house manager, each at one (1) shift per day for two hundred sixty (260) days per year, at a ratio of one (1) staff person to every twelve (12) individuals (1:12) for all ICFs/IID;
- (e) For services provided to individuals assigned to acuity levels higher than Acuity Level I, an ICF/IID shall be paid rates that can accommodate additional staffing needs as follows:
  - (1) Acuity Level 2 (Moderate) rates shall also include one (1) additional DSP at three (3) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP for every two (2) individuals (1:2) for all ICFs/IID;
  - (2) Acuity Level 3 (Extensive – Behavioral) rates shall also include costs associated with two (2) additional DSPs. The rates for Acuity Level 3 shall include one (1) DSP at three (3) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP staff member for every two (2) individuals for all ICFs/IID. The rate shall also include one (1) DSP at two (2) shifts per day for three hundred sixty-five (365) days per year, at a staffing ratio of one (1) DSP staff member for every two (2) individuals for all ICFs/IID;
  - (3) Acuity Level 4 (Extensive – Medical) rates shall also include costs associated with one (1) additional LPN at two (2) shifts per day for three hundred sixty-five (365) days per year, for all ICFs/IID. Class II facilities shall also receive a rate that includes one (1) certified nurse aide (CNA) at two (2) shifts per day for three hundred sixty-five (365) days per year;

- (4) Acuity Level 5 (Pervasive) rates shall vary based on the number of one-to-one services prescribed for a beneficiary. Acuity Level 5 rates shall also include one (1) DSP at two (2) or three (3) shifts per day, for five (5) or seven (7) days per week for fifty-two (52) weeks per year, at a staffing ratio of one (1) DSP to one (1) beneficiary (1:1); and
  - (5) Acuity Level 6 (Pervasive Plus Skilled Nursing) rates shall vary based on the number of one-to-one services prescribed for a beneficiary. Acuity Level 6 rates shall also include one (1) LPN at one (1), two (2), or three (3) shifts per day for seven (7) days per week for fifty-two (52) weeks per year, at a staffing ratio of one (1) LPN to one (1) beneficiary (1:1).
- (f) The base salaries used in the development of FY 2013 rates for direct care staff wages and salaries, subject to adjustment for inflation using the Centers for Medicare and Medicaid Services (CMS) Skilled Nursing Facility Market Basket Index, shall be as follows:
- (1) DSP: Twelve dollars and fifty cents (\$12.50) per hour;
  - (2) LPN: Twenty one dollars (\$21.00) per hour;
  - (3) CNA: Sixteen dollars and eighty-three cents (\$16.83) per hour;
  - (4) House Manager: Forty-five thousand dollars (\$45,000) per year;
  - (5) RN: Seventy thousand dollars (\$70,000) per year; and
  - (6) QIDP: Sixty thousand dollars (\$60,000) per year.
- (g) Salaries set forth in Section 4102.7(f) shall be treated as follows:
- (1) "Paid time off" shall include the addition of eighty (80) hours of paid leave. Holiday pay shall include the addition of forty-four (44) hours to ensure that the rate includes the rate of pay plus one-half (1/2) the rate of pay (time and one-half) for holidays worked;
  - (2) Salaries shall be inflated by twenty percent (20%) and paid leave and holiday pay shall be inflated by twelve percent (12%), to accommodate fringe benefits; and
  - (3) All rates shall include paid time off and holiday pay for all hourly full-time equivalents (FTEs).
- (h) Effective October 1, 2013 through September 30, 2016, Direct Care Staff Compensation shall be inflated by the greater of any adjustment to the

living wage or the associated costs of benefits and inflation based on the CMS Skilled Nursing Facility Market Basket Index or other appropriate index if the CMS Skilled Nursing Facility Market Basket Index is discontinued.

- (i) Effective October 1, 2016, Direct Care Staff Compensation shall be inflated only by any adjustment to the living wage.

- 4102.8 The “All Other Health Care and Program Related Expenses” cost center reimbursement rates shall be calculated based on the facility size and the direct care cost center rate, which varies by staffing ratios and individuals’ acuity levels. The rate for this cost center shall be calculated as a fixed percentage of the rate for direct services, at twelve percent (12%) for Class I facilities and at seventeen percent (17%) for Class II facilities.
- 4102.9 The “Non-Personnel Operations” cost center reimbursement rates shall be calculated based on industry average reported costs. The Non-Personnel Operations reimbursement rate shall be equal to the industry average reported expenses per licensed bed day for the line items included in the cost center, and shall be uniformly set for all providers.
- 4102.10 During FY 2013, the “Administration” cost center reimbursement rates shall be calculated based on the staffing ratios, facility size, and individuals’ acuity levels. The Administration reimbursement rate shall vary based on the nature of ownership of the physical premises where the ICF/IID is housed. The Administration rate shall be a uniform percentage of the sum of the rates for all other cost centers and acuity levels. Beginning January 1, 2014, and on October 1, 2014 and annually thereafter, reimbursement rates for the Administration cost center shall be uniform for Class I and Class II facilities. The Administration rate shall be a uniform percentage of the sum of the Acuity Level I (Base) rates comprising the Residential cost center for leased, Class I facilities, as set forth in this Chapter.
- 4102.11 The “Non-Emergency Transportation” cost center reimbursement rates shall be based on the industry average expenses divided by the total number of licensed bed days. Beginning January 1, 2014, and on October 1, 2014 and annually thereafter, Non-Emergency Transportation cost center reimbursement rates shall be based on actual, reported costs.
- 4102.12 The “Capital” cost center reimbursement rates shall be determined in accordance with 42 C.F.R. § 413.130 and based on the industry average reported expenses per licensed bed day for the line items included in this cost center as described in § 4102.3. The rate shall vary based on the nature of ownership of the physical premises where the ICF/IID is housed. The Capital rate for leased premises shall be equal to the industry average reported expenses per licensed bed day for the line items included. The Capital rate for provider-owned premises shall be equal

to fifty percent (50%) of the rate for leased premises. The Capital rate for fully depreciated premises shall be equal to fifty percent (50%) of the rate for provider owned premises. The Capital rate shall also be subject to the following principles:

- (a) When a sale/leaseback of an existing ICF/IID facility occurs, the ICF/IID's allowable capital related cost may not exceed the amount that the seller/lessor would have recorded had the seller/lessor retained legal title;
- (b) Depreciation shall incorporate the following principles:
  - (1) When depreciated buildings and building improvements are acquired, the cost basis of the depreciable asset shall be the lesser of the cost or acquisition value of the previous owner(s) less all reimbursement attributable to the asset as determined by DHCF or the fair market value of the asset at time of acquisition. Notwithstanding, if the seller makes the full payback in accordance with § 4102.12(b)(6), the cost basis to the new owner shall be the lesser of the fair market value or the purchase price;
  - (2) Facilities shall employ the straight-line method for calculating depreciation subject to the limits set forth in §§ 4102.12(b)(3)-(6) below. Accelerated methods for calculating depreciation shall not be allowed. Subject to the limits set forth in §§ 4102.12(b)(3)-(6), the annual depreciation expense of an asset shall be determined by dividing the basis of the asset reduced by any estimated salvage or resale value by the estimated years of useful life of the asset at the time it is placed in service;
  - (3) Depreciation expense of buildings and building improvements shall be limited to the basis of each asset and shall not exceed the basis of such assets less the aggregate amount received in reimbursement for such assets in the current and prior years;
  - (4) Fully depreciated buildings and building improvements subsequently sold or disposed of shall be subject to payback by the owner to the program of all depreciation expense paid to the owner and all previous owners when such assets are no longer used to provide ICF/IID services or have been transferred to new owners in an arm's length transaction, provided that such payback shall be reduced by all amounts previously paid back, if any, by prior owners;
  - (5) ICFs/IID shall estimate assets' years of useful life in accordance with the most recent edition of "Estimated Useful Lives of Depreciable Hospital Assets" published by the American Hospital

Association, or if not applicable, relevant guidance issued by the U.S. Internal Revenue Service. Subject to the limits set forth in paragraphs (d) and (e), depreciation expense for the year of disposal can be computed by using either the half-year method or the actual time method;

- (6) Assets shall be recorded using historical cost, except for donated assets which shall be recorded at fair market value at the time received and based on the lesser of at least two (2) bona fide appraisals. Costs during the construction of an asset, consulting and legal fees, interest, and fund raising, should be capitalized as a part of the cost of the asset;
  - (7) When an asset is acquired by a trade-in, the cost of the new asset shall be the sum of the book value of the old asset and any cash or issuance of debt as consideration paid;
  - (8) Facilities that previously did not maintain fixed asset records and did not record depreciation in prior years shall be entitled to any straight-line depreciation of the remaining useful life of the asset. The depreciation shall be based on the cost of the asset or fair market value of a donated asset at the time of purchase, construction or donation over its normal useful life. Fully depreciated assets shall not be included in the Capital cost center, except for the costs associated with utilities and relevant leasehold improvements. No depreciation may be taken on an asset that would have been fully depreciated if it had been properly recorded at the time of acquisition;
  - (9) Leasehold improvements made to rental property by the lessor shall be depreciated over the lesser of the asset's useful life or the remaining life of the lease;
- (c) On a case by case basis, DHCF may reimburse an ICF/IID by providing an offset to capital costs that shall be equal to the daily amount computed under this subsection in situations when DDS has not filled vacant bed space(s). The ICF/IID shall receive the product of the capital cost multiplied by the administrative rate anytime this payment is made;
  - (d) The daily cost described in § 4102.12(c) shall be computed as the capital component of the daily per-diem rate, multiplied by the number of vacant bed space(s); and
  - (e) ICFs/IID shall incur costs and provide DHCF with proof of the vacant bed space in order to be eligible.

- 4102.13 Effective October 1, 2013 through September 30, 2016, the per diem rates for “Non-Personnel Operations,” “Non-Emergency Transportation,” “Capital,” and “Active Treatment” cost centers shall be adjusted for inflation on an annual basis in accordance with the Centers for Medicare and Medicaid Services (CMS) Skilled Nursing Facility Market Basket Index or other appropriate index if the CMS Skilled Nursing Facility Market Basket Index is discontinued.
- 4102.14 Effective October 1, 2016, the annual inflation adjustment in the per diem rates for “Non-Personnel Operations,” “Non-Emergency Transportation,” “Capital,” and “Active Treatment” cost centers shall be eliminated.
- 4102.15 The Stevie Sellows Intermediate Care Facility for the Intellectually and Developmentally Disabled Quality Improvement Fund Assessment shall be a broad based assessment on all ICF/IID providers in the District of Columbia at a uniform rate of five and one-half percent (5.5%) of each ICF/IID’s gross revenue. The allowable cost of the Assessment shall be calculated consistently with 42 U.S.C. § 1396(b)(w) and 42 C.F.R. §§ 433.68, 433.70, and 433.72.

4102.16 Beginning October 1, 2016, ICF/IID reimbursement rates, shall be as follows:

	<b>Beds</b>	<b>Facility</b>	<b>Direct care staffing FY 17</b>	<b>Other health care &amp; program FY 17</b>	<b>Non-Pers Oper FY 17</b>	<b>Transp. FY 17</b>	<b>Capital FY 17</b>	<b>Admin FY 17</b>	<b>Active Tx FY 17</b>	<b>Tax FY 17</b>	<b>Total Rate FY 17</b>
<b>Base</b>	4 - 5	Leased	\$320.02	\$41.60	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$33.25	\$637.85
		Owned	\$320.02	\$41.60	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$31.57	\$605.51
		Depreciated	\$320.02	\$41.60	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$27.47	\$589.34
	6	Leased	\$240.73	\$43.33	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$28.69	\$550.41
		Owned	\$240.73	\$43.33	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$27.15	\$520.88
		Depreciated	\$240.73	\$43.33	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$26.38	\$506.11
<b>Moderate</b>	4 - 5	Leased	\$320.02	\$41.60	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$33.25	\$637.85
		Owned	\$320.02	\$41.60	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$31.57	\$605.51
		Depreciated	\$320.02	\$41.60	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$30.72	\$589.34
	6	Leased	\$312.05	\$56.17	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$33.32	\$639.20
		Owned	\$312.05	\$56.17	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$31.78	\$609.67
		Depreciated	\$312.05	\$56.17	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$31.01	\$594.90
<b>Extensive behavioral</b>	4 - 5	Leased	\$391.35	\$50.87	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$37.69	\$722.87
		Owned	\$391.35	\$50.87	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$36.00	\$690.54
		Depreciated	\$391.35	\$50.87	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$35.16	\$674.37
	6	Leased	\$359.60	\$64.73	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$36.41	\$698.40
		Owned	\$359.60	\$64.73	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$34.87	\$668.86
		Depreciated	\$359.60	\$64.73	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$34.10	\$654.09
<b>Extensive medical</b>	4 - 5	Leased	\$431.59	\$56.11	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$40.19	\$770.85
		Owned	\$431.59	\$56.11	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$38.50	\$738.51
		Depreciated	\$431.59	\$56.11	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$37.66	\$722.34
	6	Leased	\$374.71	\$67.45	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$37.39	\$717.21
		Owned	\$374.71	\$67.45	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$35.85	\$687.67
		Depreciated	\$374.71	\$67.45	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$35.08	\$672.90

<b>Pervasive 8 h / 7 d</b>	4 - 5	Leased	\$462.67	\$60.15	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$42.12	\$807.90
		Owned	\$462.67	\$60.15	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$40.43	\$775.56
		Depreciated	\$462.67	\$60.15	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$39.59	\$759.40
	6	Leased	\$383.38	\$69.01	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$37.95	\$727.99
		Owned	\$383.38	\$69.01	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$36.41	\$698.46
		Depreciated	\$383.38	\$69.01	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$35.64	\$683.69
<b>Pervasive 8 h / 5 d</b>	4 - 5	Leased	\$417.33	\$54.25	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$39.30	\$753.86
		Owned	\$417.33	\$54.25	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$37.61	\$721.52
		Depreciated	\$417.33	\$54.25	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$36.77	\$705.35
	6	Leased	\$338.04	\$60.85	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$35.01	\$671.56
		Owned	\$338.04	\$60.85	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$33.47	\$642.02
		Depreciated	\$338.04	\$60.85	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$32.70	\$627.25
<b>Pervasive 16 h</b>	4 - 5	Leased	\$605.32	\$78.69	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$50.98	\$977.96
		Owned	\$605.32	\$78.69	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$49.30	\$945.62
		Depreciated	\$605.32	\$78.69	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$48.45	\$929.45
	6	Leased	\$526.02	\$94.68	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$47.21	\$905.58
		Owned	\$526.02	\$94.68	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$45.67	\$876.04
		Depreciated	\$526.02	\$94.68	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$44.90	\$861.27
<b>Pervasive 24 h</b>	4 - 5	Leased	\$747.96	\$97.24	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$59.85	\$1,148.02
		Owned	\$747.96	\$97.24	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$58.16	\$1,115.68
		Depreciated	\$747.96	\$97.24	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$57.32	\$1,099.51
	6	Leased	\$668.67	\$120.36	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$56.47	\$1,083.16
		Owned	\$668.67	\$120.36	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$54.93	\$1,053.62
		Depreciated	\$668.67	\$120.36	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$54.16	\$1,038.85
<b>Nursing 1:1 8 h / 7 d</b>	4 - 5	Leased	\$543.15	\$70.61	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$47.12	\$903.85
		Owned	\$543.15	\$70.61	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$45.43	\$871.51
		Depreciated	\$543.15	\$70.61	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$44.59	\$855.34
	6	Leased	\$463.86	\$83.49	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$43.18	\$828.18
		Owned	\$463.86	\$83.49	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$41.64	\$798.65
		Depreciated	\$463.86	\$83.49	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$40.87	\$783.88

<b>Nursing 1:1 8 h / 5 d</b>	4 - 5	Leased	\$472.24	\$61.39	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$42.71	\$819.31
		Owned	\$472.24	\$61.39	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$41.03	\$786.97
		Depreciated	\$472.24	\$61.39	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$40.18	\$770.80
	6	Leased	\$392.94	\$70.73	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$38.57	\$739.91
		Owned	\$392.94	\$70.73	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$37.03	\$710.37
		Depreciated	\$392.94	\$70.73	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$36.26	\$695.60
<b>Nursing 1:1 16 hours</b>	4 - 5	Leased	\$766.28	\$99.62	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$60.99	\$1,169.85
		Owned	\$766.28	\$99.62	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$59.30	\$1,137.51
		Depreciated	\$766.28	\$99.62	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$58.46	\$1,121.34
	6	Leased	\$686.98	\$123.66	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$57.66	\$1,105.96
		Owned	\$686.98	\$123.66	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$56.12	\$1,076.42
		Depreciated	\$686.98	\$123.66	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$55.35	\$1,061.65
<b>Nursing 1:1 24 hours</b>	4 - 5	Leased	\$989.41	\$128.62	\$19.77	\$12.57	\$61.30	\$59.19	\$90.14	\$74.85	\$1,435.85
		Owned	\$989.41	\$128.62	\$19.77	\$12.57	\$30.65	\$59.19	\$90.14	\$73.17	\$1,403.51
		Depreciated	\$989.41	\$128.62	\$19.77	\$12.57	\$15.33	\$59.19	\$90.14	\$72.33	\$1,387.34
	6	Leased	\$910.11	\$163.82	\$19.77	\$12.57	\$55.99	\$59.19	\$90.14	\$72.14	\$1,383.73
		Owned	\$910.11	\$163.82	\$19.77	\$12.57	\$28.00	\$59.19	\$90.14	\$70.60	\$1,354.19
		Depreciated	\$910.11	\$163.82	\$19.77	\$12.57	\$14.00	\$59.19	\$90.14	\$69.83	\$1,339.42

## DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 24 of the Emergency Medical Services Act of 2008 (Act), effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.23 (2012 Repl.)), and Mayor's Order 2009-89, dated June 1, 2009, hereby gives notice of the intent to adopt the following rules to amend Chapter 5 (Emergency Medical Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These rules will provide for termination of resuscitation in the field by paramedics and remote pronouncement of death by certain medical doctors following termination of resuscitation by a certified 911 paramedic.

These rules were previously published in the *D.C. Register* as a proposed rulemaking on September 23, 2016, at 63 DCR 011660. One written comment was received from the public in connection with this publication during the thirty (30)-day comment period. No changes have been made to the text of the proposed rules as published. Pursuant to D.C. Official Code § 7-2341.23(b), these rules were submitted to the Council of the District of Columbia for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holiday, and days of Council recess. The rules were approved by Council pursuant to the Emergency Medical Services Regulations Emergency Approval Resolution of 2016, Resolution 21-740, dated December 20, 2016.

The rules were adopted as final on January 19, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

**Chapter 5, EMERGENCY MEDICAL SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:**

**Section 526, EMS PROVIDERS: SCOPE OF SERVICES, is amended by adding new Subsections 526.6-526.13 to read as follows:**

- 526.6 A paramedic sponsored by the District of Columbia Government's 911 EMS agency may terminate resuscitation in the field if:
- (a) The paramedic is issued a proper order by a Medical Control Base Station Physician currently licensed in the District of Columbia and authorized by the Medical Director of the District Government's 911 EMS agency;
  - (b) The paramedic is currently certified by the District of Columbia and authorized by the Medical Director of the District Government's 911 EMS agency;

- (c) The paramedic follows the termination of resuscitation protocol that has been approved by the Department of Health; and
- (d) All paramedics present on the scene and involved in the resuscitation agree that termination is appropriate.

526.7 Once a termination of resuscitation order has been issued, resuscitation efforts shall stop and the Metropolitan Police Department shall be notified by the 911 EMS provider on the scene, except as otherwise provided in the Fire and Emergency Medical Services Department's pre-hospital treatment protocols.

526.8 A Medical Control Base Station Physician or the Medical Director of the District Government's 911 EMS agency may pronounce a person dead following termination of resuscitation in the field, as authorized pursuant to Subsection 526.6, without personally examining that person's body only if:

- (a) The authorized paramedic has recited the facts of the person's present medical condition;
- (b) The paramedic attests that he or she adhered to the termination of resuscitation protocol; and
- (c) The Medical Control Base Station Physician or Medical Director of the District Government's 911 EMS agency is satisfied that death has occurred.

526.9 If a person is determined presumed dead on arrival by a District Government 911 EMS provider holding any certification level, a Medical Control Base Station Physician or the Medical Director of the District Government's 911 EMS agency may pronounce that person dead without personally examining the person's body only if:

- (a) The patient presents pulseless and apneic with one (1) or more of the following:
  - (1) Rigor mortis;
  - (2) Dependent lividity;
  - (3) Decomposition;
  - (4) Traumatic injuries incompatible with life such as organ destruction of the brain or thoracic contents, or decapitation;
  - (5) Incineration;

- (6) Submersion for greater than twenty-four (24) hours;
  - (7) A valid out-of-hospital do not resuscitate order is present; or
  - (8) A licensed physician on the scene orders that resuscitation not be attempted.
- (b) The District Government’s 911 EMS provider on the scene has recited the facts of the person’s present medical condition to the Medical Central Base Station Physician or the Medical Director of the District Government’s 911 EMS agency; and
  - (c) The District Government’s 911 EMS provider attests that the patient is not:
    - (1) Obviously pregnant; or
    - (2) Hypothermic.

526.10 Nothing shall be removed from the decedent’s person, including any medical equipment, after a termination of resuscitation order has been issued or a death is pronounced in the field.

526.11 When death is pronounced in the field by the Medical Control Base Station Physician or the Medical Director of the District Government’s 911 EMS agency in communication with the District Government’s 911 EMS provider on the scene, that EMS provider shall document the following on the patient care report:

- (a) The decedent’s time of death;
- (b) Criteria used to determine death;
- (c) Location of the decedent;
- (d) Position of the decedent;
- (e) Condition of the decedent;
- (f) Any care provided to the decedent prior to the pronouncement of death; and
- (g) Name of the Medical Control Base Station Physician or Medical Director of the District Government’s 911 EMS agency who pronounced the death.

526.12 The District Government’s 911 EMS agency shall provide a copy of the patient care report, upon request, to the Office of the Chief Medical Examiner (“OCME”)

or the decedent's primary care physician in order for the OCME or the decedent's primary care physician to complete the pronouncement section or sections of the decedent's certificate of death.

- 526.13 The Office of the Chief Medical Examiner shall review all incidents where an order to terminate resuscitation in the field is issued and shall issue a report on incidents where the termination of resuscitation protocol was not followed. The report shall be transmitted to the director of the Department of Health and to the Medical Director of the District Government's 911 EMS agency no less than once annually.

## DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Sections 6, 7 and 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121, 1125; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2014 Repl.)) and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the adoption of the following rulemaking that amends Section 112 (Special Identification Cards) of Chapter 1 (Issuance of Driver Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The rulemaking, similar to what is already required for a driver license, learner permit or provisional permit, requires an applicant for a special identification card who is under eighteen years of age to provide a written notarized statement signed by a parent or guardian of the applicant consenting to the issuance of the card.

The Proposed Rulemaking was published in the *D.C. Register* on November 18, 2016 at 63 DCR 14207. No comments were received. No changes were made to the text of the proposed rules. The final rules were adopted on December 19, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 1, ISSUANCE OF DRIVER LICENSES, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:**

**Section 112, SPECIAL IDENTIFICATION CARDS, is amended by adding a new Subsection 112.17 to read as follows:**

112.17       The application of any person under eighteen (18) years of age for a special identification card shall be accompanied by a written notarized statement signed by a parent or guardian of the applicant consenting to the issuance of the card.

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

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

The rulemaking amends Sections 130, 132, 133, and 135 of Chapter 1. The newly amended regulations provide updated guidance for taxpayers responsible for withholding taxes from wages and other payments. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District withholding requirements.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on November 4, 2016 at 63 DCR 13713. No public comments were received. This rule was adopted as final on January 13, 2017 and will take effect immediately upon publication of this notice in the *D.C. Register*.

**Chapter 1, INCOME AND FRANCHISE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:****130 WITHHOLDING: GENERAL PROVISIONS**

- 130.1 Each employer [as defined in § 3401(d) of the U.S. Internal Revenue Code of 1986 as amended (hereafter “IRC of 1986”)] making payment of wages subject to withholding, shall deduct, withhold, and pay over to the Deputy Chief Financial Officer of the Office of Tax and Revenue (“DCFO”) the tax required to be withheld.
- 130.2 Entities that make non-wage payments subject to required or voluntary withholding, including but not limited to, payments of pension, military retirement, gambling winnings, voluntary withholding on certain government payments, and backup withholding, shall deduct, withhold and pay over the tax withheld to the DCFO.
- 130.3 Wages subject to withholding are all wages as defined in § 3401(a) of the IRC of 1986, paid, by an employer who is required to withhold taxes under the law, to an employee, for services performed within or outside the District.
- 130.4 An employee shall not include any of the following individuals, unless the individual is domiciled within the District at any time during the taxable year:

- (a) An elected official of the government of the United States;
- (b) An employee on the staff of an elected officer in the legislative branch of the government of the United States if that employee is a *bona fide* resident of the State of residence of the elected officer;
- (c) An officer of the executive branch of the U.S. government whose appointment to the office held was by the President of the United States and subject to confirmation by the Senate of the United States, and whose tenure of office is at the pleasure of the President of the United States; or
- (d) A Justice of the Supreme Court of the United States.

130.5 When the last date for the payment of a tax falls on a Saturday, Sunday, or a legal holiday, the last date for paying the tax shall be the first business day following that Saturday, Sunday, or holiday.

130.6 When the last date for filing a return falls on a Saturday, Sunday, or a legal holiday, the last date for filing the return shall be the first business day following that Saturday, Sunday, or holiday.

130.7 In determining the amount to be deducted and withheld, the wages may, at the election of the employer, be computed to the nearest dollar.

130.8 If the remuneration paid by an employer to an employee for services performed during one-half (1/2) or more of any payroll period of not more than thirty-one (31) consecutive days constitutes wages, all the remuneration paid by the employer to that employee for that period shall be deemed to be wages.

130.9 If the remuneration paid by an employer to an employee for services performed during more than one-half (1/2) of any payroll period of not more than thirty-one (31) days does not constitute wages, then none of the remuneration paid by the employer to that employee for that period shall be deemed to constitute wages.

130.10 All employers or entities required to withhold tax must have a Federal Employment Identification Number (FEIN) and be registered with the Office of Tax and Revenue and have a valid account registration number. The employer or entity's FEIN and account registration number must be included on all withholding tax returns, regardless of who files the tax return (including returns filed by payroll processing companies on behalf of customers). Failure to obtain an FEIN and account registration number, or failure to include both an FEIN and account registration number when filing a withholding tax return

or making a withholding tax payment may result in the rejection of the return or payment and trigger penalties under D.C. Official Code § 47-4213.

- 130.11 Where an employer or entity required to file withholding tax returns and make withholding tax payments contracts with a payroll processing company or bulk filer of withholding tax returns and payments, the responsibility for withholding tax compliance remains with the employer or entity.

## 132 RETURNS OF TAXES WITHHELD

- 132.1 **Return Filing Period.** Returns of tax withheld from wages are required to be filed with the Office of Tax and Revenue on a quarterly or annual basis. Entities reporting non-wage tax withheld shall file a return on an annual basis.

- 132.2 The DCFO shall assign an account registration number to each employer or entity required to file returns and assign them either a quarterly or annual return filing period. Returns shall be filed in accordance with the assigned filing period, and shall continue to be filed on that basis until the DCFO determines that the employer's return shall be made for a different filing period.

- (a) For employers or entities registered for withholding prior to January 1, 2017, all employers or entities not previously assigned to an annual period shall file quarterly tax returns and shall continue to file on that basis until the DCFO determines that the employer's return shall be made for a different filing period. Employers or entities assigned to an annual reporting period prior to January 1, 2017 shall not be required to file quarterly returns, and shall file annual returns and continue to file on that basis until the DCFO determines that the employer's return shall be made for a different filing period.
- (b) For employers or entities registered for withholding on or after January 1, 2017, all new applications shall file quarterly tax returns, unless their filing period is changed by the DCFO.

- 132.3 **Return Filing Deadlines.** Quarterly withholding returns shall be filed on or before the last day of the month following the close of each quarterly reporting period. Annual withholding returns shall be filed on or before the last day of January of each year for the preceding year.

- 132.4 All returns shall be made on forms prescribed by the DCFO.

- 132.5 Withholding tax returns are only available electronically by download at [mytax.dc.gov](http://mytax.dc.gov). Failure to obtain forms or returns does not relieve a taxpayer of the responsibility to file and pay timely.

- 132.6 Withholding tax returns can be filed electronically, for either single or bulk filers, at mytax.dc.gov. Electronic filing is the method preferred by the Office of Tax and Revenue.
- 132.7 **Final Returns.** The last return for any employer required to deduct and withhold tax under the Act who, during a calendar year, ceases to engage in business or ceases to pay wages, shall be marked by that employer as the "FINAL RETURN." The final return shall state the period for which it is made and the date of the last payment of wages.
- 132.8 If a taxpayer amends a tax return, an amended return shall be filed within three years of the original due date of the return and must be marked amended on the return in order to be processed.
- 132.9 If the payment of the tax results in an overpayment of the tax required to be withheld and paid, a credit will be applied to the next reporting period. Alternatively, to receive a refund of such overpayment of tax, the taxpayer shall request a refund by indicating on the tax return.

### **133 PAYMENT OF WITHHOLDING TAX**

- 133.1 All sums which the employer has withheld from employees shall be deemed to be held in trust by the employer for the District.
- 133.2 Taxes withheld from wages are required to be paid to the Office of Tax and Revenue on a monthly, quarterly, or yearly basis.
- (a) For employers or entities registered for withholding prior to January 1, 2017, all employers or entities shall continue to pay withholding taxes with the same frequency as payments where previously required, unless their payment period is changed by the DCFO.
- (b) For employers or entities registered for withholding on or after January 1, 2017, all new applications shall make quarterly tax payments, unless their payment period is changed by the DCFO.
- 133.3 Taxes withheld from non-wage payments, including, but not limited to, payments of pension, military retirement, gambling winnings, voluntary withholding on certain government payments, and backup withholding, are required to be paid to the Office of Tax and Revenue on a monthly basis.
- 133.4 Monthly deposits of the tax withheld from wages shall be paid on or before the 20<sup>th</sup> day after the close of the month. Quarterly deposits of the tax withheld from wages shall be paid on or before the 20<sup>th</sup> day of the month after the close of each quarter. Annual deposits of tax withheld from wages shall be paid on or before the 20<sup>th</sup> day of the month following the close of the annual period.

For this purpose, “deposit” means a payment to the Office of Tax and Revenue.

133.5 The DCFO shall provide an electronic means, accessible at mytax.dc.gov, of making tax deposits for the amount withheld from wages. A printable voucher shall be provided for those accounts authorized to submit payments by other than electronic means.

133.6 If, in any filing period, more than the correct amount of tax has been withheld, the amount actually withheld shall be remitted to the District.

133.7 Depository payments shall not be estimated, but shall be the actual amount of tax liability for the period for which payment is made.

**135 ANNUAL REPORT OF WITHHOLDING**

135.1 Duplicate copies of all statements (Forms W-2, 1098, 1099 or K-1), as appropriate, or approved substitute withholding statements shall be sent to the District by each employer with the Form WT (Withholding Transmittal) that is due on the last day of January or with the employer's final return, if submitted before the end of the calendar year. For years beginning January 1, 2017, and thereafter, withholding statements shall be submitted with Form WT. Entities withholding non-wage tax shall send duplicate copies of all withholding statements using the appropriate Form 1099 Information Return.

135.2 Form W-2, 1098, or K-1, as appropriate or approved substitute withholding statements, shall be submitted electronically for all employers reporting for more than 24 employees. The DCFO shall provide a method for all employers to report electronically. The DCFO may provide a downloadable form for transmitting other than by electronic reports of withholding.

135.3 Deleted

135.4 Deleted

135.5 Deleted

135.6 Deleted

Comments on this proposed rulemaking should be submitted to Jessica Brown, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Jessica Brown may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4<sup>th</sup> Street, SW, Suite 750, Washington, DC 20024; telephone at (202) 442-6462; or, email at [jessica.brown@dc.gov](mailto:jessica.brown@dc.gov). Copies of this rule and related information may be obtained by contacting Jessica Brown as stated herein.

**OFFICE OF CONTRACTING AND PROCUREMENT****NOTICE OF PROPOSED RULEMAKING**

The Chief Procurement Officer of the District of Columbia (CPO), pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the intent to amend Chapter 23 (Delivery and Performance), of Title 27 (Contracts and Procurement), of the District of Columbia Regulations (DCMR).

The rulemaking updates Chapter 23 that applies to the delivery and performance of contracts. The current Chapter 23 contains regulations that are outdated.

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

**Chapter 23, DELIVERY AND PERFORMANCE, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:**

**Section 2300, DELIVERY AND PERFORMANCE: GENERAL PROVISIONS, is amended to read as follows:**

**2300 GENERAL PROVISIONS**

- 2300.1 The time of delivery or performance is an essential contract element and shall be clearly stated in each solicitation and contract.
- 2300.2 The contracting officer shall ensure that a delivery or performance schedule is realistic and meets the requirements of the procurement.
- 2300.3 Except when clearly unnecessary, a solicitation shall inform bidders or offerors of the basis on which their bids or proposals will be evaluated with respect to time of delivery or performance.

**Section 2301, DELIVERY AND PERFORMANCE SCHEDULES, is amended to read as follows:**

**2301 DELIVERY AND PERFORMANCE SCHEDULES**

- 2301.1 When establishing a contract delivery or performance schedule for goods or services, the contracting officer shall consider applicable factors, including the following:
- (a) Urgency of need;
  - (b) Production time;

- (c) Market conditions;
- (d) Transportation time;
- (e) Industry practices;
- (f) Capabilities of certified business enterprises;
- (g) Time for obtaining and evaluating bids or offers and awarding contracts;
- (h) Time for contractors to comply with any condition precedent to contract performance; and
- (i) Time for the District to perform its obligations under the contract, such as furnishing government property to the contractor.

2301.2 When scheduling the time for completion of a construction contract, the contracting officer shall consider applicable factors, such as the following:

- (a) The nature and complexity of the project;
- (b) The construction seasons involved;
- (c) The required completion date;
- (d) The availability of materials and equipment;
- (e) The capacity of the contractor to perform; and
- (f) The use of multiple completion dates.

2301.3 In any contract, different completion or delivery dates may be established for separable items of work or deliverables.

2301.4 When multiple completion or delivery dates are used, the contracting officer shall evaluate requests for extensions of time with respect to each item, and shall modify the affected completion or delivery dates when appropriate.

2301.5 The contracting officer may establish contract delivery or performance schedules on the basis of any of the following:

- (a) A specific calendar date or dates;
- (b) A specific period or periods from the date of the contract;

- (c) A specific period or periods from the date agreed upon by the parties and set forth in the contract for actual commencement of performance on the contract; or
- (d) In contracts containing indefinite delivery provisions (such as term contracts or federal supply schedules), a specific time for delivery after receipt by the contractor of each order issued under the contract.

2301.6 The time specified for contract performance shall not be curtailed to the prejudice of the contractor because of delay by the District in giving notice of award or acceptance.

**Section 2302, IMPLEMENTATION OF DELIVERY AND PERFORMANCE SCHEDULES, is amended to read as follows:**

2302.1 The contracting officer shall provide to the contractor a copy of the executed contract, notice of award, or notice of acceptance of proposal not later than the date of the contract, or as soon thereafter as possible.

2302.2 If the delivery or performance schedule is based on the date of the contract, the contracting officer shall provide a copy of the executed contract or actual notice of contract execution not later than one (1) business day following the date of the contract.

**Section 2303, LIQUIDATED DAMAGES, is amended to read as follows:**

2303.1 The contracting officer may use a liquidated damages clause in a contract when the following factors apply:

- (a) The time of delivery or performance is such an important factor in the performance of the contract that the District may reasonably expect to suffer damages if the delivery or performance is delinquent; or
- (b) The extent or amount of damages would be difficult or impossible to ascertain or prove.

2303.2 When deciding whether to include a liquidated damages clause in a contract, the contracting officer shall consider the probable effect on pricing, competition, and the costs and difficulties of contract administration.

2303.3 In order to avoid setting an unenforceable penalty, liquidated damages shall not be fixed without reference to probable actual damages. The contracting officer shall determine a reasonable rate of liquidated damages on a case by case basis.

2303.4 The contracting officer shall set the rate of liquidated damages based on the recommendations and justifications provided by the agency initiating the

procurement request and the contracting officer's assessment of all applicable factors.

- 2303.5 A contract may include an overall maximum dollar amount or period of time during which liquidated damages may be assessed, or both, to prevent an unreasonable assessment of liquidated damages.
- 2303.6 The contracting officer shall take all reasonable steps to mitigate liquidated damages.
- 2303.7 If a liquidated damages clause is included in a contract and a basis for termination for default exists, the contracting officer shall take appropriate action expeditiously to obtain performance by the contractor or to terminate the contract.
- 2303.8 If delivery or performance is desired after termination for default, efforts shall be made to obtain the delivery or performance from another source within a reasonable time.
- 2303.9 If a contract provides for liquidated damages for delay, the contracting officer, shall be authorized to waive all or part of the damages if, in the discretion of the contracting officer, the waiver would be just and equitable.

**Section 2304, VARIATION IN QUANTITY: SUPPLY CONTRACTS, is amended to read as follows:**

- 2304.1 A fixed-price supply contract may authorize District acceptance of a variation in the quantity of items if the variation is caused by conditions of loading, shipping, packing, or by allowances in manufacturing processes.
- 2304.2 Except as provided in § 2304.3 of this chapter, any permissible variation shall be stated as a percentage. The variation may be an increase, a decrease, or a combination of both.
- 2304.3 Contracts for perishable food items may use other applicable terms of variations in quantity.
- 2304.4 There shall be no standard or usual variation percentage.
- 2304.5 The overrun or underrun permitted in each contract shall be based upon the normal commercial practices of a particular industry for a particular item, and the permitted percentage shall be no larger than is necessary to afford a contractor reasonable protection.
- 2304.6 Contractors shall be responsible for delivery of the specified quantity of items in a fixed-price contract, within allowable variations, if any.

**Section 2309, DISTRICT DELAY OF WORK, is amended to read as follows:**

**2309 DISTRICT DELAY OF WORK**

2309.1 If the District unreasonably delays the performance on a contract, the contractor may submit a written claim for equitable adjustment of the contract price based on increases in the cost of performance due to the work delay, in accordance with the procedures set forth in Chapter 38 of this title.

2309.2 The contracting officer shall keep a record of all negotiations leading to any equitable adjustment, along with information substantiating the change in cost or price.

**Section 2399, DEFINITIONS, is amended to read as follows:**

**2399 DEFINITIONS**

2399.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Date of contract** - the date on which the contract is signed by the contracting officer.

**Director** - the Director of the Office of Contracting and Procurement or the District of Columbia Chief Procurement Officer.

**Stop-work order** - a written document issued by the contracting officer advising a contractor to cease work.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4<sup>th</sup> Street, 700 South, Washington, D.C. 20001, Tel: (202) 727-0252. Comments may be sent by email to [OCPRulemaking@dc.gov](mailto:OCPRulemaking@dc.gov), by postal mail or hand delivery to the address above. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

## OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer “(CPO)” of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the intent to amend Chapter 27 (Bonds, Other Security, and Insurance) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking updates Chapter 27 and implements the provisions in the Act that apply to contractor insurance and bonding requirements, surety liability, and related matters. The current Chapter 27 contains regulations that are outdated and inconsistent with the Act.

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

**Chapter 27, BONDS, OTHER SECURITY, AND INSURANCE, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:**

**Section 2700, GENERAL PROVISIONS, is amended to read as follows:**

**2700 GENERAL PROVISIONS**

2700.1 In addition to the requirements for bonds and other security under the provisions of Title VII of the Procurement Practices Reform Act of 2010 (the “Act”), D.C. Official Code §§ 2-351 *et seq.*, the Director or any contracting officer may require any of the following types of security for any solicitation or contract subject to the provisions of the Act and this title, other than a small purchase under Chapter 18, regardless of the estimated amount of the contract:

- (a) Bid bonds;
- (b) Other bid or proposal security;
- (c) Construction performance and payment bonds; and
- (d) Performance or payment bonds or other security on non-construction contracts.

2700.2 The contracting officer shall determine whether security of any type would be in the best interests of the District in all contracts other than small purchases. In non-construction contracts, the contracting officer shall consider the following factors:

- (a) Whether District property or funds are to be provided to the contractor for use in performing the contract or as partial compensation (such as in retention of salvaged material);
  - (b) When a contractor sells assets to or merges with another business entity, whether the District (after recognizing the other entity as the successor in interest) needs assurance that it is financially capable;
  - (c) Whether substantial progress payments are to be made before delivery of end item starts;
  - (d) Whether the contract is for dismantling, demolition, or removal of improvements; or
  - (e) Any other factors which might favor the use of security to protect the best interests of the District.
- 2700.3 A payment security shall be required only when a performance security is required and the use of the payment security is in the best interests of the District, unless the contracting officer determines that either type of security would, by itself, protect the best interests of the District.
- 2700.4 When a security is required by the contracting officer under the Act or this chapter, the contracting officer may accept any of the following types of security:
- (a) A bond provided by a surety in accordance with § 2708 of this chapter;
  - (b) A cashier's check, certified check or irrevocable letter of credit issued by an insured financial institution in the equivalent amount of the security; or
  - (c) United States government securities that are assigned to the District which pledge the full faith and credit of the United States.
- 2700.5 The contracting officer shall determine a contractor's responsibility even though security has been or can be obtained.
- 2700.6 A solicitation shall not bar bidders or offerors from using any of the types of surety or security permitted by this chapter, unless otherwise prohibited by law or regulation.
- 2700.7 When required by federal law or regulation or as a condition of federal assistance, the contracting officer shall require security, and the solicitation shall state the requirement.

**Section 2701, BID BONDS AND OTHER SECURITY, is amended to read as follows:**

**2701 BID BONDS AND OTHER SECURITY**

- 2701.1 The contracting officer may require bid security in connection with any solicitation, regardless of whether any payment or performance security will be required under the contract.
- 2701.2 When the District's independent price estimate for a construction contract exceeds one hundred thousand dollars (\$100,000), the contracting officer shall require a bid security for the invitation for bids or request for proposals.
- 2701.3 When the District's independent price estimate for a construction project is less than one hundred thousand dollars (\$100,000), the contracting officer may require a bid security.
- 2701.4 The bid security for a construction contract shall be in an amount equal to at least five percent (5%) of the amount of the bid or price proposal. The bid security for non-construction contracts shall be in an amount set by the contracting officer.
- 2701.5 When a bid security is required, the solicitation shall contain the following:
- (a) A statement that bid security is required;
  - (b) Notice that the bid security will remain in effect for as long as the bid or proposal is required to remain effective; and
  - (c) Sufficient information to allow bidders or offerors to determine the amount of the required bid security.
- 2701.6 No action shall be taken against the bid security of a bidder or offeror that is permitted to withdraw a bid or proposal prior to award due to a mistake in the bid or proposal, in accordance with the applicable provisions of Chapters 15 or 16 of this title.

**Section 2702, NONCOMPLIANCE WITH BID SECURITY REQUIREMENTS, is amended to read as follows:**

**2702 NONCOMPLIANCE WITH BID SECURITY REQUIREMENTS**

- 2702.1 If a bid fails to comply with the bid security requirements set forth in the solicitation, the contracting officer shall reject the bid. However, the contracting officer may accept the bid if the contracting officer determines in writing that both of the following apply:
- (a) The bid or proposal meets the criteria set forth in this section; and

- (b) Acceptance of the bid or proposal would be in the best interests of the District.
- 2702.2 If only one bid is received, the bid may be accepted and the contracting officer shall require the furnishing of the bid security before the contract is signed.
- 2702.3 If the amount of the bid security is less than required, but is equal to or greater than the difference between the bid price and the next higher acceptable bid, the bid may be accepted.
- 2702.4 If the amount of the bid security submitted, although less than that required by the solicitation for the maximum quantity bid upon, is sufficient for a quantity for which the bidder is otherwise eligible for award, the bid may be accepted. Any award to the bidder or offeror shall not exceed the quantity covered by the bid security.
- 2702.5 If the bid security becomes inadequate as a result of the correction of a mistake, the bid may be accepted if the bidder agrees to increase the bid security to the level required for the corrected bid.
- 2702.6 If the bid security is received late, and late receipt is waived in accordance with § 1524 of this title, the bid may be accepted.

**Section 2703, PERFORMANCE AND PAYMENT SECURITY, is amended to read as follows:**

**2703 PERFORMANCE AND PAYMENT SECURITY**

- 2703.1 The contracting officer shall require a contractor to furnish performance and payment bonds or other security on any construction contract when the District's independent estimate of the cost of the contract exceeds one hundred thousand dollars (\$100,000), in accordance with the provisions of this section.
- 2703.2 The contracting officer may require a contractor to furnish a payment or performance bond or other security for any construction or non-construction contract, regardless of amount, when the contracting officer determines that the security is necessary or advisable to protect the interests of the District. The security shall be furnished in accordance with the provisions of this section.
- 2703.3 The amount of the performance security shall be one hundred percent (100%) of the portion of the original contract price that does not include the costs of operation, maintenance, and finance; provided, the contracting officer may reduce the amount of the performance security to fifty percent (50%) of the original contract price that does not include the costs of operation, maintenance, and finance, if the contracting officer determines that the lesser amount or percentage

would be adequate for the protection of the District. The contracting officer shall state the amount or percentage in the solicitation.

- 2703.4 The contracting officer shall require additional performance security when a contract price is increased. The increase in performance security shall equal one hundred percent (100%) of the increase in the contract price, unless the contracting officer determines that a lesser amount or percentage is adequate for the protection of the District.
- 2703.5 The contracting officer may require additional performance security by directing a contractor to increase the original sum of the existing security or to obtain an additional security.
- 2703.6 The payment security shall be in an amount equal to one hundred percent (100%) of the portion of the original contract price that does not include the costs of operation, maintenance, and finance; provided, the contracting officer may reduce the amount of the payment security to fifty percent (50%) of the portion of the contract price that does not include the costs of operation, maintenance, and finance, if the contracting officer determines that the lesser amount or percentage would be adequate for the protection of the District. The contracting officer shall state the amount or percentage in the solicitation.
- 2703.7 When a contract price is increased, the District may require additional payment security in an amount adequate to protect suppliers of labor and material. However, in no event shall the amount of payment security fall below fifty percent (50%) of the portion of the increased contract price that does not include the costs of operation, maintenance, and finance.
- 2703.8 When performance or payment security is required, the solicitation shall contain the following:
- (a) A statement that security is required;
  - (b) The amount of the security expressed as a fixed sum or percentage of the contract price that does not include the costs of operation, maintenance, and finance; and
  - (c) The deadline for submitting acceptable security.
- 2703.9 In construction contracts, the contractor shall furnish all performance and payment bonds (or other securities) by the deadline for submitting bonds (or other securities) as stated in the solicitation. The bonds (or other securities) must be submitted before a notice to proceed is issued.

- 2703.10 No performance security or payment security shall be required after the contract has been executed if it was not specifically required in the contract, except when determined necessary by the contracting officer for a contract modification.
- 2703.11 If the contracting officer uses a letter contract to allow the contractor to proceed with work before execution of the definitive contract, no payments shall be made under the letter contract until the required payment and performance securities have been received.

**Section 2704, REDUCTION OF SHELTERED MARKET SECURITY REQUIREMENTS, is repealed and replaced with:**

**2704 [RESERVED]**

**Section 2707, SURETY BONDS AND OTHER SECURITY, is amended to read as follows:**

**2707 SURETY BONDS AND OTHER SECURITY**

- 2707.1 A new surety bond covering all or part of the obligation on a security previously approved may be substituted for the original security, if approved by the contracting officer.
- 2707.2 When a new surety bond is approved, the contracting officer shall notify the principal and surety on the original bond of the effective date of the new bond.
- 2707.3 In addition to the requirements of § 703(b) of the Act, D.C. Official Code § 2-357.03(b), when a payment security has been provided, the contracting officer shall, upon request, furnish the name and address of the surety or sureties to any subcontractor or supplier who has furnished or been requested to furnish labor or material for a contract. In addition, general information concerning the work progress, payments, and the estimated percentage of completion may be furnished to persons who have provided labor or material and have not been paid.
- 2707.4 During performance of contracts requiring payment and performance security, agencies shall not withhold payments that are due to contractors or assignees because subcontractors or suppliers have not been paid.
- 2707.5 If, after completion of the work of a contract requiring payment and performance security, the District receives written notice from the surety regarding the contractor's failure to meet its obligation to its subcontractors or suppliers, the contracting officer shall withhold final payment. However, the surety shall agree to hold the District harmless from any liability resulting from withholding the final payment. The contracting officer shall authorize final payment upon agreement between the contractor and surety or upon a judicial or other binding determination of the rights of the parties.

- 2707.6 If the amount of security exceeds the surety’s underwriting limit, as established by the U.S. Department of the Treasury or a list established by the District, the security shall be acceptable only if:
  - (a) The amount that exceeds the specified limit is coinsured or reinsured; and
  - (b) The amount of coinsurance or reinsurance does not exceed the underwriting limit of each coinsurer or reinsurer.

**Section 2708, SURETIES, is amended to read as follows:**

**2708 SURETIES**

- 2708.1 A bond security may be obtained from a corporate or individual surety, provided that an individual surety shall not be used for any construction contract in excess of one hundred thousand dollars (\$100,000).
- 2708.2 Each corporate surety shall be a company authorized to do business in the District of Columbia.
- 2708.3 The contracting officer shall determine the acceptability of all individuals proposed as sureties.
- 2708.4 At least two (2) individual sureties shall be required to execute a security. The net worth of each individual surety shall equal or exceed the amount of the security.
- 2708.5 When determining the acceptability of an individual surety, the contracting officer shall consider the number and amounts of other bonds upon which a proposed individual surety is bound, and the status of the contracts for which those securities were furnished.
- 2708.6 Neither the Mayor of the District of Columbia, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in the District of Columbia.

**Section 2709, CONSENT OF SURETY, is amended to read as follows:**

**2709 CONSENT OF SURETY**

- 2709.1 If a contract is modified, the contracting officer shall obtain the consent of surety in the following circumstances:
  - (a) When an additional bond is obtained from another surety;

- (b) When no additional bond is required and the modification is beyond the scope of the original contract; or
- (c) When no additional bond is required and the modification does not change the scope of the contract but increases or decreases the contract price by more than twenty-five percent (25%) or fifty thousand dollars (\$50,000), whichever is less.

2709.2 The contracting officer shall obtain the consent of surety for a novation agreement.

2709.3 The contracting officer shall obtain the consent of surety when a contract is to be awarded after the deadline set for contract award unless the written commitment of the surety extends to or beyond the date the contract is signed.

**Section 2710, INSURANCE, is amended to read as follows:**

**2710 INSURANCE**

2710.1 The District shall require each contractor to obtain insurance, by purchase, for the risks to which the contractor is exposed, except when the contract specifically relieves the contractor of liability for loss of or damage to District property.

2710.2 The contracting officer shall have the right to disapprove the purchase of any insurance coverage not in the best interests of the District.

2710.3 Insurance shall be mandatory when commingling of property, the type of operation, circumstances of ownership, or conditions of the contract make it necessary for the protection of the District.

2710.4 When the District requires a contractor to provide insurance coverage, the policies shall contain an endorsement that any cancellation or material change in the coverage or terms and conditions of the coverage shall not be effective unless the insurer or the contractor gives prior written notice of the cancellation or change to the District in the manner required by the contract or the contracting officer.

2710.5 When the District requires or approves insurance to cover loss of or damage to District property, it may be provided by specific insurance policies or by inclusion of the risks in the contractor's existing policies. The policies shall disclose the District's interests in the property.

2710.6 The Director may establish risk-pooling arrangements. These arrangements shall be designed to use the services of the insurance industry for safety engineering and the handling of claims at minimum cost to the District. The agency responsible shall appoint a single point of contact for each arrangement.

- 2710.7 The contracting officer may specify insurance requirements under fixed-price contracts, as follows:
- (a) When the contractor is engaged principally in District work;
  - (b) When the contractor has a separate operation engaged principally in District work;
  - (c) When the District elects to assume risks for which the contractor ordinarily would obtain commercial insurance; or
  - (d) In other circumstances when insurance coverage is in the best interests of the District.
- 2710.8 Employee group insurance plans shall not be reimbursable under cost-reimbursement type contracts unless the plans have first been approved by the contracting officer and are otherwise deemed reimbursable under the terms of the contract. Whenever an approved plan is materially changed during the course of the contract, the plan shall be resubmitted for approval, and no costs shall be reimbursable unless approval of the revised plan has first been obtained.
- 2710.9 Group insurance plans under § 2710.8 shall provide for the District to share in any premium refunds or credits paid or otherwise allowed to the contractor. In determining the extent of the District's share in any premium refunds or credits, any special reserves and other refunds to which the contractor may be entitled in the future shall be taken into account.

**Section 2711, REINSURANCE, is amended to read as follows:**

**2711 REINSURANCE**

- 2711.1 If reinsurance is contemplated, the contracting officer may require reinsurance agreements to be executed and submitted with the securities before making a final determination on the securities.
- 2711.2 When specified in the solicitation, the contracting officer may accept a security from the direct writing company in satisfaction of the total bond requirement of the contract. This shall be permissible until necessary reinsurance agreements are executed, even though the total security requirement may exceed the insurer's underwriting limitation.
- 2711.3 The contractor shall execute and submit necessary reinsurance agreements to the contracting officer within the time specified in the solicitation, which shall not exceed forty-five (45) calendar days after the execution of the security.

**Section 2712, LIABILITY, is amended to read as follows:**

**2712**      **LIABILITY**

- 2712.1      The contracting officer shall require contractors to comply with applicable federal and District workers' compensation and occupational disease statutes. If occupational diseases are not compensable under those statutes, they shall be covered under the employer's liability section of the insurance policy, except when contract operations are so commingled with a contractor's commercial operations that it would not be practical to require the coverage.
- 2712.2      The contractor shall provide the types and amounts of insurance specified in the solicitation.

**Section 2799, DEFINITIONS, is amended to read as follows:****2799**      **DEFINITIONS**

- 2799.1      When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Attorney-in-fact** – an agent, independent agent, underwriter, or any other company or individual holding a power of attorney granted by a surety.

**Bid bond** – a bid security in the form of a bond.

**Bid security** – a form of guarantee assuring that the bidder or offeror will not withdraw a bid or proposal within the period specified for acceptance and will execute a written contract and furnish required bonds or other security, including any necessary coinsurance or reinsurance agreements, within the time specified in the solicitation, unless a longer time is allowed, after receipt of the specified forms.

**Bond** – a written instrument executed by a bidder or contractor (the "principal"), and a second party (the "surety" or "sureties"), to assure fulfillment of the principal's obligations to a third party (the "obligee" or "District"), identified in the bond. If the principal's obligations are not met, the bond assures payment, to the extent stipulated, for any loss sustained by the obligee.

**Corporate surety** – a corporation licensed under District insurance laws which, under its charter, has legal power to act as surety for others.

**Consent of surety** – an acknowledgment by a surety that its bond given in connection with a contract continues to apply to the contract as modified.

**Direct writing company** – the surety actually executing the bond or other security (as opposed to a source of reinsurance or secondary underwriter).

**Executed** – agreed to and signed by the parties to a transaction.

**Individual surety** – a natural person, as distinguished from a business entity, who is liable for the entire penal amount of the bond.

**Insurance** – a contract which provides that, for a stipulated consideration, the insurer undertakes to indemnify the insured party against risk of loss, damage, or liability arising from an unknown or contingent event.

**Payment bond** – a bond that ensures payment as required by law to all persons supplying labor or material in the performance of the work provided for in the contract.

**Performance bond** – a bond that secures performance and fulfillment of the contractor's obligations under the contract.

**Penal amount** – the amount of money specified in a security (or a percentage of the bid price in a bid security) as the maximum payment for which the surety is obligated.

**Power of attorney** – the authority given to a person or corporation to act for and obligate another as specified in the instrument creating the power. In corporate suretyship, an instrument under seal which appoints an attorney-in-fact to act on behalf of a surety company in signing bonds.

**Reinsurance** – a transaction which provides that a surety, for a consideration, agrees to indemnify another surety against loss which the latter may sustain under a bond which it has issued.

**Risk-pooling arrangements** – an arrangement by which the risks of underwriting any security are shared by two or more sureties.

**Surety** – a party legally liable for the debt, default, or failure of a principal to satisfy a contractual obligation.

**Underwriting limitation** – the maximum amount for which a surety can be liable under a bond or other security.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4<sup>th</sup> Street, 700 South, Washington, D.C. 20001, Tel: (202) 727-0252. Comments may be sent by email to [OCPRulemaking@dc.gov](mailto:OCPRulemaking@dc.gov), by postal mail or hand delivery to the address above. Comments must be received no later than

thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

## DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING

## Chapters 1 and 2 of the Air Quality Regulations

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984 (the “Act”), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.01 *et seq.* (2013 Repl. & 2016 Supp.)); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4) (2013 Repl.)); and Mayor’s Order 2006-61, dated June 14, 2006, hereby gives notice of the intent to amend Chapters 1 (Air Quality - General Rules) and 2 (Air Quality - General and Non-Attainment Area Permits), to Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

The Department is proposing amendments to Chapter 1 of the air quality regulations in order to clarify its general authorities to protect air quality in the District. The Act provided the Mayor with general authority to regulate air quality in the District but had undergone few revisions in the 30 years since its enactment. On June 26, 2013, the D.C. Council introduced amendments to the Act that would clarify the Mayor’s regulatory and enforcement authorities. The Air Quality Amendment Act of 2013 (D.C. Law 20-135; 61 DCR 6767 (July 3, 2014)) became effective on September 9, 2014. The Department is updating the general requirements in Chapter 1 of the air quality regulations in order to reflect these changes, particularly with respect to the right of entry and inspection, penalties and injunctive relief, cease and desist orders, and the hearing rights of aggrieved parties. The Department is also revising the definitions in Section 199, by deleting obsolete definitions and updating cross-references. Finally, it is amending Section 202 of Chapter 2 in order to clarify the process for denying, revoking, suspending, or amending an air quality permit.

The Department is also taking this opportunity to amend Subsection 107.3 of the air quality regulations in order to comply with federal requirements. On May 22, 2015, the federal Environmental Protection Agency (EPA) issued a Final Rulemaking, finding that this section grants the Department discretion to create a unilateral exemption to emission limitations and therefore is a “substantial inadequacy” in the District’s State Implementation Plan (SIP). *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction*, 80 Fed. Reg. 33840, 33961 (June 12, 2015). The Department is correcting the substantial inadequacy in its regulations by specifying the criteria under which the Department may grant this exemption. The Department is also clarifying the procedures for removing a control device or practice.

Once finalized, the Department plans to submit this entire rulemaking as an amendment to the District’s SIP.

**Chapter 1, AIR QUALITY – GENERAL RULES, of Title 20 DCMR, ENVIRONMENT, is amended to read as follows:**

**Section 100, PURPOSE, SCOPE, AND CONSTRUCTION, is amended to read as follows:**

## **100 PURPOSE, SCOPE, AND CONSTRUCTION**

- 100.1 The purpose of the air quality regulations is to prevent or minimize emissions into the atmosphere and thereby protect and enhance the quality of the District's air resources so as to protect the public health and welfare, promote the productive capacity of the people of the District of Columbia, and protect and restore the natural environment of the District of Columbia.
- 100.2 The air quality regulations shall apply to all operations in the District as authorized by the District of Columbia Air Pollution Control Act of 1984 (D.C. Law 5-165), as amended, as well as federal operations to the full extent permitted by the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), as amended, and regulations promulgated thereunder.
- 100.3 All regulations and parts of regulations in effect in the District that are inconsistent with the provisions of the air quality regulations are superseded with respect to matters covered by the air quality regulations, unless specifically stated otherwise.
- 100.4 The English system of measurement shall be the official system of measurement under the air quality regulations, unless specified otherwise.
- 100.5 Reference in the air quality regulations to a specific introductory section or subsection (such as § 204 or § 204.1) is intended to include a reference to all subdivisions of the specific section or subsection (such as §§ 204.1, 204.2, 204.1(a), and 204.1(a)(1)).
- 100.6 If any provision of the air quality regulations or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the air quality regulations shall not be affected.

**Section 101, INSPECTION, is repealed and replaced with the following:**

## **101 CONFIDENTIALITY OF REPORTS**

- 101.1 Any records, reports, information, or particulars thereof, other than emissions data, that relates to production, sales figures, or processes of any owner or operator, shall not be disclosed publicly upon a showing satisfactory to the Department that to publicly disclose will result in a significant and adverse effect upon the competitive position of the owner or operator, as provided in section 204 of the D.C. Freedom of Information Act (D.C. Official Code § 2-534) and section

114 of the Clean Air Act (42 U.S.C. §7414) except as may be necessary to protect the public health, safety, or well-being, following an opportunity for a hearing pursuant to § 107 of this title.

101.2 Subsection 101.1 of this title shall not be construed to prevent the use of the records, reports, or information by the Department in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere; provided, that the analyses or summaries do not reveal any information otherwise confidential under the provisions of this section.

101.3 Subsection 101.1 of this title shall not be construed to prevent such record, report, or information from being disclosed to other officers, employees, or authorized representatives of the District of Columbia or the United States concerned with carrying out this Act or the Clean Air Act, or when relevant in any proceeding under this Act or the Clean Air Act.

**Section 102, ORDERS FOR COMPLIANCE, is repealed and replaced with the following:**

## **102 CONTROL DEVICES OR PRACTICES**

102.1 The devices or practices provided for the control of air pollutants discharged from stationary sources, or for otherwise complying with the air quality laws and regulations, shall remain operative or effective whenever the stationary source being controlled is operative or capable of producing emissions, except as otherwise provided in this section, and shall not be removed prior to the owner or operator requesting, and receiving, either written approval from the Department or an amendment to the source's operating permit issued pursuant to Chapter 2 of this title, as provided in §§ 102.4 and 102.6 of this title.

102.2 Whenever it is necessary to shut down air pollution control equipment due to malfunction or for periodic maintenance, the owner or operator of the equipment shall report the planned shutdown to the Department within one (1) business day of a shutdown due to malfunction, or at least forty-eight (48) hours prior to a shutdown for maintenance.

102.3 The notice required by § 102.2 of this title shall include, but is not limited to, the following:

- (a) Identification of the specific facility whose pollution control equipment is to be taken out of service, as well as its location and permit number;
- (b) The expected length of time that the air pollution control equipment will be out of service;
- (c) The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;

- (d) Measures that will be taken to minimize the length of the shutdown period; and
- (e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance or repair period.

102.4 The Department may, by written notice to the owner or operator, permit the continued operation of the source for the time period proposed, or for the lesser time as the Department finds reasonable, provided that:

- (a) The owner or operator of the equipment provides the notice required in §§ 102.2 and 102.3 of this title;
- (b) The Department determines that measures have been taken to minimize the length of the shutdown period;
- (c) The Department determines that it would be impossible or impractical to shut down the source operation during the maintenance or repair period; and
- (d) The Department determines that operation of the source will not result in the violation of any federally enforceable emissions limitation or requirement.

102.5 If the Department does not permit continued operation of the source pursuant to § 102.4 of this title, it may order the owner or operator to discontinue operation of the stationary source until the maintenance is completed, or the malfunctioning equipment is repaired.

102.6 The Department may, by written notice to the owner or operator, allow the removal of a control device or practice pursuant to § 102.1 provided that:

- (a) The owner or operator submits a written request for removal of the control device or practice at least ninety (90) days prior to the proposed date of removal;
- (b) The Department determines that it would be impossible or highly impractical to maintain the control device or practice;
- (c) The Department determines that operation of the stationary source without the control device or practice will not result in the violation of any federally enforceable emissions limitation or regulatory requirement; and
- (d) If the control device or practice is required by a permit issued pursuant to Chapters 2 or 3 of the air quality regulations, the owner or operator shall

submit an application for an amendment to the permit at the same time or prior to the written request specified under paragraph (a).

- 102.7 Any article, machine, equipment, device, or other contrivance that conceals an emission from any source shall not be installed or used.

**Section 103, VARIANCE, is amended to read as follows:**

**103 VARIANCES**

- 103.1 Each person required to perform an act by the air quality regulations may be excused by the Department from the performance of the act, either in whole or in part, upon a finding by the Department that the full performance of the act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or the impracticability of bringing the activity into full compliance with the requirements of the air quality regulations.
- 103.2 A variance may be granted only to the extent that it is necessary to ameliorate an exceptional or undue hardship, and only when compensating factors are present that give adequate protection to the public health or welfare and assure that the intent and purpose of the air quality regulations are not impaired.
- 103.3 No variance may be granted to excuse performance required by any federal mandate.
- 103.4 A person requesting a variance shall submit a written request for the variance, together with the supporting data and analyses that may be required by the Department.
- 103.5 The request for a variance shall be filed with the Department and shall include the following:
- (a) The requirement(s) of the air quality regulations from which the person seeks the variance;
  - (b) A description of the exceptional or undue hardship that would result from compliance with the requirement; and
  - (c) A description of the act that the person wishes to perform in lieu of the regulatory requirement.
- 103.6 Except as explicitly provided in the air quality regulations, a variance is granted for the operation of diesel locomotives on common carrier railroads in the District in accordance with the Clean Air Act.

- 103.7 A variance may be granted for experimental and research activities; provided, that the requirements of §§ 103.1 through 103.5 are otherwise met.
- 103.8 All requests for variances shall be published in the *District of Columbia Register*, at least thirty (30) days before the Department rules on the request, in accordance with the following requirements:
- (a) The published notice shall briefly set forth the information contained in the applicant's written request; and
  - (b) Any person may submit comments on the request within thirty (30) days of the published notice.
- 103.9 An applicant must submit the fee specified in § 211 of this title, sufficient to cover the reasonable costs of reviewing and acting upon the application and the reasonable costs of implementing and enforcing the terms and conditions of the variance approval.
- 103.10 The Department shall maintain a written record of all variances granted and denied. The record shall include all bases for the grant or denial, and shall be available for public inspection.
- 103.11 Each variance may be granted for up to five (5) years, but not to exceed the time necessary to avoid the undue hardship, and may be renewed in accordance with the following:
- (a) A renewal may be granted only if the Department finds that the intent and purpose of the air quality regulations are not impaired;
  - (b) A renewal may be granted only upon application, which shall be made at least ninety (90) days prior to the expiration of the variance; and
  - (c) All of the requirements of this section shall apply in cases of renewal.
- 103.12 Nothing in this section shall be construed to permit any operation in violation of the air quality regulations during the pendency of a request for a variance.
- 103.13 Nothing in this section, and no variance or renewal granted pursuant to this section, shall be construed to prevent or limit the application of the emergency provisions and procedures of § 401 of this title to any person or his or her property.

**Section 104, HEARINGS, is repealed and replaced with the following:**

## **104 ENTRY AND INSPECTION**

104.1 Upon the presentation of appropriate credentials to the owner, agent in charge, or tenant, the Department shall have the right, subject to § 104.3 of this section, to enter a premise or inspect an activity reasonably believed to be subject to the air quality regulations to determine compliance with the requirements of the air quality regulations. The right of entry shall be for the following purposes:

- (a) Inspection, including the right to inspect and copy records related to compliance with the air quality regulations;
- (b) Observation;
- (c) Measurement;
- (d) Sampling;
- (e) Testing; and
- (f) Evidence collection.

104.2 The Department may:

- (a) Investigate and take testimony under oath regarding any report of noncompliance with a federal or District law or regulation applicable to air pollution control; and
- (b) In addition to the requirements of Chapter 5 of Title 20 of the DCMR, require a person or entity subject to the air quality regulations, or who the Department reasonably believes may have information necessary to carry out the purposes of the air quality regulations, on a one-time, periodic, or continuous basis to:
  - (1) Establish, maintain, and submit records and reports;
  - (2) Install, use, and maintain monitoring equipment, and use audit procedures or methods;
  - (3) Take samples in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Department shall prescribe;
  - (4) Keep records on control equipment parameters, production variables, or other indirect data as appropriate;
  - (5) Submit compliance certifications; and
  - (6) Provide other information as the Department may require.

- 104.3 If the Department is denied access to enter or inspect the premises in accordance with this section, the Department may apply to the Superior Court of the District of Columbia or the Office of Administrative Hearings pursuant to § 12(b)(12) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.09(b)(12)) for a search warrant.

**Section 105, PENALTY, is amended to read as follows:**

**105 PENALTIES, COST RECOVERY, AND INJUNCTIVE RELIEF**

- 105.1 In the event of any violation of, or failure to comply with, the air quality laws or regulations, every day of the violation or failure shall constitute a separate offense, and the penalties described in this section shall be applicable to each separate offense.
- 105.2 A person who violates the air quality laws or regulations is civilly liable and shall be subject to fines not more than thirty seven thousand five hundred dollars (\$37,500) per violation per day.
- 105.3 A person who knowingly or willfully violates the air quality laws or regulations is guilty of a criminal misdemeanor and, upon conviction, shall be subject to a fine not to exceed twenty five thousand dollars (\$25,000), imprisonment not to exceed one (1) year, or both.
- 105.4 A person who knowingly makes a false statement in an application, record, report, plan, or other document submitted or maintained under this act shall be guilty of a misdemeanor and subject to a fine not to exceed ten thousand dollars (\$10,000), imprisonment not to exceed six (6) months, or both.
- 105.5 In the alternative to civil fines, the Department may impose an administrative fine, penalty, or cost pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985, as amended (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*) and its implementing regulations.
- 105.6 In addition to or in lieu of the civil, criminal, and administrative penalties in this section, the Attorney General for the District of Columbia may commence appropriate civil action in the Superior Court of the District of Columbia or any other court of competent jurisdiction for damages, cost recovery, and injunctive or other appropriate relief to enforce compliance with the air quality laws and regulations.

**Section 106, CONFIDENTIALITY OF REPORTS, is repealed and replaced with the following:**

**106 ENFORCEMENT**

- 106.1 The Department may enforce a violation of the air quality laws or regulations by issuing one or more of the following:
- (a) Administrative order, notice of violation, or cease and desist order;
  - (b) Notice of infraction;
  - (c) Civil or criminal judicial enforcement action;
  - (d) Notice of modification, suspension, revocation, or denial of a permit in accordance with 20 DCMR §§ 202 and 303; or
  - (e) Any other order or compliance document necessary to protect human health or the environment, or to implement or enforce the air quality laws and regulations.
- 106.2 Each notice shall identify the violation and, if applicable:
- (a) In the case of a notice of infraction, include an assessment of a fine for each violation being cited; and
  - (b) In the case of a notice of infraction or notice of permit modification, suspension, revocation, or denial, state the procedure for requesting a hearing to appeal the notice.
- 106.3 If the Department determines that a hazardous condition exists that may endanger the public health or safety of the citizens or environment within the District of Columbia due to noncompliance with federal or District air quality laws or regulations, the Department may issue a cease and desist order, which requires a violator to cease operations and implement corrective actions immediately to contain the hazardous condition. The order shall:
- (a) Describe the nature of the violation;
  - (b) Take effect at the time and on the date signed;
  - (c) Identify the corrective actions to be taken or actions that must be immediately suspended; and
  - (d) State the procedure for requesting a hearing to appeal the order.
- 106.4 If the Department determines that there has been a violation of federal or District air quality laws or regulations, the Department may issue an administrative order, which requires a violator to take action to come into compliance. The order shall:

- (a) Describe the nature of the violation;
- (b) Take effect at the time and on the date signed;
- (c) Identify the corrective actions to be taken or actions that must be immediately suspended; and
- (d) State the procedure for requesting a hearing to appeal the order.

**Section 107, CONTROL DEVICES OR PRACTICES, is repealed and replaced with the following:**

## **107 APPEALS**

- 107.1 Any person adversely affected by an action of the Department taken or proposed to be taken pursuant to the Act or air quality regulations may request a hearing within fifteen (15) calendar days of service, or twenty (20) calendar days if service is made by United States mail. If specific instructions are not on the notice or order, the person shall file a written request for a hearing, including the grounds for the objection, in accordance with the Office of Administrative Hearings: Rules of Practice and Procedure in Chapter 28 of Title 1 DCMR.
- 107.2 An appeal request does not stay the effective date of an administrative order or cease and desist order issued pursuant to § 106 of this title. If a hearing is not requested within the fifteen (15) day time period, or twenty (20) calendar days if service is made by United States mail, the order becomes final and remains in effect until the Department determines that the corrective actions have alleviated the violations and the dangerous conditions, if applicable.
- 107.3 The Department may take any adverse action proposed or contemplated without a hearing if the aggrieved person fails to timely request a hearing, or the party fails to appear at a scheduled hearing for which no continuance has been granted.

**Section 199, DEFINITIONS AND ABBREVIATIONS, is amended as follows:**

## **199 DEFINITIONS AND ABBREVIATIONS**

- 199.1 When used in the air quality regulations, Chapters 1 through 20 of Title 20 DCMR, the following terms shall have the meaning ascribed:

**By adding a definition for “Act” to read as follows:**

**Act** – except as used in Chapter 3 of Title 20, the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165) as amended, (D.C. Official Code §§ 8-101.01 *et seq.*).

**By deleting the definition of “affected facility.”**

**By amending the definition of “air pollution” to read as follows:**

**Air pollution** – the presence in the outdoor atmosphere of one or more air pollutants in sufficient quantities and of characteristics and duration as are likely to be injurious to public welfare, to the health of humans, to plant or animal life, or to property, or which interferes with the reasonable enjoyment of life and property.

**By adding a definition of “air quality regulations” to read as follows:**

**Air quality regulations** – unless otherwise specified, regulations issued pursuant to the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165) as amended, (D.C. Official Code §§ 8-101.01 *et seq.*).

**By amending the definition of “annual process rate” to read as follows:**

**Annual process rate** – the actual or estimated annual fuel, process, or solid waste operating rate.

**By amending the definition of “begin actual construction” to read as follows:**

**Begin actual construction** – the initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. These activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.

**By amending the definition of “blending plant” to read as follows:**

**Blending plant** – any refinery or other facility at which oxygenated gasoline is produced through the addition of oxygenates, and at which the quality or quantity of the gasoline is not altered in any other manner.

**By amending the definition of “building, structure, facility, or installation” to read as follows:**

**Building, structure, facility, or installation** – all of the pollutant emitting activities that belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same “Major Group”

(i.e., which have the same first two (2) digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

**By amending the definition of “certifying individual” to read as follows:**

**Certifying individual** – the individual responsible for the completion and certification of the emission statement and who will take legal responsibility for the emission statement's accuracy.

**By amending the definition of “Clean Air Act” to read as follows:**

**Clean Air Act** – the federal Clean Air Act, enacted December 31, 1970 (Public Law 91-604), as amended (42 U.S.C. §7401 *et seq.*).

**By amending the definition of “commence” to read as follows:**

**Commence** – as applied to construction of a major stationary source or major modification - that the owner or operator has obtained all necessary preconstruction approvals or permits and either has:

- (a) Begun, or caused to begin, a continuous program of physical on-site construction of a source to be completed within a reasonable time; or
- (b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

**By amending the definition of “complete” to read as follows:**

**Complete** – in reference to an application for a permit, that the application contains all of the information necessary for processing the application, as determined by the Department.

**By amending the definition of “component” to read as follows:**

**Component** – any piece of equipment that has the potential to leak volatile organic compounds and that is tested in the manner described in § 702 of the air quality regulations. These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents, pipeline valves, flanges and other connections, pressure relief devices, process drains, and open ended pipes. Excluded from these sources are valves which are not externally regulated.

**By amending the definition of “condensate” to read as follows:**

**Condensate** – hydrocarbon liquid separated from natural gas that condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

**By amending the definition of “control device” to read as follows:**

**Control device** – any device that has as its primary function the control of emissions from fuel burning, refuse burning, or from a process, and thus reduces the creation of, or the emission of, air pollutants into the atmosphere, or both.

**By amending the definition of “control efficiency” to read as follows:**

**Control efficiency** – the actual total control efficiency achieved by the control device(s).

**By amending the definition of “control equipment identification code” to read as follows:**

**Control equipment identification code** – the tracking code established by the U.S. Environmental Protection Agency that defines the equipment used to reduce, by destruction or removal, the amount of air pollutant(s) in an air stream prior to discharge to the ambient air.

**By amending the definition of “crude oil” to read as follows:**

**Crude oil** – a naturally occurring mixture that consists of hydrocarbons and sulfur, nitrogen, and oxygen derivatives of hydrocarbons and that is liquid at standard conditions.

**By amending the definition of “cutback asphalt” to read as follows:**

**Cutback asphalt** – any asphalt cement that has been liquified by blending with a volatile organic compound(s).

**By amending the definition of “Department” to read as follows:**

**Department** – the Department of Energy and Environment (DOEE).

**By amending the definition of “Director” to read as follows:**

**Director** – the Director of the Department of Energy and Environment or the Director's duly authorized representative.

**By amending the definition of “dispersion technique” to read as follows:**

**Dispersion technique** – includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions, or so much of the stack height of any source that exceeds the greater of sixty-five (65) meters (213 feet) or  $H_g = H + 1.5L$ , where  $H_g$  = maximum stack height determined from consideration of all nearby structures, measured from the ground-level elevation at the base of the stack,  $H$  = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,  $L$  = lesser dimension (height or projected width) of nearby structure(s), or so much of the stack height of any source that exceeds the height determined by a demonstration performed to the satisfaction of the Department. In determining whether a demonstration is performed satisfactorily, the Department shall take into consideration, among other factors, the methods, documents, and practices used in performing the demonstration.

**By amending the definition of “Distributor” to read as follows:**

**Distributor** – any person or party who supplies gasoline for delivery to a retail outlet.

**By amending the definition of “emission factor” to read as follows:**

**Emission factor** – an estimate of the rate at which a pollutant is released to the atmosphere as the result of some activity divided by the rate of that activity.

**By amending the definition of “emission statement” to read as follows:**

**Emission statement** – annual report of actual emissions of oxides of nitrogen and volatile organic compounds required of each owner or operator of stationary sources pursuant to the requirements of §182(a)(3)(B) of the federal Clean Air Act.

**By amending the definition of “emissions unit” to read as follows:**

**Emissions unit** – any part of a stationary source that emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act or under the air quality regulations.

**By amending the definition of “estimated emissions method code” to read as follows:**

**Estimated emissions method code** – a one-position tracking code established by the U.S. Environmental Protection Agency that identifies the estimation technique used in the calculation of estimated emissions.

**By amending the definition of “excessive concentrations” to read as follows:**

**Excessive concentrations** – for the purpose of determining good engineering practice stack height in a demonstration, a maximum concentration due to downwash, wakes, or eddies produced by structures or terrain features that the Department determines would result in adverse health effect(s) beyond those that would be experienced in the absence of the downwash, wake, or eddies. In determining the adverse health effect(s) resulting from downwash, wakes, or eddies, the Department shall take into consideration, among other factors, the following:

- (a) The nature and concentration of the pollutant(s);
- (b) The applicable National Ambient Air Quality Standard(s);
- (c) Any other appropriate air quality standard(s); and
- (d) The possible duration of exposure to the pollutant(s).

**By amending the definition of “existing source” to read as follows:**

**Existing source** – equipment, machines, devices, articles, contrivances, or installations that are under construction or in operation on February 1, 1985, except that any existing equipment, machine, device, article, contrivance, or installation that is altered, replaced, or rebuilt after February 1, 1985, shall be defined as a new source.

**By amending the definition of “external floating roof” to read as follows:**

**External floating roof** – a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck that rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

**By amending the definition of “federally enforceable” to read as follows:**

**Federally enforceable** – all limitations and conditions that are enforceable by the Administrator, including those requirements developed pursuant to 40 C.F.R. parts 60, 61, and 63 requirements within any applicable state implementation plan, any permit requirements established pursuant to 40 C.F.R. § 52.21 or under regulations approved pursuant to 40 C.F.R. part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program, or any permit requirements not designated as “state only” in a federal operating permit, a permit issued pursuant to Chapter 3 of this title, or a permit issued pursuant to 40 C.F.R. parts 70 and 71.

**By amending the definition of “fossil fuel-fired steam-generating unit” to read as follows:**

**Fossil fuel-fired steam-generating unit** – a furnace or boiler, or combination of furnaces or boilers connected to a common stack, used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

**By amending the definition of “fugitive emissions” to read as follows:**

**Fugitive emissions** – those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

**By amending the definition of “gas service” to read as follows:**

**Gas service** – equipment that processes, transfers, or contains a volatile organic compound or mixture of volatile compounds in the gaseous phase.

**By amending the definition of “incinerator” to read as follows:**

**Incinerator** – any furnace used in the process of burning solid waste or sludge for the primary purpose of reducing the volume of the waste or sludge by removing combustible matter.

**By amending the definition of “independent small business marketer of gasoline” to read as follows:**

**Independent small business marketer of gasoline** – any person engaged in the marketing of gasoline who would be required to pay for procurement and installation of vapor recovery equipment under § 324 of the federal Clean Air Act or regulations promulgated thereunder, unless such person:

- (a) Is a refiner;
- (b) Controls, is controlled by, or is under common control with a refiner;
- (c) Is otherwise directly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner; or
- (d) Receives less than fifty percent (50%) of his or her annual income from the refining or marketing of gasoline. For purposes of the definition of independent small business marketer of gasoline, the term "refiner" shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who

controls, is controlled by, or is under common control with such refiner) does not exceed sixty five thousand (65,000) barrels per day, and the terms "controls," "controlled by," or "common control" mean ownership of more than fifty percent (50%) of the refiner's common stock.

**By deleting the definition of “lead-based paint activity.”**

**By amending the definition of “leaking component” to read as follows:**

**Leaking component** – a component that has a volatile organic compound concentration exceeding ten thousand (10,000) parts per million when tested in the manner described in Appendix B, EPA Guideline Series, EPA-450/2-78-036, OAQPS No. 1.2-111, June 1978.

**By amending the definition of “loading facility” to read as follows:**

**Loading facility** – any aggregation or combination of gasoline loading equipment that is both possessed by one (1) person, and located so that all the gasoline loading outlets for the aggregation or combination of loading equipment can be encompassed within any circle of three hundred feet (300 ft.) in diameter.

**By amending the definition of “lowest achievable emission rate (LAER)” to read as follows:**

**Lowest achievable emission rate (LAER)** – for any source, the more stringent rate of emissions based on the following:

- (a) The most stringent emissions limitation that is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or
- (b) The most stringent emissions limitation that is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within or stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

**By amending the definition of “major stationary source” to read as follows:**

**Major stationary source** – any stationary source of air pollutants that emits, or has the potential to emit, one hundred tons per year (100 Tpy) or more of

any pollutant regulated under the Clean Air Act, except that lower emissions thresholds shall apply as follows:

- (a) Seventy (70) Tpy or more of PM<sub>10</sub> or, where applicable, seventy (70) Tpy of a specific PM<sub>10</sub> precursor, in any nonattainment area for PM<sub>10</sub>;
- (b) Fifty (50) Tpy or more of carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to carbon monoxide levels in the area (as determined under rules issued by the EPA Administrator);
- (c) Twenty-five (25) Tpy or more of nitrogen oxides or volatile organic compounds in any nonattainment area for ozone, except where paragraph (d) below is applicable;
- (d) Ten (10) Tpy or more of nitrogen oxides or volatile organic compounds in any extreme nonattainment area for ozone;
- (e) Any physical change that would occur at a stationary source not qualifying under paragraphs (a) - (d) above, is a major stationary source if the change would constitute a major stationary source by itself;
- (f) A major stationary source that is major for volatile organic compounds or oxides of nitrogen shall be considered major for ozone; and
- (g) The fugitive emissions of a stationary source shall not be included in determining major stationary source status, unless the source belongs to one (1) of the following categories of stationary sources:
  - (1) Coal cleaning plants (with thermal dryers);
  - (2) Kraft pulp mills;
  - (3) Portland cement plants;
  - (4) Primary zinc smelters;
  - (5) Iron and steel mills;
  - (6) Primary aluminum ore reduction plants;
  - (7) Primary copper smelters;

- (8) Municipal incinerators capable of charging more than two hundred fifty tons (250 T) of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units (250,000,000 Btus) per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units (250,000,000 Btus) per hour heat input; and

- (27) Any other stationary source category which, as of August 7, 1980, is being regulated under §§ 111 or 112 of the Clean Air Act.

**By amending the definition of “modification” to read as follows:**

**Modification** – other than as used in § 205 of the air quality regulations, any physical change in, or change in the method of operation of, a stationary source that increases or decreases the amount of any air pollutant emitted by the source, or that results in the emission of any air pollutant not previously emitted, except that the term shall not include the following:

- (a) Routine maintenance, repair, or replacement;
- (b) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established pursuant to § 204 of this title;
- (c) Use of an alternative fuel or raw material if, prior to March 15, 1985, the affected facility was designed to accommodate the alternative use; and
- (d) Decommissioning or removal.

**By amending the definition of “multiple chamber incinerator” to read as follows:**

**Multiple chamber incinerator** –

- (a) Any incinerator consisting of three (3) or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The combustion chamber shall include as a minimum, one chamber principally for ignition, one chamber principally for mixing, and one chamber for combustion; and
- (b) Any incinerator consisting of less than three (3) refractory-lined combustion chambers in series that is connected to an afterburner approved by the Director and employing adequate design parameters necessary for maximum combustion of the material to be burned.

**By amending the definition of “nearby” to read as follows:**

**Nearby** – as used in the definition of "dispersion technique," that distance up to five (5) times the lesser of the height or the projected width of a structure but not greater than eight tenths (0.8) kilometer (five tenths (0.5) mile). The height of the structure is measured from the ground-level elevation at the base of the stack. "Nearby" as applied to terrain features, means up to the distance that a terrain feature has an adverse influence on stack effluent or eight tenths (0.8) kilometer (five tenths (0.5) mile), whichever is less; except, that if it is shown to the satisfaction of the Department that the eight tenths (0.8) kilometer (five tenths (0.5) mile) restriction is unreasonable, a new cutoff distance may be used. In the determination of the unreasonableness of the eight tenths (0.8) kilometer (five tenths (0.5) mile) cutoff for demonstrations, the Department shall take into consideration, among other factors, the extent and shape of the terrain feature(s) and the frequency of occurrence of meteorological conditions leading to excessive concentrations caused by downwash, wakes, or eddies.

**By amending the definition of “necessary preconstruction approvals or permits” to read as follows:**

**Necessary preconstruction approvals or permits** – those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations that are part of the State Implementation Plan for the District of Columbia.

**By amending the definition of “new source” to read as follows:**

**New source** – equipment, machines, devices, articles, contrivances, or installations built or installed on or after the effective date of the District of Columbia Air Pollution Control Act of 1984, or existing at that time that are later altered, repaired, or rebuilt. Any equipment, machines, devices, articles, contrivances, or installations moved to a new address, or operated by a new owner, or new lessee, after the effective date of the District of Columbia Air Pollution Control Act of 1984, shall be considered a new source.

**By amending the definition of “non-oxygenated gasoline” to read as follows:**

**Non-oxygenated gasoline** – any gasoline having an oxygen content of less than two percent (2%) by volume or four tenths of a percent (0.4%) by weight.

**By amending the definition of “odor” to read as follows:**

**Odor** – that property of an air pollutant that affects the sense of smell.

**By amending the definition of “organic solvents” to read as follows:**

**Organic solvents** – volatile organic compounds that are liquids at standard conditions, and that are used as solvers, viscosity reducers, or cleaning agents.

**By amending the definition of “oxides of nitrogen” to read as follows:**

**Oxides of nitrogen** – in air pollution usage, this comprises nitric oxide and nitrogen dioxide, expressed as the molecular weight of nitrogen dioxide.

**By amending the definition of “oxygenate” to read as follows:**

**Oxygenate** – any oxygen-containing compound approved for use in gasoline by the U.S. Environmental Protection Agency, including oxygen-containing compounds that comply with the U.S. Environmental Protection Agency’s “substantially similar” definition under § 211(f)(1) of the federal Clean Air Act, or that have received a waiver from the U.S. Environmental Protection Agency under § 211(f)(4) of the federal Clean Air Act.

**By amending the definition of “oxygenated gasoline” to read as follows:**

**Oxygenated gasoline** – gasoline that contains one or more oxygenates.

**By amending the definition of “oxygenated gasoline control area” to read as follows:**

**Oxygenated gasoline control area** – the District of Columbia portion of the Washington, D.C. - Maryland - Virginia Metropolitan Statistical Area.

**By amending the definition of “oxygenated gasoline control period” to read as follows:**

**Oxygenated gasoline control period** – the four (4) month period that begins on November 1st of each year and continues through the last day of February of the following year.

**By adding a definition of “ozone season” to read as follows:**

**Ozone season** – the period from May 1 through September 30 of a year.

**By amending the definition of “particulate matter” to read as follows:**

**Particulate matter** – any finely divided material, with the exception of uncombined water that, under standard conditions, exists as a liquid or solid; except that when a test procedure for particulate matter, specified elsewhere in the air quality regulations, is applicable, particulate matter shall be defined by the specified test procedure.

**By amending the definition of “peak ozone season” to read as follows:**

**Peak ozone season** – the consecutive three (3) month period from June 1st through August 31st.

**By amending the definition of “percentage annual throughput” to read as follows:**

**Percentage annual throughput** – the weighted percent of yearly activity for the following consecutive three (3) month periods:

- (a) December through February;
- (b) March through May;
- (c) June through August; and
- (d) September through November.

**By amending the definition of “person” to read as follows:**

**Person** – includes individuals, firms, partnerships, companies, corporations, trusts, associations, organizations, and any other private or governmental entities, including federal and District government entities.

**By amending the definition of “plant” to read as follows:**

**Plant** – the total facilities available for production or service.

**By amending the definition of “point” to read as follows:**

**Point** – a physical emission point or process within a plant that results in pollutant emissions.

**By amending the definition of “process” to read as follows:**

**Process** – any action, operation, or treatment of materials, including handling and storage of the materials that may cause the discharge of an air pollutant or pollutants, into the atmosphere, excluding fuel burning and refuse burning.

**By amending the definition of “process rate” to read as follows:**

**Process rate** – quantity per unit time of any fuel burned, raw material or process intermediate consumed, or product generated through the use of any equipment, source operation, or process.

**By amending the definition of “refiner” to read as follows:**

**Refiner** – any person who owns, leases, operates, controls, or supervises a refinery.

**By amending the definition of “refinery” to read as follows:**

**Refinery** – any facility, including a blending plant that produces gasoline.

**By amending the definition of “refinery unit” to read as follows:**

**Refinery unit** – a set of components that are a part of a basic process operation such as distillation, hydrotreating, cracking, or reforming of hydrocarbons.

**By amending the definition of “Reid Vapor Pressure” to read as follows:**

**Reid Vapor Pressure** – the vapor pressure of a liquid at a temperature of 100 °F (37.8 °C), expressed in pounds force per square inch absolute or kilopascals, as determined by the *Reid Method* as described in the ASTM International Standard D 323, “Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).”

**By amending the definition of “retailer” to read as follows:**

**Retailer** – any person who owns, leases, operates, controls, or supervises a retail outlet.

**By amending the definition of “retail outlet” to read as follows:**

**Retail outlet** – any establishment at which motor fuel is sold or offered for sale to the general public for use in motor vehicles.

**By amending the definition of “secondary emissions” to read as follows:**

**Secondary emissions** – emissions that occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or modification that causes the secondary emissions. Secondary emissions include emissions from any offsite support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emission that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

**By amending the definition of “segment” to read as follows:**

**Segment** – components of an emissions point or process at the level that emissions are calculated.

**By amending the definition of “solid waste” to read as follows:**

**Solid waste** – a refuse, more than fifty percent (50%) of which is waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and noncombustible materials such as glass and rock.

**By amending the definition of “source” to read as follows:**

**Source** – any property, real or personal, that emits or may emit any air pollutant. For purposes of sources affecting non-attainment areas and permits for the sources under § 204 of the air quality regulations, the term includes both plants and each individual piece of process equipment.

**By amending the definition of “standard conditions” to read as follows:**

**Standard conditions** – a dry gas temperature of seventy degrees Fahrenheit (70° F.) and a gas pressure of fourteen and seven tenths (14.7) pounds per square inch absolute (psia).

**By amending the definition of “oxygenated gasoline control area” to read as follows:**

**Standard industrial classification code** – a series of codes devised by the U.S. Office of Management and Budget to classify establishments according to the type of economic activity in which they are engaged.

**By amending the definition of “start-up” to read as follows:**

**Start-up** – the setting in operation of a stationary or other source for any purpose; except that for fuel-burning equipment that generates steam, start-up shall mean a period from initial fire to the time steam can be delivered in usable form to steam-using equipment.

**By amending the definition of “State Implementation Plan or SIP” to read as follows:**

**State Implementation Plan or SIP** – a plan approved or promulgated under Sections 110 or 172 of the Clean Air Act, 42 U.S.C. §§ 7410 or 7502.

**By amending the definition of “stationary source” to read as follows:**

**Stationary source** – a building, structure, facility, installation, or group of buildings, structures, facilities, or installations that emits or may emit any air pollutant subject to regulation under the federal Clean Air Act or the air quality regulations.

**By amending the definition of “submit or serve” to read as follows:**

**Submit** – to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation:

- (a) In person;
- (b) By United States Postal Service first-class mail with the official postmark or, if submittal is by the Director, by any other mail service of the United States Postal Service; or
- (c) By other means with an equivalent time and date mark used in the course of business to indicate the date of dispatch or transmission and a record of prompt delivery. Compliance with any "submission", "service", or "mailing" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt.

**By amending the definition of “substrate” to read as follows:**

**Substrate** – the base material that is coated or printed.

**By amending the definition of “terminal” to read as follows:**

**Terminal** – a gasoline storage and distribution facility with an average daily throughput greater than forty thousand (40,000) gallons of gasoline.

**By amending the definition of “typical ozone season day” to read as follows:**

**Typical ozone season day** – a day typical of that period of the year during the peak ozone season.

**By amending the definition of “volatile organic compound (VOC)” to read as follows:**

**Volatile organic compound (VOC)** – a volatile organic compound as that term is defined by the United States Environmental Protection Agency at 40 CFR § 51.100(s), as supplemented or amended, which is incorporated by reference herein. In addition to test methods specified elsewhere in this title, the most recent versions of SCAQMD Laboratory Method 313 and ASTM Method D6886 shall be considered appropriate methods for determining compliance with VOC emission limits.

**By amending the definition of “wholesale purchaser-consumer” to read as follows:**

**Wholesale purchaser-consumer** – any ultimate consumer of gasoline who purchases or obtains gasoline from a supplier for use in motor vehicles and receives delivery of that product into a storage tank, substantially under the control of that person, of at least five hundred fifty (550) gallon capacity.

199.2 When used in the air quality regulations, the following abbreviations shall have the meaning ascribed:

ASTM	ASTM International
BTU	British thermal unit
°C	Degree Celsius
cal.	Calorie(s)
cfm	Cubic feet per minute
CO	Carbon Monoxide
CFR	Code of Federal Regulations
COH <sub>3</sub>	Coefficient of haze
CPI	Consumer Price Index
EPA	United States Environmental Protection Agency
°F	Degree Fahrenheit
ft	Foot (Feet)
g.	Gram(s)
GEP	Good Engineering Practice
Hg	Mercury
Hi-Vol	High Volume Samplers
H <sub>2</sub> O	Water
hr	Hour(s)
H <sub>2</sub> S	Hydrogen Sulfide
In.	Inch
In. H <sub>2</sub> O	Inches of water
LAER	Lowest Achievable Emission Rate
Lb	Pound
max.	Maximum
mm	Millimeter
mm Btu	Million Btu
mm HG	Millimeters of mercury
mol	Mole
MWe	Megawatt electrical
NESHAP	National Emission Standard(s) for Hazardous Air Pollutants

NO <sub>x</sub>	Nitrogen Oxides, or Oxides of Nitrogen
NO <sub>2</sub>	Nitrogen Dioxide
No.	Number
NSPS	New Source Performance Standard
O <sub>2</sub>	Oxygen
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter with an aerodynamic diameter less than 10 microns
PM <sub>2.5</sub>	Particulate Matter with an aerodynamic diameter less than 2.5 microns
ppm	Parts Per Million
ppmv	Parts Per Million by Volume
psia	Pounds per Square Inch Absolute Pressure
RACT	Reasonably Available Control Technology
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
ton	Short ton unless otherwise specified
ug/m <sup>3</sup>	Microgram(s) per cubic meter
U.L.	Underwriters Laboratories (www.ul.com)
VOC	Volatile Organic Compound
[mu] m	Micrometer-10 Meter

**Chapter 2, AIR QUALITY – GENERAL AND NON-ATTAINMENT AREA PERMITS, is amended as follows:**

**Section 202, MODIFICATION, REVOCATION AND TERMINATION OF PERMITS, is amended to read as follows:**

**202 AMENDMENT, SUSPENSION, REVOCATION, AND DENIAL OF PERMITS**

202.1 After providing notice and opportunity for appeal pursuant to § 107 of the air quality regulations, the Department may amend, suspend, revoke, or deny the issuance or renewal of a permit issued pursuant to this chapter.

202.2 The Department may take action pursuant to § 202.1 of the air quality regulations if action is warranted by amendments to the District or federal air quality laws and regulations or if the applicant or permit holder:

- (a) Has violated or failed to comply with any of the terms and conditions of the permit, District or federal air quality laws and regulations, or an Order of the Department;
- (b) Has made a false statement or misrepresentation material to the issuance, modification, or renewal of a permit;
- (c) Has submitted a false or fraudulent record, invoice, or report; or
- (d) Has had a permit denied, revoked, or suspended in the District or by another state or jurisdiction.

202.3 Except in cases of willfulness or cases in which the public health or welfare requires otherwise, no permit shall be amended, suspended, or revoked unless, prior to the institution of proceedings, facts or conduct that may warrant action have been called to the attention of the permittee in writing, and the permittee has been given an opportunity to demonstrate or achieve compliance with all lawful requirements.

202.4 The Department may terminate or amend a permit upon the written request of the permittee.

202.5 A permit amendment shall be subject to notice and opportunity for public comment and hearing as required by § 210 of the air quality regulations, if the proposed amendment:

- (a) Involves a significant change in existing monitoring permit terms or conditions, or constitutes a relaxation of reporting or record keeping permit terms or conditions;
- (b) Requires change to a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- (c) Seeks to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject;
- (d) For permits to construct, seeks to change the type of emissions control device or equipment to be constructed, and the new equipment has a higher potential to emit, emissions rate, heat input, or electrical output; or
- (e) Otherwise warrants public notice and comment, as determined by the Department.

- 202.6 A permit to construct or modify a source shall be valid only if used within one (1) year from the date of issuance in one (1) of the following ways:
- (a) The permittee has begun, or caused to begin, a continuous program of physical on-site construction of a source to be completed within a reasonable time; or
  - (b) The permittee has entered into binding agreements or contractual obligations that cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 202.7 An action to amend, suspend, revoke, or deny the issuance or renewal of a permit under this section shall be in writing and shall include the following:
- (a) The name and address of the applicant, or holder of, the permit;
  - (b) A statement of the proposed action and the proposed effective date and duration of a proposed suspension or denial of a permit;
  - (c) A statement of the reasons for the proposed action;
  - (d) A statement of when reapplication, if applicable, is acceptable;
  - (e) The procedure for requesting an appeal of the Department's proposed action before it becomes final; and
  - (f) Any additional information that the Department deems necessary or appropriate to support the proposed action.
- 202.8 If the applicant or holder of permit requests an appeal pursuant to this section, a written response to the Department's legal and factual basis for the proposed action is required, including any explanations, comments, and arguments relevant to the proposed action.

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked "Public Comments: Chapters 1 & 2 of the Air Quality Regulations" and filed with DOEE, Air Quality Division, 1200 First Street, N.E., 5<sup>th</sup> Floor, Washington, DC 20002, Attention: Stephen Ours, or e-mailed to [airqualityregulations@dc.gov](mailto:airqualityregulations@dc.gov). Copies of the above documents may be obtained from DOEE at the same address.

## DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING**Air Quality Permit Fees and Synthetic Minor Permitting Program**

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in Sections 103(b)(1)(B)(ii)(III) and 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.03 (b)(1)(B)(ii)(III) and 8-151.07(4) (2013 Repl. & 2016 Supp.)); Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 *et seq.* (2013 Repl. & 2016 Supp.)); Mayor's Order 1998-44, dated April 10, 1998; and Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the intent to adopt the following amendments to Chapters 2 (Air Quality – General and Non-Attainment Area Permits) and 3 (Air Quality – Operating Permits and Acid Rain Programs) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking revises fees for Part 70 operating permits (also known as a “major sources” or “Title V” permits) in 20 DCMR Chapter 3; creates a synthetic minor permitting program; establishes general construction and operating permit fees in 20 DCMR Chapter 2; and allows the incorporation of preconstruction review permit requirements into a Title V permit via the administrative amendment process. Additionally, this rulemaking proposes grammatical and other minor clarifications, including adding a definition for the term “relevant emission units.”

**Chapter 2, AIR QUALITY - GENERAL AND NON-ATTAINMENT AREA PERMITS, of Title 20 DCMR, ENVIRONMENT, is amended as follows:****Section 200, GENERAL PERMIT REQUIREMENTS, is amended to read follows:****200 GENERAL PERMIT REQUIREMENTS**

- 200.1 A permit from the Department shall be obtained before any person shall cause, suffer, or allow the construction of a new stationary source, the modification of an existing stationary source, or the installation or modification of any air pollution control device on a stationary source.
- 200.2 An operating permit shall be obtained from the Department before any person shall cause, suffer, or allow the operation of the following:
- (a) Any major stationary source for which a construction or modification permit is required under § 200.1; or
  - (b) Any source for which a construction or modification permit is required under § 200.1, and which construction or modification permit was subject to conditions which affect, or would affect, the operation of the source.

- 200.3 The Department may allow the temporary operation of a source for a period no longer than one (1) month, in accordance with the requirements of this chapter, which may be extended month to month, to enable the initial evaluation of the operation of a source or device granted a permit under § 200.1, or to enable the continued operation of a source for which an application for an operating permit under § 200.2 has been filed, but due to delays attributable to the Department the permit has not been issued.
- 200.4 Construction and operating permits shall be valid for the period specified in the permit, but not to exceed five (5) years.
- 200.5 Each person owning or operating a stationary source or device for which a permit is required shall timely file with the Department the appropriate application, including applications for renewal of any construction or operating permit, if construction activities or operations are to continue beyond the expiration date of an existing permit.
- 200.6 The Department may establish a condition in a permit issued pursuant to this chapter that limits emissions from a source so as to avoid applicability of the permitting requirements of § 300.1.
- 200.7 The Department may establish a condition in a permit issued pursuant to this chapter that limits emissions from a source so as to avoid applicability of a District or federal air quality regulation, other than the requirements of § 300.1, except when prohibited by another District or federal regulation.
- 200.8 The Department may establish a source category permit covering a group of similar sources or emission units according to (a) through (h) of this subsection:
- (a) Any source category permit shall comply with all requirements applicable to the source pursuant to the air quality regulations of this title;
  - (b) During establishment of any source category permit, the Department shall establish criteria by which sources may qualify for the source category permit;
  - (c) The Department shall maintain records of the public comments and issues raised during the public participation process;
  - (d) A source category permit shall not be a substitute for a permit required under Chapter 3 of this title;
  - (e) A response to each source category permit application may not be provided, rather the source category permit may specify a reasonable

period of time after which an application is deemed approved and the applicant may construct and operate under the source category permit;

- (f) The applicant for a source category permit may be issued an individual permit, letter, or other document indicating that the application has been approved or denied;
- (g) If the Department provides an individual response, as provided in paragraph (f), the permittee shall retain the response and make it available on request to authorized officials of the Department;
- (h) Any established source category permit is subject to the expiration and renewal conditions found in § 200.4 and § 200.5 and may be revised by following the same process as is used for original establishment of the permit; and
- (i) The draft source category permit shall be subject to the public notice and comment requirements of § 210, however individual applications for the permit are not subject to public notice and comment.

200.9 Applications for permits shall be filed with the Department on the form or forms that the Department shall prescribe and shall be accompanied by the data, information, and analyses necessary or desirable to enable the Department to determine whether the requested permit should be issued or denied.

200.10 The Department may require, at any time, the submission of data, information, and analyses that the Department deems necessary or desirable, to allow the Department to determine whether a requested permit should be issued or denied, or an outstanding permit should be modified or revoked.

200.11 Applications for construction and operating permits may incorporate by reference data, information, and analyses otherwise available or provided to the Department, provided that the reference is clear and specific.

200.12 Each permit application shall be accompanied by a fee established by the Department in Section 211, which shall be sufficient to cover the reasonable costs of reviewing and acting upon the permit application and implementing and enforcing the terms and conditions of the permit.

200.13 An application for a permit shall be signed in the following manner:

- (a) If the applicant is a partnership, a general partner shall sign the application;
- (b) If the applicant is a corporation, association, or cooperative, an officer shall sign the application;

- (c) If the applicant is a sole proprietorship, the proprietor shall sign the application; and
- (d) If the applicant is a government or governmental agency, department, or board, a senior executive of that government agency, department, or board who has authority to sign shall sign the application.

200.14 No permit shall be required for any fuel burning equipment which has a capacity of five million British thermal units (5,000,000 Btu) or less per hour of heat input and which uses for fuel only gaseous fuels or distillate oils. This section shall not apply to sources subject to § 204.

200.15 A person shall comply with the conditions of any permit issued pursuant to this chapter.

**Section 210, NOTICE AND COMMENT PRIOR TO PERMIT ISSUANCE, is amended to read follows:**

**210 NOTICE AND COMMENT PRIOR TO PERMIT ISSUANCE**

210.1 Before issuing a permit under this chapter, the Department shall prepare a draft permit and provide adequate notice to ensure that the affected community and the general public have reasonable access to the application and draft permit information.

210.2 With the exception of any information that the Department deems confidential, the Department shall make available for public inspection:

- (a) The application for a permit and any additional information that the Department requests;
- (b) The Department’s analysis of the application, including, where required or deemed appropriate, an ambient air quality analysis, a regulatory review, and a control technology review; and
- (c) The draft permit or justification for denial.

210.3 The Department shall publish a notice regarding the draft permit or denial in the *D.C. Register* and shall make the information in § 210.2 available for public inspection at the Department’s office and by one or more of the methods described in § 210.4.

210.4 The Department shall use at least one (1) of the following procedures to ensure appropriate means of notification:

- (a) Mail or e-mail a copy of the notice to persons on a mailing list that the Department develops consisting of those persons who have requested to be placed on such a mailing list;
- (b) Post the notice on the Department's website;
- (c) Publish the notice in a newspaper of general circulation in the area affected by the source;
- (d) Provide copies of the notice for posting at one (1) or more locations in the area affected by the source, such as post offices, libraries, community centers, or other gathering places in the community; or
- (e) Employ other means of notification as appropriate.

210.5 The notice shall include the following information at a minimum:

- (a) Identifying information of the source, including the name and address of the facility, and the name and telephone number of the facility manager or other contact person;
- (b) For preconstruction permits (including source category permits), the regulated New Source Review (NSR) pollutants to be emitted, the affected emissions units, and the emission limitations for each affected emissions unit;
- (c) For preconstruction permits, the emissions change involved in the permit action;
- (d) For permits to be issued with conditions pursuant to § 200.6 or § 200.7, a description of the proposed limitation and the resulting potential to emit of the source;
- (e) The name, address, and telephone number of a contact person in the Department from whom additional information may be obtained;
- (f) Locations and times of availability of the information specified in § 210.2; and
- (g) A statement that any person may submit written comments, a written request for a public hearing, or both, on the draft permit action within thirty (30) days from the date of the public notice.

210.6 By mail or e-mail, a copy of the notice shall be sent to the applicant, the U.S. Environmental Protection Agency Region III, and to all Affected States (as defined in § 399) for the following permits:

- (a) All NSR permits issued pursuant to § 204; and
- (b) All source category permits, when initially issued.

**A new Section 211, FEES, is added to read as follows:**

**211 FEES**

211.1 Except as noted under § 211.4, owners or operators of sources required to obtain or renew a permit under this chapter for the construction, modification, or operation of a stationary source, or the installation, modification or operation of any air pollution control device on a stationary source, shall pay all fees applicable according to the following table:

<b>Combustion Equipment</b>	
\$500	Cogeneration Unit, less than 1 Megawatt
\$2,000	Cogeneration Unit, equal to or larger than 1 Megawatt
\$500	Emergency Engines (Less than 1,340 hp)
\$1,000	Emergency Engines (Equal to or greater than 1,340 hp)
\$300	Fuel Burning Equipment – Small (Heat input less than 10 million Btu per hour)
\$500	Fuel Burning Equipment – Medium (Heat input equal to or greater than 10 million Btu per hour, but less than 40 million Btu per hour)
\$1,000	Fuel Burning Equipment – Large (Heat input equal to or greater than 40 million Btu per hour)
\$1,000	Non-Emergency Engines (Less than 1,340 hp)
\$2,000	Non-Emergency Engines (Equal to or greater than 1,340 hp)
<b>Other Equipment or Activities</b>	
\$1,000	Asphalt Plant
\$500	Concrete Plant - Portable
\$500	Crushers and Screens
\$250	Degreaser – Cold Solvent Tank
\$500	Dry Cleaning Facility (using perchlorethylene, petroleum solvents, or n-propyl bromide)
\$1,000	Gasoline Dispensing Station
\$500	Intaglio, Flexographic, and Rotogravure Printing
\$500	Lithograph or Letterpress Printing Operation
\$500	Miscellaneous Parts Paint Spray Booth
\$500	Mobile Equipment Refinishing
\$5,000	New Source Review (NSR) Permit (applicable to initial

	construction permits only)
<b>Facility Wide Permit</b>	
\$5,000	Plantwide Applicability Limit (PAL) Permit

- 211.2 If the stationary source or air pollution control device on a stationary source is not covered under § 211.1, the permit fee shall be one thousand dollars (\$1,000).
- 211.3 The fee for a variance shall be one thousand five hundred dollars (\$1,500).
- 211.4 Owners or operators who obtain a permit with a condition under § 200.6 shall pay permit fees pursuant to § 305.5.
- 211.5 Fees for permits issued pursuant to § 200.8 shall be prorated based on the number of years, or parts of years, that the permit is valid (rounded up to the next one-year increment).
- 211.6 Sources may apply for a permit with an effective period less than the default permit term, and pay a prorated fee (rounded up to the next one-year increment).

**Chapter 3, AIR QUALITY - OPERATING PERMITS AND ACID RAIN PROGRAMS, is amended as follows:**

**Section 300, APPLICABILITY, is amended to read follows:**

**300 APPLICABILITY**

- 300.1 Except as exempted from the requirement to obtain a permit under § 300.3 and elsewhere herein, the following sources shall be subject to the permitting requirements under this chapter:
  - (a) Any major source;
  - (b) Any source, including an area source, subject to a standard, limitation, or other requirement under § 111 of the Act;
  - (c) Any source, including an area source, subject to a standard or other requirement under § 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under § 112(r) of the Act;
  - (d) Any affected source; and
  - (e) Any source in a source category designated by the Administrator pursuant to 40 C.F.R. § 70.3.

300.2 In the event that this chapter conflicts or is inconsistent with other requirements of the air quality regulations of this title, this chapter shall supersede for sources subject to its provisions.

300.3 The following source category exemptions shall apply:

- (a) All sources listed in § 300.1 that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to § 129(e) of the Act, are exempt from the obligation to obtain a Part 70 permit unless required to do so under applicable requirements, or future rulemaking by the Administrator, but any such exempt source may apply for a permit under this chapter;
- (b) If the Administrator decides to terminate the exemption of certain nonmajor sources when adopting standards or other requirements under § 111 or 112 of the Act after July 21, 1992, the nonmajor sources shall become subject to the permitting requirements in accordance with the standard or other requirement adopted by the Administrator;
- (c) All sources that obtain a permit with a condition pursuant to § 200.6 that allows the source to avoid the applicability of § 300.1, and pay the associated fees pursuant to § 305.5, commonly referred to as a “synthetic minor” permit, are exempted from the requirements to obtain a Part 70 permit; and
- (d) Sources in the following source categories shall be exempted from the obligation to obtain a Part 70 permit:
  - (1) All sources in source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and
  - (2) All sources in source categories that would be required to obtain a permit solely because they are subject to 40 C.F.R. Part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, 40 C.F.R. § 61.145, Standard for Demolition and Renovation.

300.4 The emission units covered in a Part 70 permit shall be determined as follows:

- (a) For major sources, the permit shall include all applicable requirements for all relevant emissions units in the major source; and
- (b) For any nonmajor source subject to this rule under § 300.1 and not exempt under § 300.3, the permit shall include only the applicable requirements

which apply to emissions units that cause the source to be subject to the requirement to obtain a permit under this chapter.

- 300.5 Fugitive emissions from a covered source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

**Section 301, PERMIT APPLICATIONS, is amended to read follows:**

**301 PERMIT APPLICATIONS**

- 301.1 For each Part 70 source, a timely and complete permit application shall be submitted by the owner or operator, and reviewed by the Department, in accordance with the following:

- (a) A timely application shall be submitted under the following conditions:
- (1) Sources that are subject to the operating permit program established by this chapter as of the date the program is approved by the Administrator, the “effective date,” shall file applications on the following schedule:
    - (A) Sources that emitted one hundred fifty (150) tons per year or less of regulated pollutants in the aggregate during the previous calendar year shall file complete applications within eight (8) months of the effective date; provided, that upon request and for good cause shown, the Department may allow a source additional time up to twelve (12) months from the effective date; and
    - (B) All other sources shall file complete applications within twelve (12) months of the effective date;
  - (2) A source that becomes subject to the operating permit program established by this chapter at any time following the effective date shall file a complete application within twelve (12) months of the date on which the source first becomes subject to the program;
  - (3) A source that is required to meet the requirements under § 112(g) of the Act, or to have a permit under a preconstruction review program under Title I of the Act, shall file a complete application to obtain an operating permit or permit amendment or modification within twelve (12) months after commencing operation;

- (4) Where an existing operating permit would prohibit the construction or change in operation, the source shall obtain a permit revision before commencing operation;
  - (5) Sources subject to this chapter shall file an application for renewal of an operating permit at least six (6) months before the date of permit expiration, unless a longer period (not to exceed eighteen (18) months) is specified in the permit; and
  - (6) Sources required to submit applications for initial phase II acid rain permits shall submit the applications to the Department by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides;
- (b) The following procedures shall be followed when Part 70 permit applications are received:
- (1) Within five (5) days of receipt of an application, the Department shall notify the applicant of the date on which the application was received and the date on which the application will automatically be deemed complete unless the Department determines otherwise;
  - (2) The Department shall review each application for completeness and shall inform the applicant within sixty (60) days if the application is incomplete;
  - (3) To be complete for purposes of this section, an application shall include a completed application form and, to the extent not called for by the form, the information required in §§ 301.4 and 301.5;
  - (4) An application shall be considered complete if it contains the information required by the application form and §§ 301.4 and 301.5;
  - (5) If the Department does not notify the source within sixty (60) days of receipt that its application is incomplete, the application shall be deemed complete, however nothing in this subsection shall prevent the Department from requesting additional information in writing that is necessary to process the application;
  - (6) The Department shall maintain a checklist to be used for the completeness determination, and a copy of the checklist shall be provided to applicants along with application forms issued by the Department;
  - (7) If, while processing an application that has been determined or deemed to be complete, the Department determines that additional

information is necessary to evaluate or take final action on that application, the Department may request the additional information in writing and shall establish a reasonable deadline for a response;

- (8) In submitting an application for renewal of an operating permit issued under this chapter, a source may identify terms and conditions in its previous permit that should remain unchanged and incorporate by reference those portions of its existing permit and the permit application and any permit amendment or modification applications that describe products, processes, operations, and emissions to which those terms and conditions apply;
- (9) In submitting an application for renewal of an operating permit issued under this chapter, the source shall identify specifically and list the portions of its previous permit or applications that are incorporated by reference; and
- (10) A renewal application shall contain the following:
  - (A) Information specified in §§ 301.4 and 301.5 for those products, processes, operations, and emissions of the following that:
    - (i) Are not addressed in the existing permit;
    - (ii) Are subject to applicable requirements that are not addressed in the existing permit; or
    - (iii) Are terms and conditions sought by the source that are different than those in the existing permit;
  - (B) A compliance plan and certification as required in § 301.5(h); and
  - (C) A compliance certification, as required by § 301.5(i);
- (c) If a source submits information to the Department under a claim of confidentiality pursuant to § 114(c) of the Act, the source shall also submit a copy of the information, along with the claim of confidentiality, directly to the Administrator, if the Department requests that the source do so; and
- (d) The contents of a Part 70 permit issued under this chapter shall not be entitled to confidential treatment.

301.2

An applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of the

failure or incorrect submittal, promptly submit the supplementary facts or corrected information.

- 301.3 An applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant filed a complete application but prior to release of a draft permit.
- 301.4 All sources that are subject to the operating permit program established by this chapter shall submit applications on the standard application form that the Department provides for that purpose, which shall include information needed to determine the applicability of any applicable requirement and to evaluate the fee amount required under the schedule set forth in § 305.
- 301.5 The applicant shall submit the information called for by the application form for each emissions unit at the source to be permitted, and the application form and any attachments shall require that the following be provided:
- (a) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact;
  - (b) A description of the source's processes and products (by two-digit Standard Industrial Classification Code), including any associated with each alternate scenario identified by the source;
  - (c) The following emissions-related information:
    - (1) All emissions of pollutants for which the source is major and all emissions of regulated air pollutants as follows:
      - (A) A description of all emissions of regulated air pollutants emitted from any emissions unit; and
      - (B) Additional information related to the emissions of regulated air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to determine the amount of any permit fees owed under the fee schedule set forth in § 305;
    - (2) Identification and description of all points of emissions described in § 301.5(c)(1) in sufficient detail to establish the basis for fees and applicability of the Act's requirements;
    - (3) Emissions rates in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

- (4) The following information to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, production rates, and operating schedules;
  - (5) Identification and description of air pollution control equipment and compliance monitoring devices or activities;
  - (6) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the covered source;
  - (7) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to § 123 of the Act); and
  - (8) Calculations on which the information in subparagraphs (c)(1) through (c)(7) of this subsection is based;
- (d) The following air pollution control requirements:
- (1) Citation and description of all applicable requirements; and
  - (2) Description of or reference to any applicable test method for determining compliance with each applicable requirement;
- (e) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of this chapter or to determine the applicability of the requirements;
- (f) An explanation of any proposed exemptions from otherwise applicable requirements;
- (g) Additional information as determined to be necessary by the Department to define alternative operating scenarios identified by the source pursuant to § 302.1(j) or to define permit terms and conditions implementing §§ 302.1(k) or 302.8 of this chapter;
- (h) A compliance plan for all covered sources that contains all of the following:
- (1) A description of the compliance status of the source with respect to all applicable requirements;
  - (2) A description as follows:

- (A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements;
  - (B) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis; and
  - (C) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with the requirements;
- (3) A compliance schedule as follows:
- (A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with the requirements;
  - (B) For applicable requirements that will become effective during the permit term, a statement that the source will meet the requirements on a timely basis;
  - (C) A statement that the source will meet in a timely manner applicable requirements that become effective during the permit term shall satisfy the provision under paragraph (B) of this subpart, unless a more detailed schedule is expressly required by the applicable requirement; and
  - (D) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance, which shall:
    - (i) Include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance; and
    - (ii) Resemble and be equivalent in stringency to that contained in any judicial consent decree or administrative order to which the source is subject, and shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;

- (4) A schedule for submission of certified progress reports no less frequently than every six (6) months for sources required to have a schedule of compliance under § 301.5(h)(3)(D); and
  - (5) The compliance plan content requirements specified in this subparagraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under Title IV of the Act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations;
- (i) Requirements for compliance certification, including the following:
    - (1) A certification of compliance with all applicable requirements by a responsible official consistent with § 114(a)(3) of the Act and § 301.6;
    - (2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;
    - (3) A schedule for submission of compliance certifications during the permit term, which shall be submitted annually, or more frequently if required by an underlying applicable requirement; and
    - (4) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act;
  - (j) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act; and
  - (k) The permit application fee required pursuant to § 305.1.

301.6 Any application form, report, or compliance certification submitted pursuant to this chapter shall contain certification by a responsible official of truth, accuracy, and completeness, which shall meet the following requirements:

- (a) This certification and any other certification required under this chapter shall be signed by a responsible official; and
- (b) This certification and any other certification required under this chapter shall contain the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

301.7 Pursuant to § 300.4, a major source shall obtain a permit addressing all applicable requirements for all relevant emissions units in the major source, which may be complied with through one of the following methods:

- (a) The source obtains a single permit for all relevant emission units; or
- (b) The source requests and obtains coverage for one or more emission units eligible for coverage under a general permit or permits issued by the Department and obtains a separate permit for all remaining emission units not eligible for the coverage.

**Section 303, PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS, is amended to read follows:**

**303 PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS**

303.1 The following criteria shall be used in the processing of a permit application:

- (a) A permit, permit modification, or permit renewal may be issued only if all of the following conditions have been met:
  - (1) The Department has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under § 302.4;
  - (2) Except for modifications qualifying for minor permit modification procedures under §§ 303.5(b) and 303.5(c), the Department has complied with the requirements for public participation under § 303.10;
  - (3) The Department has complied with the requirements for notifying and responding to affected States under § 304.2;
  - (4) The Department finds that the conditions of the permit provide for compliance with all applicable requirements and the requirements of Part 70; and
  - (5) The Administrator has received a copy of the proposed permit and any notices required under §§ 304.1 and 304.2, and has not objected to issuance of the permit under § 304.3 within the time period specified therein;

- (b) Upon receipt of an application submitted pursuant to § 301, the Department shall provide notice to the applicant of whether the application is complete;
- (c) Unless the Department requests additional information or otherwise notifies the applicant that the application is incomplete within sixty (60) days of receipt, the application shall be deemed complete;
- (d) Following review of an application submitted in accordance with § 301, the Department shall issue a draft permit, permit modification, or permit renewal for public comment, in accordance with the public participation procedures in § 303.10; and
  - (1) The draft permit, permit modification, or permit renewal shall be accompanied by a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions); and
  - (2) The Department shall send the statement required by § 303.1(d)(1) to the Administrator, to affected States, and to the applicant, and shall place a copy in the public file;
- (e) The Department shall transmit to the Administrator a proposed permit, permit modification, or permit renewal;
- (f) The proposed permit, permit modification, or permit renewal shall be issued no later than fifty (50) days preceding the respective deadlines for permit issuance, permit modifications, and permit renewals established in this chapter, and shall contain all applicable requirements that have been promulgated and made applicable to the source as of the date of issuance of the draft permit; and
- (g) If new requirements are promulgated or otherwise become newly applicable to the source following the issuance of the draft permit but before issuance of the final permit, the Department may either:
  - (1) Extend or reopen the public comment period (for an additional time not to exceed thirty (30) days) to solicit comment on additional permit provisions to implement the new requirements; or
  - (2) If the Department determines that extension or reopening of the public comment period would unduly delay issuance of the permit:
    - (A) The Department shall include within the proposed or final permit a provision stating that the permit will be reopened

- to incorporate the new requirements and expressly excluding the new requirements from the protection of the permit shield;
- (B) If the Department elects to issue the proposed or final permit without incorporating the new requirements, the Department shall, within thirty (30) days of the new requirements becoming applicable to the source, institute proceedings pursuant to § 303.6 to reopen the permit to incorporate the new requirements; and
  - (C) The permit reopening proceedings may be instituted, but need not be completed, before issuance of the final permit;
- (h) The following action shall be taken after the Department's transmittal of the proposed permit, permit modification, or permit renewal for the Administrator's review:
- (1) Upon receipt of notice from the Administrator that the Administrator will not object to a proposed permit, permit modification, or permit renewal that has been transmitted for the Administrator's review pursuant to § 304, the Department shall issue the permit, permit modification, or permit renewal no later than the fifth (5th) day following receipt of the notice from the Administrator; or
  - (2) Upon the passage of forty-five (45) days after transmission of a proposed permit, permit modification, or permit renewal for the Administrator's review, and if the Administrator has not notified the Department that the Administrator objects to the proposed permit action, the Department shall issue the permit, permit modification, or permit renewal no later than the fiftieth (50th) day following transmission for the Administrator's review;
- (i) Except as provided in §§ 303.1(j)(1) or (2), the Department shall take final action on each application for a permit within eighteen (18) months after receiving a complete application;
- (j) For each permit application, the Department shall transmit a proposed permit, permit modification, or permit renewal to the Administrator no later than fifty (50) days before the appropriate deadline for permit issuance established in this section:
- (1) The Department shall take final action on at least one-third (1/3) of all initial permit applications (as defined in § 301.1(a)(1)) annually

during the first three (3) years following the effective date of the operating permit program; and

(2) The Department shall take action on any permit, permit modification, or permit renewal issued in compliance with regulations promulgated under Title IV or V of the Act for the permitting of affected sources under the Acid Rain Program within the time specified in those regulations; and

(k) To the extent feasible, applications shall be acted upon in the order received, except that priority shall be given to taking final action on applications for construction or modification under Title I, Parts C and D of the Act.

303.2 Except as provided in § 303.2(a), no source subject to this chapter may operate after the time that it is required to submit a timely and complete application under an approved permit program, except in compliance with a permit issued under this chapter:

(a) If the source subject to the requirement to obtain a permit under this chapter submits a timely and complete application for permit issuance or renewal, that source's failure to have a permit shall not be a violation of the requirement to have such a permit until the Department takes final action on the application;

(b) The protection of § 303.2(a) shall cease to apply if, subsequent to the completeness determination made pursuant to §§ 303.1(b) and (c), the applicant fails to submit by the deadline specified in writing by the Department any additional information needed to process the application; and

(c) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Title I of the Act.

303.3 Procedures affecting permit renewal and expiration shall be subject to the following requirements:

(a) Applications for permit renewal shall be subject to the same procedural requirements, including those for public participation, affected State comment, and Administrator's review, that apply to initial permit issuance under § 303.1;

(b) An application for permit renewal may address only those portions of the permit that require revision, supplementation, or deletion, incorporating the remaining permit terms by reference from the previous permit;

- (c) In issuing a draft renewal permit or proposed renewal permit, the Department may specify only those portions that will be revised, supplemented, or deleted, incorporating the remaining permit terms by reference;
- (d) A source's right to operate shall terminate upon the expiration of its permit unless a timely and complete renewal permit application has been submitted at least six (6) months before the date of expiration or the Department has taken final action approving the source's permit application for renewal by the expiration date; and
- (e) If a timely and complete application for a permit renewal is submitted, but the Department fails to take final action to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.

303.4 Administrative permit amendments shall be governed as follows:

- (a) An "administrative permit amendment" is a permit revision that:
  - (1) Corrects typographical errors;
  - (2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
  - (3) Requires more frequent monitoring or reporting by the permittee;
  - (4) Allows for a change in ownership or operational control of a source where the Department determines no other change in the permit is necessary; provided, that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Department;
  - (5) Incorporates into the Part 70 permit the requirements from preconstruction review permits authorized under Chapter 2 of this Title, provided such permits go through enhanced notice and comment requirements equivalent to those required for a significant modification under this chapter and meet all other requirements of this chapter that would be applicable to this change if it were subject to review as a significant modification; or

- (6) Incorporates any other type of change that the Administrator has determined as part of the Department's approved permit rule to be similar to those in paragraphs (d)(1)(i) through (iv) of § 70.7 of Part 70;
- (b) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act;
- (c) An administrative permit amendment shall be made by the Department in accordance with the following:
  - (1) The Department shall take final action on a request for an administrative permit amendment within sixty (60) days from the date of receipt of a request, and may incorporate the proposed changes without providing notice to the public or affected States; provided, that the Department designates any permit revisions as having been made pursuant to this paragraph;
  - (2) The Department shall transmit a copy of the revised permit to the Administrator; and
  - (3) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request; and
- (d) The Department may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in § 302.6 for administrative permit amendments made pursuant to § 303.4(a)(6).

**303.5**

A permit modification shall be any revision to an operating permit that cannot be accomplished under the program's provisions for administrative permit amendments under § 303.4, and shall be governed as follows:

- (a) The Department shall provide adequate, streamlined, and reasonable procedures for expeditiously processing permit modifications by adopting and complying with the procedures established in this subsection;
- (b) Minor permit modification procedures shall be as follows:
  - (1) Criteria:
    - (A) Minor permit modification procedures may be used only for those permit modifications that:

- (i) Do not violate any applicable requirement;
  - (ii) Do not involve significant changes to existing monitoring, reporting or recordkeeping requirements in the permit;
  - (iii) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
  - (iv) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject, which includes the following:
    - (a) A federally-enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I of the Act; and
    - (b) An alternative emissions limit approved pursuant to regulations promulgated under § 112(i)(5) of the Act; and
  - (v) Are not modifications under any provision of Title I of the Act; and
- (B) Notwithstanding §§ 303.5(b)(1)(A) and (c)(1) of this subsection, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable requirement;
- (2) To use the minor permit modification procedures, a source shall submit a permit application requesting such use that shall meet the basic permit application requirements of this chapter and shall include the following:

- (A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
  - (B) A suggested draft permit;
  - (C) Certification by a responsible official, consistent with § 301.6, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
  - (D) Completed forms for the Department to use to notify the Administrator and affected States as required under § 304;
- (3) Within five (5) business days of receipt of a complete minor permit modification application, the Department shall meet the Department's obligation under §§ 70.8(a)(1) and (b)(1) of Part 70 to notify the Administrator and affected States of the requested permit modification and shall promptly send any notice required under § 304.2(b) to the Administrator;
- (4) The Department shall not issue a final minor permit modification until after the Administrator's forty-five (45) day review period or until the Administrator has notified the Department that the Administrator will not object to issuance of the permit modification, whichever occurs first, although the Department can approve the permit modification prior to that time;
- (5) Within ninety (90) days of the Department's receipt of a permit application under the minor permit modification procedures or fifteen (15) days after the end of the Administrator's forty-five (45) day review period under § 304.3, whichever is later, the Department shall do one of the following:
- (A) Issue the minor permit modification as proposed;
  - (B) Deny the minor permit modification application;
  - (C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
  - (D) Revise the draft permit modification that was suggested by the applicant pursuant to § 303.5(b)(2)(B) and transmit to the Administrator the new proposed minor permit modification as required by § 304.1;

- (6) Immediately after filing a permit application meeting the requirements of these minor permit modification procedures, the source is authorized to make the change or changes proposed in the application;
  - (7) After the source makes the change allowed by § 303.5(b)(6), and until the Department takes any of the actions specified in §§ 303.5(b)(5)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions;
  - (8) During the period in § 303.5(b)(7), the source need not comply with the existing terms and conditions of the permit it seeks to modify; however, if the source fails to comply with its proposed permit terms and conditions during the time period under § 303.5(b)(7), the existing permit terms and conditions it seeks to modify may be enforced against it; and
  - (9) The permit shield under § 302.6 will not extend to minor permit modifications;
- (c) Pursuant to this paragraph, the Department may modify the procedure outlined in § 303.5(b) to process groups of a source's applications for certain modifications eligible for minor permit modification processing:
- (1) Group processing of modifications may be used only for those permit modifications that:
    - (A) Meet the criteria for minor permit modification procedures under § 303.5(b)(1)(A); and
    - (B) Are collectively below the following threshold levels: ten percent (10%) of the emissions allowed by the permit for the emissions unit for which the change is requested, twenty percent (20%) of the applicable definition of major source in § 399.1, or five (5) tons per year, whichever is least;
  - (2) An application requesting the use of group processing procedures shall meet the requirements of §§ 301.4 and 301.5, and shall include the following:
    - (A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

- (B) The source's suggested draft permit;
  - (C) Certification by a responsible official, consistent with § 301.6, that the proposed modification meets the criteria for use of group processing procedures and a request that the procedures be used;
  - (D) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under § 303.5(c)(1)(B);
  - (E) Certification, consistent with § 301.6, that the source has notified the Administrator of the proposed modification (notification need only contain a brief description of the requested modification); and
  - (F) Completed forms for the Department to use to notify the Administrator and affected States as required under § 304.
- (3) On a quarterly basis or within five (5) business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under § 303.5(c)(1)(B), whichever is earlier, the Department shall, in accordance with §§ 304.1(a) and 304.2(a), notify the Administrator and affected States of the requested permit modifications.
- (4) The Department shall send any notice required under § 304.2(b) to the Administrator;
- (5) The provisions of § 303.5(b)(4) and (5) shall apply to modifications eligible for group processing, except that the Department shall take one of the actions specified in §§ 303.5(b)(5)(A) through (D) within one hundred eighty (180) calendar days of receipt of the permit application or fifteen (15) calendar days after the end of the Administrator's forty-five (45) calendar day review period under § 304.3, whichever is later; and
- (6) The provisions of §§ 303.5(b)(6) through (b)(9) shall apply to modifications eligible for group processing;
- (d) Significant permit modification procedures shall be as follows:

- (1) Significant permit modification procedures shall be used for applications requesting permit modifications that:
  - (A) Involve a significant change in existing monitoring permit terms or conditions, or constitute a relaxation of reporting or record keeping permit terms or conditions;
  - (B) Require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
  - (C) Seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject, including the following:
    - (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and
    - (ii) An alternative emissions limit approved pursuant to regulations promulgated under § 112(i)(5) of the Act;
  - (D) Are modifications under any provision of Title I of the Act, except those that qualify for processing as administrative permit amendments under § 303.4(a); and
  - (E) Do not qualify as administrative permit amendments under § 303.4(a) or minor permit modifications under § 303.5(b);
- (2) Nothing in § 303.5(d) shall be construed to preclude the permittee from making changes consistent with Part 70 that would render existing permit compliance terms and conditions irrelevant;
- (3) Significant permit modifications shall meet all requirements of this chapter that are applicable to permit issuance and permit renewal, including those for applications, public participation, review by affected States, and review by the Administrator;
- (4) The application for a significant permit modification shall describe the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs; and

(5) The Department shall complete review of an application for a significant permit modification within nine (9) months after receipt of a complete application; and

(e) A permit modification for purposes of to the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the Act.

303.6 Each issued permit shall be subject to be reopened for cause under the following circumstances:

(a) A permit shall be reopened for cause if the following occurs:

(1) The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms of the permit;

(2) Additional applicable requirements under the Act become applicable to the source; provided, that reopening on this ground is not required if the following occurs:

(A) The source is not a major source;

(B) The permit has a remaining term of less than three (3) years;

(C) The effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to § 303.3(e); or

(D) The additional applicable requirements are implemented in a general permit that is applicable to the source and the source receives approval for coverage under that general permit;

(3) Additional requirements (including excess emissions requirements) become applicable to a source under the Acid Rain Program; provided, that upon approval by the Administrator excess emissions offset plans shall be deemed to be incorporated into the permit; or

(4) The Department or the Administrator determines that the permit must be revised to assure compliance by the source with applicable requirements;

- (b) If the Department finds reason to believe that a permit should be reopened and modified for cause, the Department shall provide at least thirty (30) calendar days prior written notice to that effect to the source, except that the notice period can be shorter if the Department finds that an emergency exists;
- (c) The notice required under paragraph (b) of this subpart shall include the following:
  - (1) A statement of the terms and conditions that the Department proposes to change, delete, or add to the permit;
  - (2) If the Department does not have sufficient information to determine the terms and conditions that must be changed, deleted, or added to the permit, the notice shall request the source to provide that information within a period of time specified in the notice, which shall be not less than thirty (30) days except in the case of an emergency; and
  - (3) If the proposed reopening is to be done pursuant to § 303.6(a) the Department shall give the source an opportunity to provide evidence that the permit should not be reopened;
- (d) When modifying a permit, the Department shall follow the procedures established under § 303.1 and § 303.10 and shall alter only those portions of the permit for which cause to reopen exists;
- (e) When modifying a permit, the source shall in all cases be afforded an opportunity to comment on the revised permit terms;
- (f) While a reopening proceeding is pending, the source shall be entitled to the continued protection of any permit shield provided in the permit pending issuance of a modified permit unless:
  - (1) The Department specifically suspends the shield on the basis of a finding that the suspension is necessary to implement applicable requirements; and
  - (2) If a finding under paragraph (1) of this subpart applies only to certain applicable requirements or permit terms, the suspension shall extend only to those requirements or terms; and
- (g) Any reopening under § 303.6(a)(2) shall be completed within eighteen (18) months after promulgation of the applicable requirements.

303.7 Each issued permit may be reopened (modifications) and revoked for cause by the Administrator under the following circumstances:

- (a) If the Department receives a notice from the Administrator that the Administrator has found that cause exists to revoke, or reopen a permit, the Department shall, within ten (10) days after receipt of the notification, provide notice to the source;
- (b) The notice to the source, specified in § 303.7(a), shall include a copy of the notice from the Administrator and invite the source to comment in writing on the proposed action;
- (c) Within ninety (90) days following receipt of the notification from the Administrator, the Department shall issue and forward to the Administrator a proposed determination in response to the Administrator's notification;
- (d) The Department may request additional time for the transmission of the determination specified in § 303.7(c), pursuant to Part 70, if such time is required to obtain a new or revised permit application or other information from the source; and
- (e) Within ninety (90) days of receipt of an objection from the Administrator on his or her proposed determination, the Department shall either resolve the objection or modify or revoke the permit in accordance with the Administrator's objection.

303.8 The following procedures shall apply to revocations and terminations:

- (a) The Department may terminate a permit at the request of the permittee or revoke it for cause, if the following occurs:
  - (1) The permitted stationary source is in violation of any term or condition of the permit and the permittee has not undertaken appropriate action (such as a schedule of compliance) to resolve the violation;
  - (2) The permittee has failed to disclose material facts relevant to issuance of the permit or has knowingly submitted false or misleading information to the Department;
  - (3) The Department finds that the permitted stationary source or activity substantially endangers public health, safety, or the environment, and that the danger cannot be removed by a modification of the terms of the permit;

- (4) The permittee has failed to pay permit fees required under § 305;  
or
- (5) The permittee has failed to pay a civil or criminal penalty imposed for violations of the permit;
- (b) Upon finding that cause exists for revocation of a permit, the Department shall notify the permittee of that finding in writing, stating the reasons for the proposed revocation;
- (c) Within thirty (30) days following receipt of the notice for permit revocation, the permittee may submit written comments concerning the proposed revocation and may request a hearing pursuant to § 104;
- (d) If the Department makes a final determination to revoke the permit, the Department shall provide a written notice to the permittee specifying the reasons for the decision and the effective date of the revocation;
- (e) A permit revocation issued under this section may be issued conditionally with a future effective date and may specify that the revocation will not take effect if the permittee satisfies the specified conditions before the effective date;
- (f) A permittee may at any time apply for termination of all or a portion of its permit relating solely to operations, activities, and emissions that have been permanently discontinued at the permitted stationary source:
  - (1) An application for termination shall identify with specificity the permit or permit terms that relate to the discontinued operations, activities, and emissions;
  - (2) The Department shall act on an application for termination on this ground within ninety (90) days of receipt and shall grant the application for termination upon finding that the permit terms for which termination is sought relate solely to operations, activities, and emissions that have been permanently discontinued; and
  - (3) In terminating all or portions of a permit pursuant to this subsection, the Department may make appropriate orders for the submission of a final report or other information from the source to verify the complete discontinuation of the relevant operations, activities, and emissions;
- (g) A source may apply for termination of its permit on the ground that its operations, activities, and emissions are fully covered by a general permit for which it has applied for and received coverage pursuant to § 302.4;

- (h) The Department shall act on an application for termination on the grounds specified in § 303.8(g) within ninety (90) days of receipt and shall grant the application upon a finding that the source's operations, activities, and emissions are fully covered by a general permit;
- (i) A source that has received a final revocation or termination of its permit may apply for a new permit under the procedures established in § 301.

303.9 If applicable requirements require the Department to make a case-by-case determination of an emission standard, technology requirement, work practice standard, or other requirement for a source and to include terms and conditions implementing that determination in the source's permit, the source shall include in its permit application under § 301 a proposed determination, together with the data and other information upon which the determination is to be based, and proposed terms and conditions to implement the determination, which will be reviewed in accordance with the following procedures:

- (a) Upon receipt of a request from the source, the Department may meet with the source before the permit application is submitted to discuss the determination and the information required to make it; and
- (b) In the event that the Department determines that the source's proposed determination and implementing terms and conditions should be revised in the draft permit, the proposed permit, or the final permit, the Department shall inform the source of the changes to be made and allow the source to comment on those changes before issuing the draft permit, proposed permit, or final permit.

303.10 Except for permit modifications qualifying for minor permit modification procedures under § 303.5(b), all permit proceedings, including initial permit issuance, significant modifications, and renewals, shall be conducted in accordance with the following procedures for public participation:

- (a) After receiving a complete application for a permit, significant permit modification, or permit renewal, the Department shall, no later than sixty-one (61) calendar days before the deadline for issuing a proposed permit, significant modification, or renewal for the Administrator's review, issue a draft permit and solicit comment from the applicant, from the affected States and from the public as follows:
  - (1) The Department shall provide notice to the public by doing the following:
    - (A) Making available a public file containing a copy of all materials (including permit applications, compliance plans,

permit monitoring and compliance certification reports, except for information entitled to confidential treatment under § 301.1(c)) that the applicant has submitted, a copy of the preliminary determination and draft permit or permit renewal, and a copy or summary of other materials, if any, considered in making the preliminary determination;

- (B) Publishing a notice in the District of Columbia Register and using any other means necessary to assure adequate notice to the affected public of the application, the preliminary determination, the location of the public file, the procedures for submitting written comments, the procedures for requesting a hearing if the Department has not scheduled a hearing, and the date, time, and location of the public hearing; and
  - (C) Publishing any notice of a public hearing at least thirty (30) days in advance of the hearing;
- (2) Copies of the notice required under § 303.10(a)(1)(B) shall be sent to the applicant, to the representatives of affected States designated by those States to receive the notices, and to persons on a mailing list developed by the Department, including those who request in writing to be on the list;
- (b) The public notice shall establish a period of not less than thirty (30) days following publication of the notice for the submission of written comments and shall identify the affected stationary source the name and address of the applicant or permittee, the name and address of the Department's representative with responsibility for the permitting action, the activity or activities involved in the permit action, the emissions change involved in any permit modification, and the location of the public file;
  - (c) The applicant shall be afforded an opportunity to submit, within ten (10) business days following the close of the public comment period or the public hearing, whichever is later, a response to any comments made;
  - (d) The Department shall consider all comments submitted by the applicant, the public, and affected States in reaching its final determination and issuing the proposed permit, modification, or renewal for the Administrator's review;
  - (e) The Department shall maintain a list of all commenters and a summary of the issues raised in sufficient detail such that the Administrator may fulfill his or her obligation under § 505(b)(2) of the Act and shall make that

information available in the public file and supply it to the Administrator upon request; and

- (f) At the time the Department issues a proposed permit, permit modification, or permit renewal for the Administrator's review, the Department shall issue a written response to all comments submitted by affected States and all significant comments submitted by the applicant and the public. Copies of this written response shall be provided to the Administrator, affected States, and the applicant, and a copy shall be placed in the public file.

303.11 Any final action granting or denying an application for a permit, permit amendment or modification, or permit renewal shall be subject to judicial review in the Office of Administrative Hearings upon an application filed by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review under District law.

303.12 The opportunity for judicial review provided for in § 303.11 shall be the exclusive means for obtaining judicial review of any permit action.

303.13 Procedures for judicial review shall be as follows:

- (a) No application for judicial review may be filed more than ninety (90) days following the final action on which the review is sought, unless:
  - (1) The grounds for review arose at a later time, in which case the application for review shall be filed within ninety (90) days of the date on which the grounds for review first arose and review shall be limited to the later-arising grounds; or
  - (2) The final action being challenged is the Department's failure to take final action, in which case an application for judicial review may be filed any time before the Department denies the permit or issues the final permit; and
- (b) Any application for judicial review shall be limited to the following:
  - (1) Issues raised in written comments filed with the Department or during a public hearing on the proposed permit action (if the grounds on which review is sought were known at that time), except that this restriction shall not apply if the person seeking review was not afforded an advance opportunity to comment on the challenged action; and
  - (2) Issues that are germane and material to the relevant permit action.

**Section 305, PERMIT FEES, is repealed and replaced with the following:**

**305 FEES**

305.1 Owners or operators of Part 70 sources shall pay a permit application fee (original and renewal applications) based on the total tons of potential emissions of each regulated pollutant (for presumptive fee calculation purposes) according to the schedule in the following table:

\$5,000	Total potential emissions less than 100 tons per year
\$7,500	Total potential emissions equal to or greater than 100 tons per year, but less than 250 tons per year
\$15,000	Total potential emissions equal to or greater than 250 tons per year, but less than 1,000 tons per year
\$30,000	Total potential emissions equal to or greater than 1,000 tons per year

305.2 Owners or operators of Part 70 sources shall pay annual fees (as adjusted pursuant to the criteria set forth in § 305.6) based on the total tons of actual emissions of each regulated pollutant (for presumptive fee calculation purposes) emitted from Part 70 sources following the schedule in the following table:

\$1,000	Total actual emissions less than 10 tons per year
\$5,000	Total actual emissions equal to or greater than 10 tons per year, but less than 25 tons per year
\$10,000	Total actual emissions equal to or greater than 25 tons per year, but less than 100 tons per year
\$30,000	Total actual emissions equal to or greater than 100 tons per year

305.3 Owners or operators of Part 70 sources with total actual annual emissions greater than 100 tons per year will pay an annual fee of three hundred dollars (\$300) (as adjusted pursuant to the criteria set forth in § 305.6), in addition to the fees specified under § 305.2, for each ton of annual emissions in excess of one hundred (100) tons per year.

305.4 Owners or operators of Part 70 sources subject to annual fees pursuant to § 305.2 shall pay annual fees within twelve (12) months of the date on which the source first becomes subject to the program.

305.5 Owners or operators of sources that accept federally enforceable emission limits pursuant to § 200.6 and § 300.3(c) shall pay a permit application fee (original and renewal applications) of five thousand dollars (\$5,000).

305.6 The fees described in §§ 305.2 and 305.3 shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent

calendar year ending before the beginning of the year exceeds the Consumer Price Index for the calendar year 2015:

- (a) The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the twelve (12) month period ending on August 31st of each calendar year; and
- (b) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 2015 shall be used. The Consumer Price Index for all-urban consumers for the month of August 2015 is 238.316.

305.7 Owners or operators that fail to pay a fee owed pursuant to §§ 305.1, 305.2, or 305.3 within sixty (60) days of the date that the Department issues an invoice or by September 1, whichever is earlier, unless another deadline is specified in a permit issued pursuant to this chapter, shall pay a penalty of fifty percent (50%) of the fee amount, plus interest pursuant to § 502(b)(3)(C)(ii) of the Act.

305.8 All fees, penalties, and interest collected pursuant to this chapter shall be deposited by the Department in a special D.C. Treasury fund, subject to appropriation, to carryout Part 70 program activities solely.

**Section 399, DEFINITIONS AND ABBREVIATIONS, is amended as follows:**

**Subsection 399.1 is amended by replacing the definition of “Regulated pollutant (for presumptive fee calculation)” to read as follows:**

**Regulated pollutant (for presumptive fee calculation), which is used only for purposes of § 305 - any “regulated air pollutant” except the following:**

- (a) Any pollutant that is a regulated air pollutant solely because it is a class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act;
- (b) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under § 112(r) of the Clean Air Act;
- (c) Carbon monoxide; or
- (d) Greenhouse gases, as defined in 40 C.F.R. § 86.1818–12(a).

**By adding a definition for “relevant emissions units” as follows:**

**Relevant emissions units - those emissions units that are subject to applicable requirements.**

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked “Public Comments: Air Quality Permit Fees and Synthetic Minor Permitting Program” and filed with DOEE, Air Quality Division, 1200 First Street, N.E., 5<sup>th</sup> Floor, Washington, DC 20002, Attention: Stephen Ours, or e-mailed to [airqualityregulations@dc.gov](mailto:airqualityregulations@dc.gov). Copies of the above documents may be obtained from DOEE at the same address.

## DISTRICT OF COLUMBIA DEPARTMENT OF HUMAN RESOURCES

NOTICE OF PROPOSED RULEMAKING

The Director of the District of Columbia Department of Human Resources, with the concurrence of the City Administrator, pursuant to Sections 404(a) and 651 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a), and 1-616.51 *et seq.* (2012 Repl.)), and Mayor's Order 2008-92, dated June 26, 2008, gives notice of the intent to adopt the following amendments to Chapter 16 (Corrective and Adverse Actions; Enforced Leave; and Grievances) of Subtitle B (Government Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

If adopted, the proposed rules will: (1) add language in Section 1600 (Applicability) to exclude Excepted Service employees and sworn members of the Metropolitan Police Department, and add language that will allow employees in the Management Supervisory Service to file grievances; (2) amend Subsection 1602.3 of Section 1602 (Employee Rights) to make a minor change; (3) amend the language in Subsection 1605.4 of Section 1605 (Misconduct; Performance Deficits) to clarify that the unlawful possession of controlled substances or paraphernalia violations is cause for corrective or adverse action; (4) amend Subsections 1606.2 and 1606.4 of Section 1606 (Establishing Appropriate Action) to change the term "personality" to "personal" and add the term "corrective" to the provisions; (5) amend Subsection 1607.2 of Section 1607 (Table of Illustrative Actions) to provide a description of the circumstances that would fall under neglect of duty, reduce the first occurrence penalty for circumstances involving intoxicants-alcohol and spirits and controlled substances/paraphernalia, and make a minor typographical change in performance deficits circumstances; (6) amend Subsections 1610.3 in Section 1610 (Progressive Discipline) to add language that will require that a written justification be provided when a deciding official deviates from the table of illustrative action; (7) amend Subsection 1611.1 of Section 1611 (Verbal Counseling) to clarify that managerial staff have an obligation to create a work environment that will reduce the need for disciplinary action; (8) amend Subsection 1616.3 of Section 1613 (Corrective Actions) to clarify that participation in a resolution conference does not constitute an election of remedies between the employee and the personnel authority; (9) amend Subsections 1621.2, 1621.3, and 1621.6 of Section 1621 (Employee Responses) to allow employees to receive administrative leave for an employee to prepare a written response to any notice of proposed corrective action of up to four (4) hours, and up to ten (10) hours for any notice of proposed adverse action, and clarify that the failure of an employee to respond to a notice of proposed action shall be waived in any subsequent proceeding; (10) amend Subsection 1622.2 of Section 1622 (Administrative Reviews) to clarify that an attorney at any grade level can be selected as a hearing officer; amend Subsection 1623.4 of Section 1623 (Final Agency Decision) to make a minor change; (11) amend Subsection 1625.1 of Section 1625 (Appeal Rights) to include language that the employee may file a grievance with the personnel authority, if the agency head is the deciding official, and remove exempt employees language; (12) amend Subsection 1626.2 and 1626.4 of Section 1626 (Grievance Policy and Applicability) to exclude Excepted and Executive Services employees and uniformed members of the Metropolitan Police from the grievance process, remove the District of Columbia Board of Education, and add a new Subsection 1626.4 to exclude from the grievance

process attorneys in the Legal Service that are covered under disciplinary provisions contained in Chapter 36 of the regulations; (13) amend Subsection 1629.2 of Section 1629 (Initial Grievance Review) to specify five (5) calendar days; (14) amend Subsection 1630.2 of Section 1630 (First Level Grievance Reviews) to make a minor change; (15) amend Subsection 1631.1 of Section 1631 (Second Level Grievance Reviews) to clarify grievance process when grievant reports directly to the agency head; (16) amend Subsection 1632.8 of Section 1632 (Third Level Grievance Reviews) to make a minor change; and (17) amend Section 1699 (Definition) to add a definition for the term "Personal history"..

**Chapter 16, CORRECTIVE AND ADVERSE ACTIONS; ENFORCED LEAVE; AND GRIEVANCES, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:**

**Section 1600, APPLIABILITY, is amended to read as follows:**

**Paragraphs (f), (g), and (h) of Subsection 1600.2 are amended to read as follows:**

- (f) Employees in the Excepted and Executive Services;
- (g) Sworn members of the Metropolitan Police Department; and
- (h) Except as provided in § 1600.3, employees in the Management Supervisory Service.

**Paragraph (a) of Subsection 1600.3 is amended to read as follows:**

- (a) For purposes of this chapter, employees in MSS are considered "exempt" employees and § 1625 (a), (b), and (c) does not apply to these employees.

**Section 1602, EMPLOYEE RIGHTS, Subsection 1602.3, is amended as follows:**

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

- (a) A corrective or adverse action shall be commenced no more than ninety (90) business days after the agency or personnel authority knew or should have known of the performance or conduct supporting the action;

**Section, 1605, MISCONDUCT; PERFORMANCE DEFICITS, Subsection 1605.4, is amended as follows:**

**Paragraph (g) and (h) are amended to read as follows:**

- (g) Using, being under the influence of, or testing positive for an intoxicant while on duty;
- (h) Unlawful possession of a controlled substance or paraphernalia or testing positive for an unlawful controlled substance while on duty;

Section 1606, ESTABLISHING APPROPRIATE ACTION, Subsections 1606.2 and 1606.4, are amended as follows:

The lead-in language in Subsection 1606.2 is amended to read as follows:

1606.2 For all corrective and adverse actions, managers shall be prepared to demonstrate that the following factors were considered:

Paragraph (k) of Subsection 1606.2 is amended to read as follows:

- (k) Mitigating circumstances surrounding the offense such as unusual job tensions, personal problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and

Subsection 1606.4 is amended to read as follows:

1606.4 Except in the case of a reprimand, the analysis of the factors above shall be included in any proposed corrective or adverse action and shall be included in and taken into consideration regarding any final agency decision on corrective or adverse action.

Section 1607, TABLE OF ILLUSTRATIVE ACTIONS, Subsection 1607.2, is amended as follows:

The lead-in text is amended to read as follows:

1607.2 The illustrative actions in the following table are not exhaustive and shall only be used as a guide to assist managers in determining the appropriate agency action. Balancing the totality of the relevant factors established in § 1606.2 can justify an action that deviates from the penalties outlined in the table.

Paragraphs (e), (g)(2), (h)(3), and (m) are amended to read as follows:

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
<b>(e) Neglect of Duty --</b>		
Failing to carry out official duties or responsibilities as would be expected of a reasonable individual in the same position; failure to perform assigned tasks or duties; failure to assist the public; undue delay in completing assigned tasks or duties; careless work habits; conducting personal business while on duty; abandoning an assigned post; sleeping or dozing on-duty, or loafing while on duty.	Counseling to Removal	5-Day Suspension to Removal

NATURE OF CIRCUMSTANCES	FIRST OCCURRENCE	SUBSEQUENT OCCURRENCES
<b>(g) Intoxicants – Alcohol and spirits</b>		
(2) Reporting to or being on duty while under the influence of or testing positive for an illegal drug or unauthorized controlled substance.	Suspension to Removal	30-Day Suspension to Removal
<b>(h) Controlled Substances/Paraphernalia</b>		
(3) Being under the influence of or testing positive for intoxicants when reporting for duty or anytime while on duty.	Suspension to Removal	Removal
<b>(m) Performance Deficits --</b>		
Failure to meet established performance standards.	Reassignment Reduced Grade Removal	

**Section 1610, PROGRESSIVE DISCIPLINE, Subsection 1610.3, is amended to read as follows:**

1610.3 When a deciding official deviates from the actions outlined in § 1607, he or she shall provide a written justification specifying the reasons for the deviation in the final agency decision, as provided in § 1623.

**Section 1611, VERBAL COUNSELING, Subsection 1611.1, is amended to read as follows:**

1611.1 As an employer, the District and its managerial staff have an obligation to create a fair, supportive, and transparent work environment that lessens the need for disciplinary action.

**Section 1612, REPRIMANDS, Subsection 1612.8, is repealed.**

**Section 1613, CORRECTIVE ACTIONS, Subsections 1613.2 and 1613.3, are amended to read as follows:**

1613.2 Except in the case of a reprimand, when a corrective action is warranted, the agency shall:

- (a) Provide a notice of proposed action, in accordance with § 1618;
- (b) Afford the employee an opportunity to respond, in accordance with § 1621;

- (c) Provide a final decision on the proposed action, in accordance with § 1623; and
- (d) If a corrective action is taken, notify the employee of his or her right to grieve the final decision pursuant to §§ 1626 through 1637, or pursuant to an applicable labor agreement.

1613.3 Immediately following the issuance of a notice of proposed corrective action for a suspension pursuant to § 1613.2(a), the proposing official may conduct a resolution conference with the employee and his or her union representative (if any).

- (a) Through a resolution conference, the proposing official and affected employee may agree to a suspension which is shorter in time than the suspension in the notice of proposed action, or a reprimand in lieu of suspension.
- (b) Participation in a resolution conference does not constitute an election of remedies between the employee and the personnel authority; unless it results in a binding agreement between both parties; and
- (c) To be valid and binding, any agreement reached between the proposing official and the employee shall be reduced to a written agreement, in which the employee voluntarily waives his or her right to file a grievance or appeal concerning any circumstances that give rise to the notice of proposed action under this chapter or pursuant to the provisions of a negotiated labor agreement.
- (d) The proposing official may defer the effective date of a proposed suspension by no more than five (5) days to accommodate the resolution conference process.
- (e) Statements concerning an agreement during the resolution conference process may not be used by any party as evidence or precedent in any other disciplinary action. Nevertheless, the outcome of a resolution conference may be considered in the future for purposes of progressive discipline.

**Section 1621, EMPLOYEE RESPONSES, Subsections 1621.2 and 1621.6, are amended as follows:**

1621.2 An agency head shall authorize an employee to use official time to prepare a written response to any notice of proposed action in the following amounts of administrative leave: up to four (4) hours for proposed corrective actions, and up to ten (10) hours for proposed adverse actions.

...

1621.6 As a written part of his or her response, an employee shall raise every defense, fact, or matter in extenuation, exculpation, or mitigation of which the employee has knowledge or reasonably should have knowledge or which is relevant to a reason for which the employee took an action (of failed to take an action) which is a subject of the proposed or summary action. The failure of the employee to raise a known defense, fact, or matter shall constitute a waiver of such defense, fact, or matter in all subsequent proceedings.

**Section 1622, ADMINISTRATIVE REVIEWS, Subsection 1622.2, is amended as follows:**

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

- (b) Be at grade levels DS-13 and above, or equivalent, or be in the Legal Service at any grade;

**Section 1623, FINAL AGENCY DECISION, Subsection 1623.4, is amended as follows:**

**Paragraph (c) is amended to read as follows:**

- (c) Provide for an independent corrective or adverse action for each enumerated cause, consistent with § 1623.4(b);

**Section 1625, APPEAL RIGHTS, Subsection 1625.1, is amended as follows:**

**The lead-in language in 1625.1 is amended to read as follows:**

1625.1 An employee who disputes a final agency reprimand, corrective, adverse, or enforced leave action under this chapter may seek one (1) of the following remedies:

**Section 1626, GRIEVANCE POLICY AND APPLICABILITY, Subsection 1626.2, is amended to read as follows:**

1626.2 Notwithstanding § 1600 and except for the Mayor, members of the Council, sworn members of the Metropolitan Police Department, and employees in the Executive and Excepted Services, the grievance policies and procedures established at §§ 1626 through 1635 apply to all applicants and employees of all District agencies except:

- (a) The District of Columbia Superior Court and Court of Appeals;
- (b) The University of the District of Columbia;
- (c) The District of Columbia Public Schools;
- (d) Members of District boards and commissions; and
- (e) Advisory Neighborhood Commissions.

**Subsection 1626.4 is added to read as follows:**

1626.4 Disciplinary actions taken against attorneys pursuant to Chapter 36 of Title 6-B DCMR shall not be subject to grievance procedure established in §§ 1627 through 1637.

**Section 1629, INITIAL GRIEVANCE REVIEW, Subsection 1629.2, is amended as follows:**

1629.2 Within five (5) days of receipt, the grievance official shall do one of the following:

- (a) Acknowledge receipt and begin processing the grievance pursuant to § 1630;
- (b) Deny the grievance as being a matter not subject to review pursuant to § 1627;
- (c) Deny the grievance as being untimely pursuant to § 1628.4; or
- (d) Request the grievant to supply additional information required by § 1628.2.

**Section 1630, FIRST LEVEL GRIEVANCE REVIEWS, Subsection 1630.2, is amended as follows:**

1630.2 Unless mediation has already been attempted pursuant to § 1635, at the interview, the grievance official shall inform the grievant that he or she has the option of pursuing mediation. The grievant shall execute either a declination of mediation or a mediation agreement. If mediation is declined, the grievance official shall proceed with the initial grievance interview, in accordance with § 1630.3. If mediation is elected by executing a mediation agreement, mediation shall proceed in accordance with § 1635.

**Section 1631, SECOND LEVEL GRIEVANCE REVIEWS, Subsection 1631.1, is amended to read as follows:**

1631.1 At the second level grievance review, the grievance shall be reviewed by a second level official in the grievant's chain of command who reports directly to the agency head.

- (a) If the first level grievance official reports directly to the agency head, the grievance request for further review shall be treated as a notification under § 1631.6 and processed pursuant to § 1632.
- (b) If the first level grievance official is the agency head, the grievance request for further review shall be treated as a notification under § 1632.8 and processed pursuant to § 1633.

- (c) Except when the personnel authority is the D.C. Department of Human Resources, in the event the first grievance official and the personnel authority are the same person, the grievance official's decision shall be deemed the decision of the personnel authority pursuant to § 1633.4.

**Section 1632, THIRD LEVEL GRIEVANCE REVIEWS, Subsection 1632.8, is amended as follows:**

1632.8 Within five (5) days of the issuance of the third level grievance decision, a grievant may notify the original grievance official in writing that he or she is not satisfied with the decision and request a final review. Upon receipt of this notification, the grievance official shall proceed to the final grievance review.

**Section 1699, DEFINITIONS, is amended to insert the terms “Personal History” and “Reassignment” to the definition, as follows:**

**Personal history** –information about a specific individual, including information about his or her educational, financial, criminal, or employment status or history.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4<sup>th</sup> Street, N.W., Suite 340 North, Washington, D.C. 20001, or via email at [justin.zimmerman@dc.gov](mailto:justin.zimmerman@dc.gov). Additional copies of these proposed rules are available from the above address.

**DEPARTMENT OF MOTOR VEHICLES****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)), Sections 6 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 50-1401.01 (2014 Repl.)), and Mayor’s Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 1 (Issuance of Driver Licenses), Chapter 4 (Motor Vehicle Title and Registration), Chapter 6 (Inspection of Motor Vehicles), Chapter 7 (Motor Vehicle Equipment), Chapter 22 (Moving Violations) and Chapter 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

The proposed rules create a new classification for autocycles and clarify what motor vehicles do not need to be emission inspected.

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

**Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:**

**Chapter 1, ISSUANCE OF DRIVER LICENSES, is amended as follows:**

**Section 104, EXAMINATION OF APPLICANTS FOR DRIVER’S LICENSES is amended by striking the current title and inserting the phrase “APPLICANTS FOR DRIVER LICENSES” in its place. Section 104 is also amended as follows:**

**A new Subsection 104.16 is added to read as follows:**

104.16 An autocycle shall not be used by an applicant for the road test.

**Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:**

**Section 413, APPLICATION FOR REGISTRATION, is amended as follows:**

**Subsection 413.6 is amended by inserting the term “autocycle,” before the term “motor-driven cycle”.**

**Section 422, DISPLAY OF IDENTIFICATION TAGS, is amended as follows:**

**Subsection 422.2 is amended by inserting the term “Autocycles,” before the term “Motor-driven cycles”.**

**Chapter 6, INSPECTION OF MOTOR VEHICLES, is amended as follows:**

**Section 601, INSPECTION REQUIREMENTS, is amended as follows:**

**Subsection 601.4(1) is amended to read as follows:**

- (1) All other motor vehicles: every two (2) years; except that autocycles, motorcycles, motor-driven cycles, vehicles weighing twenty-six thousand (26,000) pounds or more, motor vehicles with diesel or electric engines, and trailers do not need to be inspected.

**Section 607, PLACEMENT OF INSPECTION STICKERS ON VEHICLES, is amended as follows:**

**Subsection 607.1 is amended by inserting the term “autocycles,” before the word “motorcycles”.**

**Chapter 7, MOTOR VEHICLE EQUIPMENT, is amended as follows:**

**Section 704, HEADLAMPS, is amended as follows:**

**Subsections 704.1, 704.3 and 704.4 are amended by inserting the term “autocycle,” before the word “motorcycle”.**

**Section 705, TAIL LAMPS, is amended as follows:**

**Subsection 705.2 is amended by inserting the term “autocycles,” before the word “motorcycles”.**

**Section 706, STOP LAMPS, TURN SIGNALS, AND REFLECTORS, is amended as follows:**

**Subsection 706.2 is amended by inserting the term “autocycles,” before the word “motorcycles”.**

**Subsection 706.6 is amended by inserting the term “autocycle,” before the word “motorcycle”.**

**Section 715, MULTIPLE-BEAM ROAD LIGHTING EQUIPMENT, is amended as follows:**

**Subsection 715.1 is amended by inserting the term “autocycles,” before the word “motorcycles”.**

**Subsection 715.4 is amended by inserting the term “autocycle,” before the word “motorcycle”.**

**Section 718, ROAD LIGHTING EQUIPMENT: SPECIAL REQUIREMENTS** is amended as follows:

Subsection 718.1 is amended by inserting the term “autocycle,” before the word “motorcycle”.

**Section 720, BRAKES: GENERAL PROVISIONS** is amended as follows:

Subsection 720.3 is amended by inserting the term “autocycles,” before the word “motorcycles”.

**Section 724, PERFORMANCE ABILITY OF BRAKES,** is amended as follows:

Subsection 724.1 is amended by inserting the term “autocycles,” before the word “motorcycles” in section B1.

**Section 733, BUMPERS AND FENDERS,** is amended as follows:

Subsection 733.1 is amended by inserting the term “autocycles,” before the word “motorcycles”.

**Section 741, MOTORCYCLE HELMETS,** is amended as follows:

Subsection 741.1 is amended by inserting the phrase “or autocycles, except as set forth in § 2215.7” after the word “motorcycles”

**Chapter 22, MOVING VIOLATIONS,** is amended as follows:

**Section 2215, RIDING ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES,** is amended as follows:

The section heading is amended to read as follows:

**2215            RIDING ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES AND  
RIDING IN AUTOCYCLES**

A new Subsection 2215.7 is added to read as follows:

2215.7            Autocycle operators or passengers shall not be required to wear a protective helmet, goggles, or a face shield if the autocycle has a non-removable roof and windshield and is fully enclosed.

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

**Section 9901, DEFINITIONS, Subsection 9901.1,** is amended by adding a definition for autocycle to read as follows:

**Autocycle** - a three (3)-wheeled motor vehicle that has a steering wheel, has seating that does not require the operator or passenger to straddle or sit astride, is equipped with safety belts for all occupants, and is manufactured to comply with federal safety requirements for motorcycles.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, [dmvpubliccomments@dc.gov](mailto:dmvpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov). Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF PROPOSED RULEMAKING****RM01-2017-01, IN THE MATTER OF THE COMMISSION'S REVISION OF RULES GOVERNING ITS PAPER FILING REQUIREMENTS**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Sections 2-505, and 34-808 (2012 Repl.), of its intent to amend Chapter 1 (Public Service Commission Rules of Practice and Procedure) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR") in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. On June 15, 2016, the Office of the People's Counsel of the District of Columbia ("OPC") filed a petition requesting that the Commission reduce or eliminate the requirement that parties to a Commission proceeding provide paper copies of electronically-filed documents.<sup>1</sup> OPC's Petition asserts that a reduced paper filing requirement will have both environmental benefits as well as financial savings to parties and ultimately rate payers. Washington Gas Light Company ("WGL"), Potomac Electric Power Company ("Pepco"), and the Apartment and Office building Association of Metropolitan Washington ("AOBA") all filed comments supportive of OPC's Petition and the reduction of the number of required copies.<sup>2</sup>

3. The Commission believes the rules contained in the NOPR will be transitional while the Commission and parties work to increase utilization of electronic documents for utility regulatory filings in the District of Columbia. The Commission plans to reassess our filing rules twelve (12) months after finalizing these rules.

**Chapter 1, PUBLIC SERVICE COMMISSION RULES OF PRACTICE AND PROCEDURE, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 100, DOCKETS AND FILINGS, is amended as follows:**

**Subsection 100.11 is amended in its entirety to read as follows:**

---

<sup>1</sup> *Formal Case No. 712, In The Matter of the Investigation into the Public Service Commission's Rules of Practice and Procedure*, The Office of the People's Counsel of the District of Columbia's Petition Seeking an Amendment to the Commission's Rules Governing Its Paper Filing Requirements, p. 1, filed June 15, 2016 ("OPC Petition").

<sup>2</sup> *Formal Case No. 712*, Washington Gas Light Company's Response to OPC's Petition Seeking an Amendment to the Commission's Rules Governing its Paper Filing Requirements, filed June 27, 2016; *Formal Case No. 712*, Potomac Electric Power Company's Response to OPC's Petition Seeking an Amendment to the Commission's Rules Governing its Paper Filing Requirements, filed June 29, 2016; and *Formal Case No. 712*, The Apartment and Office building Association of Metropolitan Washington 's Comments in support of the Petition of the OPC Seeking an Amendment to the Commission's Rules Governing Its Paper Filing Requirements, filed July 1, 2016.

- 100.11 Unless otherwise required by the Commission, there shall be filed with the Commission an original and thirteen (13) conformed written copies of all testimony and exhibits as well as other documents over 100 pages; however:
- (a) for non-testimony, and other documents under 100 pages, and filed publicly the appropriate number of written copies to be filed is an original and one (1) conformed written copy; and
  - (b) for non-testimony, and other documents under 100 pages, and filed confidentially the appropriate number of written copies to be filed is an original and six (6) conformed written copies.

**Section 113, FORM OF FORMAL PLEADINGS, is amended as follows:**

**Subsection 113.4 is amended in its entirety to read as follows:**

- 113.4 All testimony and exhibits, as well as other documents over 100 pages shall be three-hole punched on the left-hand side and shall have inside margins of not less than one and one-half inches (1 1/2 in.). Non-testimony, and other documents under 100 pages shall be bound or stapled on the left-hand side and shall have inside margins of not less than one and one-half inches (1 1/2 in.).

**Section 133, EXHIBITS, is amended in its entirety to read as follows:**

**133 EXHIBITS**

- 133.1 All direct and rebuttal testimony shall be prepared in the form of written exhibits.
- 133.2 All revisions and corrections to case-in-chief and rebuttal exhibits shall be presented by way of replacement pages and submitted no later than five (5) business days prior to the beginning of hearings. Only the correction of minor typographical errors shall be allowed after this period. Each replacement page shall be identified in the heading as such and identify the date it was submitted.
- 133.3 The title of each exhibit shall state concisely what the exhibit contains.
- 133.4 Exhibits containing prepared written testimony shall contain line numbers on each page in the left-hand margin. All such testimony shall be authenticated by an appropriate affidavit of the witness. An exhibit containing rebuttal testimony shall also include the exhibit, page and line numbers of the evidence that it purports to rebut.
- 133.5 Case-in-Chief exhibits and rebuttal exhibits shall be served on each party, and thirteen (13) written copies shall be filed with the Secretary for use by the Commission and its staff. In addition, one (1) written copy shall be served on each Commission agent and consultant previously identified by the Commission's Secretary or General Counsel.

- 133.6 Narrative testimony and exhibits shall be marked with a tab in the filed written version and a bookmark in the electronic PDF version required under Sections 118 and 119 of this chapter and be identified prior to filing as follows:
- (a) The name of the party shall be set forth on each exhibit in the form of an acronym or initials (*e.g.*, OPC, PEPCO, WGL, VZ-DC, DCG, PSC, GSA, AOBA);
  - (b) When the document to be filed is the testimony of a witness, each set of the testimony shall, following the party's initials, bear a letter (in upper case); thus, the first witness of the Company shall have his or her testimony identified, for example, as PEPCO (A); the second witness, PEPCO (B), and so on. Each witness shall retain the same letter; however, the first witness' second set of testimony shall be lettered (2A) and so on;
  - (c) If there is an exhibit attached on the testimony of the witness, that exhibit shall bear an Arabic number. Thus, the first exhibit of the first witness would be marked, for example, PEPCO (A)-1. His or her second exhibit shall be marked, for example, PEPCO (A)-2, and so on. Any exhibit attached to the second set of testimony of a witness would be marked, for example, PEPCO (2A)-1; and
  - (d) If there is no testimony submitted with the exhibit, then the exhibit shall merely bear the capitalized initials of the party and be numbered sequentially with Arabic numbers (*e.g.*, PEPCO-1).
- 133.7 The Commission may, at the hearing, sequentially number all exhibits by the insertion of a prefix number before the letters of the party.
- 133.8 Not later than 9:30 a.m. of the morning of a hearing, there shall be provided to all parties, Commissioners and agents, a list of all cross-examination exhibits that the party proposes to introduce on the record. This list shall be accompanied by copies of those exhibits in electronic and written versions. Each exhibit shall be marked with a tab in the filed written version and a bookmark in the electronic PDF version and otherwise comply with Section 119 of this chapter.
- 133.9 As subsequent filings are made, the list of cross-examination exhibits shall be cumulatively updated. Any party proposing to use a document in examination of a witness shall have it marked for identification and shall distribute copies to the Commission, for the record, and to the parties by 10:00 a.m. the day of the hearing.
- 133.10 The list of cross-examination exhibits shall contain the following information:
- (a) The caption and docket number of the case;

- (b) A title showing the party proponent of the list and the date of the list and the date of the list it supersedes, if any;
- (c) The designation of the document in letters and numbers as the first column; and
- (d) A description of the document in the second column.

133.11 Documents, including, cross-examination exhibits, containing allegedly confidential or proprietary information shall be identified with a title which is not confidential or proprietary, thus permitting reference to the document in a manner which does not raise confidentiality issues. Only the confidential pages should be filed confidentially and they should be identified in the heading as “confidential” versions of the “public” pages they reproduce in full.

133.12 Each party shall, for the formal record, submit within two business days of the close of the hearing in each case an original and two fully corrected sets of its case-in-chief, supplemental and/or rebuttal testimony and exhibits (“conformed testimony”) in a single document, as well as a final list of all cross-examination exhibits introduced on the record accompanied by copies of those exhibits in a single document.

4. All persons interested in commenting on the subject matter of this NOPR are invited to submit written comments and reply comments no later than thirty (30) and forty-five (45) days, respectively, after the publication of this NOPR in the *D.C. Register*. Written comments should be filed with: Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission’s website at:

<http://edocket.dcpsc.org/comments/submitpubliccomments.asp>.

Persons with questions concerning this Notice should call 202-626-5150.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-021  
January 25, 2017

**SUBJECT:** Designation of Representative — Board of Zoning Adjustment

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with section 8 of An Act Providing for the zoning of the District of Columbia, approved June 20, 1938, 52 Stat. 799, D.C. Official Code § 6-641.07 (2012 Repl.), it is hereby **ORDERED** that:

1. **CARLTON HART** is appointed as a member of the Board of Zoning Adjustment as the designee of the National Capital Planning Commission, and shall serve at the pleasure of the National Capital Planning Commission.
2. **EFFECTIVE DATE:** This Order shall be 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 2017-022  
January 25, 2017

**SUBJECT:** Reappointments and Appointments – Developmental Disabilities State Planning Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2009-165, dated September 25, 2009, it is hereby **ORDERED** that:

1. The following individuals are appointed to the Developmental Disabilities State Planning Council (hereafter referred to as "**Council**"):
  - a. **TAWARA D. GOODE**, as a general member representing the University Center for Excellence in Developmental Disabilities, for a term to end March 18, 2019.
  - b. **SARAH GRIME**, as a general member representing local and non-governmental agencies or private non-profit groups concerned with services for individuals with developmental disabilities in the District, replacing Tina Marie Campanella, for a term to end March 18, 2019.
  - c. **CHERI MALLORY**, as a consumer member representing a relative with a developmental disability, replacing Joyce Forrest, for a term to end March 18, 2017.
  - d. **LISA MATTHEWS-MARTIN**, as a consumer member representing a relative with a developmental disability, replacing Shearon Smith, for a term to end March 18, 2018.
  - e. **MARK HOWARD**, as a consumer member with a developmental disability, replacing Alisa Jackson-Gray, for a term to end March 18, 2019.
  - f. **SARA TRIBE CLARK**, as a general member, representing a provider of services to persons with developmental disabilities, replacing Amber Keohane, for a term to end March 18, 2019.
  - g. **AMBER KEOHANE**, as a consumer member with a developmental disability, replacing Kathleen Gosselin, for a term to end March 18, 2017.

- h. **CAROL GRISBY**, as a general member representing a person with a developmental disability, filling a vacant seat, for a term to end March 18, 2019.
  - i. **KALI WASENKO-RAO**, as a consumer member representing a relative with a developmental disability, replacing Thomas Mangrum, for a term to end March 18, 2018.
2. The following individuals are reappointed, as consumer members with developmental disabilities, to the Council:
- a. **VICTOR ROBINSON**, for a term to end March 18, 2019.
  - b. **TIFFANY SMALLWOOD**, for a term to end March 18, 2019.
  - c. **RICARDO THORNTON**, for a term to end March 18, 2018.
3. **LISA MATTHEWS-MARTIN** is appointed as Chairperson of the Council, replacing Tina Campanella, and shall serve in this capacity at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
**MURIEL BOWSER**  
**MAYOR**

**ATTEST:**   
 \_\_\_\_\_  
**LAUREN C. VAUGHAN**  
**SECRETARY OF THE DISTRICT**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, FEBRUARY 8, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
James Short, Mafara Hobson, Jake Perry

- Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00131;** Whole Foods Market Group, Inc., t/a Whole Foods Market, 600 H Street NE, License #104505, Retailer B, ANC 6C  
**Application for a New License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00129;** Whole Foods Market Group, Inc., t/a Whole Foods Market, 600 H Street NE, License #104498, Retailer D, ANC 6C  
**Application for a New License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00058;** Adams Morgan Spaghetti Gardens, Inc., t/a Spaghetti Garden Brass Monkey Peyote Roxanne, 2317-2319 18th Street NW, License #10284, Retailer CR, ANC 1C  
**Application to Renew the License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00496;** Imm on H, LLC, t/a Imm on H, 1360 H Street NE License #99569, Retailer CR, ANC 6A  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00620;** Astede Corporation, t/a Nile Ethiopian Restaurant and Nile Market, 7815 Georgia Ave NW, License #60432, Retailer CR, ANC 4B  
**Trade Name Change Without Board Approval**

Board's Calendar  
February 8, 2017

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00714;** M & M Beer & Wine, Inc., t/a M & M Market, 3544  
East Capitol Street NE, License #78461, Retailer B, ANC 7F  
**No ABC Manager on Duty**

**Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-004914;** Equinox SC D.C. Inc., t/a Equinox Sports Club  
1170 22nd Street NW, License #96730, Retailer CR, ANC 2A  
**No ABC Manager on Duty, Violation of Settlement Agreement, Failed to  
Post Pregnancy Sign, Failed to Post Legal Drinking Age Sign**

**Show Cause Hearing\*** **10:00 AM**  
**Case # 16-CC-00068;** P & C Market, LLC, t/a P & C Market, 1023 East Capitol  
Street SE, License #80716, Retailer B, ANC 6B  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age, No ABC Manager on Duty**

**Show Cause Hearing\*** **11:00 AM**  
**Case # 16-CC-00104;** Stop & Go, LLC, t/a Stop and Go Market, 3001 Sherman  
Ave NW, License #71763, Retailer B, ANC 1A  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age**

**BOARD RECESS AT 12:00 PM**  
**ADMINISTRATIVE AGENDA**  
**1:00 PM**

**Protest Hearing\*** **1:30 PM**  
**Case # 16-PRO-00102;** Shallamar Enterprises, LLC, t/a Capitol Hill Tandor and  
Grill, 419 8th Street SE, License #60689, Retailer CR, ANC 6B  
**Application to Renew the License**  
*This hearing has been continued to March 15, 2017 at 4:30 pm., at the request  
of the Parties.*

**Protest Hearing\*** **1:30 PM**  
**Case # 16-PRO-00045;** Hanks on the Hill, LLC, t/a Hanks Oyster Bar, 633  
Pennsylvania Ave SE, License #89718, Retailer CR, ANC 6B  
**Application to Renew the License**

**\*The Board will hold a closed meeting for purposes of deliberating these  
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA

WEDNESDAY, FEBRUARY 8, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-074817 – **De Vinos** – Retail – B - 2001 18th Street NW  
[Licensee did pay Safekeeping fee for 10/1/16 – 3/31/17 within 30 days of approval.]

---

ABRA-001200 – **Phase I** – Retail – C – Tavern - 525 8th Street SE  
[Licensee did pay Safekeeping fee for 10/1/16 – 3/31/17 within 30 days of approval.]

---

ABRA-104783 – **The Uptown Tap House** – C – Tavern - 3400 Connecticut Avenue NW  
[Licensee did pay Safekeeping fee for 10/1/16 – 3/31/17 within 30 days of approval.]

---

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

**NOTICE OF MEETING  
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 8, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On Wednesday, February 8, 2017 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”**

1. Case#16-AUD-00090, Daikaya, 705 6<sup>th</sup> Street N.W., Retailer CR, License # ABRA-088296

---

2. Case# 16-AUD-00091, Mission, 1606 20<sup>th</sup> Street N.W., Retailer CR, License # ABRA-094290

---

3. Case# 16-AUD-00093, Expo Restaurant & Lounge, 1928 9<sup>th</sup> Street N.W., Retailer CR, License # ABRA-060872

---

4. Case# 16-AUD-00094, Del Frisco’s Grille, 1201 Pennsylvania Avenue N.W., License # ABRA-089428

---

5. Case# 16-AUD-000095, Four Seasons Hotel, 2800 Pennsylvania Avenue N.W., Retailer CH, License # ABRA-074900

---

6. Case# 16-CMP-00794, Capital Hilton Hotel (The), 1001 16<sup>th</sup> Street N.W., Retailer CH, License # ABRA-088499

---

7. Case# 17-CMP-00009, Vita Restaurant & Lounge/Penthouse Nine, 1318 9<sup>th</sup> Street N.W., Retailer CT, License # ABRA-086037

---

- 
8. Case# 17-251-00010, Dirty Martini Inn Bar/Dirty Bar, 1223 Connecticut Avenue N.W., Retailer CN, License # ABRA-083919
- 
9. Case# 17-CMP-00011, 7 Food Store, 1830 Benning Road N.E., Retailer B, License # ABRA-093817
- 
10. Case# 17-CMP-00008, Sip, 1812 Hamlin Street N.E., Retailer CT, License # ABRA-095164
- 
11. Case# 17-CMP-00007, Espita Mezcaleria, 1250 9<sup>th</sup> Street N.W., Retailer CR, License # ABRA-099558
- 
12. Case# 16-CMP-00472(M), Samuel P. Abrams, ABC Manager, ABRA-101098
- 
13. Case# 17-251-00009, Wok and Roll, 604 H Street N.W., Retailer CR, License # ABRA-060447
- 
14. Case# 16-CMP-00868(M), Cindy Maza, ABC Manager, ABRA-101098
- 
15. Case# 16-CC-00167, Mini's Convenience, 5435 MacArthur Blvd. N.W., Retailer b, License # ABRA-089668
-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, FEBRUARY 8, 2017 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Sidewalk Café with seating for 42 patrons. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 12am. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Doubletree Washington DC/The Darcy Hotel*, 1515 Rhode Island Avenue NW, Retailer CH, License No. 102437.
- 

2. Review Application for Sidewalk Café with seating for 38 patrons. *Proposed Hours of Operation for Sidewalk Café:* Sunday-Saturday 7am to 10pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday- Saturday 8am to 10pm. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Doubletree Washington DC/The Darcy Hotel*, 1515 Rhode Island Avenue NW, Retailer CH, License No. 102437.
- 

**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**DC Board of Accountancy  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**Friday, February 3, 2017  
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 3, 2017 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Barber and Cosmetology  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**February 6, 2017  
10:00 AM.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 10, 2017
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 6, 2017 at 10:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Funeral Directors  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**February 2, 2016  
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 5, 2016
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 9, 2017 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING  
District of Columbia Board of Industrial Trades  
1100 4<sup>th</sup> Street, S.W., Room 300  
Washington, D.C. 20024**

**AGENDA  
February 21, 2017**

1. Call to Order – 1:00 p.m.
2. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
3. Start of Public Session
4. Comments from the Public
5. Minutes
6. Recommendations
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Board Meeting, March 21, 2017  
1100 4<sup>th</sup> Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Board of Real Estate Appraisers  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**February 15, 2017  
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 18, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 15, 2017 at 10:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

**SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS**

**February 2017**

<b>CONTACT PERSON</b>	<b>BOARDS AND COMMISSIONS</b>	<b>DATE</b>	<b>TIME/ LOCATION</b>
Grace Yeboah Ofori	Board of Accountancy	3	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	15	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	No Meeting	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	6	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	16	7:00-pm-8:30 pm
Pamela Hall	Board of Funeral Directors	2	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	23	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	14	8:30 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers	21	1:00pm-3:30 pm

Dates and Times are subject to change. All meetings are held at 1100 4<sup>th</sup> St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

**D.C. BOXING AND WRESTLING COMMISSION**

**NOTICE OF PUBLIC MEETING**

**1100 4<sup>th</sup> Street, SW, Suite 200E, Washington, DC 20024**

**AGENDA**

**February 16, 2017**

**6:30 P.M.**

1. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
2. Call to Order
3. Attendance (Start of Public Session)
4. Comments from the Public
5. Minutes – January 26, 2017
6. Budget
7. Correspondence
8. Old Business
9. New Business
  - A. Upcoming Professional Events
  - B. Upcoming Amateur Events
10. Adjournment

**NEXT MEETING SCHEDULED FOR MARCH 16, 2017**

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**District of Columbia Professional Engineers  
1100 4<sup>th</sup> Street SW, Room 380  
Washington, DC 20024**

**AGENDA**

**February 23, 2017 ~ Room 300  
9:00 A.M. (Application Review by Board Members)**

**11:00 A.M.**

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
  - Deliberation over applications for licensure
  - Review complaints and investigations
- 4) Comments from the Public
  - Daniel Janniello
  - Jose Torres
- 5) Review of Minutes
- 6) Recommendations
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next Scheduled Meeting – March 23, 2017  
Location: 1100 4<sup>th</sup> Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**NOTICE OF PUBLIC MEETING**

**Real Estate Commission  
1100 4<sup>th</sup> Street SW, Room E300  
Washington, DC 20024**

**MEETING AGENDA**

**February 14, 2017  
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, January 10, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – March 14, 2017 at 10:00 a.m.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**

**NOTICE OF COMMUNITY ENGAGEMENT SESSIONS AND  
PUBLIC COMMENT PERIOD**

As required by the Every Student Succeeds Act (ESSA), the Office of the State Superintendent of Education (OSSE) must submit a State Education Plan to the US Department of Education that outlines statewide plans for education, including how DC will support specific groups of students and define quality schools.

The public comment period on the District of Columbia's draft State Education Plan opened on January 30, 2016 and will close March 3, 2016. OSSE is soliciting public comment prior to submission to the US Department of Education in early April. During this time, OSSE will host a series of community engagement sessions in each of DC's eight wards to gather public feedback on the state plan.

The proposed DC State Education Plan and a survey for the public to submit comments are available on the OSSE website at: [www.osse.dc.gov/essa](http://www.osse.dc.gov/essa). Additional questions may be submitted to [OSSE.ESSA@dc.gov](mailto:OSSE.ESSA@dc.gov).

Public feedback engagement sessions on DC's draft State Education Plan will be held on the following dates at the following locations:

<b>Ward</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Registration Link</b>
1& 2	Feb. 7	7-8:30 p.m.	Cardozo High School 1200 Clifton St. NW	<a href="http://bit.ly/2j1zR6d">http://bit.ly/2j1zR6d</a>
3	Feb. 8	7-8:30 p.m.	Wilson High School 3950 Chesapeake St. NW	<a href="http://bit.ly/2kowBIV">http://bit.ly/2kowBIV</a>
4	Feb. 16	6:30-8:30 p.m.	Barnard Elementary School 430 Decatur St. NW	<a href="http://bit.ly/2j1Gtlf">http://bit.ly/2j1Gtlf</a>
5	Feb. 22	6:30-8:30 p.m.	Brookland Middle School 1150 Michigan Ave. NE	<a href="http://bit.ly/2koK113">http://bit.ly/2koK113</a>
6	Feb. 27	6-8 p.m.	Capitol Hill Arts Workshop 545 Seventh St. SE	<a href="http://bit.ly/2jZx6C1">http://bit.ly/2jZx6C1</a>
7	Feb. 23	6-7:30 p.m.	Department of Employment Services 4058 Minnesota Ave. NE	<a href="http://bit.ly/2koLx3a">http://bit.ly/2koLx3a</a>
8	Feb. 28	6-8 p.m.	Anacostia Neighborhood Library 1800 Good Hope Road SE	<a href="http://bit.ly/2jOkMct">http://bit.ly/2jOkMct</a>

For more information on the development of DC's State Education Plan during the last year, visit OSSE's ESSA webpage at [OSSE.dc.gov/essa](http://OSSE.dc.gov/essa).

Community members, educators, parents, and other interested parties are encouraged to attend. *If you would like to attend, please use register using the links above.* Requests for interpretation can be made using the registration links above.

You may also submit written feedback on the DC's State Education Plan through March 3, 2017 through the ESSA Public Comment Period Survey available on our website, [www.osse.dc.gov/essa](http://www.osse.dc.gov/essa). Questions may be directed to OSSE.ESSA@dc.gov.

**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF FILING OF AN APPLICATION  
TO PERFORM VOLUNTARY CLEANUP**

**10 Q Street, NW  
Case No. VCP2016-048**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 10 Q Street, NW, Washington, DC 20002, is the District of Columbia Department of Housing and Community Development, 1800 Martin Luther King, Jr. Avenue SE, Washington, DC 20020. The application identifies the presence of dry cleaning solvent in groundwater. The applicant intends to redevelop the subject property into a multi-story mixed use building.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5E) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program  
Department of Energy and Environment (DOEE)  
1200 1<sup>st</sup> Street, N.E., 5<sup>th</sup> Floor  
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty-one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016-048 in any correspondence related to this application.

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6095-R2 to the Architect of the Capitol to operate an existing 760 kWe emergency generator set with a 1,207 hp diesel-fired engine at the Dirksen Office Building, located at First Street & Constitution Avenue NE, Washington DC. The contact person for the facility is Takis Tzamaras, Superintendent, at (202) 224-2021.

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

Interested persons may submit written comments or may request a public 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, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after March 6, 2017 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT****DEPARTMENT OF ENERGY AND ENVIRONMENT****Clean Water Construction Program  
Project Priority Rating System**

The Department of Energy and Environment (DOEE) invites the public to comment on proposed revisions to the Project Priority Rating System (PPRS) used in the District of Columbia (District) Clean Water Construction (CWC) program. The PPRS describes the process through which DOEE chooses water quality improvement projects for inclusion in applications to the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (CWSRF) program. Revisions to the PPRS are intended to ensure that funded projects address the District's current needs, obligations, and priorities for cleaning and protecting District waters.

Annually, the EPA CWSRF program allocates approximately six million dollars to the District for water quality improvement projects. DOEE solicits new projects each year, evaluates project applications for their contribution to protecting and enhancing water quality, and adds them to a ranked list, called the Project Priority List (PPL). DOEE uses the PPL to identify the most highly-ranked water quality improvement projects that are ready to proceed and includes those projects in the application to EPA for CWSRF funding. District CWC projects are funded at 55% Federal grant share and 45% local match share.

The District's CWC program funds three categories of wastewater treatment works: Sewage Infrastructure Projects, Stormwater Grey Infrastructure Projects, and Stormwater Green Infrastructure Projects, defined as follows:

- Sewage Infrastructure Projects include work on devices or systems that collect liquid municipal wastes (including sanitary sewage and combined stormwater and sanitary sewage) convey waste waters to a central location, process such wastes to reduce the pollutant potential of those wastes, and provide for disposal of residues or byproducts that result from treatment of those wastes.
- Stormwater Grey Infrastructure Projects include work related to stormwater pollution prevention, including the collection and treatment of municipal wastes prior to the discharge of those wastes into a storm sewer, combined sewer, or District waterbody. Municipal waste can include storm water runoff and wastewater that is produced as a byproduct of industrial activities; and
- Stormwater Green Infrastructure Projects are projects to retain stormwater via infiltration, evapotranspiration, or harvesting for reuse or projects to protect, restore, or construct stream and wetland ecosystems.

Beginning February 3, 2017, the draft PPRS will be available online at DOEE's website, [doee.dc.gov](http://doee.dc.gov), under the Regulation & Law tab at the Public Notices link. To obtain a hard copy, please email [suzanne.wald@dc.gov](mailto:suzanne.wald@dc.gov) with a subject line of "REQUEST FOR DRAFT PPRS" to arrange for pick-up.

**Public Comment Period: Friday, February 3 – Monday, March 6**

Comments may be hand delivered or posted to the DOEE offices at the address listed below, or emailed to the attention of Suzy Wald at [suzanne.wald@dc.gov](mailto:suzanne.wald@dc.gov). Please clearly mark comments submitted in hard copy or by email with the identifier "DRAFT PPRS PUBLIC COMMENTS." All comments should be received no later than the conclusion of the public hearing on Monday, March 6, 2017.

**Public Hearing**

DATE: Monday, March 6, 2017  
TIME: 6:00 PM – 7:00 PM  
PLACE: Department of Energy and Environment  
1200 First Street, NE, 5th Floor  
Washington, DC 20002  
NOMA Gallaudet (Red Line) Metro Stop

Persons who wish to testify are requested to mail or email their name, email address, telephone numbers, and the organization they represent, if any, to the attention of Suzy Wald, by Monday, February 27, 2017. All presentations shall be limited to five minutes, and all testimony should pertain to the revised PPRS. Presenters are urged to submit written statements. DOEE will consider all comments received in the final draft of the revised PPRS.

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

Office of Government Ethics

**BEGA - Advisory Opinion – 1559-001 - Social Media and the Code of Conduct**

January 31, 2017

**ADVISORY OPINION**<sup>1</sup>

*Social Media and the Code of Conduct*

**Purpose of this Advisory Opinion**

This advisory opinion is intended to provide interpretive guidance to District government employees (“Employee” or “Employees”) regarding the effect of the District’s Code of Conduct on the use of personal social media accounts.<sup>2</sup> Insofar as it is impractical to issue an opinion that addresses each specific instance in which an Employee’s use of a personal social media account could violate the Code of Conduct, this advisory opinion will provide general guiding principles that can be applied to different situations that may arise. Additionally, this advisory opinion will provide examples to which the guiding principles can be applied, as well as an explanation of the result of that application.

---

<sup>1</sup> Pursuant to section 219(a-1)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.19(a-1)(2)), a proposed draft of this advisory opinion was published at 63 DCMR 53 (December 23, 2016), available at: <http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=6330916>.

<sup>2</sup> D.C. Official Code § 1-1161.01(7) defines the Code of Conduct as being comprised of the following:

- (A) For members and employees of the Council, the Code of Official Conduct of the Council of the District of Columbia, as adopted by the Council;
- (B) Sections 1-618.01 through 1-618.02;
- (C) Chapter 7 of Title 2 [§ 2-701 *et seq.*];
- (D) Section 2-354.16;
- (E) For employees and public officials who are not members or employees of the Council, Chapter 18 of Title 6B of the District of Columbia Municipal Regulations;
- (E-i) Chapter 11B of this title [§ 1-1171.01 *et seq.*];
- (F) Parts C, D, and E of subchapter II, and part F of subchapter III of this chapter for the purpose of enforcement by the Elections Board of violations of § 1-1163.38 that are subject to the penalty provisions of § 1-1162.21.
- (G) Section 1-329.01, concerning gifts to the District of Columbia.

Additionally, the Board of Ethics and Government Accountability is statutorily authorized to enforce the Code of Conduct as to “all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions . . . .” D.C. Official Code §§ 1-1162.01a, 1-1162.02(a)(1).

## Background

Social media is an umbrella term that refers to internet based tools, programs, and applications that allow their respective users to share information. A social media account, therefore, is an account created through a social media platform, including, without limitation, Facebook, Twitter, LinkedIn, Instagram, Snapchat, and Google+. The general use of personal social media accounts is not prohibited by the District's Code of Conduct. However, there are certain instances in which an Employee's use of a personal social media account would violate the District Code of Conduct, and, consequently, be prohibited.

Generally, Employees do not purposefully seek to violate the Code of Conduct through their use of their personal social media accounts. Most violations, therefore, occur unwittingly. Furthermore, these unwitting violations usually occur in situations where Employees can be reasonably deemed to be speaking on behalf of the District. Accordingly, Employees should routinely question whether their personal social media presence gives the impression that they are speaking on behalf of the District. If the answer is "Yes," the Employee should refrain from such conduct.

The remainder of this advisory opinion discusses the general principles with which Employees should be concerned and, to the extent possible, provides examples of possible violations of the Code of Conduct by an Employee's use of a personal social media account.<sup>3</sup> With respect to the specific components of the Code of Conduct, this advisory opinion will focus primarily on Chapter 18 of Title 6B of the District of Columbia Municipal Regulations ("DPM"), the Council of the District of Columbia Code of Official Conduct, and the Prohibition on Government Employee Engagement in Political Activity Act ("Local Hatch Act").<sup>4</sup> Nevertheless, the principles expressed herein are applicable throughout the Code of Conduct.

## Discussion

### I. *Inclusion of District Employment Information in the Biographical Information Section of an Employee's Personal Social Media Account*

The DPM provides that Employees are prohibited from using public office for private gain.<sup>5</sup> The DPM provides further that Employees are prohibited from taking actions that give the appearance that the District sanctions or endorses the activities of an Employee or another person or entity affiliated with the Employee.<sup>6</sup> Additionally, the DPM prohibits Employees from

---

<sup>3</sup> The examples are intended to be illustrative of the guiding principles enunciated herein. They do not, however, limit the instances in which a Code of Conduct violation can occur.

<sup>4</sup> D.C. Official Code § 1-1171.01 et seq.

<sup>5</sup> See DPM § 1800.3(g). See also Council of the District of Columbia Code of Official Conduct ("Council Code") § VI(c)(1).

<sup>6</sup> See generally DPM § 1807.1(e). See also Council Code Rules II(a)(1), VI(c)(3).

engaging in any outside employment, private business activity, or interest in any manner that the Employee capitalizes on his or her official title or position.<sup>7</sup>

Notwithstanding these aforementioned DPM and Council Code provisions, Employees can include their District employment information in the biographical section of their respective social media accounts. The personal social media accounts belong to the Employees, and not the District. Also, it is understood that their personal social media accounts are extensions of their respective self-expressions. Therefore, including information related to District employment in the biographical section of an Employee's personal social media account does not automatically associate the Employee as an official spokesperson for the District. Nevertheless, there are instances in which such an inclusion could violate the Code of Conduct.

In assessing whether an Employee's inclusion of District employment in the biographical section of a personal social media account violates the Code of Conduct, this Office will consider the totality of the circumstances. Specifically, the relevant factors upon which this Office will rely are:

1. Whether the Employee states that he or she is acting on behalf of the government;
2. Whether the Employee refers to his or her connection to the government as support for the Employee's statements;
3. Whether the Employee prominently features his or her agency's name, seal, uniform or similar items on the Employee's social media account or in connection with specific social media activities;
4. Whether the Employee refers to his or her government employment, title, or position in areas other than those designated for biographical information;
5. Whether the Employee holds a highly visible position in the government, such as a senior or political position, or is authorized to speak for the government as part of the Employee's official duties;
6. Whether other circumstances would lead a reasonable person to conclude that the government sanctions or endorses the Employee's social media activities; or
7. Whether other circumstances would lead a reasonable person to conclude that the government does not sanction or endorse the Employee's social media activities.<sup>8</sup>

Not one of these factors is dispositive when determining whether an Employee would violate the Code of Conduct when using a personal social media account. However, the presence of a number of these factors could support a finding that a violation occurred. Therefore, and to the extent an Employee's District employment information is listed in the biographical section of a

---

<sup>7</sup> See DPM § 1807.1(e). See also Council Code Rule II(a)(1).

<sup>8</sup> See Federal Office of Government Ethics Legal Advisory Opinion LA-15-03 (April 9, 2015). While this Office is not bound by the Federal Office of Government Ethics and the manner in which it interprets federal ethics rules, this Office frequently looks to that Office for guidance. In this instance, the factors articulated by the Federal Office of Government Ethics provide a good framework for District employees as well.

personal social media account, a disclaimer that affirmatively disavows government sanction or endorsement of the Employee's posts or a disclaimer that distances the Employee's views from the District's views are beneficial.<sup>9</sup> Please note, however, that the inclusion of such a disclaimer does not automatically provide safe harbor for an Employee from a finding by this Office that the Employee violated the Code of Conduct.

Consider the following examples:

Example 1

Employee A maintains a Facebook account, which lists Employee A's District employment in the biographical section. There is no disclaimer on Employee A's Facebook account. Employee A posts an advertisement for a business owned by Employee A on the Facebook account.

In this instance, Employee A's Facebook post would not violate the Code of Conduct. The inclusion of District employment in the biographical information portion of an Employee's social media account, without more, does not rise to the level of an ethics violation.

Example 2

Employee A maintains a Facebook account, which does not list Employee A's District employment in the biographical section. Employee A is a deputy administrator in Employee A's agency. Due to the higher profile position, Employee A's Facebook account contains a disclaimer. Employee A posts an advertisement for a business owned by Employee A on the Facebook account. The advertisement reads "Please support my business. All of my @(Employee A's Agency) coworkers say it's the best."

In this instance, due to Employee A's high profile position in the District government as well as the inclusion of a link to Employee A's agency, there is a violation of the Code of Conduct as (1) the post gives the impression that the District government supports the business and (2) uses public office for private gain. The disclaimer would be insufficient to protect this employee under these facts. The result would be no different had the Employee in this example not held a high profile position given the direct reference to his coworkers.<sup>10</sup>

---

<sup>9</sup> For instance, a statement that reads "The views expressed herein are not the views of the District of Columbia government" would be such a disclaimer that an Employee could include in the biographical section of a personal social media account.

<sup>10</sup> In the realm of social media, the use of @ followed by text (i.e. @SomeName) creates a link to another account. Additionally, the use of hashtag # followed by text (i.e. #SomeTopic) links a social media post to other similarly themed posts containing hashtag.

## II. *Use of Government Time and Resources*

The DPM states that “an employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.”<sup>11</sup> When an Employee is on duty, section 1808.1 of the DPM imposes a duty to protect and conserve government property, which includes government computers, government cellular phones, and the time that the Employee is required to work. An Employee’s use of a personal social media account during working hours, therefore, is generally not encouraged, particularly when such use causes an Employee to be unproductive or causes the District to incur costs.

Applying the aforementioned principles, if an Employee’s use of a personal social media account on a government computer causes that computer to experience issues, the Employee will likely be found to have violated the Code of Conduct, as there are costs associated with correcting those issues. Moreover, the amount of time spent using a personal social media account while at work can also violate the Code of Conduct. For instance, an Employee who uses a personal social media account fifteen (15) minutes out of the working day may not be found to have violated the Code of Conduct. However, an Employee who uses a personal social media account two (2) hours out of the working day will likely be found to have violated the Code of Conduct. There are other factors to be taken into consideration, such as agency policy regarding personal social media account use, as well as the job duties of the Employee. Nevertheless, Employees must ensure that their conduct does not amount to a misuse of government time and resources, and be wary that personal conduct may amount to such.

## III. *Other District Personnel Manual Provisions*

While the DPM provisions regarding using public office for private gain, taking actions that give the appearance that the District supports or endorses activities, and capitalizing on official title for outside activities are the most common DPM provisions that Employees can violate through their use of their personal social media accounts, there are other DPM provisions of which Employees must be mindful. Employees should ensure that they do not use their personal social media accounts to: (1) solicit or accept any gift or other item of monetary value from a prohibited source;<sup>12</sup> (2) engage in outside employment or activities that conflict with official government duties and responsibilities, such as seeking or negotiating for employment;<sup>13</sup> (3) violate local, state, or federal laws; (4) teach, write, consult, and speak in a manner that violates the DPM;<sup>14</sup> (5) violate the District’s post-employment prohibitions;<sup>15</sup> (6) disclose non-public

---

<sup>11</sup> DPM § 1808.1. *See also* Council Code Rule VI(a).

<sup>12</sup> *See* DPM § 1800.3(d); DPM § 1803.1 *et seq.* *See also* Council Code Rule III(a).

<sup>13</sup> *See* DPM § 1800.3(j). *See also* Council Code Rule II(a)(1).

<sup>14</sup> *See* DPM §§ 1807.2 - 1807.5; *see also* BEGA Advisory Opinion #1448-001, Outside Activities: The Meaning of the Phrase “Devoted Substantially” in DPM § 1807.4 (February 4, 2016), available at [http://www.bega-dc.gov/sites/default/files/documents/Advisory%20Opinion\\_0.pdf](http://www.bega-dc.gov/sites/default/files/documents/Advisory%20Opinion_0.pdf).

<sup>15</sup> *See* DPM § 1811.1 *et seq.* *See also* Council Code Rule VIII *et seq.*

information;<sup>16</sup> and take actions giving the appearance that the Employee is violating the Code of Conduct.<sup>17</sup>

Consider the following examples:

Example 3

Employee A maintains a Facebook account. Employee A is Facebook friends with the owner of a prohibited source, whom he first met after the owner began working with Employee A's agency. The owner of the prohibited source sends Employee A access to a game hosted on Facebook that costs \$60.00. Employee A accesses and plays the game.

In this instance, Employee A has violated the Code of Conduct by accepting a gift from a prohibited source. Access to the game has a monetary value of \$60.00, and that access was provided by a prohibited source.

Example 4

For several years, Employee A operated a popular blog without compensation. The subject matter of the blog post relates directly to Employee A's position with the District. Employee A also learned the subject matter through her District employment. About one month ago, an advertising company contracted with Employee A to pay \$3,000.00 per month for ad space on the blog. The contract required that Employee A continue to blog about the same subject matter. While the contract between the company and Employee A is for advertising space, the contract requires that Employee A continue blogging about a subject matter relating directly to her District employment.

This provision, in effect, makes the contract one where Employee A is receiving payment for writing about a subject matter directly related to the District employment, which is prohibited. In this instance, Employee A has violated the Code of Conduct by receiving payment for writing that relates directly to District employment.

IV. *The Local Hatch Act*

The Local Hatch Act limits the political activity of District employees.<sup>18</sup> Political activity is "any activity that is regulated by the District directed toward the success or failure of a political party, candidate for partisan political office, partisan political group, ballot initiative, or referendum."<sup>19</sup> Specifically, the Local Hatch Act prohibits, among other things, Employees from using their

---

<sup>16</sup> See DPM § 1800.3(c); DPM § 1807.3. See also Council Code Rule VII *et seq.*

<sup>17</sup> See DPM § 1800.3(n).

<sup>18</sup> See generally D.C. Official Code § 1-1171.01 *et seq.* See also Council Code Rule IX.

<sup>19</sup> D.C. Official Code § 1-1171.01(8)(A).

official authority or influence to interfere with an election, as well as soliciting, accepting, and/or receiving political contributions.<sup>20</sup> It also imposes additional prohibitions on Employees irrespective of whether the political activity is regulated by the District.<sup>21</sup> In those instances, Employees are prohibited from engaging in all political activity while on duty, in any room or building occupied in the discharge of official duties in the District government, including any agency or instrumentality thereof (i.e. a District owned or occupied room or building), while wearing a uniform or official insignia, or in a District owned vehicle.<sup>22</sup> With respect to social media, an Employee can violate the Local Hatch in two ways depending on (1) the time of the day that the Employee uses a private social media account and (2) the manner in which the Employee uses a private social media account.

As to when an Employee's use of a private social media account violates the Local Hatch Act, Employees are prohibited from engaging in political activity, without regard to jurisdiction, on a personal social media account when they are on duty or official time, in a District occupied room or building, or a District vehicle. Therefore, and with minor limitations, an Employee can engage in political activity on a personal social media account when off duty and outside of a District owned building or room, so long as the Employee is not using his or her official authority or influence to interfere with an election. Thus, a post on a personal social media account shall not reference an Employee's employer, employing agency, or position, when the post includes political activity.

While the definition of political activity is clear, the manner in which it can manifest on social media is not as straightforward. The most obvious example of political activity in the realm of social media is a post that explicitly directs people to vote for or against a candidate. Political activity on social media, however, is not limited to such a post. For instance, linking to a partisan political group's social media account in a post is political activity because it demonstrates support for the group as does posting the picture of a partisan political candidate or a political cartoon. And the same is true for linking to or sharing a link to a partisan political group's website or an article advocating for or against a partisan political candidate. Nevertheless, simply "liking" any of the aforementioned posts or links is not considered political activity.<sup>23</sup>

Consider the following examples:

Example 5

Employee A wants to get involved in the management of the political campaign of a candidate for a partisan political office for an election regulated by the District. Employee A creates a website for the candidate. One of the pages on the website created by Employee A is a page to contribute to the campaign.

---

<sup>20</sup> D.C. Official Code §§ 1-1171.02(a)(1) – 1-1171.02(a)(2). *See also* Council Code Rule IX(a)(1).

<sup>21</sup> *See* D.C. Official Code § 1-1171.03(c). *See also* Council Code Rule IX(a)(1)-(2).

<sup>22</sup> *See* D.C. Official Code § 1-1171.03(a). *See also* Council Code Rule IX(a)(5).

<sup>23</sup> Liking a post is the method by which one shows approval for what has been posted.

In this instance, Employee A has violated the Code of Conduct by engaging in fundraising activities. Note that creation of the campaign website without the fundraising page does not violate the Code of Conduct.

#### Example 6

Employee A maintains a Twitter account. The Twitter account lists Employee A's position with the District in the biographical section. The Twitter account also contains a disclaimer stating that the views expressed on the account are not the views of the District. Employee A spots a co-worker at a political convention on television. Employee A takes a picture of the co-worker and posts the picture on Twitter. Below the picture is the following sentence "So proud of my @Agency colleague. @PartisanPoliticalGroup." The partisan political group supports a partisan political candidate.

In this instance, Employee A's conduct violates the Code of Conduct. The @ sign operates as a link. Therefore, Employee A has linked this post to both the agency and the partisan political group's social media pages. Linking to the partisan political group's social media page is political activity. Also, linking to Employee A's agency's social media page is equivalent to using official authority or influence to interfere with an election.

#### Example 7

Employee A maintains a Facebook account. One day, during a fifteen minute break, Employee A contributes \$2,000.00 to a partisan political candidate's campaign through a Facebook link while located in a District building.

In this instance, Employee A violated the Code of Conduct because donating to a campaign is political activity. Furthermore, the political activity occurred during the tour of duty and in a District occupied building space.

### V. Recommendations or Endorsements

Another common area where an Employee's use of a personal social media account can violate the Code of Conduct is in the realm of social media recommendations or endorsements. Social media platforms allow their users to recommend or endorse other users generally or the skills of other users specifically. This Office previously provided guidance pertaining to letters of recommendation.<sup>24</sup> As indicated in that guidance, "anyone who undertakes to provide a letter of recommendation for a contractor or grantee must be certain that he or she has the authority to speak on behalf of the District government or the writer's employing agency or District entity."<sup>25</sup> The Employees who have that authority are the Mayor, Councilmembers, agency heads, and in some instances, high-level executives, managers, and Council staffers.<sup>26</sup> The overwhelming

---

<sup>24</sup> See Office of Government Ethics Legal Advisory Opinion 1040-001 (November 19, 2014).

<sup>25</sup> *Id.* at 5.

<sup>26</sup> See *id.*

majority of Employees do not have this authority to speak on behalf of the District. As a result of this lack of authority, any recommendation or endorsement on a personal social media account must be done in a personal capacity.

As an initial matter, it is not a violation of the Code of Conduct for Employees to provide recommendations or endorsements on their personal social media accounts simply because the account references their District employment.<sup>27</sup> The social media recommendations or endorsements usually take the form of a “like,” “thumbs up,” or the phrase “Employee endorses skill.” Social media recommendations or endorsements, however, usually do not include narratives. Accordingly, there would be no violation of the Code of Conduct during most social media recommendations or endorsements, as there is no impression that a District employee is suggesting the District recommends or endorses someone or some company due to the lack of a narrative accompanying the recommendation or endorsement. However, to the extent an Employee includes a narrative in a recommendation or endorsement, the narrative must not reference the Employee’s title, position, or employer, as the Employee would likely be deemed to be speaking on behalf of the agency or District government without permission and, as a result, be in violation of the Code of Conduct.

Consider the following examples:

Example 8

Employee A maintains a LinkedIn account that contains Employee A’s biographical information. Employee A supervised Volunteer A in a District agency. Employee A is a mid-level manager at the agency. After leaving the agency, Volunteer A requested Employee A endorse Volunteer A’s writing and communication skills, and provide a written recommendation of both on LinkedIn. Employee A endorsed Volunteer A’s writing and communication skills on LinkedIn. Employee A stated in a narrative “I would strongly recommend Volunteer A for any job that requires intensive writing and communication skill. I became acquainted with Volunteer A’s ability to write and communicate when Volunteer A worked at my District agency. I served as the assistant deputy director of my District agency and was directly responsible for supervising Volunteer A’s work. Volunteer A’s work product was as good as that of full time employees of the District agency. You will not be disappointed in your decision to hire Volunteer A.”

Unless Employee A has express authority to speak on behalf of the agency, or otherwise to provide such references for former employees, Employee A’s narrative violates the Code of Conduct. The recommendation would have accomplished the same effect without mentioning the District. However, by linking the District to the recommendation, Employee A implicitly suggests that the District as a whole, and the agency in particular, endorses Volunteer A’s writing and communication skills.

---

<sup>27</sup> See Section I, *supra*.

Example 9

Employee A maintains a LinkedIn account that contains Employee A's biographical information. Employee A worked in the same District agency as Employee B. They did not work on any projects together. Accordingly, their relationship was personal and not professional. Employee B left the District agency and requested Employee A endorse Employee B's writing and communication skills, and provide a written recommendation of both on LinkedIn. Employee A endorsed Employee B's writing and communication skills on LinkedIn. Employee A stated further in a narrative "I would strongly recommend Employee B for any job that requires intensive writing and communication skill. Based upon reviews from supervisors who managed Employee B, Employee B's work was always top-notch. You will not be disappointed in your decision to hire Employee B."

Employee A's recommendation narrative violates the Code of Conduct. Although it does not mention the District, professional recommendations must be based on a professional relationship and personal knowledge. Here, there was neither a professional relationship nor personal knowledge concerning the skills of Employee B. As stated earlier, this Office's past guidance regarding Employee conduct generally applies in the social media context as well.

Example 10

Employee A maintains a Facebook account that contains Employee A's District employment information in the biographical section of the Facebook page. While browsing Facebook, Employee A noticed the page of Company A, a prohibited source. Employee A liked the prohibited source's Facebook page. Employee A also left the following recommendation on the prohibited source's Facebook page: "I strongly recommend this company for any IT issues you may have. I had an issue in my agency where I was unable to access the internet. My IT department was unable to resolve the issue. My IT department contacted Company A, which resolved the issue immediately."

The recommendation is not a violation of the Code of Conduct. Although Company A is a prohibited source, Employee A's recommendation does not mention the District, is provided in a personal capacity, and based on a professional relationship.

Example 11

Employee A maintains a Facebook account that contains Employee A's District employment information in the biographical section of the Facebook page. While using that account, Employee A "likes" a co-worker's company page. Employee A has no professional relationship with the co-worker's business.

Employee A has not violated the Code of Conduct. Without more, endorsing or recommending a person or business entity with which an employee has no professional relationship is not a Code of Conduct violation.

VI. *Additional Considerations*

A. Use of Official Social Media Accounts

While the crux of this advisory opinion is focused on the use of personal social media accounts, I would be remiss not to mention the use of official social media accounts. To that end, many District agencies have various official agency social media accounts to which some Employees have access. Official agency social media accounts are considered government resources. Insofar as official social media accounts are government resources, Employees must not use official agency social media accounts for other than their authorized purposes.<sup>28</sup> The phrase “authorized purposes” is statutorily defined as “those purposes for which government property is made available to members of the public or those purposes authorized by an agency head in accordance with law or regulation.”<sup>29</sup> Accordingly, an official social media account must be used for official agency business only.

Consider the following example:

Example 12

Employee A is an elected official. Employee A’s office maintains an official Twitter account. Employee A uses the office’s official Twitter account to tweet about an upcoming election involving Employee A. Specifically, Employee A drafts the following tweet “Please vote for me, Employee A, because I have a history of getting the job done.”

Employee A’s tweet violated the Code of Conduct. Employee A used the agency’s official Twitter account for an unauthorized purpose.

B. Agency Limitations on Use of Personal Social Media Accounts

It bears mentioning that each specific agency may impose additional restrictions on an Employee’s use of a personal social media account. As a general rule, these additional restrictions are not part of the Code of Conduct. Therefore, BEGA has no jurisdiction with respect to the enforcement of any additional restrictions. For instance, while this Opinion advised that under certain circumstances, an Employee can provide an endorsement on LinkedIn for another Employee, an agency may limit that conduct and provide that its Employees are not allowed to endorse other Employees. Such restrictions fall within the ambit of personnel related matters. And, as a result, each individual agency would be responsible for ensuring compliance with those restrictions.

---

<sup>28</sup> See DPM § 1808.1. See also Council Code Rule VI(a).

<sup>29</sup> DPM § 1808.2.

**Conclusion**

In sum, Employees should be careful not to give the impression that the District endorses or supports their posts on social media. Employees should also avoid giving the impression that they speak on behalf of the District when there is no authorization to do so. Finally, Employees should not capitalize on their District employment to the benefit of the Employee's outside activities. Adhering to these general principles, as well as understanding that specific provisions of the Code of Conduct apply to activity on social media, should help ensure that Employees do not violate the Code of Conduct through their use of their personal social media accounts.

Please be advised that this advice is provided pursuant to D.C. Official Code § 1-1162.19(a-1)(1), which empowers me to issue, on my own initiative, an advisory opinion on any matter I deem of sufficient public importance concerning a provision of the Code of Conduct over which the Ethics Board has primary jurisdiction.

For further assistance, especially in resolving any questions about whether a social media post and a social media account violates the Code of Conduct, please feel free to contact the staff of this Office at (202) 481-3411.

\_\_\_\_\_/s/\_\_\_\_\_  
DARRIN P. SOBIN  
Director of Government Ethics  
Board of Ethics and Government Accountability

#1559-001

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

**NOTICE OF FOR HIRE VEHICLES ADVISORY COUNCIL MEETING**

The Department of For-Hire Vehicles will hold a For-Hire Vehicles Advisory Council Meeting on Wednesday, February 8, 2017 at 10:00 am. The meeting will be held at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the For-Hire Vehicles Advisory Council Meeting on the DFHV website at [www.dfhv.dc.gov](http://www.dfhv.dc.gov).

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Council on any issue of concern; the Council generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed 2 minutes to address the Council. To register, please call 202-645-6002 no later than 3:30 p.m. on February 7, 2017. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Advisory Council Recorder no later than the time they are called to the podium.**

**DRAFT AGENDA**

- I. Call to Order
- II. Advisory Council Communication
- III. Advisory Council Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

**FRIENDSHIP PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER TWO SOLE SOURCE CONTRACTS****On-Line University Affiliation**

Friendship PCS intends to enter into a sole source contract with Liberty University to offer Friendship School students access to online college courses. The decision to sole source is based on Liberty's world-renowned academic offerings and convenient 8 or 16 week sessions in up to eight different enrollment periods per year. Tuition costs are extremely competitive and LUOA has agreed to provide an admissions counselor to assist each student with enrollment as well as assigning an academic advisor to each student once enrolled to assist with academic progress. The estimated yearly cost is approximately \$30,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

**Teacher Recruitment**

Friendship PCS intends to enter into a sole source contract with TNTP, Inc. to provide teacher recruitment services. TNTP has created a recruitment initiative for a partnership of five of the 62 CMO's in the District. TNTP will utilize their national recruitment networks to identify and cultivate both new and experienced teachers interested in teaching in D.C. charters. This initiative, TEACH DC, will utilize an application and candidate tracking software, teacherTrack2, to which TNTP has sole intellectual property rights. This will be an invaluable tool during the recruitment season to find qualified teachers for our students. The estimated yearly cost is approximately \$50,000. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

**FRIENDSHIP PUBLIC CHARTER SCHOOL**  
**NOTICE OF REQUEST FOR PROPOSALS**

Friendship Public Charter School is soliciting proposals from qualified vendors for:

- **Dietitian for Friendship Public Charter Schools**
- **Medicaid Billing Services and staff training for special education programming**
- **Design, Permitting and Installation of Friendship Schools Collegiate Academy synthetic football field**
- **Accommodations and catering for Friendship Public Charter Schools December 2017 Staff Achievement Celebration**

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>.

Proposals are due no later than 4:00 P.M., EST, February 28<sup>st</sup>, 2017.

No proposal will be accepted after the deadline.

Questions can be addressed to: [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org)

**HEALTH BENEFIT EXCHANGE AUTHORITY****NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4<sup>th</sup> Floor, Washington, DC 20005 on **Wednesday, February 8, 2017 at 5:30 pm.**

Call in info: 1-650-479-3208

Access code: 739 281 892

Use this link if you are joining by phone and there are slide presentations:

Webex: [join the meeting](#)

The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Marriage and Family Therapy (“Board”) hereby gives notice of its regular meetings for the calendar year 2017, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2012 Repl.)).

The Board will continue to meet on a quarterly basis on the first Tuesday of each quarterly period. The first meeting in 2017 will be held on Tuesday, February 7, 2017 from 11:00 AM to 1:00 PM. The meeting will be open to the public from 11:00AM until 11:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b)(2012 Repl.)), the meeting will be closed from 11:30 AM until 1:00PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Subsequent meetings of the calendar year will be held at the same time on the following dates:

Tuesday, May 2, 2017

Tuesday, August 1, 2017

Tuesday, November 7, 2017

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DEPARTMENT OF HEALTH (DOH)  
COMMUNITY HEALTH ADMINISTRATION (CHA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA# CHA\_IPAO02.17.17**

**Improving Pediatric Asthma Outcomes**

The District of Columbia, Department of Health (DOH) is soliciting applications from qualified applicants to services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DOH terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	Improving Pediatric Asthma Outcomes
Funding Opportunity Number:	
Program RFA ID#:	CHA_IPAO02.17.17
Opportunity Category:	Competitive
DOH Administrative Unit:	Bureau of Cancer and Chronic Disease/Chronic Disease Division
DOH Program Bureau	Preventive Health and Health Services Block Grant
Program Contact:	LaVerne Jones (202) 442-9151 laverne.jones@dc.gov
Program Description:	The program is designed to improve pediatric asthma outcomes through a public health and clinical medicine quality improvement project. DOH seeks to support improved data collection, analysis and evidenced-based or -informed quality improvement strategies to improve outpatient pediatric asthma management and decrease emergency department utilization for children and youth with asthma.
Eligible Applicants	Organizations/entities include not-for-profit, private non-profit, or for-profit health service providers or health systems providing services to District residents and licensed to conduct business in the District of Columbia.
Anticipated # of Awards:	2
Anticipated Amount Available:	\$150,000
Floor Award Amount:	N/A

Ceiling Award Amount:	N/A
-----------------------	-----

**Funding Authorization**

Legislative Authorization	301(A)AND317(K)(2)PHS42USC241(A)247B(K)2
Associated CFDA#	93.758
Associated Federal Award ID#	NB01OT009095-01-01
Cost Sharing / Match Required?	No
RFA Release Date:	February 17, 2017
Pre-Application Meeting (Date)	February 27, 2017
Pre-Application Meeting (Time)	2:00-4:00 pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Washington, DC 20002 3rd Floor Conference Room (306)
Letter of Intent Due date:	N/A
Application Deadline Date:	March 17, 2017
Application Deadline Time:	6:00 pm
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> .  DOH EGMS <a href="https://dcdoh.force.com/GO_ApplicantLogin2">https://dcdoh.force.com/GO_ApplicantLogin2</a>

Notes:

1. DOH 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.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DOH grant funding.
4. Applicants must have a DUNS #, TaxID#, be registered in the federal Systems for Award Management (SAM) and the DOH Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DOH is located in a secured building. Government issued identification must be presented for entrance.

**DISTRICT OF COLUMBIA PUBLIC LIBRARY**  
**PUBLIC NOTICE OF ADMINISTRATIVE CHANGE**

Notice is hereby given that the Executive Director approved on January 3, 2017 the administrative change in the way that the District of Columbia Public Library (“DCPL”) will accept payment for fines and certain fees from its customers. These changes are being made to streamline services across the DCPL system. Beginning March 5, 2017, DCPL will no longer accept cash payments for fines or fees at any of its library locations. DCPL will allow its customers to make in-person payment for fines and some fees with the use of credit & debit cards, money orders and checks. All checks and money orders must be made payable to the DC Treasurer. All customers of the DCPL will also have the option to pay fines on-line at [www.dclibrary.org](http://www.dclibrary.org), through use of Visa or Master Card credit cards.

Please note that DCPL will continue to accept cash payments for photo copying or printing.

All above changes will become effective March 5, 2017.

If there are any questions please do not hesitate to call Grace Perry-Gaiter, General Counsel at (202) 727-1134.

**DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT**

**POLICE OFFICERS STANDARDS AND TRAINING BOARD**

**NOTICE OF PUBLIC MEETING**

The District of Columbia Police Officers Standards and Training (D.C. POST) Board will hold an open meeting on:

Wednesday, February 8, 2017, 3:00 p.m. – 5:00 p.m.

The meeting will be held in Room 5147, Henry J. Daly Building, 300 Indiana Avenue, Northwest, Washington, D.C. 20001 or as otherwise announced in the D.C. Register. Anyone interested in the work of the D.C. POST Board may attend the meetings. Please note that you must present picture identification in order to enter the building.

Copies of the materials to be voted on by the Board at a particular meeting may be obtained in advance beginning ten (10) business days prior to the meeting. Typed written comments on the materials may be submitted to the Office of the Board at least one (1) business day in advance of the meeting. Written comments received or postmarked after this date will not be accepted.

Members of the public who wish to present oral testimony at a particular meeting should contact the Office of the D.C. POST at least one (1) business day prior to the meeting by telephone or by faxing a written copy of the comments to be presented. Public comments will be limited to the last thirty (30) minutes of the meeting. Individual comments will be limited to three (3) minutes. Members of the public will be scheduled on a “first come-first served” basis.

The contact information is as follows:

District of Columbia Police Officers Standards and Training Board  
300 Indiana Avenue, Northwest, Room 6029  
Washington, D.C. 20001  
[dc.post@dc.gov](mailto:dc.post@dc.gov)

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

## GAS TARIFF 2016-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RESIDENTIAL ESSENTIAL REFORM TARIFF;

AND

## FORMAL CASE NO. 1127, IN THE MATTER OF THE COMMISSION'S ESTABLISHMENT OF A DISCOUNT PROGRAM FOR LOW-INCOME NATURAL GAS CUSTOMERS IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,<sup>1</sup> of its intent to act upon the proposed Residential Essential Service ("RES") Reform Tariff of Washington Gas Light Company ("WGL").<sup>2</sup> The Commission issued a Notice of Proposed Tariff ("NOPT"), which was Published in the *D.C. Register* on December 8, 2016, giving notice of the Commission's intent to act on WGL's RES Reform Tariff.<sup>3</sup> No Comments were filed in response to the NOPT.

2. On October 11, 2016, the Commission, in Order No. 18565, adopting a new methodology for computing the credit associated with the RES Program for eligible low-income natural gas customers in the District of Columbia and directed WGL to file a revised tariff for the RES Rider that will include a RES credit equal to 55% of the distribution portion of the customer's bill as presented in the Technical Conference Final Report, with a provision to automatically increase the credit to 70% on a short term basis.<sup>4</sup> On November 1, 2016, WGL, as directed in Order No. 18565, filed its Implementation Plan and proposed RES Reform Tariff.

3. In the RES Reform Tariff, WGL sets forth the process to be used to recover from its non-RES customers the costs of the RES Program in accordance with the following tariff pages:

**GENERAL SERVICES TARIFF, P.S.C. of D.C. No. 3  
Seventh Revised Page No. 4  
Superseding Sixth Revised Page No. 4**

---

<sup>1</sup> D.C. Code § 34-802 (2001); D.C Code § 2-505 (2001).

<sup>2</sup> *Formal Case No. 1127, In the Matter of the Commission's Establishment of a Discount Program for Low-Income Natural Gas Customers in the District of Columbia ("Formal Case No. 1127")*, Washington Gas Light Company's Implementation Plan, filed November 1, 2016 ("RES Implementation Plan").

<sup>3</sup> 63 *D.C. Reg.* 015237-015238 (2016).

<sup>4</sup> *Formal Case No. 1127*, Order No. 18565, ¶ 26, rel. October 11, 2016.

**P.S.C. of D.C. No. 3**  
**Twelfth Revised Page No. 5**  
**Superseding Eleventh Revised Page No. 5**

4. The proposed RES Reform Tariff updates WGL's tariff "to remove the existing language showing eligible credits by month and include new language explaining that eligible customers will receive an approximate 25% discount on the total bill," which "will be achieved through a 55% discount on the distribution service, which includes the customer and distribution charges."<sup>5</sup> Additionally, the tariff includes language that "on a short-term basis, the discount will automatically rise to 70% when the price of natural gas, as determined by the Purchase Gas Charge ("PGC") price per therm, rises above 50% of the base year price for a given month."<sup>6</sup> WGL indicates that the tariff revisions will become effective upon the implementation of Project Vision, its new customer billing system, projected in January 2017.

5. The Commission at its regularly scheduled open meeting held on January 25, 2017, took final action approving WGL's RES Reform Tariff. The RES Tariff will become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

---

<sup>5</sup> *Formal Case No. 1127*, RES Implementation Plan at 5.

<sup>6</sup> *Formal Case No. 1127*, RES Implementation Plan at 5.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT**

**Application No. 19119 of Warder LLC**, pursuant to 11 DCMR § 3103.2, for variances from the lot area requirements under § 401.3<sup>1</sup>, the court requirements under § 406, and the addition to a nonconforming structure requirements under § 2001.3; and pursuant to 11 DCMR § 3104.1 for special exception relief under § 336 to allow the Applicant to convert an existing pre-1958 residential building to an apartment house containing three residential units in the R-4 District at premises 549 Park Road, N.W. (Square 3037, Lot 48).

**HEARING DATES:** December 1 and December 22, 2015

**DECISION DATE:** December 22, 2015

**DECISION AND ORDER**

On August 19, 2014, Warder LLC (the "Applicant"), the owner of 549 Park Road (Lot 48 in Square 3037) (the "Property"), filed a self-certified application with the Board of Zoning Adjustment (the "Board") for the above-captioned zoning relief. The Board held public hearings on the application on December 1 and December 22, 2015. Following its December 22<sup>nd</sup> hearing, the Board voted to approve the application.

**PRELIMINARY MATTERS**

*Self-Certification.* The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2. (Exhibit 11.)

Notice of Application and Notice of Hearing. By memoranda dated August 31, 2015, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation; the Councilmember for Ward 1; Advisory Neighborhood Commission ("ANC") 1A, the ANC in which the subject property is located; and Single Member District/ANC 1A09. Pursuant to 11 DCMR § 3113.13, on September 9, 2015, the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 1A, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on September 11, 2015 (62 DCR 12402).

---

<sup>1</sup> This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final paragraph and the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment ("the 1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text. Also, all zone districts described in this order were renamed as of that date. The repeal and replacement of the 1958 Regulations and the renaming of the zone districts has no effect on the validity of the Board's decision or the validity of this order.

*Advisory Neighborhood Report.* ANC 1A, which is an automatic party to this case, filed a report, dated December 1, 2015, stating that at a properly noticed meeting on November 12, 2015, with a quorum present, a motion to support the application failed by a vote of 2-5-1 and no motion was made to oppose the application. (Exhibit 35.) Although the report contains a narrative expressing issues and concerns, there is no indication that the ANC voted in support of those positions.

*Office of Planning Report.* OP submitted a report dated November 24, 2015. (Exhibit 28.) In its report, OP recommended denial of the lot area relief, concluding that the Applicant has not demonstrated any circumstance that would result in a practical difficulty. OP found no merit in the Applicant's contention that a practical difficulty arises from the lot's unusual angled lot line – *i.e.*, if the angled lot line were perpendicular to Park Road, N.W., the lot would meet the minimum 2,700 square feet of lot area for three units as required by § 401.3. OP concluded that neither the pre-existing condition of the lot nor the regulations prevent the addition of a third unit. Rather, OP stated that it was the lot's size that did not meet the land minimum area as prescribed by the zoning regulations.

Nor did OP find that the relatively *de minimis* amount of relief needed – nine square feet, or three square feet per unit – a basis for granting the relief. OP noted that prior to the adoption of Zoning Commission Case No. 14-11, this degree of deviation could have been granted by the Zoning Administrator. However, the Zoning Commission amended that general waiver provision to expressly preclude the Zoning Administrator from granting this deviation from this particular land area requirement. As to harm to the public good, OP found that granting the requested variance would not have that effect. OP concluded that the immediately adjoining house to the east, 547 Park Road, N.W., would continue to be separated from the proposed addition by its existing side yard and that the light available to the immediate house to the west, 551 Park Road, N.W., would likely be impacted only during the morning hours. In addition, the public good was furthered by the rehabilitation of vacant structures and the expansion of the housing supply. Finally, OP concluded that granting the land area variance would substantially harm the zone plan because of the absence of any exceptional circumstance.

As to the court relief, the Office of Planning considered the existing nonconforming side yard to be an exceptional circumstance and concluded that providing a fully compliant court would be a practical difficulty given the increased cost involved in demolishing significant portions of the existing structure. OP also concluded that no detriment to the public good would result because the property's existing side yard would not be altered for most of its length and the neighbor to the east would still have its light, air, and privacy protected by its existing side yard. Further, though nonconforming, the court would provide adequate light and air. Also, the addition would not include additional windows. With respect to the special exception, OP concluded that the Applicant met all of the applicable requirements of § 336, except for the minimum lot area requirement of § 336.5, which is the subject of the variances to which it objects.

*DDOT Report.* DDOT filed a report, dated November 24, 2015, stating that notwithstanding the fact that the additional unit may lead to a minor increase in vehicular, transit, pedestrian, and bicycle traffic and has the potential to generate a minor impact to on-street parking conditions in the area, DDOT concluded that the project would have no adverse impact on the travel conditions of the District's transportation network and that the potential impact on parking would be insignificant. DDOT therefore indicated that it has no objection to the approval of the requested variances and special exception. (Exhibit 29.)

*Requests for Party Status.* There were no requests for Party Status.

## **FINDINGS OF FACT**

### **The Subject Property and Surrounding Area**

1. The Property is located at 549 Park Road, N.W. (Square 3037, Lot 48) in the northwest quadrant of Washington D.C.
2. The Property is located within the R-4 Zone, within a block of higher density zones.
3. The Property contains approximately 2,691 square feet of lot area and is improved with a long vacant semi-detached two-story residential structure.
4. The side yard has a maximum width of seven feet, six inches where a minimum of eight feet is required, 11 DCMR §§ 405.2 and 405.9, rendering it nonconforming.

### **The Proposed Conversion**

5. The Applicant proposes to convert and renovate the existing vacant and dilapidated building on the Property into a three-story three-unit condominium apartment house.
6. After the renovation, the cellar and 1st floor will each have a one-bedroom condominium unit and the 2nd and 3rd floors will have a single three-bedroom condominium unit.
7. The building, as converted, will have a new rear addition and a third floor addition.
8. The rear addition will extend entirely into the area of the adjacent side yard turning the remaining portion of the side yard into an open court.
9. The building's existing height is 21 feet, nine inches. With the addition, its height will increase to 34 feet, three inches.

## Zoning Relief Requested

### VariANCES

10. Variances are required from the minimum lot area requirements of § 401.3, the minimum court depth requirement of § 406.1, and from the prohibition of § 2001.3(b)(2) against an addition to a nonconforming structure creating a new nonconformity.
11. The conversion of a residential structure existing prior to May 7, 1958 is permitted in the R-4 District as a special exception under § 336.1, subject to several conditions. One such condition is that there be a minimum of 900 square feet of lot area per unit. (11 DCMR § 336.5.) This condition reflects the minimum lot area requirement for such conversions as stated in § 401.3. The Property has 2,691 square feet of lot area, which is nine feet short of the requirement (less than a .34% shortfall).
12. Pursuant to § 406.1, the proposed open court must have a minimum width of four inches for each foot of building height. Since the addition will have a height slightly in excess of 34 feet, a minimum court width of 11 feet is required. Instead, the open court at its narrowest will have a width of one foot, 11 inches.
13. As noted, the existing structure is nonconforming as a result of its substandard side yard. The rear addition will eliminate the rearmost portion of the side yard, thereby creating a substandard court and violating the prohibition of § 2001.3(b)(2) against an addition to a nonconforming structure creating a new nonconformity.

### Exceptional Circumstance

14. Although the property's western lot line runs perpendicular to Park Row, its eastern side lot line is significantly angled such that the lot's width is reduced from approximately 29 feet at the front lot line to 19 feet at the rear lot line.
15. The Property is one of only two lots in the entire square with an angled lot line and the only lot in which the angled lot line results in a narrowing of lot width.
16. The Property's only side yard abuts the angled lot line, such that it is similarly angular. The side yard is extremely narrow, with a width that narrows to as little as one foot, 11 inches.

### Practical Difficulty

17. Had the angled lot line been perpendicular to Park Road, the Property's lot area would have been sufficient lot to meet the minimum requirement. Instead, the angled lot line resulted in a lot area of 2,691 square feet, nine feet short of the 2,700 square feet required.

18. Creating a compliant court would require the wasteful and costly demolition of the portions of the existing structure that abut the eastern lot line.

*The Zone Plan and the Public Good*

19. The existing long vacant and dilapidated structure will be renovated into modern and marketable units that once again will be used for residential purposes.

20. The third floor addition will be set back six feet from the front façade.

21. The front porch will be retained and a tree will be planted.

22. The court's length encompasses most of the area of the prior side yard and therefore the maximum seven foot, six inch width will be maintained.

23. The neighbor to the east, 547 Park Road, N.W., will continue to be separated from the Property by its existing side yard.

24. The light available to the immediate house to the west, 551 Park Road, N.W., would likely be impacted only during the morning hours.

25. As found by DDOT, the addition of a third unit will result in only minor impacts on parking and traffic in the area.

**Special Exception**

26. The building on the Property existed prior to May 12, 1958 and with the addition will still be less than 35 feet in height.

27. The building includes an original rooftop architectural element above the second floor windows that will not be altered or removed.

28. The adjacent structures at 441 and 547 Park Road, N.W. do not have chimneys or external vents that would be impacted by the additions nor do the structures have solar energy systems.

29. The Applicant has provided graphical representations and photographs as required by § 336.10 to demonstrate compliance with § 336.9.

## CONCLUSIONS OF LAW

### Variance Standard of Review

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07(g)(3), to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," ... the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that 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. (*See* 11 DCMR § 3103.2.) A showing of "practical difficulties" must be made for an area variance, while the more difficult showing of "undue hardship" must be made for a use variance. *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535 (D.C. 1972). The Applicant in this case is requesting area variances.

The District of Columbia Court of Appeals has held that "an exceptional or extraordinary situation or condition" may encompass the buildings on a property, not merely the land itself." *See Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). In *Gilmartin*, the Court of Appeals also indicated that the Board "may consider whether the variance sought is *de minimis* in nature and whether for that reason a correspondingly lesser burden of proof" is required of the Applicant. 579 A.2d at 1171 n.6, *citing*, *Stewart v. Zoning Hearing Bd. of Radnor Township*, 110 Pa.Cmwlth. 111, 531 A.2d 1180, 1182 (1987) ("infinitesimal deviation [lot a few feet short of one acre] from complete compliance is clearly within the *de minimis* exception for granting dimensional variances.").

The Applicant is seeking variances from the strict application of the Zoning Regulations regarding minimum lot area, minimum court width, and the construction of an addition to a nonconforming structure. As discussed below, the Board concludes that the Applicant has met its burden of proof for these variances.

### Exceptional Condition

As to the lot area variance, as noted in the findings of fact, the Property has an exceptionally angled lot line that causes its lot width to narrow substantially from front to rear. As to the court width and nonconforming structure variances, the Board agrees with OP that the nonconforming side yard, which ranges in width between seven feet, six inches and one foot, 11 inches is exceptionally narrow.

Practical Difficulty

As to the lot area variance, if the eastern lot line ran perpendicular to Park Road, such that its 29-foot width would be uniformly maintained, there would have been ample lot area to meet the minimum requirement of 900 square feet for each unit. However, the angled lot line reduces the lot area to approximately 2,691 square feet. It is therefore practically difficult for the Applicant to comply with the minimum lot area requirement.

Further, although the Board has concluded that the Applicant has fully met its burden, the Board also finds that the relief sought of less than .34% from the 2,700 square feet requirement is *de minimis* and therefore results in a corresponding lower burden of proof for the Applicant, which is easily met here.

As to the variances from the court and nonconforming structure requirements, the extent of the demolition required to create a court with a conforming width of 11 feet would be prohibitive, costly, and wasteful.

No Detriment to the Public Good or Zone Plan

The Board finds that no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan will result by its approval of the application.

The requested variances are in furtherance of the public good and zoning regulations. The existing vacant residential structure will be replaced with a three-unit condominium, therefore promoting home ownership in the District. The addition also is compatible with the existing character of the neighborhood. The front porch will be retained and a tree planted. The third floor addition will be set back from the front façade thereby reducing its visibility.

There will be no adverse impact of light, air, or privacy. Only a relatively small portion of the side yard is being eliminated by the rear addition. The Board agrees with OP that the court's width will provide adequate light and air to the adjacent property, which will continue to be separated from the Property by its own side yard. Further no new windows are being added. Although the light available to the property on the west may be impacted during the morning hours, the Board agrees with OP that the impact will not result in a substantial detriment.

Having satisfied the three prongs of the variance test, the Board concludes that the relief sought should be granted.

Special Exception

Special exception relief is required to allow conversion of a residential building existing prior to May 12, 1958 to an apartment house under D.C. Official Code § 6-641.07(g)(2) and 11 DCMR § 3104.1. The Board is authorized to grant a special exception where it finds that the special exception will be (i) in harmony with the general purpose and intent of the Zone Plan and (ii) will not tend to adversely affect the use of neighboring property, subject in each case to the

special conditions specified. Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the requested relief are met.

In this case, the Board concludes that the Applicant has satisfied the two general tests stated in § 3104.1 for the same reasons for which the Board concluded that granting variance relief would not impair the intent of the zone plan or cause detriment to the public good.

As to the specific conditions of § 336, the requirement of § 336.5 that there be 900 square feet of land are per unit has been rendered moot by the Board's grant of a variance from the minimum lot area requirement of § 401.3. The affordable housing requirement of § 336.3 does not apply because the converted building will have less than four units. Also presently inapplicable is the requirement of § 336.5 that there be an existing residential building at the time a building permit is applied for. That determination will be for the Zoning Administrator to make. The remaining conditions are met. Even with the third floor addition, the building will not exceed a height of 35 feet (§ 336.2), the addition will not block or impede the functioning of a chimney or other external vent on the adjacent properties (§ 336.6), and neither adjacent property includes a solar energy system (§ 336.7). Although there is an existing original rooftop element above the second floor windows, the third floor addition has been set back so as to not require the element to be removed or altered.

As to the requirements of § 336.9, the Board has already explained why the light, air, and privacy of the adjacent properties will not be adversely impacted. Further, the addition will not visually intrude upon the character, scale, and pattern of houses along the subject street because of the setback of the third floor addition from the front façade. Finally, the Applicant has provided graphical representations and photographs as required by § 336.10 to demonstrate compliance with § 336.9.

The Board is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 1A. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. In this case ANC 1A was unable to arrive at a position, so there is no advice to which great weight must be given.

The Board is also required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04) to give great weight to OP's recommendations. Although the Board agrees with OP that the special exception as well as the requests for variances relating to the court and the addition to the nonconforming structure should be granted with respect to the lot area relief sought, the Board disagrees with OP that the Applicant has not demonstrated any circumstance that would result in a practical difficulty. The Applicant has demonstrated that the angled lot line is an exceptional condition and had that lot line run perpendicular to Park Road there would have been ample lot area to

meet the 2,700 square feet needed. Thus, contrary to OP's contention, both the pre-existing condition of the lot and the regulations prevent the addition of a third unit because the angled lot line results in there being less land area than the regulations require for a third unit.

The Board is aware that the only reason why the lot area variance is needed is because the Zoning Commission removed the ability of the Zoning Administrator to grant a two percent deviation from the lot area requirements applicable to R-4 conversions.<sup>2</sup> (See 11 DCMR § 407.1 (c).) However, this does not make the extent of the relief sought here any the less *de minimis* or worthy of being granted. Further, the Zoning Commission did not remove the authority of itself or the Board to grant such a *de minimis* deviation from the lot area requirement. Finally, OP claims that the purported absence of an exceptional condition will result in the granted relief impairing the integrity of the zone plan. The Board previously rejected a similarly circular argument in *Application No. 18725 of Rafael Romeu* at 9 (2014), *affirmed, Hill v. District of Columbia Bd. of Zoning Adjustment*, 2016 WL 5404728 (Table) (2016) (Unpublished). The requirement for an exceptional condition and the requirement that the zone plan not be impaired are separate tests, and the failure to satisfy one test, does not disprove the other. However, since all three elements for the lot area variance have been met, the question is academic.

## CONCLUSION

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof for variance relief pursuant to 11 DCMR § 3103.2 from the zoning regulations regarding lot area (§ 401), courts (§ 406), and an addition to a nonconforming structure (§ 2001), and special exception relief pursuant to 11 DCMR § 3104 and § 336, regarding converting an existing residential building to an apartment house in an R-4 zone.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 33 – REVISED RENDERINGS.**

**VOTE: 3-0-2** (Robert E. Miller, Marnique Y. Heath, and Jeffrey L. Hinkle<sup>3</sup> to APPROVE; Frederick L. Hill, not participating; 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.

---

<sup>2</sup> The Applicant argued that this created an exceptional circumstance as to it, because the Applicant purchased the property before the regulation was adopted. This argument fails because an exceptional condition cannot be personal as to the owner. Also, there are doubtless many properties with similar minor land area deficiencies; otherwise the Zoning Commission would not have taken the action it did. Therefore, the removal of this flexibility presents no exceptional circumstance whatsoever.

<sup>3</sup> Mr. Hinkle read the full record to participate in the decision for this application.

**FINAL DATE OF ORDER:** January 24, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

BZA APPLICATION NO. 19119

PAGE NO. 10

**District of Columbia REGISTER – February 3, 2017 – Vol. 64 - No. 5    000866 – 001276**