

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-677, Fair Criminal Record Screening for Housing Act of 2016
- D.C. Council enacts Act 21-679, Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016
- D.C. Council enacts Act 21-681, District of Columbia State Athletics Consolidation Act of 2016
- D.C. Council schedules a public hearing on Bill 22-26, Early Learning Equity in Funding Amendment Act of 2017
- Office of the Deputy Mayor for Greater Economic Opportunity announces funding availability for the DC Workforce Intermediary – Targeted Industry Partnership Grant
- Department of Health amends funding availability for the FY 2017 Opioid Treatment Expansion Initiative
- Department of Housing and Community Development issues the Rental Housing Commission 2017 Resolution for the Social Security Cost-of-Living Adjustment
- Office of the State Superintendent of Education establishes procedures for schools to acquire a supply of undesignated epinephrine auto-injectors

DISTRICT OF COLUMBIA REGISTER

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AN ACT

D.C. ACT 21-671

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To amend the District Department of the Environment Establishment Act of 2005 to establish within the Department of Energy and Environment an Emergency Response and Rail Safety Division authorized to carry out emergency response activities, coordinate with federal and state rail safety offices, and carry out inspection, investigative, enforcement, and surveillance activities, to transfer the functions of the state safety oversight agency for DC Streetcar to the Department of Energy and Environment, and to authorize the Department of Energy and Environment to carry out security and emergency response functions related to railroads; and to establish a Railroad Advisory Board.

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

TITLE I. EMERGENCY RESPONSE AND RAIL SAFETY DIVISION

Sec. 101. 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.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-151.01) is amended as follows:

(1) New paragraphs (5A), (5B), (5C), and (5D) are added to read as follows:

“(5A) “FRA” means the Federal Railroad Administration.

“(5B) “Federal railroad safety laws” means federal laws, or regulations or orders issued under the authority of such laws, addressing the safety of railroad equipment and operations, including:

“(A) The Federal Railroad Safety Act of 1970, approved July 5, 1994 (108 Stat. 63; 49 U.S.C. § 20101 *et seq.*);

“(B) The Safety Appliance Acts, approved July 5, 1994 (108 Stat. 881; 9 U.S.C. § 20301 *et seq.*);

“(C) The Locomotive Inspection Act, approved July 5, 1994 (108 Stat. 885; 49 U.S.C. § 20701 *et seq.*);

“(D) The Signal Inspection Act, approved July 5 1994 (108 Stat. 883; 49 U.S.C. § 20501 *et seq.*);

“(E) The Accident Reports Act, approved July 5 1994 (108 Stat. 886; 49 U.S.C. § 20901 *et seq.*);

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“(F) The Hours of Service Act, approved July 5 1994 (108 Stat. 888; 49 U.S.C. § 21101 *et seq.*); and

“(G) The Hazardous Materials Transportation Act, approved July 5 1994 (108 Stat. 759; 49 U.S.C. 5101 *et seq.*), as it pertains to shipment or transportation by railroad.

“(5C) “FTA” means the Federal Transit Administration.

“(5D) “Hazardous materials” shall have the same meaning as provided in 49 C.F.R. § 171.8.”.

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

“(10A) “Person” means an individual, corporation, company, association, firm, partnership, society, joint stock company, or any other commercial entity.”.

(3) New paragraphs (11A), (11B), and (11C) are added to read as follows:

“(11A)(A) “Rail system” means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including rail-fixed guideway systems, as defined by 49 CFR § 659.5, and railroads.

“(B) The term “rail system” does not include a rail system operation conducted by or on behalf of the Washington Metropolitan Area Transit Authority or any railroad.

“(11B)(A) “Railroad” means:

“(i) Any form of non-highway ground transportation that runs on rails or electromagnetic guideways, including commuter or other short-haul railroad passenger service in the District; and

“(ii) High-speed ground transportation systems that connect the District with metropolitan areas, without regard to whether those systems use new technologies that are not associated with traditional railroads;

“(B) The term “railroad” does not include rail system operations conducted by or on behalf of the Washington Metropolitan Area Transit Authority, the District Department of Transportation, or other rail system operators in the District that are not connected to the railroad.

“(11C) “Railroad carrier” means a person providing transportation by railroad or a group of commonly controlled railroad carriers that the Secretary of Transportation has ordered to be treated as a single railroad carrier as provided for in 49 U.S.C. § 20102(3).”.

(4) A new paragraph (13A) is added to read as follows:

“(13A) “State safety oversight agency” means the District entity designated by the Secretary of Transportation to implement the requirements of 49 U.S.C. § 5329 and 49 C.F.R. § 674.

(b) Section 106 (D.C. Official Code § 8-151.06) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (6) is amended by striking the phrase “materials.” and inserting the phrase “materials; and” in its place.

(3) A new paragraph (7) to read as follows:

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“(7) An Emergency Response and Rail Safety Division to do the following:

“(A) After DDOE has been designated as the state safety oversight agency under section 108a, implement and administer safety and security programs and initiatives for rail systems within the District, including the DC Streetcar;

“(B) Coordinate and conduct emergency responses to spills and releases of substances and pollutants within the District and District waters;

“(C) Enter into inter-governmental agreements with appropriate federal and state agencies to enhance the capabilities of the District to respond to emergencies and to oversee the safety and security of railroad operations within the District;

“(D)(i) Conduct inspection, investigative, enforcement, and surveillance activities related to the safety and security of railroad operations within the District; and

“(ii) If the Director determines that enforcement is permitted under 49 U.S.C. § 20113, the Director may refer a matter to the Attorney General for the District of Columbia for appropriate enforcement action in federal district court.”.

(c) New sections 108a through 108g are added to read as follows:

“Sec. 108a. State safety oversight agency designation for DC Streetcar.

“DDOE is designated as the state safety oversight agency, as described in 49 U.S.C. § 5329(e) and regulations issued thereunder, for the DC Streetcar when:

“(1) The Secretary of Transportation provides its approval of the operation of the District’s state safety oversight program by the Department pursuant to 49 U.S.C. § 5329(e); and

“(2) The Mayor publishes a notice in the District of Columbia Register:

“(A) Stating that the approval referenced in paragraph (1) of this section was provided; and

“(B) Identifying the date on which the Department shall assume the responsibility of serving as the state safety oversight agency.

“Sec. 108b. Duties, powers, and requirements related to DC Streetcar safety oversight.

“(a) The Director, in carrying out the duties and exercising the powers described in this section, shall not be supervised by, or under the direction or control of, any District officer or employee, or anyone acting on behalf of a District officer or employee, responsible for any aspect of the operation of the DC Streetcar.

“(b) The state safety oversight agency’s budget shall be a distinct program, with its own program code and all funds shall be budgeted and reported within the program. The program’s budget may merge with the state rail safety agency to the extent permissible under 49 U.S.C. § 5329.

“(c) The Director shall, in accordance and to the extent permissible under 49 U.S.C. § 5329:

“(1) Oversee the operations of the DC Streetcar insofar as those operations affect, or could affect, the safe operation of the DC Streetcar;

“(2) Conduct, or cause to be conducted, investigations, independently or in cooperation with federal or District offices or agencies, into the operations of the DC Streetcar, including any accident or incident involving the operations or assets of the DC Streetcar, insofar as those operations affect, or could affect, the safe operation of the DC Streetcar. This authority

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includes the authority to inspect DC Streetcar equipment, property, and operations, and to inspect and copy DC Streetcar records, reports, and other information;

“(3) Audit the DC Streetcar system for compliance with safety plans, or for any other purpose that the Director concludes would promote the safe operation of the DC Streetcar.

“(4) Issue reports and findings regarding all aspects of the safety of the DC Streetcar, including operations and accidents, when:

“(A) The issuance of reports and findings is required by federal or District law; or

“(B) The Director determines that such action would promote the safe operation of the DC Streetcar.

“(5) Require the DC Streetcar to develop and submit safety plans pursuant to 49 U.S.C. § 5329(e)(4)(A)(iv) and approve or disapprove them as appropriate.

“(6)(A) Enforce District statutes, regulations, and executive orders related to the safe operation of the DC Streetcar.

“(B) In order to carry out subparagraph (A) of this paragraph, the Director may order the partial or complete cessation of any activity undertaken by the District government, or any entity acting on the District government's behalf, in connection with the operation of the DC Streetcar.

“(7) Conduct all operations or take any other action required of a state safety oversight agency pursuant to 49 U.S.C. § 5329, and any regulations issued thereunder.

“(d) Neither the Director nor the Department shall receive funds from the District Department of Transportation or DC Streetcar related to, or for purposes of, the operation or oversight of the DC Streetcar.

“(e) The Director may execute and file one or more applications, including any required certifications, assurances, or other documents, on behalf of the District with the FTA for federal grants or financial assistance authorized by 49 U.S.C. § 5329(e), Title 23 of the United States Code, or other federal statutes authorizing a project administered by the FTA, and enter into one or more grants or cooperative agreements with the FTA on behalf of the District.

“Sec. 108c. Railroad safety and security authority.

“(a) The Director may enter into agreements with, and provide any necessary certifications, documents, and other information to, the FRA in order to perform the functions of a state rail safety agency, to the extent permissible under 49 U.S.C. § 20101 *et seq.*, or any regulations issued thereunder.

“(b) The state rail safety agency's budget shall be a distinct program, with its own program code and all funds shall be budgeted and reported within the program. The program's budget may merge with the state safety oversight agency's budget established under section 108b, to the extent permissible under 49 U.S.C. § 20101.

“(c) The Director may engage in investigative and surveillance activities related to the safety of facilities, equipment, rolling stock, and operations of railroads and railroad carriers operating in the District and may take enforcement actions, to the extent permissible under 49 U.S.C. § 20101 *et seq.*, or any regulation issued thereunder.

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“Sec. 108d. Emergency response.

“The Director may take any action necessary to address emergency response planning and operations related to rail systems in the District including:

“(1) Development of emergency response plans as may be required by the FTA for the DC Streetcar; and

“(2) Coordination and support in accordance with the District Response Plan drafted by the Homeland Security and Emergency Management Agency regarding the planning for and response to emergencies involving rail systems in the District.

“Sec. 108e. Public reporting.

“(a) The Director shall, consistent with applicable federal railroad safety laws, publish on a biannual basis, information related to railroad safety and security, including:

“(1) The quantity of hazardous materials that were transported within or through the District by railroad during the reporting period; and

“(2) The railroad inspection, investigation, and surveillance activities performed by the Department under sections 108c and 108f during the reporting period.

“(b) In publishing the information required by subsection (a) of this section, the Director shall take into account public safety and confidentiality necessary for public security.

“Sec. 108f. Entry and inspection.

“The Director shall have the authority to inspect railroad equipment, facilities, rolling stock, or operations or to inspect any record related to the safety, security, and operations of the railroad at any reasonable time and upon the presentation of appropriate credentials to the owner, operator, or person in charge, to the extent permissible under federal railroad safety laws.

“Sec. 108g. Study of fees.

“By November 30, 2017, the Mayor shall transmit to the Chairperson of the Council committee with oversight of transportation a report and recommendation as to the imposition of fees related to the transportation of hazardous materials under 49 U.S.C. § 5125(f).”

(d) Section 110 (D.C. Official Code § 8-151.10) is amended by adding a new subsection (c) to read as follows:

“(c)(1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the Rail Safety and Security Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-3).

(2) If proposed rules are developed pursuant to paragraph (1) of this subsection, at the time the proposed rules are submitted to the District of Columbia Register for public notice and comment, the Mayor shall provide the proposed rules to the Rail Advisory Board for comment.

“(3) If the Mayor, when issuing final rules, does not incorporate the Rail Advisory Board’s suggested modifications provided pursuant to section 203(b)(4) of the Rail Safety and Security Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-3), the Mayor shall provide the Rail Advisory Board with a detailed written explanation as to why the proposed modifications were not incorporated.

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“(4) For the purposes of this subsection, the term “Railroad Advisory Board” means the Railroad Advisory Board established by section 202 of the Rail Safety and Security Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-3).”.

TITLE II. RAILROAD ADVISORY BOARD

Sec. 201. Definitions.

For the purposes of this title, the term:

- (1) “Board” means the Railroad Advisory Board established by section 202.
- (2) “Federal railroad safety laws” shall have the same meaning as provided in section 101(5B) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(5B)).
- (3) “Railroad carrier” shall have the same meaning as provided in section 101(11C) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01(11C)).

Sec. 202. Rail Advisory Board.

- (a) There is hereby established the Rail Advisory Board.
- (b) The Board shall be composed of 9 members, appointed as follows:
 - (1) One member from a railroad carrier authorized to operate in the District of Columbia, appointed by the Mayor.
 - (2) Two labor representatives, appointed by the Mayor.
 - (3) One community representative appointed by the Chairperson of the Council committee with oversight over the Homeland Security and Emergency Management Agency.
 - (4) One community representative appointed by the Chairperson of the Council committee with oversight over the Department of Energy and Environment.
 - (5) The Director of the Homeland Security and Emergency Management Agency or the Director’s designee,
 - (6) The Chief of the Fire and Emergency Medical Services Department or the Chief’s designee;
 - (7) The Director of the District Department of Transportation or the Director’s designee; and
 - (8) Director of the Department of Energy and Environment or the Director’s designee.
- (c)(1) The members of the Board appointed under subsections (b)(1) and (2) of this section shall serve 4-year terms.
- (2) The members of the Board appointed under subsections (b)(3) and (4) of this section shall serve 3-year terms.
- (d) The Board shall elect, by a majority vote, one of its member to serve as chairperson of the Board. The chairperson shall be elected at the Board’s first meeting and biannually thereafter.

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(e) The Board shall elect, by a majority vote, one of its members to serve as vice-chairperson of the Board. The vice-chairperson shall be elected at the Board's first meeting and biannually thereafter.

(f) Vacancies shall be filled in the same manner as the initial appointment. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term.

(g) The Board shall meet, at a minimum, on a quarterly basis, at times to be determined by the Board at the Board's first meeting.

Sec. 203. Functions and operations of the Board.

(a) The purpose of the Board shall be to serve as the advisory body to the Mayor, the Council, the District Department of Transportation, the Homeland Security Emergency Management Agency, and the Department of Energy and Environment on matters pertaining to investigation and surveillance of federal railroad safety laws.

(b) The Board shall:

(1) Develop policy and recommendations on the allocation of District funding, railroad enhancements, development initiatives, rail safety, homeland security, and community relations programs;

(2) Identify and develop projects and policies that mitigate the environmental impact of railroad operation and enhance the availability and utilization of railroad transportation in the District;

(3) At the request of the Mayor, the Council, the Director of the District Department of Transportation, the Director of the Homeland Security Emergency Management Agency, or the Director of the Department of Energy and Environment, advise on any other matters pertaining to railroad transportation in the District; and

(4) Submit comments on proposed rules developed pursuant to section 110(c) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.10(c)), including any proposed modifications, to the Mayor before to the expiration of the public comment period.

(c) Members of the Board shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in connection with their official duties. Staff support for the Board shall be provided by the District Department of Transportation with supplemental support from the Department of Energy and Environment.

TITLE III. CONFORMING AMENDMENTS

Sec. 301. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended as follows:

(a) Section 1(c) (D.C. Official Code § 5-401(c)) is repealed.

(b) Section 1a (D.C. Official Code § 5-401.01) is repealed.

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TITLE IV. CONSTRUCTION

Sec. 401. Construction.

This act shall be construed, and the authority granted under it shall be exercised, in a manner consistent with applicable federal laws and regulations.

TITLE V. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 501. 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.

(d) The amendatory provisions of section 101(c) that add new sections 108c, 108d(1), 108e, and 108f to 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.*), shall apply after the Mayor enters an agreement to participate in railroad investigative and surveillance activities with the Federal Railroad Administration ("FRA") and the FRA delegates investigative and surveillance authority with respect to all or any part of federal railroad safety laws pursuant to 49 C.F.R. § 212.105.

(e) Section 301 shall apply on the date the requirements of new section 108a of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), added by section 101(c), have been met.

Sec. 502. 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. 503. Effective date.

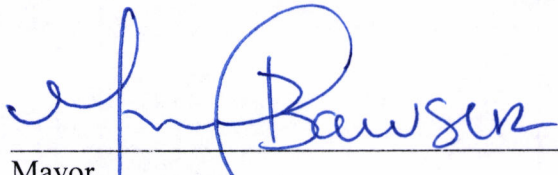
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

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AN ACT
D.C. ACT 21-672

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To amend Chapter 4 of Title 16 of the District of Columbia Official Code to permit collaborative reproduction and surrogacy agreements, to establish requirements for surrogates, intended parents, and the contents of surrogacy agreements, to establish parentage of a child, to provide for court orders of parentage, and to establish the effect of a subsequent marriage or domestic partnership, dissolution of a marriage or domestic partnership, death of an intended parent, and withdrawal of consent.

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

Sec. 2. Chapter 4 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The chapter name is amended to read as follows:
"CHAPTER 4. COLLABORATIVE REPRODUCTION."

(b) The table of contents is amended to read as follows:
"Sec.

"16-401. Definitions.

"16-402. Prohibitions and penalties. [Repealed].

"16-403. Collaborative reproduction authorized.

"16-404. Surrogacy agreements authorized.

"16-405. Requirements of surrogates and intended parents.

"16-406. Contents of surrogacy agreements.

"16-407. Parentage in collaborative reproduction.

"16-408. Court order of parentage.

"16-409. Effect of subsequent marriage or domestic partnership or dissolution of marriage or domestic partnership.

"16-410. Effect of death of intended parent.

"16-411. Effect of withdrawal of consent.

"16-412. Rules."

(c) Section 16-401 is amended to read as follows:

"§ 16-401. Definitions.

"For the purposes of this chapter, the term:

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“(1) “Ancillary expenses” means those expenses that a surrogate incurs due to the surrogacy, including legal and counseling expenses, actual lost wages, compensation for risk, inconvenience, forbearance, or restriction from usual activities, insurance premiums, expenses associated with recovery, childcare expenses, housekeeping expenses, birthing classes, nutritional expenses, maternity clothing, and travel expenses incurred during the pregnancy and directly related to the surrogacy.

“(2) “Assisted reproduction” or “assisted reproductive technology” means the treatments or procedures that include handling both eggs and sperm and embryos by a medical professional for the purpose of establishing a pregnancy.

“(3) “Assisted reproduction center” means the medical facility that performs the medical procedures related to collaborative reproduction.

“(4) “Child” means a child who is born as the result of collaborative reproduction.

“(5) “Collaborative reproduction” means assisted reproduction that involves a surrogate or a donor and an intended parent or parents. The term “collaborative reproduction” does not include the birth of a child conceived by means of sexual intercourse or the birth of a child conceived through assisted reproduction by an individual or couple who use their own gametes and intend to gestate and parent the child themselves.

“(6) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(7) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).

“(8) “Donor” means a person other than an intended parent who contributes gametes or embryos for use in collaborative reproduction, including a traditional surrogate.

“(9) “Embryo” means one or more fertilized eggs before week 8 of a pregnancy.

“(10) “Embryo transfer” means the medical procedure of transferring an embryo to a uterus.

“(11) “Fertilization” means a multi-step process that results in the formation of a zygote by the union of a sperm and an egg.

“(12) “Fetus” means an embryo that has developed during the period of gestation between 8 weeks and the birth of the child.

“(13) “Gamete” means a male (sperm) or female (egg) human reproductive cell.

“(14) “Gestational surrogate” means an individual who is not the intended parent, who has not provided the egg used to form any embryo that is transferred to the gestational surrogate’s uterus, and who agrees to become pregnant, gestate, and deliver, through collaborative reproduction, the intended parent’s child on behalf of the intended parent.

“(15) “Insemination” means either intracervical insemination, the fertility treatment that involves the placing of sperm inside a vagina to facilitate fertilization, or intrauterine insemination, the fertility treatment that involves the placing of sperm inside a uterus to facilitate fertilization. The term “insemination” does not include the placement of sperm inside a vagina through sexual intercourse.

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“(16) “Intended parent” means an individual, married or unmarried, who manifests the intent in a written agreement to be legally bound as the parent of a child.

“(17) “Medical evaluation” means an evaluation and consultation by a medical professional.

“(18) “Medical expenses” means those expenses not otherwise covered by medical insurance that a surrogate incurs due to the medical effects of surrogacy, including expenses directly related to the pregnancy and expenses related to complications or other medical issues arising from the pregnancy.

“(19) “Order of parentage” means a judgment by a court of competent jurisdiction in which the parent of a child is declared.

“(20) “Parent” means an individual who is legally recognized to have all rights provided under District law with respect to a child.

“(21) “Surrogacy agreement” means a written contract between a surrogate, the surrogate’s spouse or domestic partner, if any, and the intended parent or parents, pursuant to which the intended parent or parents shall be recognized as the parent or parents of the child.

“(22) “Surrogate” means an individual who is not the intended parent and does not intend to parent the child, but who agrees to become pregnant on behalf of an intended parent through collaborative reproduction with the intention of gestating and delivering the intended parent’s child. The term “surrogate” includes a gestational and traditional surrogate.

“(23) “Traditional surrogate” means an individual who is not the intended parent and does not intend to parent the child, but who agrees to donate their own egg and to become pregnant, gestate, and deliver, through collaborative reproduction, the intended parent’s child on behalf of the intended parent.

“(24) “Zygote” means a single cell resulting from fertilization of an egg by sperm.”

(d) Section 16-402 is repealed.

(e) New sections 16-403 through 16-412 are added to read as follows:

“§ 16-403. Collaborative reproduction authorized.

“An intended parent or parents shall be recognized as the parent or parents of a child; provided, that the surrogate and the intended parent or parents comply with the requirements of this chapter.

“§ 16-404. Surrogacy agreements authorized.

“A surrogacy agreement shall be enforceable; provided, that all parties to the agreement and the agreement itself meet the requirements of § 16-405 and § 16-406.

“§ 16-405. Requirements of surrogates and intended parents.

“(a) An individual seeking to serve as a surrogate shall enter into a written surrogacy agreement and, at the time that the surrogacy agreement is executed, shall:

“(1) Be at least 21 years of age;

“(2) Have given birth to at least one live child;

“(3) Have undergone a medical evaluation in which the individual was approved to serve as a surrogate;

“(4) Have completed a mental health evaluation by a mental health professional in

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which the individual was approved to serve as a surrogate; provided, that the mental health professional has received specialized training in, or has a practice that includes a specialty in, collaborative reproduction; and

“(5) Have completed, with the intended parent or parents, a joint consultation with a mental health professional regarding issues that could arise during the surrogacy.

“(b)(1) An individual or individuals seeking to become an intended parent or parents shall enter into a written surrogacy agreement and, at the time the surrogacy agreement is executed, shall:

“(A) Be at least 21 years of age; and

“(B) Have completed with the surrogate a joint consultation with a mental health professional regarding issues that could arise during the surrogacy.

“(2) If an individual is married or in a domestic partnership, both parties to the marriage or domestic partnership must satisfy the requirements of this subsection.

“§ 16-406. Contents of surrogacy agreements.

“(a) An enforceable surrogacy agreement shall:

“(1) Be in writing and executed by the surrogate and the surrogate’s spouse or domestic partner, if any, and the intended parent or parents;

“(2) Be executed prior to the embryo transfer or insemination;

“(3) Include an affirmation by all parties that they have independent legal counsel and have read the surrogacy agreement and this chapter and understand the requirements of both;

“(4) Include an affirmation by the surrogate and the surrogate’s spouse or domestic partner, if any, that the surrogate and the surrogate’s spouse or domestic partner:

“(A) Acknowledge and agree that the surrogate and the surrogate’s spouse or domestic partner are not and shall not be the parents of the child;

“(B) Agree to surrender physical custody of the child to the intended parent or parents immediately after the child’s birth;

“(C) Agree that at all times during the pregnancy and until delivery, regardless of whether the court has issued an order of parentage, the surrogate shall maintain control and decision-making authority over the surrogate’s body;

“(D) Agree to cooperate in any necessary legal proceedings to recognize the intended parent or parents as the legal parent or parents or any other proceeding related to the surrogacy agreement; and

“(E) Agree to all other terms, consistent with this chapter and as negotiated and agreed upon by the surrogate, the surrogate’s spouse or domestic partner, and the intended parent or parents;

“(5) Include an affirmation by the intended parent or parents that the parent or parents shall:

“(A) Accept physical custody of the child immediately after the child’s birth, regardless of the child’s gender or mental or physical condition or the number of children; and

“(B) Assume sole responsibility for the support of the child immediately after the child’s birth, including paying for any funeral expenses if a stillbirth, preterm birth, or

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any other birth issue occurs that results in the child's death;

“(6) Provide that the intended parent or parents shall assume the costs of all agreed-upon reasonable medical and ancillary expenses;

“(7) Allocate responsibility for the assumption of costs in the event of termination of the pregnancy, termination of the contract, or breach of the contract by any party;

“(8) Provide procedures for dispute resolution; and

“(9) Be notarized or signed before a minimum of 2 witnesses who shall document their names, addresses, and phone numbers.

“(b) The surrogate and the surrogate's spouse or domestic partner, if any, and the intended parent or parents shall be represented by independent legal counsel in the preparation, counseling, and negotiation of the surrogacy agreement. Nothing in this subsection shall prevent the intended parent or parents from assuming the costs of the surrogate's legal fees.

“(c) A surrogacy agreement may not limit the right of the surrogate to make decisions to safeguard the surrogate's health or that of the embryo or fetus.

“(d) Payment of reasonable medical and ancillary expenses shall be made by one or more of the following means:

“(1) Insurance;

“(2) Cash;

“(3) Escrow; or

“(4) Other arrangements satisfactory to the parties, pursuant to the terms of the surrogacy agreement.

“(e) Any dispute related to a surrogacy agreement shall be resolved by the terms set forth in the surrogacy agreement.

“§ 16-407. Parentage in collaborative reproduction.

“(a)(1) In the case of a child born by a gestational surrogate, an intended parent or parents shall be the parent or parents of the child and have all rights under District law, regardless of whether the intended parent or parents has a genetic relationship to the child.

“(2) The child shall have all rights, powers, privileges, immunities, duties, and obligations existing under law between a parent and child with the intended parent or parents, including the rights of inheritance.

“(3) A gestational surrogate and the gestational surrogate's spouse or domestic partner, if any, shall not be the parent or parents of the child, and shall not have any rights, powers, privileges, immunities, duties, or obligations with respect to the child.

“(4) A gamete or embryo donor who is not an intended parent and that donor's spouse or domestic partner, if any, shall not be the parent or parents of the child, and shall not have any rights, powers, privileges, immunities, duties, or obligations with respect to the child. For the purposes of this paragraph, a traditional surrogate is not a donor.

“(b)(1) In the case of a child born by a traditional surrogate, an intended parent or parents shall be the parent or parents of the child and have all rights under District law, regardless of whether the intended parent or parents has a genetic relationship to the child.

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“(2) The child shall have all rights, powers, privileges, immunities, duties, and obligations existing under law between a parent and child with the intended parent or parents, including the rights of inheritance.

“(3) A traditional surrogate and the traditional surrogate’s spouse or domestic partner, if any, shall not be the parent or parents of the child, and shall not have any rights, powers, privileges, immunities, duties, or obligations with respect to the child.

“(4) A gamete donor who is not an intended parent and that donor’s spouse or domestic partner, if any, shall not be the parent or parents of the child, and shall not have any rights, powers, privileges, immunities, duties, or obligations with respect to the child.

“§ 16-408. Court order of parentage.

“(a) A petition for parentage for the intended parent or parents of a child may be filed by the intended parent or parents or the surrogate in the Superior Court of the District of Columbia at any time after confirmation of the pregnancy.

“(b) The Superior Court of the District of Columbia will have jurisdiction over a petition filed under subsection (a) of this section if the court determines that:

“(1) The intended parent or parents or the surrogate is a legal resident of the District;

“(2) The intended parent or parents or the surrogate has actually resided in the District for at least one year preceding the filing of the petition; or

“(3) The child was born in the District.

“(c) A petition for parentage shall include:

“(1) An affidavit by the medical professional who oversaw the embryo transfer or insemination attesting to the facts pertaining to the creation of the embryo and the embryo transfer or insemination, if applicable;

“(2) A copy of the executed surrogacy agreement;

“(3) An affidavit by each party attesting to each party’s identity and that no other proceedings exist which could affect the current proceedings; and

“(4) An affidavit by an attorney representing each party, attesting:

“(A) That the attorney did not represent both the intended parent or parents and the surrogate and the surrogate’s spouse or domestic partner, if any; and

“(B) That the terms of the surrogacy agreement comply with the requirements of this chapter.

“(d) The order of parentage issued under this section shall:

“(1) Declare the intended parent or parents to be the parent or parents of the child;

“(2)(A) Direct the Registrar of Vital Records (“Registrar”) to issue the certificate of birth naming the intended parent or parents as the parent or parents; or

“(B) If the intended parent or parents are named on a new certificate of birth issued after the child’s discharge from the hospital, direct the Registrar:

“(i) To substitute the new certificate of birth for the original certificate of birth, naming the intended parent or parents as the parent or parents; and

“(ii) To seal the original certificate of birth from inspection when a new certificate of birth is issued; and

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“(3) Declare that the surrogate and the surrogate’s spouse or domestic partner, if any, are not the legal parents of the child.

“(e)(1)(A) In the case of a child born by a gestational surrogate, the court may issue an order of parentage for the child at any time after a petition for parentage has been filed. The order of parentage shall be effective upon the birth of the child.

“(B) If the order of parentage is not issued before the birth of the child, the court shall issue the order as soon as possible after the birth, but no later than 45 days after the birth.

“(2) In the case of a child born by a traditional surrogate, the court shall issue an order of parentage for the child no less than 48 hours and no more than 45 days after the birth of the child.

“(f) An order of parentage issued under this section shall be sealed to protect the privacy of the parties and the child.

“§ 16-409. Effect of subsequent marriage or domestic partnership or dissolution of marriage or domestic partnership.

“A subsequent marriage or domestic partnership or dissolution thereof for either the surrogate or the intended parent or parents shall have no bearing on the validity of the surrogacy agreement or the child’s parentage.

“§ 16-410. Effect of death of intended parent.

“If an intended parent dies after a successful insemination or embryo transfer, the surviving spouse or domestic partner shall assume all obligations with respect to the surrogacy agreement, and both will be considered the parents of the child.

“§ 16-411. Effect of withdrawal of consent.

“Either the surrogate or the intended parent or parents may withdraw consent to collaborative reproduction. The withdrawal shall be:

“(1) In accordance with the terms of the surrogacy agreement;

“(2) In writing;

“(3) Delivered to:

“(A) All parties to the surrogacy agreement and, if applicable, to the assisted reproduction center by certified mail with receipt acknowledged by the parties and the assisted reproduction center or by hand delivery with a witness to each hand delivery; and

“(B) The Superior Court of the District of Columbia, if an order of parentage has been issued; and

“(4) In the case of a child born by a traditional surrogate, within 48 hours after the birth of the child.

“§ 16-412. Rules.

“The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to carry out the purposes of this chapter.”.

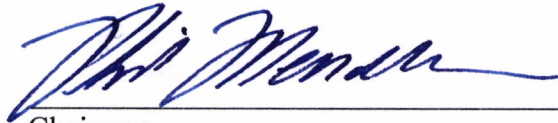
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Sec. 3. Fiscal impact statement.

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
February 15, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-673

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To amend the Human Rights Act of 1977 to prohibit employers, employment agencies, and labor organizations from taking discriminatory action against prospective and current employees based on that prospective or current employee’s credit information, from directly or indirectly requiring, requesting, suggesting, or causing any employee to submit credit information, and from using, accepting, referring to, or inquiring into an employee’s credit information, and to provide fines for violations of these provisions; and to amend the Office of Human Rights Establishment Act of 1999 to require the Office of Human Rights to develop and conduct a public information campaign to educate employees and employers about these new requirements of the Human Rights Act of 1977.

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

Sec. 2. The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended as follows:

(a) Section 211 (D.C. Official Code § 2-1402.11) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase “matriculation, or political affiliation of any individual” and inserting the phrase “matriculation, political affiliation, or credit information of any individual” in its place.

(B) Paragraph (4) is amended as follows:

(i) Subparagraph (B) is amended by striking the phrase “disability, or political affiliation of any individual” and inserting the phrase “disability, political affiliation, or credit information of any individual” in its place.

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

“(D) To directly or indirectly require, request, suggest, or cause any employee to submit credit information, or use, accept, refer to, or inquire into an employee’s credit information.”.

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(2) Subsection (b) is amended by striking the phrase “disability, or political affiliation of any individual” and inserting the phrase “disability, political affiliation, or credit information of any individual” in its place.

(3) New subsections (d) and (e) are added to read as follows:

“(d) Prohibited acts that otherwise would constitute unlawful discriminatory practices based upon the credit information of an individual under section 211(a) or (b) shall not apply:

“(1) Where an employer is otherwise required by District law to require, request, suggest, or cause any employee to submit credit information, or use, accept, refer to, or inquire into an employee’s credit information.

“(2) Where an employee is applying for a position as or is employed as a police officer with the Metropolitan Police Department, as a special police officer or campus police officer appointed pursuant to Section 202 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, effective November 16, 2006 (D.C. Law 16-187; D.C. Official Code § 5-129.02(a)), or in a position with a law enforcement function;

“(3) To the Office of the Chief Financial Officer of the District of Columbia;

“(4) Where an employee is required to possess a security clearance under District law;

“(5) To disclosures by District government employees of their credit information to the Board of Ethics and Government Accountability or the Office of the Inspector General, or to the use of such disclosures by those agencies;

“(6) To financial institutions, where the position involves access to personal financial information; or

“(7) Where an employer requests or receives credit information pursuant to a lawful subpoena, court order, or law enforcement investigation.

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

“(1) “Credit information” means any written, oral, or other communication of information bearing on an employee’s creditworthiness, credit standing, credit capacity, or credit history.

“(2) “Financial institution” shall have the same meaning as provided in section 102(18) of the General Provisions of the 21st Century Financial Modernization Act of 2000, effective June 9, 2001 (D.C. Law 13-308; D.C. Official Code § 26-551.02(18)).

“(3) “Inquire” means any direct or indirect conduct intended to gather credit information using any method, including application forms, interviews, and credit history checks.”.

(b) Section 313(a) (D.C. Official Code § 2-1403.13(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “If, at the conclusion” and inserting the phrase “Except as provided in paragraph (3) of this subsection, if, at the conclusion” in its place.

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

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“(3) If, at the conclusion of the hearing, the Commission determines that a respondent has engaged in an unlawful discriminatory practice based on the credit information of an individual in violation of section 211(a) or (b), the Commission shall issue, and cause to be served upon the respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring the respondent to cease and desist from the unlawful discriminatory practice, and providing for the payment to the complainant of a fine of \$1,000 for the first violation, \$2,500 for the 2nd violation, and \$5,000 for each subsequent violation.”.

Sec. 3. Section 204 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.03), is amended as follows:

(a) Paragraph (8) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

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

“(10) On or before January 2, 2018, develop and conduct a public information campaign to educate employees and employers about the requirements of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), pertaining to unlawful discriminatory practices based on the credit information of an individual.”.

Sec. 4. 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. 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.

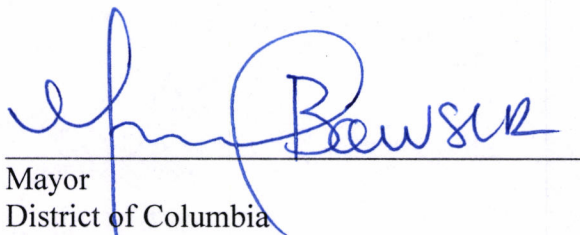
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-674

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To amend the Food Production and Urban Gardens Program Act of 1986 to update existing law pertaining to urban farming, to create an urban farming leasing initiative for District-owned land, to specify criteria for applicants to participate in the initiative, to exempt property leased pursuant to the initiative from real property and possessory interest taxation, and to create a reporting requirement; to amend Title 47 of the District of Columbia Official Code to abate 90% of the tax on private land used as an urban farm and to repeal tax credits for donations of certain food commodities grown in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Urban Farming and Food Security Amendment Act of 2016".

Sec. 2. The Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-401) is amended to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Department" means the Department of General Services.

"(2) "Horticultural techniques" means the scientific, artistic, and technological methods used to cultivate and manage an agricultural space, such as growing from the ground, hydroponics, container farming, vertical farming, or growing in greenhouses or raised beds.

"(3) "Produce" means any substance produced for human consumption and nourishment using horticultural techniques, such as vegetables, fruits, grains, mushrooms, honey, herbs, nuts, seeds, and rootstock.

"(4) "Urban farm" means any property in the District of Columbia that is used for the growing, cultivating, processing, and distributing of produce for profit, not for profit, or for educational purposes.

"(5) "Vacant land" means land located in the District of Columbia that:

"(A) Consists of at least 2,500 contiguous square feet of unimproved land;

and

"(B) Is not the subject of a pending agreement for development or sale."

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(b) Section 3 (D.C. Official Code § 48-402) is repealed.

(c) Section 3a (D.C. Official Code § 48-402.01) is amended to read as follows:

“Sec. 3a. Urban Farming Land Lease Program.

“(a) There is established within the Department the Urban Farming Land Lease Program (“Program”), which shall enable a qualified applicant identified pursuant to subsection (c) of this section to enter into a lease agreement with the Department to create and maintain an urban farm on vacant land identified pursuant to subsection (b) of this section.

“(b) The Department shall, in consultation with the Office of Planning and no less frequently than annually, identify vacant land in the inventory of real property assets maintained pursuant to section 1026 of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.05), that is suitable for use as an urban farm.

“(c) To be eligible for the Program, an applicant shall:

“(1) At the time of submission of an application:

“(A) Be a resident of the District; or

“(B) In the case of an applicant that is not an individual, be organized or incorporated in the District;

“(2) Have experience in agricultural production;

“(3) Not be precluded from obtaining a license or permit pursuant to D.C. Official Code § 47-2862; and

“(4) Meet any additional criteria the Department establishes pursuant to the rules issued pursuant to subsection (g) of this section.

“(d) A lease agreement entered into pursuant to this section shall, at a minimum:

“(1) Be for a base period of 5 years, and may have an option or options for the Department to renew the lease; provided, that no single option period shall have a duration of greater than 5 years and the total lease term, inclusive of all option periods, shall not exceed 14 years;

“(2) Prohibit the sale or consumption of produce grown on the leased property until the lessee provides the Department with proof that the soil has been tested for, and found to be substantially free of, contamination from arsenic, lead, and heavy metals; and

“(3) Permit the sale of produce on or off the leased property after the lessee provides the Department with proof that the soil has been tested for, and found to be substantially free of, contamination from arsenic, lead, and heavy metals.

“(e) Property leased pursuant to this section shall be exempt from real property taxation and possessory interest taxation.

“(f) The Department shall make available to the public on its website information on the Program, including:

“(1) The list of available vacant land identified pursuant to subsection (b) of this section;

“(2) A list of vacant land currently being leased under the Program; and

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

(d) Section 3b (D.C. Official Code § 48-402.02) is amended to read as follows:

“Sec. 3b. Limitations on expenditures.

“No more than \$400,000 in Fiscal Year 2016 and \$350,000 in each fiscal year thereafter shall be used by the Mayor to implement the Urban Farming Land Lease Program established pursuant to section 3a and to administer the real property tax abatement for certain urban farms established pursuant to D.C. Official Code § 47-868, and the tax-exempt status conferred by D.C. Official Code § 47-1005(c).”

(e) A new section 3c is added to read as follows:

“Sec. 3c. Non-liability of the District.

“Nothing in this act shall be construed to create governmental liability or a cause of action against the District related to the safety of food produced on land leased from the District pursuant to section 3a.”

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

(a) Chapter 8 is amended as follows:

(1) The table of contents is amended by striking the section designation “47-868. Reduced tax liability for agricultural uses.” and inserting the section designation “47-868. Reduced tax liability for certain urban farms.” in its place.

(2) Section 47-868 is amended to read as follows:

“§ 47-868. Reduced tax liability for certain urban farms.

“(a) Except as provided in subsection (b) of this section, if real property is used as an urban farm, then 90% of the real property tax otherwise levied pursuant to § 47-811 on the portion of the real property exclusively in use as an urban farm shall be abated for each real property tax year that such portion of the real property is used as an urban farm; provided, that if an urban farm is located in an improvement to real property, the abatement shall be applied only to the real property tax otherwise levied pursuant to § 47-811 on the portion of the improvement in use as an urban farm.

“(b)(1) An abatement permitted under this section shall not exceed the tax liability for the entire parcel of real property on which the urban farm is located, taking into account any other applicable abatements, exemptions, or reductions.

“(2) If real property is put to use as an urban farm at some time other than at the beginning of the tax year, the 90% tax abatement provided for in subsection (a) of this section shall be pro-rated according to the portion of the real-property tax year that the real property is in use as an urban farm, notwithstanding any other provision of this section.

“(3) No abatement under this section shall exceed \$20,000 per parcel of real property, per tax year.

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“(4) No abatement shall be permitted for an abutting parcel of real property with common or related ownership that is not in use as an urban farm.

“(5) If the amount of tax to be abated for any half tax year for all properties certified under subsection (f)(1) of this section exceeds the total amount of funds available as certified under subsection (f)(2) of this section, the available funds shall be allocated pro rata among all properties certified under subsection (f)(1) of this section.

“(c) The abatement described in subsection (a) of this section may be apportioned semiannually.

“(d)(1) To be eligible to apply for an abatement under this section, an applicant shall, before the property is put to use as an urban farm, submit a proposed annual planting plan to the Department of General Services (“Department”) for approval. The annual planting plan may include season-appropriate uses of an urban farm, such as providing cover crops, a bee hive, or growing seedlings in a greenhouse.

“(2) After an applicant submits a proposed annual planting plan, the Department shall have 30 calendar days during which to object to the proposed annual planting plan and request modifications to the annual planting plan. If no objection is made within 30 calendar days of submission, the annual planting plan shall be considered approved.

“(3) Once approved, the applicant shall retain the annual planting plan for at least 3 years and shall provide the annual planting plan in the event of an audit.

“(e)(1) A real property owner requesting a tax abatement under this section shall apply for and provide documentation supporting the tax abatement claim in the form and manner prescribed by the Department pursuant to rules established under subsection (h) of this section.

“(2) A real property owner receiving a tax abatement under this section shall make such reports concerning the use of property as may be prescribed by the Department pursuant to rules established under subsection (h) of this section.

“(3) A property owner denied an abatement under this section shall have the appeal rights provided by § 47-1009.

“(f)(1) The Department shall certify semiannually to the Office of Tax and Revenue (“OTR”), in a form and medium prescribed by OTR, each property or portion thereof eligible to receive a real property tax abatement pursuant to this section, as well as the period of time for which the property is eligible for a tax abatement under this section.

“(2) The certification required by paragraph (1) of this subsection shall be accompanied by a statement from the Department specifying the amount of funds available under section 3b of the Food Production and Urban Gardens Program Act of 1986, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 48-402.02), for real property tax abatements for the properties identified pursuant to paragraph (1) of this subsection.

“(3) Before certifying that a property is eligible for a real property tax abatement pursuant to this section, the Department shall ensure, at a minimum, that:

“(A) The soil on the real property has been tested and found to be substantially free from arsenic, lead, and heavy metals and safe for use in the growth of produce fit for human consumption; and

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“(B) The real property was in use as an urban farm continuously throughout the abatement period pursuant to an approved annual planting plan.

“(g) For the purposes of this section, the terms “urban farm” and “produce” shall have the same meaning as provided in section 2 of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401).

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

(b) Chapter 18 is amended as follows:

(1) The table of contents is amended as follows:

(A) Strike the section designation “47-1806.14. Tax on residents and nonresidents – Credits – Tax credits for farm to food donations.” and insert the section designation “47-1806.14. Tax on residents and nonresidents – Credits – Tax credits for farm to food donations. [Repealed].” in its place.

(B) Strike the section designation “47-1807.12. Tax on corporations and financial institutions – Credits – Tax credit for farm to food donations.” and insert the section designation “47-1807.12. Tax on corporations and financial institutions – Credits – Tax credit for farm to food donations. [Repealed].” in its place.

(C) Strike the section designation “47-1808.12. Tax on unincorporated businesses – Credits – Tax credit for farm to food donations.” and insert the section designation “47-1808.12. Tax on unincorporated businesses – Credits – Tax credit for farm to food donations. [Repealed].” in its place.

(2) Section 47-1806.14 is repealed.

(3) Section 47-1807.12 is repealed.

(4) Section 47-1808.12 is repealed.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

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AN ACT

D.C. ACT 21-675

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To designate an official fish of the District of Columbia, to designate an official amphipod of the District of Columbia, to require the Mayor to designate and regulate critical areas for environmental protection, to require the Mayor to issue regulations requiring shoreline protection measures, to require the Mayor to issue regulations that list invasive plants and nonindigenous nuisance species, to prohibit certain activities relating to invasive plants and nonindigenous nuisance species listed by the Mayor, to authorize the Mayor to issue authorizations to covered establishments to sell fishing licenses and licensure endorsements for recreational fishing in District waters, to authorize the Mayor to authorize and license the possession, transport, and use of certain implements for the capture or killing of fish, and to authorize the Mayor to issue a fish consumption advisory; to amend the Water Pollution Control Act of 1984 to authorize the Mayor to manage fishing seasons by administrative orders and to establish a Fishing License Fund; to amend the Department of Energy and Environment Establishment Act of 2005 to expand the duties of the Department of Energy and Environment (“DOEE”) and the Director of the DOEE, and to designate the Director of the DOEE as the District’s natural resources trustee; to amend An Act To revise and modernize the fish and game laws of the District of Columbia, and for other purposes to expand protection for amphibians and invertebrates; and to amend Office of Administrative Hearings Establishment Act of 2001 to authorize the Office of Administrative Hearings to adjudicate cases involving the modification, suspension, revocation, or denial of certain permits and authorizations issued under this act.

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

TITLE I. NATURAL RESOURCES EDUCATION

Sec. 101. Official fish of the District of Columbia.

(a) The American shad (*Alosa sapidissima*) is an anadromous species of game fish native to the eastern United States and Canada. Spending much of their lives at sea, American shad leave the ocean to find river systems and migrate, or “run,” upstream into freshwater environments to spawn in their birthplaces, including the Potomac River.

(b) Once abundant in the Potomac River watershed and considered one of the most valuable commercial fisheries in the United States, the American shad has experienced species-threatening declines throughout the entirety of its native range. A combination of factors have

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contributed to these declines, such as overfishing, degraded water quality, the recovery of shad predator species, the closing of historic shad spawning waters, and the building of dams for hydroelectric power.

(c) In response to American shad population declines, the District and others, beginning in 2005, undertook restoration activities, including education, reopening fish passages, manual spawning, chemical marking, stocking, and identification. Since restoration efforts began, more than 10 miles of closed spawning surface waters have been opened and more than 10 million American shad hatchlings have been manually spawned and released.

(d) In 2011, the Potomac River Fisheries Commission reported that American shad population targets for the Potomac River established by the Atlantic States Marine Fisheries Commission have been met and that the American shad population for the Potomac River had recovered. The District will continue its restoration efforts to ensure the future of the species.

(e) The American shad (*Alosa sapidissima*) is hereby designated the official fish of the District of Columbia.

Sec. 102. Official amphipod of the District of Columbia.

(a) The Hay's Spring amphipod (*Stygebromus hayi*) is a federally-endangered, globally-rare species of crustacean that is native to, and found only in, a few springs within the District's portion of the Rock Creek watershed.

(b) Spending most of its life underground, the Hay's Spring amphipod lives in groundwater seeps.

(c) The Hay's Spring amphipod measures 5-10 millimeters in length, and is colorless and blind because it lives underground.

(d) The species is highly sensitive to groundwater contaminants and is therefore a strong indicator of the health of the District's natural ecosystems, especially Rock Creek and Rock Creek Park.

(e) The Hay's Spring amphipod (*Stygebromus hayi*) is hereby designated the official amphipod of the District of Columbia.

TITLE II. NATURAL RESOURCES CONSERVATION

Sec. 201. Definitions.

For the purposes of this title, the term:

(1) "Critical aquifer recharge areas" means areas with a critical recharging effect on aquifers, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water or is susceptible to reduced recharge.

(2) "Critical areas" include the following areas and ecosystems:

- (A) Areas containing species of local importance;
- (B) Critical aquifer recharge areas;
- (C) Fish and wildlife habitat conservation areas;
- (D) Frequently-flooded areas; and
- (E) Wetlands.

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(3)(A) "District waters" means flowing and still bodies of water in the District, whether artificial or natural, whether underground or on land.

(B) "District waters" shall not include:

(i) Water on private property that is prevented from reaching underground or land watercourses; and

(ii) Water in closed collection or distribution systems.

(4) "Fish and wildlife habitat conservation areas" means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem and which, if altered, may reduce the likelihood that species will persist over the long term.

(5) "Frequently-flooded areas" means lands either in the floodplain subject to a 1% or greater chance of flooding in any given year or within areas subject to flooding due to high groundwater.

(6) "Invasive plant" means a terrestrial or aquatic plant species that:

(A) Is not indigenous to the District or District waters; and

(B) If introduced or allowed to spread within the District, will cause or is likely to cause economic harm, ecological harm, environmental harm, or harm to human health.

(7) "Living shoreline project" means shoreline protection measures that use non-structural stabilization practices to control shore erosion by trapping sediment, filtering pollution, and providing important aquatic and terrestrial habitat.

(8) "Natural resources" means the land, air, water, minerals, flora, and fauna in the District and District waters.

(9) "Nonindigenous nuisance species" means a terrestrial or aquatic animal species that does not naturally occur in the District and whose presence in the District or in District waters poses or is likely to pose a significant threat of harm to:

(A) The diversity or abundance of any species indigenous to the District or District waters;

(B) The ecological stability of District lands or District waters; or

(C) The commercial, industrial, public, recreational, aquacultural, or other beneficial uses of the District or District waters.

(10) "Person" means any individual, partnership, corporation (including a government corporation), trust association, firm, joint stock company, organization, commission, the District or federal government, or any other entity.

(11) "Shoreline protection measures" means coastal engineering activities that reduce the risk of flooding, erosion, or inundation of land and structures.

(12) "Species of local importance" means those plant and animal species that are:

(A) Of concern in the District due to their population status, emerging threats to their population status, or their sensitivity to habitat alteration; or

(B) Game species.

(13) "Wetlands" means a marsh, swamp, or other area that is:

(A) Periodically inundated by tides or having saturated soil conditions for prolonged periods of time; and

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(B) Capable of supporting aquatic vegetation.

Sec. 202. Critical areas.

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

- (1) Designate critical areas for protection within the District; and
- (2) Protect, conserve, or enhance the environmental function and value of the critical areas designated pursuant to paragraph (1) of this section.

Sec. 203. Shoreline protection.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to require shoreline protection measures, which shall, to the maximum extent possible, promote the use of living shoreline projects.

Sec. 204. Invasive plants and nonindigenous nuisance species.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to list invasive plants and nonindigenous nuisance species; provided, that the Mayor shall not list the species *Felis catus* as a nonindigenous nuisance species.

(b) Except as provided in section 207, no person shall knowingly import, transport, offer for sale, sell, purchase, give, receive, plant, spread, or introduce into the District or District waters any invasive plant listed pursuant to subsection (a) of this section.

(c) Except as provided in section 207, no person shall knowingly possess, import, transport, offer for sale, sell, purchase, give, receive, breed, or introduce into the District or District waters an animal belonging to a nonindigenous nuisance species listed pursuant to subsection (a) of this section.

(d) It shall not be a violation of subsection (b) or (c) of this section to possess, import, transport, offer for sale, sell, purchase, give, receive, or introduce into the District:

- (1) An invasive plant listed pursuant to subsection (a) of this section if it is dead and no longer capable of growth and reproduction;
- (2) An animal belonging to a nonindigenous nuisance species listed pursuant to subsection (a) of this section if it is dead or no longer capable of reproduction; or
- (3) An animal belonging to a nonindigenous nuisance species listed pursuant to subsection (a) of this section that is domesticated.

Sec. 205. Entry and inspection.

(a) To ensure compliance with this title, the Mayor may, at any reasonable time and upon the presentation of appropriate credentials to, and with the consent of, the owner, operator, or person in charge:

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(1) Enter any place to determine a person's compliance with this title or regulations promulgated pursuant to this title; and

(2) Inspect and copy any record, report, or other document or information related to compliance with this title or regulations promulgated pursuant to this title.

(b) If the Mayor is denied access to enter or inspect and copy records pursuant to subsection (a) of this section, the Mayor may apply to the Superior Court for the District of Columbia for a search warrant.

Sec. 206. Enforcement and penalties.

(a) The Mayor may impose civil infraction penalties, fines, and fees as sanctions for any violation of this title or regulations promulgated pursuant to this title, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(b) In addition to any penalties authorized by this section, the Mayor may require reimbursement for the costs of investigation, control, and eradication incurred by the District as a result of a violation of this title or regulations promulgated pursuant to this title.

(c) 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, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with this title or regulations promulgated pursuant to this title.

Sec. 207. Exception for research.

(a) Notwithstanding section 204(b) and (c), the Mayor may issue a permit to allow the importation, possession, purchase, gift, receipt, transportation, planting, or breeding of an invasive plant or a nonindigenous nuisance species listed pursuant to section 204(a) in the District for research by a recognized institution or government agency upon determining that adequate safeguards will be implemented and maintained to prevent the release, escape, or introduction of any such invasive plant or nonindigenous nuisance species into the District or District waters.

(b) The Mayor may modify, suspend, revoke, or deny a permit issued under this section for failure to comply with any conditions associated with the issuance of the permit, this title, or regulations promulgated pursuant to this title.

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

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Sec. 208. Rules.

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

TITLE III. FISHING

SUBTITLE A. AUTHORIZING FISHING LICENSURE BY PRIVATE ENTITIES

Sec. 301. Definitions.

For the purposes of this subtitle, the term:

(1) "Covered establishment" means a business, nonprofit enterprise, or nonprofit institution that does not have as its primary or sole business the sale of licenses for recreational fishing in District waters.

(2)(A) "District waters" means flowing and still bodies of water in the District, whether artificial or natural, whether underground or on land.

(B) "District waters" shall not include:

(i) Water on private property prevented from reaching underground or land watercourses; and

(ii) Water in closed collection or distribution systems.

(3) "Recreational fishing" means the non-commercial taking or attempted taking of finfish for personal use, sport, or pleasure, which are not for sale, trade, or barter.

(4) "Substantial change in ownership" means a transfer of 10% or more in the equity of or financial interest in a covered establishment.

Sec. 302. Fishing licensure by covered establishments.

(a) The Mayor may sell licenses and licensure endorsements for recreational fishing in District waters.

(b) The Mayor may authorize a covered establishment to sell licenses and licensure endorsements for recreational fishing in District waters; provided, that the covered establishment:

(1) Designates and provides contact information for an agent to receive communication and notices from the Mayor;

(2) Operates a lawful establishment that is open to the public and maintains regular business hours;

(3) Demonstrates the ability to efficiently maintain an operation to sell licenses and licensure endorsements for recreational fishing in District waters;

(4) Demonstrates financial stability and responsibility;

(5) Provides a physically secure and readily-accessible location in an area where the public may obtain licenses and licensure endorsements for recreational fishing in District waters; and

(6) Employs sufficient personnel to efficiently accommodate purchasers of licenses and licensure endorsements for recreational fishing in District waters.

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(c) In determining whether the covered establishment meets the requirements set forth in subsection (b) of this section, the Mayor may consider business performance records, business practices, financial resources, record of indebtedness, and other factors relating to financial reliability of the covered establishment, including:

(1) The location at which the covered establishment intends to sell licenses and licensure endorsements for recreational fishing in District waters, including the covered establishment's proximity to other sellers of licenses and licensure endorsements for recreational fishing in District waters;

(2) The number of customers who frequent the location;

(3) The volume of sales at the location; and

(4) The days and hours of operation.

(d) The Mayor shall develop an application for a covered establishment to obtain authorization pursuant to subsection (b) of this section. An owner, partner, director, or officer authorized to bind the covered establishment may complete and file the application on behalf of the covered establishment.

(e) The Mayor may develop criteria and an application for renewal of a covered establishment's authorization to sell licenses and licensure endorsements for recreational fishing in District waters. If the Mayor denies a renewal application, the covered establishment may submit an application pursuant to subsection (d) of this section to obtain authorization to sell licenses and licensure endorsements for recreational fishing in the District waters.

(f) Authorizations to sell licenses and licensure endorsements for recreational fishing in District waters shall be:

(1) Issued in the name of the covered establishment; and

(2) Valid for a period to be determined by the Mayor and shall expire at midnight of the last day of the period determined by the Mayor.

(g) Any covered establishment authorized under subsection (b) of this section shall:

(1) Accurately and promptly report transactions and sales as required by the Mayor;

(2) Make all financial settlements and payments promptly; and

(3) Hold in trust all monies received from the sale of fishing licenses, until such monies are transferred to the Mayor.

(h) The Mayor may, by regulation, require a covered entity that applies for authorization or renewal of authorization pursuant to subsection (b) or (d) of this section to pay an application fee, and may prorate such fees or costs based on the period of the authorization.

(i) Upon expiration of an authorization, a covered establishment shall cease selling licenses and licensure endorsements for recreational fishing in District waters, unless and until the covered establishment's authorization is renewed or reissued.

Sec. 303. Denial, revocation, or suspension of authorization.

(a) The Mayor may deny, revoke, or suspend an authorization issued pursuant to section 302, after notice and opportunity for a hearing pursuant to section 305, for the following reasons:

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(1) An owner, partner, director, officer, or the agent designated pursuant to section 302(b)(1) of the covered establishment has been convicted of, or pleaded guilty to, a felony;

(2) The covered establishment included false or misleading information on its application;

(3) The covered establishment is not authorized or licensed to operate or conduct business in the District;

(4) The covered establishment fails to notify the Mayor within 45 days in advance of a material change in information, including a substantial change in ownership, change of address, or a significant change in operations;

(5) The covered establishment fails to take security precautions as required by the Mayor in rules issued pursuant to section 306 regarding the handling of any licenses or licensure equipment;

(6) The covered establishment fails to comply with the requirements of this subtitle or any other laws or regulations applicable to the conduct of its operations; or

(7) The covered establishment becomes insolvent or dissolves.

(b) The Mayor, in the event of a denial, revocation, or suspension of an authorization pursuant to subsection (a) of this section, shall provide notice, which shall include the reason for the denial, revocation, or suspension and shall notify the covered establishment of its right to contest the denial, revocation, or suspension at a hearing pursuant to section 305.

(c) Upon notifying a covered establishment of the denial, revocation, or suspension of its authorization pursuant to subsection (a) of this section, the Mayor may require the covered establishment to:

(1) Cease the sale of licenses and licensure endorsements for recreational fishing in District waters;

(2) Render an accounting by the date specified on the notice; or

(3) Surrender licensure equipment and any other District property to the District by the date specified on the notice.

Sec. 304. Voluntary cessation of sales.

(a) An authorized covered establishment shall notify the Mayor, in writing, at least 30 days in advance of the covered establishment's intent to voluntarily stop selling licenses and licensure endorsements for recreational fishing in District waters pursuant to its authorization issued under section 302(b).

(b) Within 7 days of voluntarily stopping the sale of licenses and licensure endorsements for recreational fishing in District waters, a covered establishment shall return any District property related to the covered establishment's authorization issued under section 302(b).

Sec. 305. Administrative appeals.

A covered establishment aggrieved by an action of the Mayor taken pursuant to this subtitle, or regulations promulgated pursuant to this subtitle, may appeal the action to the Office

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of Administrative Hearings pursuant to section 6(a) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(a)).

Sec. 306. Rules; enforcement.

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

(b) 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, reasonable attorney and expert witness fees, and injunctive or other appropriate relief to enforce compliance with this subtitle or regulations promulgated pursuant to this subtitle.

SUBTITLE B. ESTABLISHING AND CLARIFYING FISHING AUTHORITIES

Sec. 311. Allowable fishing gear types.

(a) Notwithstanding any other law, the Mayor may authorize and license the possession, transport, and use of bows, arrows, spears, and other implements for the capture or killing of any fish.

(b) No person shall possess, transport, or use an implement authorized under this section, unless a license issued pursuant to subsection (a) of this section is in the licensee's physical possession when the licensee is possessing, transporting, or using the implement.

(c) The Mayor may impose civil infraction penalties, fines, and fees for a violation of this section or regulations promulgated pursuant to this section, pursuant to the procedures of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(d) The Department of Energy and Environment may enter into an agreement with any federal or District agency to work cooperatively on enforcement of this section or a regulation promulgated pursuant to this section.

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

Sec. 312. Fish consumption advisory.

The Mayor may publish, based on scientific analysis of the composition of fish tissue and other scientific indicators, an advisory recommending the safest means of consuming fish captured in the District's waterways and any recommended consumption limits.

Sec. 313. The Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*), is amended as follows:

(a) Section 4(b) (D.C. Official Code § 8-103.03(b)) is amended as follows:

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

“(2) No person shall hunt, fish, capture, intentionally harm or attempt to hunt, fish, capture, or intentionally harm fish in District waters, except while in physical possession of a license issued by the Mayor. The Mayor may establish and modify, through administrative orders, the seasons, methods, species, and allowable volume of take for fishing; provided, that if the Mayor issues an administrative order pursuant to this paragraph, the Mayor, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall first issue rules outlining how the administrative orders will be made public, which shall include a website where the public may access up-to-date information about seasons, methods, species, and volume of take authorized pursuant to this section.”

(2) Paragraph (3) is repealed.

(b) A new section 4a is added to read as follows:

“Sec. 4b. Fishing License Fund.

“(a) There is established as a special fund the Fishing License Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Proceeds from the sale of fishing licenses or licensure endorsements, including proceeds collected pursuant to Subtitle A of Title III of the Fisheries and Wildlife Omnibus Amendment Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-386), shall be deposited into the Fund.

“(c) Monies deposited into the Fund shall be used solely for the administration and management of the District's fish and wildlife resources by the agency responsible for protecting and managing those resources.

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

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

(c) Section 19(b)(2)(A) (D.C. Official Code § 8-103.18(b)(2)(A)) is amended by striking the phrase “\$50,000 for each violation” and inserting the phrase “\$50,000 for each violation; provided, that the Mayor may adjust this civil penalty by rulemaking to account for inflation” in its place.

TITLE IV. ENVIRONMENT

SUBTITLE A. NATURAL RESOURCE PROTECTION

Sec. 401. The Department of Energy and Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

(a) Section 106(2) (D.C. Official Code § 8-151.06(2)) is amended by striking the phrase “such as initiatives” and inserting the phrase “such as an aquatic resources education program, experiential learning activities that promote understanding and conservation of natural resources, and initiatives” in its place.

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(b) Section 107 (D.C. Official Code § 8-151.07) is amended as follows:

(1) Paragraph (11) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (12) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (13) is added to read as follows:

“(13) Plan, design, implement, construct, and maintain projects to protect, restore, and enhance the environment.”.

(c) Section 108 (D.C. Official Code § 8-151.08) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “natural resources policy and make” and inserting the phrase “natural resources policy, planning, and implementation, and making” in its place

(2) Paragraph (5) is amended by striking the phrase “protect the environment and to promote environmental awareness” and inserting the phrase “protect and enhance the environment and natural resources, to promote environmental awareness, and to enforce the District’s environmental and natural resource laws” in its place.

(3) Paragraph (6) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) Paragraph (7) is amended by striking the period and inserting the phrase “; and” in its place.

(5) A new paragraph (8) is added to read as follows:

“(8) Serve as the trustee for natural resources for the District.”.

SUBTITLE B. EXPANDING PROTECTION FOR AMPHIBIANS AND INVERTEBRATES

Sec. 411. Section 1 of An Act To revise and modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 22-4328), is amended by striking the phrase “As used in this section the term “wild animals” includes, without limitation, mammals, birds, fish, and reptiles not ordinarily domesticated.” and inserting the phrase “As used in this section the term “wild animals” includes not-ordinarily-domesticated mammals, birds, fish, amphibians, invertebrates, and reptiles.” in its place.

TITLE V. CONFORMING AMENDMENT

Sec. 501. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-11) to read as follows:

“(b-11) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), and (b-10), this act shall apply to all adjudicated cases involving the modification, suspension, revocation, or denial of a permit issued under section 207 of the Fisheries and Wildlife Omnibus Amendment Act of 2016, passed on 2nd reading on

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December 6, 2016 (Enrolled version of Bill 21-386), and all adjudicated cases involving the denial, revocation, or suspension of an authorization under section 303 of the Fisheries and Wildlife Omnibus Amendment Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-386).”.

TITLE VI. CONSTRUCTION; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 601. Construction.

Nothing in this act shall be construed to affect an action or proceeding commenced before the effective date of this act.

Sec. 602. Fiscal impact statement.

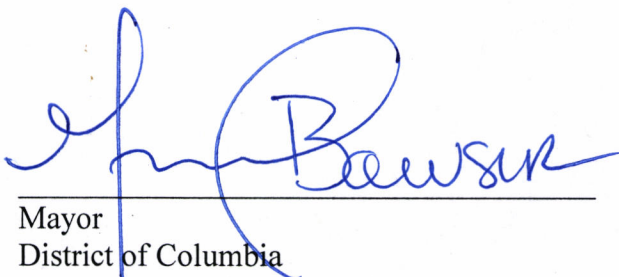
The Council adopts the fiscal impact statement contained in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 603. 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 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(2), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-676

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To amend the Vital Records Act of 1981 to establish a procedure for reporting a decedent’s gender identity or expression on the decedent’s certificate of death, to exempt a funeral director completing the certificate of death from liability for damages or costs arising from a claim related to the reporting of the decedent’s gender identity or expression unless the claim was the result of the funeral director’s error, to establish a procedure for an individual to pre-designate the individual’s gender identity or expression with the Registrar of Vital Records before the individual’s death, to allow any person to file a petition in the Superior Court of the District of Columbia seeking an order of the court to determine the gender identity or expression to be recorded on the decedent’s certificate of death, and to provide for amendments to a certificate of death.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Death Certificate Gender Identity Recognition Amendment Act of 2016”.

Sec. 2. The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-201) is amended by adding a new paragraph (7B) to read as follows:

“(7B) “Gender identity or expression” shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(12A)).”

(b) Section 12 (D.C. Official Code § 7-211) is amended as follows:

(1) New subsections (a-1), (a-2), (a-3), and (a-4) are added to read as follows:

“(a-1)(1) The decedent’s gender identity or expression shall be reported to the funeral director or person acting as such by any person with the right to control the disposition of the remains of the decedent, the location and conditions of interment, and arrangements for funeral goods and services pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

“(2) The funeral director or person acting as such shall not be liable for any damages or costs arising from a claim related to the reporting of the decedent’s gender identity or

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expression on the certificate of death unless the claim was the result of an error made by the funeral director or person acting as such.

“(a-2)(1) The Registrar shall establish a procedure by which an individual may pre-designate the individual’s gender identity or expression as the individual wishes it to be reported on the individual’s certificate of death.

“(2) A pre-designation under this subsection shall be filed with the Registrar.

“(a-3) Upon the filing of a certificate of death by the funeral director or person acting as such, the Registrar shall check the decedent’s reported sex under subsection (a-1) of this section against the pre-designation of gender identity or expression filed under subsection (a-2) of this section. If there is a conflict between the decedent’s reported sex and the pre-designated gender identity or expression, the Registrar shall amend the certificate of death to list the decedent’s sex as the pre-designated gender identity or expression.

“(a-4)(1) If a decedent did not pre-designate the decedent’s gender identity or expression with the Registrar under subsection (a-2) of this section, any person may challenge the gender identity or expression reported to the funeral director or person acting as such under subsection (a-1) of this section, within 10 days after the certificate of death has been filed by the Registrar, by filing a petition in the Superior Court of the District of Columbia seeking an order of the Court to determine the gender identity or expression to be recorded on the certificate of death.

“(2) In determining the gender identity or expression to be recorded on a decedent’s certificate of death under paragraph (1) of this subsection, the Court may consider testimony, documentation that memorializes the decedent’s gender transition, or any other evidence of the decedent’s gender identity or expression. Documents that memorialize a decedent’s gender transition include:

“(A) Written instructions from the decedent;

“(B) A court order approving a name or gender change;

“(C) A statement, signed under the penalty of law, by a licensed healthcare provider who treated or evaluated the decedent, stating that:

“(i) The decedent underwent surgical, hormonal, or other treatment appropriate for the decedent for the purpose of gender transition, based on contemporary medical standards; or

“(ii) The decedent had an intersex condition, and that in the healthcare provider’s professional opinion, the decedent’s gender designation should be changed; or

“(D) Documentation of a change to the decedent’s gender marker on a certificate of birth, driver’s license or state identification card, social security record, or passport.

“(3) The Registrar shall amend the decedent’s certificate of death to reflect the Court’s order.

“(4)(A) An amended certificate of death shall:

“(i) Be substituted for the original certificate of death; and

“(ii) Not be marked "amended" or on its face show that a change in gender identity or expression has been made;

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“(B) The original certificate of death, along with any documents submitted pursuant to this subsection, shall be sealed and made available only upon an order of the court.”.

(2) Subsection (e) is amended by striking the phrase “death certificate” and inserting the phrase “certificate of death” in its place.

(3) Subsection (f) is amended by striking the phrase “death certificate” and inserting the phrase “certificate of death” in its place.

(4) Subsection (h) is amended by striking the phrase “death certificate” wherever it appears and inserting the phrase “certificate of death” in its place.

(5) Subsection (i) is amended by striking the phrase “death certificate” and inserting the phrase “certificate of death” in its place.

(6) Subsection (j) is amended by striking the phrase “death certificate” and inserting the phrase “certificate of death” 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 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
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-677

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To assist in the successful reintegration of those with a criminal history by removing barriers to securing adequate housing accommodations, to restrict a housing provider’s inquiry into a housing applicant’s pending criminal accusation or prior conviction until after a conditional offer of housing is made, to allow a housing provider to consider an applicant’s pending criminal accusation or criminal conviction only if the conviction occurred during the last 7 years and only with respect to specific crimes, to ensure criminal record-screening policies achieve substantial, legitimate, non-discriminatory interests, to authorize the Office of Human Rights to adjudicate complaints filed under this act, to establish penalties, and to provide for immunity.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fair Criminal Record Screening for Housing Act of 2016”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Applicant” means any person considered for, who requests to be considered for, or who intends to request to be considered for tenancy within a housing accommodation.

(2) “Arrest” shall have the same meaning as provided in section 2(2) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341(2)).

(3) “Conditional offer” means an offer to rent or lease a rental unit to an applicant that is:

(A) Contingent on the housing provider’s subsequent inquiry into the applicant’s criminal record; or

(B) Contingent on any other eligibility criteria that the housing provider may utilize.

(4) “Conviction” means a verdict or plea of guilty or nolo contendere.

(5) “Housing accommodation” shall have the same meaning as provided in section 103(14) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(14)).

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(6) "Housing provider" shall have the same meaning as provided in section 103(15) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(15)).

(7) "Inquiry" shall have the same meaning as provided in section 2(8) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341(8)).

(8) "Pending criminal accusation" shall mean "criminal accusation" as that term is defined in section 2(5) of the Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341(5)).

(9) "Rental unit" shall have the same meaning as provided in section 103(33) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.03(33)).

Sec. 3. Inquiries into certain arrests, accusations, and convictions.

(a) A housing provider may not make an inquiry about or consider a previous arrest of the applicant if the arrest did not result in a conviction.

(b)(1) Before making a conditional offer, a housing provider may not make an inquiry about or require an applicant to disclose or reveal a pending criminal accusation or criminal conviction.

(2) Notwithstanding paragraph (1) of this subsection, a housing provider may have an applicant complete and sign all required paperwork authorizing the housing provider to perform an inquiry or any other check related to the eligibility criteria the housing provider may use in deciding whether to rent or lease to an applicant.

(c)(1) Before accepting an application fee, a housing provider must disclose, in writing, to the applicant:

(A) The eligibility criteria, including the financial, employment, criminal, and rental history criteria, used in deciding whether to rent or lease to the applicant; and

(B) A statement that the applicant may provide evidence demonstrating inaccuracies within the applicant's criminal record or evidence of rehabilitation or other mitigating factors.

(d) After making a conditional offer, a housing provider may only consider a pending criminal accusation or criminal conviction that has occurred within the past 7 years when the pending criminal accusation or criminal conviction is for one or more of the following crimes, whether committed in the District of Columbia or any other state, or the United States:

(1) Arson under section 820 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-301);

(2) Burning one's own property with intent to defraud or injure another under section 821 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-302);

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(3) Malicious burning, destruction, or injury of another's property under section 848 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1327; D.C. Official Code § 22-303);

(4) Burglary under section 823 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-801);

(5) Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse under section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-401);

(6) Assault with intent to commit mayhem or with dangerous weapon under section 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402);

(7) Aggravated assault under section 806a of An Act To establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 22-404.01);

(8) Mayhem or maliciously disfiguring under section 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-406);

(9) Making, drawing, or uttering check, draft, or order with intent to defraud under An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22-1510);

(10) Attempt to commit a crime under section 906 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; D.C. Official Code § 22-1803), if the attempt is to commit a crime listed in this subsection;

(11) Conspiracy to commit a crime under section 908A of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1805a), if the conspiracy is to commit a crime listed in this subsection;

(12) Trafficking in labor or commercial sex acts under section 103 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833);

(13) Sex trafficking of children under section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834);

(14) Kidnapping under section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001);

(15) Murder in the first degree under section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101);

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(16) Murder in the first degree under section 799 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2102);

(17) Murder in the second degree under section 800 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2103);

(18) Manslaughter as penalized under section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105);

(19) Murder of law enforcement officer under section 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10-256; D.C. Official Code § 22-2106);

(20) Solicitation of murder or other crime of violence as penalized under section 802b of An Act To establish a code of law for the District of Columbia, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-2107);

(21) Abducting, enticing, or harboring a child for the purpose of prostitution; harboring such child under section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704);

(22) Robbery under section 810 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2801);

(23) Attempt to commit robbery under section 811 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2802);

(24) First degree sexual abuse under section 201 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002);

(25) Second degree sexual abuse under section 202 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3003);

(26) First degree child sexual abuse under section 207 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3008);

(27) Second degree child sexual abuse under section 208 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3009);

(28) First degree sexual abuse of a minor under section 208a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.01);

(29) Second degree sexual abuse of a minor under section 208b of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.02);

(30) First degree sexual abuse of a ward, patient, client, or prisoner under section 212 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3013);

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(31) Second degree sexual abuse of a ward, patient, client, or prisoner under section 213 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3014);

(32) First degree sexual abuse of a patient or client under section 214 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3015);

(33) Second degree sexual abuse of a patient or client under section 215 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3016);

(34) Acts of terrorism under section 103 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3153);

(35) Manufacture or possession of a weapon of mass destruction under section 104 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3154);

(36) Use, dissemination, or detonation of a weapon of mass destruction under section 105 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3155);

(37) Fraud under section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221);

(38) Credit card fraud under section 123 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3223);

(39) Insurance fraud in the first degree under section 125b of the District of Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12-273; D.C. Official Code § 22-3225.02);

(40) Insurance fraud in the second degree under section 125c of the District of Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12-273; D.C. Official Code § 22-3225.03);

(41) Forgery under section 141 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3241);

(42) Prohibited acts A under section 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code § 48-904.01), excluding subsection (d)(1) of this section;

(43) Prohibited acts B under section 402 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code § 48-904.02);

(44) Prohibited acts C under section 403 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code § 48-904.03);

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(45) Prohibited acts D under section 411 of the District of Columbia Uniform Controlled Substances Act of 1981, effective June 13, 1990 (D.C. Law 8-138; D.C. Official Code § 48-904.03a);

(46) Distribution to minors under section 406 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code § 48-904.06);

(47) Enlistment of minors to distribute under section 407 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code § 48-904.07); and

(48) Attempt or conspiracy to commit a crime under section 409 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code § 48-904.09), if the attempt or conspiracy is to commit a crime listed in this subsection.

(e)(1) A housing provider may withdraw a conditional offer based on an applicant's pending criminal accusation or a criminal conviction that has occurred within the past 7 years under subsection (d) of this section only if the housing provider determines, on balance, that the withdrawal achieves a substantial, legitimate, nondiscriminatory interest.

(2) The housing provider's determination of such an interest must be reasonable in light of the following factors:

(A) The nature and severity of the criminal offense;

(B) The age of the applicant at the time of the occurrence of the criminal offense;

(C) The time which has elapsed since the occurrence of the criminal offense;

(D) Any information produced by the applicant, or produced on the applicant's behalf, in regard to the applicant's rehabilitation and good conduct since the occurrence of the criminal offense;

(E) The degree to which the criminal offense, if it reoccurred, would negatively impact the safety of the housing provider's other tenants or property; and

(F) Whether the criminal offense occurred on or was connected to property that was rented or leased by the applicant.

(f)(1) If a housing provider withdraws a conditional offer, the housing provider shall provide the applicant with written notification that includes, with specificity, the reason or reasons for the withdrawal of the conditional offer and a notice that advises the applicant of the applicant's right to file an administrative complaint with the Office of Human Rights.

(2)(A) The applicant may request, within 20 days after the housing provider's notice of the withdrawal, that the housing provider afford the applicant a copy of all information that the housing provider relied upon in considering the applicant, including criminal records.

(B) A housing provider shall provide the information requested under subparagraph (A) of this paragraph, free of charge, within 10 days after receipt of a timely request.

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(g) Nothing in this section shall be construed to allow a housing provider to make an inquiry about or require an applicant to disclose or reveal a pending criminal accusation or criminal conviction of an individual under 18 years of age who will reside in the rental unit.

Sec. 4. Exclusions.

This act shall not apply:

- (1) To a housing provider that owns and occupies a housing accommodation that includes 3 or fewer rental units;
- (2) Where a federal law or regulation or District law requires the consideration of an applicant's criminal history for the purposes of obtaining a housing accommodation; or
- (3) Where a federal law or regulation or District law otherwise allows for denial of an applicant due to certain criminal convictions.

Sec. 5. Filing a complaint with the Office of Human Rights; exclusive remedy.

(a) A person claiming to be aggrieved by a violation of this act may file an administrative complaint with the Office of Human Rights within one year after the unlawful discriminatory act, or discovery thereof, in accordance with the procedures set forth in Title III of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38, D.C. Official Code § 2-1403.01 *et seq.*)

(b) A person claiming to be aggrieved by a violation of this act shall have no private cause of action in any court based on a violation of this act.

Sec. 6. Penalties.

(a) If the Office of Human Rights determines that there is probable cause to believe that a violation of this act has occurred, the Office of Human Rights shall certify the complaint to the Commission on Human Rights, who may impose the following penalties, of which half shall be awarded to the complainant and half shall be awarded to the District of Columbia and deposited into the General Fund of the District of Columbia:

- (1) For a housing provider that supplies one to 10 rental units in the District of Columbia, a fine of up to \$1,000;
- (2) For a housing provider that supplies 11 to 20 rental units in the District of Columbia, a fine of up to \$2,500; or
- (3) For a housing provider that supplies 21 or more rental units in the District of Columbia, a fine of up to \$5,000.

(b) The fines set forth in subsection (a) of this section may be doubled for any housing provider that:

- (1) Violates this act more than twice within a calendar year; or
- (2) Fails to implement a corrective action ordered by the Commission on Human Rights within 90 days after the corrective action is ordered.

(c) For any violation that occurs within 6 months after the date this act applies, the Commission on Human Rights shall issue warnings and orders to correct.

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Sec. 7. Reporting requirements.

Beginning December 31, 2018, and on an annual basis thereafter, the Office of Human Rights shall submit a report to the Council of the District of Columbia that includes:

- (1) The number of complaints filed pursuant to this act during the reporting period;
- (2) The number of investigations that the Office of Human Rights has conducted during the reporting period and the disposition of every complaint and investigation;
- (3) The business characteristics of the housing providers against whom complaints were filed during the reporting period, including:
 - (A) The number of rental properties that the housing provider owns; and
 - (B) The number of rental units in each housing accommodation that the housing provider owns.

Sec. 8. Public education requirements.

(a) Within 120 days after the date this act applies, the Office of Human Rights shall develop a public education curriculum based on the requirements of this act.

(b) Within 45 days after the public education curriculum is developed under subsection (a) of this section, the Office of Human Rights shall begin training housing providers and residents, particularly those with criminal records.

- (c)(1) The Office of Human Rights shall develop model language for the following:
- (A) Notices of eligibility criteria for applicants;
 - (B) Requests for information about a pending criminal accusation or criminal conviction; and
 - (C) Notices of withdrawals of conditional offers.

(2) The model language developed under paragraph (1) of this subsection shall be posted on the Office of Human Rights' website.

Sec. 9. Immunity.

A housing provider shall have immunity from any claims related to actual or constructive knowledge of an applicant's pending criminal accusation or criminal conviction obtained as a result of an inquiry under this act; provided, that the applicant became a tenant or occupant of the housing provider's housing accommodation.

Sec. 10. Rules.

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

Sec. 11. Applicability.

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

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(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. 12. Fiscal impact statement.

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

Sec. 13. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED

February 15, 2017

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AN ACT
D.C. ACT 21-678

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To amend Title 25 of the District of Columbia Official Code to make amendments to the law regulating the sale, transportation, and consumption of alcoholic beverages, including to define a bed and breakfast and establish the requirements to permit one to serve alcohol, clarify the entities that can apply for a club license, define a full-service grocery store and establish the requirements to permit one to serve alcohol, to establish 2 new categories of off-premises licenses for entities that are not open to the public and that sell alcoholic beverages through the Internet only, to revise notice requirements for certain entities, to define and prohibit the sale of powdered alcohol, to require an owner or licensed manager of a retailer’s, manufacturer’s, or wholesaler’s license to carry identification and to produce it upon request from an investigator with the Alcoholic Beverage Regulation Administration or a member of the Metropolitan Police Department, and to clarify that the prohibition against drinking an alcoholic beverage in a street, alley, park, sidewalk, or parking area does not apply to an event that is licensed by the Alcoholic Beverage Control Board.

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

Sec. 2. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 25-101 is amended as follows:

(A) A new paragraph (9A) is added to read as follows:

“(9A) “Bed and breakfast” means an establishment with fewer than 30 guest rooms, a dining room in the same or a connected building, and where breakfast is included in the price of a sleeping room.”.

(B) Paragraph (15) is amended by striking the phrase “owning, leasing, or occupying a building” and inserting the phrase “a limited liability company, or partnership owning, leasing, or occupying a building” in its place.

(C) A new paragraph (22A) is added to read as follows:

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“(22A) “Full-service grocery store” means a self-service retail establishment independently owned or part of a corporation operating a chain of retail establishments under the same trade name that is licensed as a grocery store under § 47-2827 that:

“(A) Offers for sale a full line of food products that includes at least 6 of the 7 following food categories:

- “(i) Fresh fruits and vegetables;
- “(ii) Fresh and uncooked meats, poultry, and seafood;
- “(iii) Dairy products;
- “(iv) Canned foods;
- “(v) Frozen foods;
- “(vi) Dry groceries and baked goods; or
- “(vii) Non-alcoholic beverages;

“(B) May include related service departments, such as a bakery, pharmacy, or florist, or departments that offer household products or sundries; and

“(C)(i)(I) Has a minimum of 50% of the store’s square footage of selling area dedicated to the sale of the food categories listed in subparagraph (A) of this paragraph; or

“(II) Has a minimum of 6,000 square feet of the store’s selling area dedicated to the sale of the food categories listed in subparagraph (A) of this paragraph; and

“(III) Sets aside a minimum of 5% of the store’s selling area dedicated for the sale of the food items listed in subparagraph (A) of this paragraph.

“(ii) For the purposes of this subparagraph, the term “selling area” means the area in a retail establishment that is open to the public. The term “selling area” does not include storage areas, preparation areas, or rest rooms.”.

(D) Paragraph (24B) is amended by striking the phrase “64 fluid ounces of beer” and inserting the phrase “64 fluid ounces of beer or wine” in its place.

(E) A new paragraph (38A) is added to read as follows:

“(38A) “Powdered alcohol” means an alcoholic beverage product that is manufactured into a powdered or crystalline form.”.

(F) Paragraph (53) is amended by striking the phrase “of the bearer.” and inserting the phrase “of the bearer; provided, that an official military identification card issued by an agency of government need not contain a signature if it contains the name, date of birth, and photograph of the bearer.” in its place.

(2) Section 25-110(a)(1)(A)(ii) is amended by striking the phrase “barrels and sealed bottles” and inserting the phrase “barrels, cans, kegs, and sealed bottles” in its place.

(3) Section 25-112 is amended as follows:

(A) Subsection (a-1)(1) is amended by striking the phrase “may also sell beer in growlers” and inserting the phrase “may also sell beer or wine in growlers” in its place.

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

“(d)(1) There shall be 4 classes of off-premises retailer’s licenses:

“(A) A retailer’s license, class A, shall authorize a licensee to sell spirits,

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beer, and wine.

“(B) A retailer’s license, class B, shall authorize a licensee to sell beer and wine.

“(C) A retailer’s license, class IA, shall authorize a licensee that only operates as an Internet retailer and does not have a physical location open to the public to sell spirits, beer, and wine.

“(D) A retailer’s license, class IB, shall authorize a licensee that only operates as an Internet retailer and does not have a physical location open to the public to sell beer and wine.

“(2) At the next class A retailer’s license renewal, the Board shall convert an existing Internet off-premises retailer that does not have a physical location open to the public to one of the 2 new Internet retailer license categories, as described in paragraph 1(C) and (D) of this subsection.”

(C) A new subsection (d-1) is added to read as follows:

“(d-1) Notwithstanding any other provision or restriction in this title, the holder of a class B retailer’s license located inside of a hotel with no public access to the street or the outside of the hotel’s building may sell single containers of beer, malt liquor, or ale, excluding miniatures, in sizes of 70 ounces or less.”

(4) Section 25-113 is amended as follows:

(A) Subsection (a) is amended by adding a new paragraph (5) to read as follows:

“(5)(A) Except as provided in subparagraph (B) of this paragraph, a licensee of an on-premises retailer’s license, class C or D, shall not purchase alcoholic beverages from an off-premises retailer’s license, class A or B.

“(B) The licensee of an on-premises retailer’s license, class C or D, may purchase alcoholic beverages from an off-premises retailer’s license, class A, on Saturday, Sunday, or holiday during the hours when licensees under a wholesaler’s license are closed.”

(B) Subsection (f)(2) is amended to read as follows:

“(2) No license shall be issued to a club that has not been incorporated for at least 3 months immediately before the filing of an application for the license.”

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

“(k)(1) A bed and breakfast license shall be issued to a bed and breakfast that serves food only to registered guests, and their guests.

“(2) The license shall allow the service of alcoholic beverages to registered guests, and their guests, only for on-premises consumption in their private rooms or in the dining room, lounge, banquet hall, or other similar facility on the licensed premises.

“(3) The cost of alcoholic beverages served to registered guests, and their guests, shall be included by the licensee in the registered guest’s room fee or with the cost of a meal.

“(4) There shall be 2 classes of bed and breakfast licenses:

“(A) Class C/B (spirits, beer, and wine); and

“(B) Class D/B (beer and wine).”

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(5) Section 25-113a is amended as follows:

(1) Subsection (b) is amended by striking the phrase "class A or B" both times it appears and inserting the phrase "class A, B, or C" in its place.

(2) Subsection (c) is amended by striking the phrase "class A or B" both times it appears and inserting the phrase "class A, B, or C" in its place.

(6) Section 25-117 is amended as follows:

(A) Subsection (a-1) is amended by adding a new sentence at the end to read as follows:

"The holder of a brew pub permit may also sell beer brewed at the brew pub location licensed by the Board to patrons in barrels, cans, kegs, sealed bottles, or other closed containers for off-premises consumption."

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

"(e) A licensee holding brew pub permits at separate locations in the District shall be permitted to transport beer manufactured at one brew pub facility to another brew pub facility owned by the licensee for sale and consumption."

(7) Section 25-118 is amended as follows:

(A) Subsection (a) is amended by striking the phrase "manufacturer's license, class A or B, or a retailer's license, class A or B," and inserting the phrase "manufacturer's license, class A, B, or C, a retailer's license, class A or B, or a wholesaler's license, class A or B," in its place.

(B) New subsections (f), (g), and (h) are added to read as follows:

"(f)(1) The holder of a wholesaler's license, class A, may utilize a portion of the licensed premises for the sampling of beer, wine, and spirits, and the holder of a wholesaler's license, class B, may utilize a portion of the licensed premises for the sampling of beer, during its approved hours of operation.

"(2) Wholesaler tastings shall:

"(A) Not be open to the public;

"(B) Be for the purpose of educating staff and introducing products to licensees: and

"(C) Be limited to the following:

"(i) Retailers;

"(ii) Manufacturers;

"(iii) Temporary and festival license holders;

"(iv) Solicitors; and

"(v) Wholesaler staff.

"(3) The Board may approve the holder of a wholesaler's license, class A or B, that has obtained a tasting permit for its licensed premises to conduct tastings not open to the public at a designated common area of a storage facility where the wholesaler is a tenant.

"(g) The Board may issue a tasting permit to a private collector to conduct tastings not open to the public at a designated common area of a storage facility where the private collector is a tenant.

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“(h) For the purposes of this section, the term “storage facility” means a bonded warehouse in the District of Columbia licensed by the Board for the storage of alcoholic beverages.”.

(8) Section 25-126 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “class A or B” and inserting the phrase “class A, B, or C” in its place.

(B) Subsection (e) is amended by striking the word “primarily”.

(9) Section 25-128(a) is amended by striking the phrase “class A or B” and inserting the phrase “class A, B, or C” in its place.

(b) Section 25-211 is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase “90-day period of review.” and inserting the phrase, “90-day period of review, excluding days of Council recess.” in its place.

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

“(d) Any regulations promulgated under this section shall become effective 5 days after being published in the District of Columbia Register.”.

(c) Chapter 3 is amended as follows:

(1) Section 25-303 is amended as follows:

(A) Subsection (a)(2) is amended by striking the phrase “class C or D, or a caterer’s license.” and inserting the phrase “class C or D, a pub crawl license, as defined by regulation, or a caterer’s license.” in its place.

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

“(f) The requirements of this section shall not apply to an applicant for an off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if the:

“(1) Establishment will be located inside of a hotel and will have no direct public access to the street or the outside of the hotel’s building;

“(2) Other license held by the applicant is a hotel, restaurant, or tavern retailer’s license that is also located within the same hotel as the establishment’s proposed location;

“(3) Establishment’s sale of alcoholic beverages constitutes no more than 25% of the total volume of gross receipts on an annual basis; and

“(4) Opinion of the ANC, if any, has been given great weight.”.

(2) Section 25-311 is amended by adding a new subsection (e) to read as follows:

“(e) The definition of full-service grocery store as set forth in § 25-101(22A) shall apply to license applications being considered by the Board for approval that were submitted on or after January 14, 2013.”.

(3) Section 25-314(b) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “caterer’s, or temporary license” and inserting the phrase “caterer’s, bed and breakfast, or temporary license” in its place.

(B) New paragraphs (6) and (7) are added to read as follows:

“(6) The 400-foot restriction shall not apply to an application for a retailer’s

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license, class IA or IB.

“(7) The 400-foot restriction shall not apply to an applicant for a retailer’s license, class B, if the applicant’s establishment will be located inside of a hotel and will have no direct public access to the street or the outside of the hotel’s building.”.

(4) Section 25-331 is amended as follows:

(A) Subsection (b) is amended by striking the number “300” and inserting the number “275” in its place.

(B) New subsections (e), (f), and (g) are added to read as follows:

“(e) Off-premises retailer’s licenses, class IA, shall not be counted toward the quota set forth in subsection (a) of this section.

“(f) Off-premises retailer’s licenses, class IB, shall not be counted toward the quota set forth in subsection (b) of this section.

“(g) The quotas set forth in subsection (a) and subsection (b) of this section shall not prohibit the issuance of a license for an off-premises retailer’s license, class IA or IB.”.

(5) Section 25-332 is amended as follows:

(A) Subsection (a)(1) is amended to read as follows:

“(a)(1) The Board may issue new off-premises retailer’s class B licenses if the Board finds that the number of retailer’s class B licenses is less than the quota set forth in § 25-331(b).”.

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

“(e) The moratorium shall not apply to an applicant for a 25% off-premises retailer’s license, class B, for the sale of alcoholic beverages in an establishment if the:

“(1) Establishment’s sale of alcoholic beverages constitutes no more than 25% of the total volume of gross receipts on an annual basis;

“(2) Establishment is located in a C-1, C-2, C-3, C-4, or C-5 zone, or, if located within the Southeast Federal Center, in the SEFC/C-R zone;

“(3) Establishment files with the Board within 60 days after the end of each year, a statement of expenditures and receipts containing:

“(A) The total amount of receipts for the sale of alcoholic beverages, indicating the:

“(i) Amount received for the sale of alcoholic beverages;

“(ii) Amount received for the sale of food and items other than alcoholic beverages; and

“(iii) Percentage of the total amount of receipts represented by the amount;

“(B) A statement indicating the method used to compute the amounts and percentages; and

“(C) An affidavit, executed by the individual licensee, partner of an applicant partnership, or the appropriate officer of an applicant corporation, partnership, or limited liability company, attesting to the truth of the annual statement; and

“(4) The opinion of the ANC, if any, has been given great weight.”.

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(6) Section 25-333 is amended by adding a new subsection (e) to read as follows:

“(e) This section shall not prohibit the issuance of a retailer’s license, class B, if the applicant’s establishment will:

“(1) Be located inside of a hotel; and

“(2) Have no direct public access to the street or the outside of the hotel’s building.”.

(7) Section 25-336(d) is amended as follows:

(A) Paragraph (1) is amended by striking the word “or”.

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

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

“(3) A bed and breakfast license.”.

(d) Chapter 4 is amended as follows:

(1) Section 25-402(d) is amended as follows:

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

(i) Subparagraph (E) is amended by adding the word “and” at the end.

(ii) Subparagraph (F) is amended by striking the phrase “; and” and inserting a period in its place.

(iii) Subparagraph (G) is repealed.

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

“(4)(A) If cameras are required to be installed by the Board or in accordance with the establishment’s security plan or settlement agreement, the establishment shall ensure that:

“(i) The cameras utilized by the establishment are operational;

“(ii) Any footage of a crime of violence or a crime involving a gun is maintained for a minimum of 30 days; and

“(iii) The security footage is made available within 48 hours upon the request of ABRA or the Metropolitan Police Department.

“(B) If the licensee knows or reasonably should know that the cameras are not operational, the licensee shall notify the Board within 10 days of learning that the cameras are not operating and provide the Board with proof of corrective maintenance.”.

(2) Section 25-423 is amended by adding new subsections (g) and (h) to read as follows:

“(g) An applicant for a new or renewal license for a common carrier license for a passenger-carrying marine vessel that does not possess a physical location in the District of Columbia shall not be required to post the 2 notices required by this section.

“(h) An applicant for a new or renewal license for an off-premises license, class IA or IB, shall not be required to post the 2 notices required by this section; provided, that the notice shall be posted on the applicant’s website for the entire 45-day public comment period.”.

(e) Chapter 5 is amended as follows:

(1) Section 25-503 is amended by adding the following to the “OFF-PREMISES

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RETAILERS” category:

- “Internet retailer’s license (off-premises), class IA. \$2,600
- “(beer, wine and spirits)
- “Internet retailer’s license (off-premises), class IB. \$1,300
- “(beer and wine)”.

(2) Section 25-504 is amended as follows:

- (A) Designate the existing text as subsection (a).
- (B) A new subsection (b) is added to read as follows:

“(b) The minimum annual fees for a bed and breakfast license shall be for a:

- “(1) Class C/B license \$1,000; and
- “(2) Class D/B license \$650.”.

(f) Chapter 7 is amended as follows:

(1) Section 25-711 is amended by adding a new subsection (f) to read as follows:

“(f) While managing or working at a licensed establishment, the owner or licensed manager of a retailer’s, manufacturer’s, or wholesaler’s license shall carry a valid identification document on his or her person and shall show the identification document, upon request, to an ABRA investigator or a member of the Metropolitan Police Department.”.

(2) Section 25-722(c) is repealed.

(3) Section 25-726(b) is amended to read as follows:

“(b) A licensee under a retailer’s license shall ensure that all solid waste inside the property and in the outdoor spaces immediately surrounding the property are stored and containerized for collection in a manner that will not provide food, harborage, or breeding places for insects or rodents, or other animals, or create a nuisance or fire hazard.”.

(4) Section 25-736(a)(2) is amended by striking the phrase “for resale by the licensee”.

(5) Section 25-771 is repealed.

(6) Section 25-781 is amended as follows:

(A) Subsection (f) is amended by striking the phrase “Upon finding that a licensee has violated subsection (a), (b), or (c) of this section in the preceding,” and inserting the phrase “For violations of subsection (a), (b), or (c) of this section in the preceding” in its place.

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

“(g)(1) In determining whether a licensee has a prior violation for the purposes of subsection (f) of this section, the 4-year period is the 4 years immediately preceding the date of the incident or conduct in the case pending before the Board for which the licensee has been found liable of violating subsection (a), (b), or (c) of this section, either by an order of the Board, the Board’s acceptance of an offer-in-compromise, or the licensee’s payment of a fine.

“(2) A prior violation falls within the 4-year period if the date that the licensee was found liable of violating subsection (a), (b), or (c) of this section, either by an order of the Board, the Board’s acceptance of an offer-in-compromise, or the licensee’s payment of a fine, falls within the 4-year period.

“(3) For the purposes of this subsection, the term “offer-in-compromise” means a

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negotiation between the government and the respondent to settle the charges brought by the government for those violations committed by the respondent.”.

(7) Section 25-783 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “Upon finding that a licensee has violated subsection (a) or (b) of this section in the preceding” and inserting the phrase “For violations of subsection (a) or (b) of this section in the preceding” in its place.

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

“(c-1)(1) In determining whether a licensee has prior violations for the purposes of subsection (c) of this section, the 4-year period is the 4 years immediately preceding the date of the incident or conduct in the case pending before the Board for which the licensee has been found liable of violating subsection (a) or (b) of this section, either by an order of the Board, the Board’s acceptance of an offer-in-compromise, of the licensee’s payment of a fine.

“(2) A prior violation falls within the 4-year period if the date that the licensee was found liable of violating subsection (a) or (b) of this section, either by an order of the Board, the Board’s acceptance of an offer-in-compromise, or the licensee’s payment of a fine, falls within the 4-year period.

“(3) For the purposes of this subsection, the term “offer-in-compromise” means a negotiation between the government and the respondent to settle the charges brought by the government for those violations committed by the respondent.”.

(g) Chapter 8 is amended as follows:

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

“25-833. Tampering or refilling bottles.

“25-834. Powdered alcohol.

“25-835. Forged licenses.”.

(2) Section 25-828(a) is amended by striking the phrase “post a notice in a conspicuous place” and inserting the phrase “post 2 notices in conspicuous places” in its place.

(3) New sections 25-833, 25-834, and 25-835 are added to read as follows:

“§ 25-833. Tampering or refilling bottles.

“A licensee or the licensee’s employees shall not knowingly:

“(1) Misrepresent the brand of any alcoholic beverage sold or offered for sale;

“(2) Keep any alcoholic beverage other than in the bottle or container in which it was purchased;

“(3) Refill or partly refill any bottle or container of an alcoholic beverage;

“(4) Dilute or otherwise tamper with the contents of any bottle or container of an alcoholic beverage;

“(5) Remove or obliterate any label, mark, or stamp affixed to any bottle or container of an alcoholic beverage offered for sale; or

“(6) Deliver or sell the contents of any bottle or container of an alcoholic beverage that has had the label, mark, or stamp on it removed or obliterated.

“§ 25-834. Powdered alcohol.

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“(a) It shall be unlawful for a person to sell or offer to sell powdered alcohol.

“(b) A licensee under either an on-premises or off-premises retailer’s license shall not offer for sale powdered alcohol to a customer.

“(c) A person who violates this section shall be fined an amount of up to a maximum of \$1,000.

“§ 25-835. Forged licenses.

“(a) It shall be unlawful for a person to willfully or knowingly alter, forge, counterfeit, or endorse a document, or make use of any false or misleading document, reasonably calculated to deceive the public as being a genuine license issued by ABRA.

“(b) It shall be unlawful for a person to willfully or knowingly furnish to a member of the Metropolitan Police Department (“MPD”) or an ABRA investigator an altered, forged, counterfeited, endorsed, or false or misleading document reasonably calculated to deceive MPD or the ABRA investigator as being a genuine license issued by ABRA.

“(c) A person convicted of a violation of this section shall be fined no more than the amount set forth in § 22-3571.01, or incarcerated for no more than one year, or both.”

(h) Chapter 10 is amended as follows:

(1) Section 25-1001(b) is amended to read as follows:

“(b) Subsection (a)(1) of this section shall not apply if drinking or possession of an alcoholic beverage occurs:

“(1) In or on a structure that projects upon the parking, and which is an integral, structural part of a private residence, such as a front porch, terrace, bay window, or vault, by, or with the permission of, the owner or resident; or

“(2) At an event licensed by the Board.”

(2) Section 25-1002((b)(3) is amended by striking the phrase “of the individual.” and inserting the phrase “of the individual; provided, that a military identification card issued by an agency of government (local, state, federal, or foreign) shall be an acceptable form of valid identification whether or not it contains the individual’s signature.” in its place.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of 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.

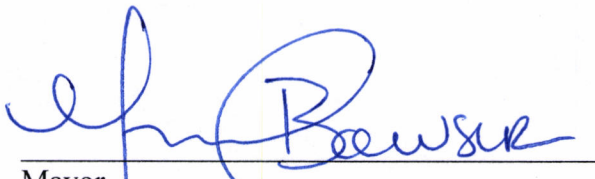
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-679

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To establish an Office of Out of School Time Grants and Youth Outcomes and a Commission on Out of School Time Grants and Youth Outcomes to support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers; to repeal the Children and Youth Initiative Establishment Act of 1999; and to amend the Confirmation Act of 1978 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016".

Sec. 2. Definitions.

(a) For the purposes of this act, the term:

(1) "At-risk" shall have the same meaning as provided in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)).

(2) "Commission" means the Commission on Out of School Time Grants and Youth Outcomes.

(3) "Local Education Agency" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

(4) "Office" means the Office of Out of School Time Grants and Youth Outcomes.

(5) "Out-of-school-time funding" means District funds that support out-of-school-time programs.

(6) "Out-of-school-time program" means a structured, supervised learning or youth development program offered to District youth before school, after school, on weekends, or during seasonal school breaks.

(7) "Youth" means an individual of 21 years of age or less who is eligible to enroll in a District primary or secondary school, or an individual of 22 years of age or less who is eligible to receive special education services from a local educational agency.

(8) "Youth development" means a programmatic or service delivery approach that engages youth within their communities, schools, organizations, peer groups, and families in a

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manner that is productive and constructive; recognizes, utilizes, and enhances youths' strengths; and promotes positive outcomes for youth by providing opportunities, fostering positive relationships, and furnishing the support needed to build on their strengths.

(9) "Youth development program" means a program or service that engages youth in a variety of social, emotional, educational, and recreational activities to promote improvements to their intellectual, behavioral, and physical well-being, consistent with a youth development approach.

Sec. 3. Office of Out of School Time Grants and Youth Outcomes; establishment.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes an Office of Out of School Time Grants and Youth Outcomes, subordinate to the Mayor.

(b) The mission of the Office is to improve the educational, social-emotional, and physical health outcomes of youth through participation in out-of-school-time programs.

(c) The Office shall be headed by a director, who shall be appointed by, and serve at the pleasure of, the Mayor.

Sec. 4. Office of Out of School Time Grants and Youth Outcomes; duties and authority.

(a) The duties of the Office shall be as follows:

(1) Guide the implementation of the District's strategic plan for out-of-school time programs and funding ("strategic plan"), developed by the Commission pursuant to section 8;

(2) Support the Commission in its duties outlined in section 8, including the drafting and publishing of the strategic plan;

(3) Gather and analyze data to improve equitable distribution of out-of-school-time programs and funding and to ensure high-quality, evidence-based out-of-school-time programs;

(4) Meaningfully engage youth, school-based personnel, parents, and key stakeholders throughout the community in the work of the Office and the Commission;

(5) Conduct an annual, community-wide needs assessment on out-of-school-time programs as directed by the Commission;

(6) Regularly update the Commission on the Office's activities, how those activities promote the goals and priorities of the strategic plan, and the Office's progress toward achieving the goals and priorities of the strategic plan;

(7) Provide technical assistance, training, and capacity building to governmental and nongovernmental bodies on best practices in youth development and other topics consistent with the Office's mission, as appropriate;

(8) Issue reports and recommendations consistent with the Office's mission, including an annual report on the community-wide needs assessment;

(9) Work to advance Commission-led efforts to improve collaboration, problem-solving, and cooperation among District agencies around out-of-school-time programs, funding, and outcomes; and

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(10) Develop, in collaboration with the Commission, plans for assessing the quality of out-of-school-time programs.

(b) The Office may issue grants to nongovernmental organizations providing out-of-school-time programs, in accordance with the strategic plan.

(c) The Office may charge fees for trainings provided pursuant to subsection (a)(7) of this section.

(d) The D.C. Auditor shall conduct an audit of the Office within 2 years of the issuance of the first grant by the Office, and shall conduct subsequent audits of the Office at least every 5 years thereafter.

Sec. 5. Office of Out of School Time Grants and Youth Outcomes; requirements for awarding grants.

(a) The Office shall publish rules to govern the award of grants consistent with this section and the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

(b)(1) Except as provided in paragraph (2) of this subsection, the Office shall award grants on a competitive basis to nonprofit organizations that provide out-of-school-time programs.

(2) The Office may award a grant to a nonprofit organization that does not provide out-of-school-time programs; provided, that:

(A) The grantee has a proven track record of success in grant-making;

(B) The grantee agrees to use 90% of the Office's grant to award subgrants to nonprofit organizations that provide out-of-school-time programs in accordance with the terms of this section and rules established by the Office; and

(C) The grantee agrees to undergo an annual audit and submit quarterly reports to the Office on its financial health and its use of the Office's grant.

(c) Grants shall be awarded in a manner consistent with the Commission's strategic plan for out-of-school-time programs and funding with particular attention to the strategic plan's goals and priorities for at-risk students, geographic distribution of out-of-school-time programs and funding, and program quality.

(d)(1) The Office shall establish a review process for awarding grants, which shall include the use of review panels to evaluate each grant application in an impartial manner.

(2) No more than half of a review panel's members may be employees or contractors of the Office or members of the Commission.

(3) No member of a review panel may have a conflict of interest that would render the reviewer unable to be impartial.

(e) Grants shall be awarded for terms of at least 3 years, subject to the availability of funding.

(f) The Office may not award a grant under this section in excess of \$1 million during a 12-month period, either singularly or cumulatively, unless the grant is first submitted to the Council for approval, in accordance with section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), or by act.

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(g) In addition to the reporting requirements in section 1097 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.16), on or before November 1 of each year, the Office shall submit to the Council and make publicly available an annual status report for all grants issued by, or on behalf of, the Office in the previous fiscal year, which shall include, for each grant:

- (1) Detailed information about the grantee and any subgrantees;
- (2) A description of the specific services provided to youth;
- (3) The name of the entity providing the services, if one other than the grantee;
- (4) The location of services and demographic profile of service recipients; and
- (5) The amount of grant funds dedicated to program costs and the amount

dedicated to other expenditures.

Sec. 6. Commission on Out of School Time Grants and Youth Outcomes; establishment.

(a) There is established a Commission on Out of School Time Grants and Youth Outcomes to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school-time programs and funding.

(b) The Commission shall consist of 21 members who represent key community stakeholder constituencies or are District agency administrative heads or their designees, including:

- (1) The Director of the Office of Out of School Time Grants and Youth
- Outcomes;
- (2) The Deputy Mayor for Education;
- (3) The State Superintendent of Education;
- (4) The Chancellor of the District of Columbia Public Schools;
- (5) The Executive Director of the Public Charter School Board;
- (6) The Director of the Department of Parks and Recreation;
- (7) The Chairperson of the Council committee with jurisdiction over matters

related to public education; and

- (8) At least 8 nongovernmental members, appointed in accordance with section 7.

(c) The Commission shall elect a chairperson and vice-chairperson from its membership.

(d) Nongovernmental members shall comprise a majority of the Commission.

(e) The Commission shall draft and publish rules of procedure for its operation including rules governing nominations and election of leadership, governance structure, meetings, and attendance.

Sec. 7. Commission on Out of School Time Grants and Youth Outcomes; nongovernmental members' appointment, terms.

(a)(1) The Mayor shall appoint the nongovernmental members of the Commission, with the advice and consent of the Council, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)).

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(2) The Mayor shall transmit to the Council, within 90 days of the effective date of this act, nominations for each nongovernmental member of the Commission, and thereafter upon a member’s resignation or the expiration of a member’s term;

(b) Nongovernmental members of the Commission shall be representative of the District’s various geographic neighborhoods and stakeholder constituencies, including consumers and providers of youth development programs, organizations that advocate for the needs of youth, and District higher education, philanthropic, workforce development, and cultural institutions; provided, that, at the time of appointment:

(1) At least one member is a consumer of youth development programs in the District; and

(2) At least 2 members are representatives of organizations providing youth development programs in the District.

(c)(1) Nongovernmental members shall serve regular terms of 3 years and may be reappointed for a single 3-year term; except that, of the members first appointed, the Mayor shall designate 4 to serve terms of 2 years.

(2) Notwithstanding paragraph (1) of this subsection, an individual who has served 2 consecutive regular terms on the Commission may serve additional regular terms consistent with this subsection after a break in service on the Commission of at least one year; provided, that no individual may serve more than 6 regular terms on the Commission.

(3) A member appointed to fill a vacancy shall be appointed only for the remainder of the predecessor’s term.

(4) A vacancy appointment shall not count toward the term-limits otherwise provided in this subsection.

Sec. 8. Commission on Out of School Time Grants and Youth Outcomes; duties and authority.

(a) The duties of the Commission shall be as follows:

(1) Set the goals and scope of an annual, community-wide needs assessment, which the Office shall conduct, to identify and prioritize needs for out-of-school-time programs and establish targets for out-of-school-time funding.

(2)(A) Within 12 months of the effective date this act, and at least every 3 years thereafter, draft and approve a strategic plan for out-of-school-time programs and funding (“strategic plan”) in the District that encourages interagency and community coordination and promotes equitable access for youth and families to high-quality youth development programs.

(B) The strategic plan shall draw on the data gathered and analyzed by the Office, including the annual community-wide needs assessment, to identify and resolve gaps in the distribution of out-of-school-time programs and funding, with a particular emphasis on at-risk students, geographic distribution of out-of-school-time programs and funding, and program quality.

(3) Review, on a regular basis, the efforts of the Office to fulfill the goals and priorities of the strategic plan.

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(4) Review, on a regular basis, the efforts of other relevant District agencies to cooperate in achieving the strategic plan, including review of the allocation of out-of-school-time funding in school budgets, to the extent such data is available, and how such allocation aligns with the need.

(5) Identify areas for improved collaboration, problem-solving, and cooperation among District agencies regarding out-of-school-time programs and funding.

(6) Inform and approve plans for assessing the quality of out-of-school-time programs developed by the Office.

(b) The Commission may use the personnel and resources of the Office, as needed, to accomplish its duties.

Sec. 9. Coordination of funding and reporting.

(a) Starting 24 months after the effective date of this act, the Office shall coordinate with the Department of Parks and Recreation, the Office of the State Superintendent of Education, District of Columbia Public Schools, and the Public Charter School Board to:

(1) Align out-of-school-time funding from the Department of Parks and Recreation, Office of the State Superintendent of Education, and local education agencies, where appropriate, to conform with the strategic plan developed by the Commission; and

(2) Streamline and standardize, where appropriate, the application, payment, and reporting processes for organizations seeking out-of-school-time funding from the Department of Parks and Recreation, Office of the State Superintendent of Education, and local education agencies.

(b)(1) Within 36 months of the effective date of this act, the Commission shall submit to the Mayor and the Council a report on the feasibility of expanding the Office's and Commission's coordination and standardization efforts to additional District agencies that fund or operate out-of-school-time programs, including the Department of Employment Services, Department of Human Services, Department of Behavioral Health, District of Columbia Public Library, Department of Youth Rehabilitative Services, Department of Health, and others as appropriate.

(2) The Commission shall publicize its recommendations, the rationale for the recommendations, and its plan, in partnership with the Office, to increase coordination.

Sec. 10. The Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1551 *et seq.*), is repealed.

Sec. 11. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) Paragraph (54) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (55) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (56) is added to read as follows:

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“(56) The Commission on Out of School Time Grants and Youth Outcomes established pursuant to the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-865).”.

Sec. 12. 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. 13. 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. 14. 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
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-680

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To authorize the issuance of tax increment financing Bonds to support certain infrastructure and site costs for a portion of the land located within the Bryant Street Tax Increment Financing Area and adjoining parcels.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bryant Street Tax Increment Financing Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) "Available Increment" shall have the same meaning as set forth in the Reserve Agreement.

(3) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code, inclusive of any penalties and interest charges.

(4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(5) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Bryant Street TIF Area in any fiscal year of the District minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Bryant Street TIF Area in the applicable base year.

(6) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

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(7) "Bonds" means the District of Columbia revenue Bonds, notes, or other obligations (including refunding Bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(8) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia established by section 424(a)(1) of the Home Rule Act.

(9) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(10) "Council" means the Council of the District of Columbia.

(11) "Debt Service" means principal, premium, if any, and interest on the Bonds.

(12) "Development Costs" has the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01(13)).

(13) "Development Sponsor" means Bryant Street Partners I, LLC, a Delaware limited liability company qualified to do business in the District of Columbia, or any other entity that undertakes the development of the project with the approval of the Mayor.

(14) "District" means the District of Columbia.

(15) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds, including any offering document, and any required supplements to any such documents.

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

(17) "Project" means the financing, refinancing, or reimbursing of Development Costs incurred for certain infrastructure and site development by the Development Sponsor within the Bryant Street TIF Area and adjoining parcels.

(18) "Reserve Agreement" means that Reserve Agreement, dated as of April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc.

(19) "TIF" means tax increment financing.

Sec. 3. Creation of the Bryant Street TIF Fund.

(a) There is established as a nonlapsing fund the Bryant Street TIF Fund. The Chief Financial Officer shall deposit into the Bryant Street TIF Fund the Available Tax Increment and any other taxes or fees specifically designated by law for deposit in the Bryant Street TIF Fund.

(b) The Mayor may pledge and create a security interest in the funds in the Bryant Street TIF Fund, or any sub-account within the Bryant Street TIF Fund, for the payment of debt service on the Bonds without further action by the Council as permitted by section 490(f) of the Home Rule Act. The payment of debt service shall be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the Bonds.

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(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the Bryant Street TIF Fund exceeds the amount of debt service (including prepayment of principal and interest), reserves on any Bonds, and any approved bond-related administrative expenses during the upcoming fiscal year, 50% of the excess shall be used to prepay the principal of the Bonds and the remaining 50% of the excess shall be transferred to the unrestricted balance of the General Fund of the District of Columbia.

Sec. 4. Creation of the Bryant Street TIF Area.

(a) There is created a TIF area designated as the Bryant Street TIF Area. The Bryant Street TIF Area is defined as follows:

Part of Record Lot 7 in Square 3629, District of Columbia, as the same is set forth on that certain Plat of Subdivision made May 29, 1984 by B&R Associates, a District of Columbia Limited Partnership, and recorded June 7, 1984 in Subdivision Book 175 at Page 143 among the Records of the Office of the Surveyor of the District of Columbia; said Lot 7 being the same land as conveyed to B&R Associates, a District of Columbia Limited Partnership, by Deed dated June 19, 1984 and Recorded July 3, 1984 as Instrument Number 2333 in the Office of the Recorder of Deeds of the District of Columbia; proposed Block 1-A being more particularly described as follows:

BEGINNING at a point on the easterly line of Lot 7 in Square 3629, being also the westerly line of former 7th Street, N.E., as closed in Book 145, Page 11 among the Records of the Office of the Surveyor of the District of Columbia, said point lying North 19°24'00" East, 214.50 feet (computed) from the intersection of said westerly line of former 7th Street, N.E. and the northerly line of Rhode Island Avenue, N.E. (width varies); thence departing said former 7th Street, N.E. and running in, through, over and across said Lot 7 in Square 3629 so as to include a portion thereof

- 1) Due WEST 273.14 feet to a point; thence;
- 2) Due NORTH 93.60 feet to a point of curvature; thence;
- 3) 41.65 feet along the arc of a curve to the right, said curve having a radius of 41.00 feet, delta angle of 58°12'07", tangent distance of 22.82 feet and a chord bearing and distance of North 29°06'04" East, 39.88 feet to a point of tangency; thence;
- 4) North 58°12'07" East, 20.98 feet to a point; thence;
- 5) Due WEST 71.78 feet to a point; thence;
- 6) Due NORTH, 36.88 feet to a point on the northerly line of aforementioned Lot 7 in Square 3629, being also the southerly line of Lot 803 in Square 3630; thence with said line;

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- 7) Due EAST, 65.77 feet to a point; thence continuing with said northerly line of Lot 7 in Square 3629 and said southerly line of Lot 803, Square 3630, and thereafter with the southerly line of Lot 810 in Square 3636;
- 8) North 58°20'20" East, 503.52 feet to the southeasterly corner of said Lot 810 in Square 3636, said point being also the northeast corner of said Lot 7 in Square 3629 and also lying on the westerly line of the aforementioned former 7th Street N.E.; thence with said westerly line of former 7th Street, N.E. and with the easterly line of said Lot 7 in Square 3629;
- 9) South 18°23'00" West, 178.19 feet to a point; thence;
- 10) South 22°35'00" West, 71.35 feet (by computation) 71.27 feet (be deed) to a point; thence;
- 11) South 19°52'00" West, 159.17 feet to a point; thence;
- 12) North 81°21'30" West, 28.09 feet (by computation) to a point; thence; and
- 13) South 19°24'00" West, 63.85 feet (by computation) to the point and place of beginning, containing 102,619 square feet or 2.35581 acres of land.

Proposed Block 1-B:

Part of Record Lot 7 in Square 3629, District of Columbia, as the same is set forth on that certain Plat of Subdivision made May 29, 1984 by B&R Associates, a District of Columbia Limited Partnership, and recorded June 7, 1984 in Subdivision Book 175 at Page 143 among the Records of the Office of the Surveyor of the District of Columbia; said Lot 7 being the same land as conveyed to B&R Associates, a District of Columbia Limited Partnership, by Deed dated June 19, 1984 and Recorded July 3, 1984 as Instrument Number 2333 in the Office of the Recorder of Deeds of the District of Columbia; proposed Block 1-B being more particularly described as follows:

BEGINNING at the southeast corner of Lot 7 in Square 3629, being also the intersection of the westerly line of former 7th Street, N.E., as closed in Book 145, Page 11 among the Records of the Office of the Surveyor of the District of Columbia, and the northerly line of Rhode Island Avenue, N.E. (width varies); thence departing said former 7th Street, N.E. and running with said northerly line of Rhode Island Avenue, N.E.

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- 1) South $65^{\circ}57'00''$ West, 155.86 feet to a point; thence departing said northerly line of Rhode Island Avenue, N.E. and running in, through, over and across said Lot 7 in Square 3629 so as to include a portion thereof;
- 2) North $24^{\circ}00'12''$ West, 91.14 feet to a point of curvature; thence;
- 3) 108.92 feet along the arc of a curve to the right, said curve having a radius of 260.00 feet, delta angle of $24^{\circ}00'12''$, tangent distance of 55.27 feet and a chord bearing and distance of North $12^{\circ}00'06''$ West, 108.13 feet to a point of tangency; thence;
- 4) Due NORTH, 76.82 feet to a point; thence;
- 5) Due EAST, 273.14 feet to a point on the easterly line of aforementioned Lot 7 in Square 3629, being also the westerly line of the aforementioned former 7th Street N.E.; thence with said westerly line of former 7th Street, N.E. and with the easterly line of said Lot 7 in Square 3629; and
- 6) South $19^{\circ}24'00''$ West, 214.50 feet (by computation) to the point and place of beginning, containing 52,164 square feet or 1.19752 acres of land.

Proposed Block 2-B:

Part of Record Lot 7 in Square 3629, District of Columbia, as the same is set forth on that certain Plat of Subdivision made May 29, 1984 by B&R Associates, a District of Columbia Limited Partnership, and recorded June 7, 1984 in Subdivision Book 175 at Page 143 among the Records of the Office of the Surveyor of the District of Columbia; said Lot 7 being the same land as conveyed to B&R Associates, a District of Columbia Limited Partnership, by Deed dated June 19, 1984 and Recorded July 3, 1984 as Instrument Number 2333 in the Office of the Recorder of Deeds of the District of Columbia; proposed Block 2-B being more particularly described as follows:

BEGINNING at a point on the northerly line of Lot 7 in Square 3629, being also the southerly line of Lot 808 in Square 3630, said point lying due EAST, 671.20 feet from the easterly line of 4th Street, N.E. (90 feet wide); thence running with said northerly line of Lot 7 in Square 3629 and said southerly line of Lot 808, Square 3630, and thereafter with the southerly line of Lot 803 in Square 3630

- 1) Due EAST, 174.23 feet to a point; thence running in, through, over and across said Lot 7 in Square 3629 so as to include a portion thereof;
- 2) Due SOUTH, 36.88 feet to a point; thence;

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- 3) Due EAST, 71.78 feet to a point; thence;
- 4) South 58°12'07" West, 20.98 feet to a point of curvature; thence;
- 5) 41.65 feet along the arc of a curve to the left, said curve having a radius of 41.00 feet, delta angle of 58°12'07", tangent distance of 22.82 feet and a chord bearing and distance of South 29°06'04" West, 39.88 feet to a point of tangency; thence;
- 6) Due SOUTH, 93.60 feet to a point; thence;
- 7) Due WEST, 130.44 feet to a point of curvature; thence;
- 8) 25.35 feet along the arc of a curve to the left, said curve having a radius of 61.00 feet, delta angle of 23°48'52", tangent distance of 12.86 feet and a chord bearing and distance of South 78°05'34" West, 25.17 feet to a point of tangency; thence
- 9) South 66°11'08" West, 58.71 feet to a point, thence; and
- 10) Due NORTH, 205.28 feet to the point and place of beginning, containing 37,020 square feet or 0.84986 of an acre of land.

Proposed Block 5-B:

Part of Record Lot 7 in Square 3629, District of Columbia, as the same is set forth on that certain Plat of Subdivision made May 29, 1984 by B&R Associates, a District of Columbia Limited Partnership, and recorded June 7, 1984 in Subdivision Book 175 at Page 143 among the Records of the Office of the Surveyor of the District of Columbia; said Lot 7 being the same land as conveyed to B&R Associates, a District of Columbia Limited Partnership, by Deed dated June 19, 1984 and Recorded July 3, 1984 as Instrument Number 2333 in the Office of the Recorder of Deeds of the District of Columbia; AND part of Parcels 131/17, 131/37, 131/38, 131/190 and 131/213, being part of the same land as conveyed to MRP 600 RI, LLC by Deed Recorded January 1, 2016 as Instrument Number 3375 in the Office of the Recorder of Deeds of the District of Columbia; said part of Parcels 131/17, 131/37, 131/38, 131/190 and 131/213 being known for purposes of Assessment and Taxation at the date hereof, as Lots 813 and 814 in Square 3629, pursuant to Assessment and Taxation Plat 3732-D, recorded among said Records of the Office of the Surveyor, DC; proposed Block 5-B being more particularly described as follows:

BEGINNING at the southeast corner of Lot 814 in Square 3629, being also a point on the northerly line of Rhode Island Avenue, N.E. (width varies), said point lying South 65°57'00" West, 538.84 feet from the intersection of said northerly line of Rhode Island Avenue, N.E. with the westerly line of former 7th Street, N.E., as closed in Book 145, Page 11 among the Records of the Office of the Surveyor of the District of Columbia; thence running with said

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northerly line of Rhode Island Avenue, N.E. and with the southerly line of Lot 814 in Square 3629, and thereafter with the southerly line of Lot 813 in Square 3629

- 1) South 65°57'00" West, 177.30 feet to a point; thence departing said northerly line of Rhode Island Avenue, N.E. and running in, through, over and across aforementioned Lot 813 in Square 3629 and thereafter running in, through, over and across aforementioned Lot 7 in Square 3629 so as to include a portion of both lots thereof
- 2) North 23°48'52" West, 195.69 feet to a point; thence;
- 3) North 58°37'36" East, 172.88 feet to a point; thence;
- 4) South 31°19'30" East, 27.90 feet to a point on the property line of aforementioned Lot 7 in Square 3629 and the northerly line of aforementioned Lot 814 in Square 3629; thence with said line of Lots 7 and 814 in Square 3629;
- 5) North 58°40'30" East, 1.50 feet to the northeast corner of said Lot 814 in Square 3629; thence departing said line of said Lot 7 in Square 3629 and running with the easterly line of said Lot 814 in Square 3629; and
- 6) South 24°03'00" East, 190.25 feet (by computation) 190.19 feet (by deed) to the point and place of beginning, containing 36,529 square feet or 0.83859 of an acre of land.

(b) As provided under section 3, the Available Tax Increment from the Bryant Street TIF Area shall be deposited in the Bryant Street TIF Fund and may be used for the purposes set forth in section 3.

(c)(1) The base year for determination of Available Sales Tax Revenues from locations within the Bryant Street TIF Area shall be the tax year preceding the year in which this act becomes effective.

(2) The base year for determination of Available Real Property Tax Revenues shall be the tax year of the District preceding the year in which act becomes effective 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 Bryant Street TIF Area for the preceding tax year in which this act becomes effective.

(d) The Bryant Street TIF Area shall terminate on the earlier of:

- (1) December 31, 2043;
- (2) The date on which the Bonds are paid in full or are defeased and are no longer outstanding; or
- (3) March 1, 2019, if no Bonds are issued.

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Sec. 5. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of Bonds in an aggregate principal amount not to exceed \$24 million to fund the project. The Bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 6.

(b) The proceeds of the Bonds shall be used as follows:

(1) An amount not to exceed \$18 million shall be used to pay Development Costs of the project; and

(2) The balance of the proceeds may be used to pay the financing costs incurred by the District and to fund capitalized interest and required reserves.

(c) The Mayor may pay from the proceeds of the Bonds the financing costs and expenses of issuing and delivering the Bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, credit enhancement, marketing, sale, and printing costs and expenses.

(d) The Bonds also may be issued as a TIF note to the Development Sponsor and may be held and used as security for debt incurred or to be incurred by the Development Sponsor, an agent of the Development Sponsor, or another party selected by the Development Sponsor and approved by the District.

Sec. 6. Payment and security.

(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the Bonds, and the payment of ongoing administrative expenses related to the bond financing shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts, and revenues realized by the District from the Bryant Street TIF Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, and other funds that, as provided in the Financing Documents, may be made available to the District for payment of the Bonds from sources other than the District, all as provided for in the Financing Documents.

(b) There is further allocated to the payment of debt service on the Bonds the Available Increment, subordinate to the allocation of Available Increment to the Budgeted Reserve, as defined in the Reserve Agreement, all as more fully described in the Reserve Agreement and to the extent that the Reserve Agreement continues to apply to the Available Increment, to be used for the payment of debt service on the Bonds to the extent that the revenues allocated in subsection (a) of this section are inadequate to pay debt service on the Bonds. The allocation of Available Increment authorized by this subsection shall be made in compliance with all existing contractual obligations of the District with respect to the Available Increment and shall terminate on the date on which all of the Bonds are paid or provided for and are no longer outstanding pursuant to their terms.

(c) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under

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the Financing Documents and Closing Documents to the trustee for the Bonds pursuant to the Financing Documents.

(d) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 7. Bond details.

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

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of any credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment, the Available Increment, and any other taxes and fees allocated to the Bryant Street TIF Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

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(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee or paying agent to be selected by the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

(g) The Bonds are declared to be issued for essential public and governmental purposes. The Bonds, the interest thereon, and the income therefrom, and all funds pledged or available to pay or secure the payment of the Bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(h) The District pledges, covenants, and agrees with the holders of the Bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the Bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the Bonds, will not in any way impair the rights or remedies of the holders of the Bonds, and will not modify, in any way, the exemptions from taxation provided for in this act, until the Bonds, together with interest thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the Bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the Bonds. This subsection constitutes a contract between the District and the holders of the Bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding Article 9 of Title 28 of the District of Columbia Official Code:

(1) A pledge made and security interest created in respect of the Bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

Sec. 8. Issuance of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering

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document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the Bonds.

(c) The Mayor is authorized to deliver executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

(e) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and Subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for the purposes of this act.

Sec. 9. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment, the Available Increment, and any other taxes or fees allocated to the Bryant Street TIF Fund), shall not constitute a debt of the District, and shall not constitute

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lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) No person, including, but not limited to, any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Reservation of debt service.

The Bonds may not be issued until the Council has appropriated an amount equal to one year's debt service on the Bonds.

Sec. 15. Expiration of issuance authority.

The authority to issue the Bonds shall expire on March 1, 2019; provided, that the expiration of the authority shall have no effect on any Bonds issued prior to the expiration date.

Sec. 16. Fiscal impact statement.

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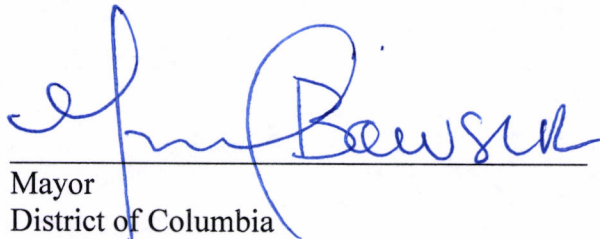
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 17. 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
February 15, 2017

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AN ACT

D.C. ACT 21-681

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To establish the District of Columbia State Athletics Commission as an independent agency, to reorganize the District of Columbia State Athletic Association to make it subordinate to the District of Columbia State Athletics Commission, and to authorize the District of Columbia State Athletic Association to implement and enforce the Mayor’s regulations governing the conduct of interscholastic athletics programs; and to amend the Confirmation Act of 1978, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, the Title IX Athletic Equity Act of 2015, and the State Athletic Activities, Programs, and Office Fund Act of 2013 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia State Athletics Consolidation Act of 2016”.

TITLE I. ESTABLISHMENT OF DISTRICT OF COLUMBIA STATE ATHLETICS COMMISSION AND REORGANIZATION OF THE DISTRICT OF COLUMBIA STATE ATHLETIC ASSOCIATION

Sec. 101. Short title.

This title may be cited as the “District of Columbia State Athletics Commission Establishment and State Athletic Association Reorganization Act of 2016”.

Sec. 102. Definitions.

For the purposes of this act, the term:

- (1) “Athletic appeals panel” means a review panel composed of 3 voting members of the District of Columbia State Athletics Commission.
- (2) “Athletic League” includes the District of Columbia Interscholastic Athletic Association or its successor, the Public Charter School Athletic Association or its successor, and any other collaborative of LEAs or schools the purpose of which is to organize interscholastic athletic completions against other members of the collaborative.
- (3) “Commission” means the District of Columbia State Athletics Commission.
- (4) “DCPS” means the District of Columbia Public Schools.
- (5) “DCSAA” means the District of Columbia State Athletic Association.

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(6) "DCSAA-sponsored sport" means a sport in which DCSAA hosts a state championship.

(7) "DCSAA-sanctioned competition" means an interscholastic athletic event or program governed by DCSAA membership standards.

(8) "Interscholastic athletics program" means all athletic activities or sports offered within a school, the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools.

(9) "Local education agency" or "LEA" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

(10) "Member school" means a public, public charter, parochial, or private school in the District that is a member of the DCSAA.

(11) "OSSE" means the Office of the State Superintendent of Education.

(12) "Participant" means an enrolled student who is attending a member school and who is listed on the tryout roster or official team roster of a school-sponsored athletic team that participates in the school's interscholastic athletics program.

(13) "Participant eligibility" means the status of a student's fitness to participate in a DCSAA-sanctioned competition based on both residency and academic requirements.

Sec. 103. District of Columbia State Athletics Commission; establishment; composition; terms; vacancies.

(a) There is established, as an independent agency, a commission to be known as the District of Columbia State Athletics Commission.

(b) The Commission shall consist of 9 voting members, appointed by the Mayor, with the advice and consent of the Council, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), and 6 ex-officio nonvoting members.

(c)(1) At least one of each of the following shall be appointed as a voting member of the Commission:

(A) A parent of a student enrolled in member public charter school located in the District;

(B) A parent of a student enrolled in a DCPS school;

(C) A parent of a student enrolled at a private or parochial member school located in the District;

(D) A member of the District of Columbia Interscholastic Athletic Association, or its successor; and

(E) A member of the Public Charter Interscholastic Athletic Association, or its successor, if a majority of public charter schools that offer interscholastic athletics programs are members of the DCSAA.

(2) Voting members shall be residents of the District of Columbia.

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(3)(A) Voting members shall serve regular terms of 4 years and may be reappointed for a single term of 4 years, except that of the members first appointed, the Mayor shall designate 3 to serve terms of 4 years, 2 to serve terms of 3 years, 2 to serve terms of 2 years, and 2 to serve a term of one year.

(B) The initial term for voting members shall begin on the date that a majority of the voting members are sworn in, which shall become the anniversary date for all subsequent appointments.

(C) Where a vacancy occurs for reasons other than the expiration of the voting member's term, the Mayor shall appoint, with the advice and consent of the Council, an individual to serve in the vacant position, taking into consideration the criteria of this subsection.

(D) Any voting member appointed to fill a vacancy shall be appointed only for the remainder of the predecessor's term.

(E) A vacancy appointment shall not count toward the term-limits otherwise provided in this paragraph.

(4) The Mayor shall not remove a voting member except for cause.

(d)(1) The ex-officio nonvoting members of the Commission shall be:

(A) The Director of OSSE, or his or her designee;

(B) The Chancellor of DCPS, or his or her designee;

(C) The Chair of the Public Charter School Board, or his or her designee;

(D) The Deputy Mayor for Education, or his or her designee;

(E) The Director of the Department of Parks and Recreation, or his or her designee; and

(F) The Director of the Department of General Services, or his or her designee.

(2) Nonvoting members shall support the Commission by providing information and advice related to interscholastic athletic programming and by advancing policies and programs consistent with the work of the Commission.

Sec. 104. Commission administration.

(a) The Commission shall choose annually from among its members a Chairperson and such other officers as it deems necessary. All meetings of the Commission shall be called by the Chairperson or a majority of the members, except the first meeting of the Commission shall be called by the Mayor.

(b) A majority of the Commission's voting members, not including any vacant or unfilled positions, shall constitute a quorum sufficient for conducting the business of the Commission.

(c)(1) The Commission shall meet at least quarterly.

(2) All meetings shall be held in the District, be open to the public, and provide a reasonable time during the meeting for public comment.

(3) A voting member's absence from 2 consecutive meetings or any 3 meetings in a calendar year shall be cause for removal.

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(d) Members of the Commission shall serve without compensation, but shall be entitled to receive, in accordance with applicable District of Columbia law, reimbursement for expenses incurred while actually performing duties vested in the Commission.

(e)(1) The Commission shall employ an Executive Director and may employ such other staff as necessary to support its efficient operation.

(2) The Commission shall appoint the Executive Director, who shall serve a 3-year term, by majority vote. The Executive Director may be reappointed by a majority vote. After notice and an opportunity to be heard, the Commission may remove the Executive Director only for cause that relates to the Executive Director's character or efficiency by a majority vote of the Commission.

(f) Within 100 days after the date on which a majority of the voting members are sworn in, the Commission shall adopt rules of governance and procedure pertaining to its operations and the operations of athletic appeals panels, which it shall make publicly available.

(g)(1) The Mayor shall provide funding for the Commission in the annual budget request to the Council as a separate program code within the budget request for OSSE.

(2) The Commission shall submit annual oversight and budget reports to the Council through OSSE.

(3) Nothing in this subsection shall be construed as granting OSSE power or authority over the Commission, the DCSAA, or their staff.

Sec. 105. Duties of the Commission.

The Commission shall:

- (1) Oversee the functions and operations of the DCSAA;
- (2) Recommend changes to and annually approve the DCSAA handbook;
- (3) Establish athletic appeals panels pursuant to section 106 and issue the final decisions of such panels;
- (4) Advise the Mayor, OSSE, and the Council on matters related to interscholastic athletics in the District and recommend rules to regulate interscholastic athletics programs and competitions; and
- (5) Take actions necessary and consistent with the laws of the District to implement its duties under this section.

Sec. 106. Commission athletic appeals panels.

(a) The Commission shall establish athletic appeals panels to hear appeals from LEA decisions related to participant eligibility and decisions of the DCSAA.

(b)(1) The Chairperson of the Commission shall appoint a separate athletic appeals panel for each matter brought before the Commission. Each panel shall be composed of 3 voting members.

(2) A voting member who represents an athletic league shall not hear an appeal to which a member of the same athletic league is a party.

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(3) A voting member of the Commission shall disclose a potential conflict of interest, as defined by the Commission in its rules of governance and procedure, in any matter before the Commission and shall not be appointed to an appeals panel for that matter.

(c) An athletic appeals panel shall hear all issues relating to an appeal de novo, except that the evidence before the panel shall be limited to the record made before the LEA or the DCSAA unless a party seeks to introduce relevant evidence that, in the exercise of reasonable diligence, it could not have produced during the initial hearing on the complaint or that was improperly excluded from the initial hearing on the complaint.

(d)(1) In a written decision, the Commission shall issue the decision of an athletic appeals panel affirming or denying the decision of an LEA or the DCSAA.

(2) The decision of the Commission shall be final.

Sec. 107. District of Columbia State Athletic Association; reorganization.

(a)(1) The District of Columbia State Athletic Association shall be established as an office under the direction and control of the Commission.

(2)(A) By October 1, 2018, but not before the first meeting of the Commission, the Mayor shall transfer to the DCSAA within the Commission such positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or assigned to the District of Columbia State Athletic Association or the State Athletic Office within OSSE, at which time such subordinate offices within OSSE shall be abolished.

(B) Nothing in this paragraph shall be construed as obligating the Commission or the DCSAA to employ personnel transferred pursuant to this paragraph for any period of time.

(3) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the OSSE relating to functions transferred to the DCSAA pursuant to this section shall remain in effect according to their terms until lawfully amended, repealed, or modified.

(b)(1) The Executive Director of the Commission shall serve as Director of the DCSAA.

(2) Subject to the direction and supervision of the Commission, the Director of the DCSAA shall:

(A) Manage the budget and operations of the DCSAA in a manner that reflects DCSAA's mission;

(B) Provide administrative support to the Commission;

(C) Be the personnel authority for DCSAA employees;

(D) Employ a General Counsel, who shall serve as chief legal advisor to the DCSAA, and such other subordinate staff consistent with the needs and budget of the DCSAA; and

(E) Regularly report on the DCSAA's activities to the Commission.

(3) The Executive Director of the Commission shall not serve as a voting or ex-officio member of the Commission or on an athletic appeals panel.

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Sec. 108. District of Columbia State Athletic Association; purpose; mission; duties.

(a) The purpose of the DCSAA is to provide leadership and support for interscholastic athletics programs in the District.

(b) The mission of the DCSAA is to:

- (1) Ensure that interscholastic athletics programs are compatible with the educational mission of member schools;
- (2) Provide for fair competition between member schools;
- (3) Promote sportsmanship and ethical behavior for participants, coaches, administrators, officials, and spectators;
- (4) Promote gender equity and equal access to athletic opportunity; and
- (5) Protect the physical well-being of participants and promote healthy adolescent lifestyles.

(c) The DCSAA shall:

- (1) Support the duties of the Commission;
- (2) Set and enforce membership standards; provided, that such standards shall be consistent with existing District laws and regulations;
- (3) Certify member schools' coaches and event officials;
- (4) Possess exclusive jurisdiction over the implementation and enforcement of the Mayor's rules and regulations governing the conduct of interscholastic athletics programs, including regulations related to participant eligibility; provided, that nothing in this subparagraph shall be construed as limiting or affecting the power of the Commission to issue a final decision on an appeal to an appeals panel;
- (5) Ensure member school compliance with applicable District laws and regulations related to participant health and safety;
- (6) Develop and offer training guidance on the health, safety, and wellness of participants pursuant to national best practices;
- (7) Sanction competitions and establish seasons for DCSAA-sponsored sports;
- (8) Enforce the Title IX Athletic Equity Act of 2015, effective October 21, 2015 (D.C. Law 21-29; D.C. Official Code § 38-841.05);
- (9) Annually publish and distribute a handbook containing the playing rules, codes of conduct, sanctions, and guidelines for every DCSAA-sponsored sport; provided, that except as otherwise approved by the Commission, the DCSAA handbook shall incorporate the playing rules, codes of conduct, sanctions, and guidelines contained in the National Federation of State High School Associations' ("NFHS") Rules Books;
- (10) Except as otherwise provided by law or regulation, hear and decide complaints as authorized in section 112;
- (11) Administer the State Athletic Activities, Programs, and Office Fund established by section 4033 of the State Athletic Activities, Programs, and Office Fund Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 38-2672); and

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(12) Take actions consistent with the responsibilities outlined in this subsection, DCSAA's mission, and governing laws and regulations.

Sec. 109. District of Columbia State Athletic Association; membership.

(a) All schools in the DCPS system with an interscholastic athletics program serving grades 9 to 12 shall be members of DCSAA and subject to its membership standards.

(b) A public charter, parochial, or private school in the District with an interscholastic athletics program serving grades 9 to 12 that agrees to abide by DCSAA's membership standards and applicable District laws and regulations governing interscholastic athletics programs may become a DCSAA member and shall be subject to its membership standards.

(c) The DCSAA shall develop and offer training guidance on District regulations necessary to achieve or maintain membership.

Sec. 110. District of Columbia State Athletic Association; coach and event official qualifications.

(a) The DCSAA shall administer knowledge examinations for coaches and event officials of each DCSAA-sponsored sport no less than 4 times each year.

(b)(1) To qualify as a coach or event official for a DCSAA-sponsored sport, an individual shall have passed a DCSAA-administered knowledge examination for the sport in the last 5 years or demonstrate knowledge of the sport sufficient for DCSAA to waive the examination requirement.

(2) Knowledge exams shall be based on the National Federation of State High School Associations' sports knowledge exams.

(c) The DCSAA shall collect and maintain records related to the certification and qualifications of member schools' coaches and event officials.

Sec. 111. District of Columbia State Athletic Association; participant eligibility documentation.

(a) The DCSAA shall collect and maintain from member schools:

(1) Participant eligibility lists;

(2) Waivers of participant eligibility;

(3) Member school or LEA decisions on participant eligibility;

(4) Documentation of penalties a member school or LEA has imposed for eligibility violations; and

(5) Policies on participant eligibility, the eligibility decision-making process, and penalties for eligibility violations.

(b) The DCSAA shall issue guidance to member schools on best practices for participant eligibility policies, decision-making, and record-keeping.

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Sec. 112. District of Columbia State Athletic Association; complaint resolution.

(a) The DCSAA shall hear and decide complaints:

(1) Related to its membership standards;

(2) Arising under the DCSAA handbook; or

(3) Related to participant eligibility arising between a DCPS and non-DCPS member school participating in a DCSAA-sanctioned competition or arising between a member school and non-member school participating in a DCSAA-sanctioned competition.

(b) The parties to a complaint shall comply with DCSAA requests for information related to the allegations in the complaint.

(c) The DCSAA shall issue written findings in support of any decision issued pursuant to this section.

(d) Nothing in this section shall be construed as authorizing the DCSAA to hear or decide:

(1) Appeals from participant eligibility decisions issued by a member school or LEA; or

(2) Complaints wherein the parties have failed to exhaust existing administrative remedies.

(e) A party may appeal a DCSAA decision issued under this section to an athletic appeals panel.

Sec. 113. Rules governing interscholastic athletics programs.

Within 120 days after the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code 2-501 *et. seq.*), shall issue rules, consistent with this act, governing interscholastic athletics programs in the District.

TITLE II. CONFORMING AMENDMENTS.

Sec. 201. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) Paragraph (53) is amended by striking phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (54) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (55) is added to read as follows:

“(55) The District of Columbia State Athletics Commission established pursuant to the District of Columbia State Athletics Commission Establishment and State Athletic Association Reorganization Act of 2016, passed on 2nd reading on December 6, 2016 (Enrolled version of Bill 21-601).”

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Sec. 202. Section 406(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)), is amended as follows:

(a) Paragraph (23) is amended by striking the phrase “; and” at the end and inserting a semicolon in its place.

(b) Paragraph (24) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (25) is added to read as follows:

“(25) For the Director of the District of Columbia State Athletic Association (“DCSAA”), the personnel authority shall be the District of Columbia State Athletics Commission, and for any other employee of the DCSAA, the personnel authority shall be the Director of the DCSAA.”.

Sec. 203. The Title IX Athletic Equity Act of 2015, effective October 21, 2015 (D.C. Law 21-29; D.C. Official Code § 38-841 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-841.01) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “DCSAA” means the District of Columbia State Athletic Association.”.

(b) Section 4 (D.C. Official Code § 38-841.03) is amended as follows:

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

(A) Strike the phrase “to OSSE” and insert the phrase “to DCSAA” in its place.

(B) Strike the phrase “OSSE-approved” wherever it appears and insert the phrase “DCSAA-approved” in its place.

(2) Subsection (d) is amended by striking the acronym “OSSE” both times it appears and inserting the acronym “DCSAA” in its place.

(c) Section 6(a) (D.C. Official Code § 38-841.05(a)) is amended by striking the acronym “OSSE” both times it appears and inserting the acronym “DCSAA” in its place.

(d) Section 8 (D.C. Official Code § 38-841.07) is amended by striking the acronym “OSSE” both times it appears and inserting the acronym “DCSAA” in its place.

Sec. 204. The State Athletic Activities, Programs, and Office Fund Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 38-2671 *et seq.*), is amended as follows:

(a) Section 4032 (D.C. Official Code § 38-2671) is amended as follows:

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

“(a) Notwithstanding any other provision of law, the District of Columbia State Athletic Association (“DCSAA”) may enter into written agreements for advertisements and sponsorships for a DCSAA-sponsored competition to supplement local funding of the DCSAA.”.

(2) Subsection (b) is repealed.

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(3) Subsection (h) is amended by striking the phrase “The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section to the credit of OSSE” and inserting the phrase “All cash proceeds received from advertisements and sponsorships pursuant to this section shall be deposited to the credit of DCSAA” in its place.

(b) Section 4033 (D.C. Official Code § 38-2672) is amended as follows:

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

“(a) There is established as a special fund the State Athletic Activities, Programs, and Office Fund ("Fund"), which shall be used solely as provided in subsection (b) of this section, and which shall be administered by the DCSAA.”.

(2) Subsection (b)(1) is amended by striking the phrase “Statewide Director of Athletics” and inserting the phrase “Director of the DCSAA” in its place.

(3) Subsection (c)(2) is amended by striking the phrase “SAO or DCSAA, or both” and inserting the phrase “DCSAA” in its place.

TITLE III. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. 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. 302. Fiscal impact statement.

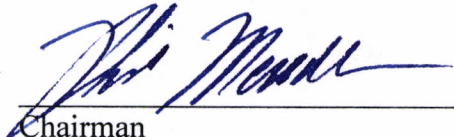
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 303. Effective date.


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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

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AN ACT
D.C. ACT 21-682

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2017

To establish a paid-leave system for individuals employed in the District of Columbia; and to amend the Office of Administrative Hearings Establishment Act of 2001, the D. C. Family and Medical Leave Act of 1990, and the Universal Paid Leave Implementation Fund Act of 2016 to make conforming amendments.

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

Title I. Establishment of Paid-Leave Program

Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) “Average weekly wage” means the total wages subject to contribution under section 103 earned by an eligible individual during the 4 out of the 5 quarters immediately preceding the qualifying event during which the eligible individual’s wages were highest, divided by 52.
- (2) “Bonding” means the formation of a close emotional and psychological relationship between a parent or primary caregiver and an infant or child.
- (3) “Covered employee” means an employee of a covered employer:
 - (A) Who spends more than 50% of his or her work time for that employer working in the District of Columbia; or
 - (B) Whose employment for the covered employer is based in the District of Columbia and who regularly spends a substantial amount of his or her work time for that covered employer in the District of Columbia and not more than 50% of his or her work time for that covered employer in another jurisdiction.
- (4) “Covered employer” means:
 - (A) Any individual, partnership, general contractor, subcontractor, association, corporation, business trust, or any group of persons who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of an employee and is required to pay unemployment insurance on behalf of its

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employees by section 3 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-103); provided, that the term "covered employer" shall not include the United States, the District of Columbia, or any employer that the District of Columbia is not authorized to tax under federal law or treaty; or

(B) A self-employed individual who has opted into the paid-leave program established pursuant to this act.

(5) "D.C. FMLA" means the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*).

(6) "Eligible individual" means a person whose claim for paid-leave benefits is not based on employment for the United States, the District of Columbia, or an employer that the District of Columbia is not authorized to tax under federal law or treaty, who meets the requirements of this act and regulations issued pursuant to this act and:

(A) Has been a covered employee during some or all of the 52 calendar weeks immediately preceding the qualifying event for which paid leave is being taken; or

(B) Is a self-employed individual who has:

(i) Opted into the paid-leave program established pursuant to this act; and

(ii) Earned self-employment income for work performed more than 50% of the time in the District of Columbia during some or all of the 52 calendar weeks immediately preceding the qualifying event for which paid leave is being taken.

(7) "Family member" means:

(A) A biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or a person to whom an eligible individual stands in loco parentis;

(B) A biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to an eligible individual when the eligible individual was a child;

(C) A person to whom an eligible individual is related by domestic partnership, as defined by section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)), or marriage;

(D) A grandparent of an eligible individual; or

(E) A sibling of an eligible individual.

(8) "Health care provider" shall have the same meaning as provided in section 2(5) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(5)).

(9) "Intermittent leave" means paid leave taken in increments of no less than one day, rather than for one continuous period of time.

(10) "Open enrollment period" means:

(A) The first 90 days after the date on which the Mayor, pursuant to section 103, begins to collect contributions to the Universal Paid Leave Implementation Fund;

(B) The 60 days following the commencement of business in the District of Columbia by a self-employed individual; or

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(C) Beginning with calendar year 2020 and in each calendar year thereafter, the months of November and December.

(11) "Paid-leave benefits" means the monetary benefits provided pursuant to this act.

(12) "Qualifying family leave" means paid leave for up to a maximum amount of 6 workweeks within a 52-workweek period that an eligible individual may take in order to provide care or companionship to a family member because of the occurrence of a qualifying family leave event.

(13) "Qualifying family leave event" means the diagnosis or occurrence of a serious health condition of a family member of an eligible individual.

(14) "Qualifying medical leave" means paid leave for up to a maximum of 2 workweeks within a 52-workweek period that an eligible individual may take following the occurrence of a qualifying medical leave event.

(15) "Qualifying medical leave event" means the diagnosis or occurrence of a serious health condition of an eligible individual.

(16) "Qualifying parental leave" means paid leave for up to a maximum of 8 workweeks within a 52-workweek period that an eligible individual may take within one year of the occurrence of a qualifying parental leave event.

(17) "Qualifying parental leave event" means events, including bonding, associated with:

(A) The birth of a child of an eligible individual;

(B) The placement of a child with an eligible individual for adoption or foster care; or

(C) The placement of a child with an eligible individual for whom the eligible individual legally assumes and discharges parental responsibility.

(18) "Retaliate" means to:

(A) Commit any form of intimidation, threat, reprisal, harassment, discrimination, or adverse employment action, including discipline, discharge, suspension, transfer or assignment to a lesser position in terms of job classification, job security, or other condition of employment;

(B) Reduce pay or hours or deny an individual additional hours;

(C) Inform another employer that the person has engaged in activities protected by this act; or

(D) Report, or threaten to report, the actual or suspected citizenship or immigration status of an employee, former employee, or family member of an employee or former employee, to a federal, state, or local agency.

(19) "Self-employment income" means gross income earned from carrying on a trade or business as a sole proprietor, an independent contractor, or a member of a partnership.

(20) "Serious health condition" means a physical or mental illness, injury, or impairment that requires inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision at home by a health care provider or other competent individual. For the purposes of this definition:

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(A)(i) The term “treatment” includes, but is not limited to, examinations to determine if a serious health condition exists and evaluations of the condition.

(ii) Treatment does not include routine physical examinations, eye examinations, or dental examinations.

(iii) A regimen of continuing treatment such as the taking of over-the-counter medications, bed rest, or similar activities that can be initiated without a visit to a health care provider is not, by itself, sufficient to constitute continuing treatment for the purposes of this act.

(B) The term “inpatient care” is the care of a patient in a hospital, hospice, or residential medical care facility for the duration of one overnight period or longer, or any subsequent treatment in connection with such inpatient care.

(C) The term “incapacity” means inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.

(D) Conditions for which cosmetic treatments are administered are not serious health conditions; provided, that procedures related to an individual’s gender transition shall not be considered cosmetic treatments for the purposes of this subparagraph.

(E) A serious health condition involving continuing treatment by a health care provider means any one or more of the following:

(i) A period of incapacity of more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

(I) Treatment of 2 or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider. For the purposes of this sub-subparagraph, “extenuating circumstances” means circumstances beyond an individual’s control that prevent the follow-up visit from occurring as planned by the health care provider;

(II) The first, or only, in-person treatment visit within 10 days after the first day of incapacity if extenuating circumstances exist; or

(III) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider;

(ii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(I) Requires 2 or more periodic visits annually for treatment by a health care provider or by a nurse under direct supervision of a health care provider;

(II) Continues over an extended period of time, which shall include recurring episodes of a single underlying condition; and

(III) May cause episodic rather than a continuing period of incapacity;

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(iii) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The family member of an eligible individual must be under continuing supervision of, but need not be receiving active treatment by, a health care provider; or

(iv) Any period of absence to receive multiple treatments (including any period of recovery from the treatments) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(I) Restorative surgery after an accident or other injury; or

(II) A condition that would likely result in a period of incapacity of more than 3 consecutive, full calendar days in the absence of medical intervention or treatment.

(21) "Uniform Paid Leave Implementation Fund" means the Uniform Paid Leave Implementation Fund established by section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775).

(22) "Wages" shall have the same meaning as provided in section 1(3) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(3)); provided, that the term "wages" also shall include self-employment income earned by a self-employed individual who has opted into the paid-leave program established pursuant to this act.

Sec. 102. Establishment of a paid-leave program; rules.

(a) The Mayor shall establish a paid-leave program to administer the paid-leave benefits provided for in this act.

(b)(1) Within 180 days after the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day period, the proposed rules shall be deemed approved.

Sec. 103. Contributions to the Universal Paid Leave Implementation Fund

(a) A covered employer shall contribute an amount equal to 0.62% of the wages of each of its covered employees to the Universal Paid Leave Implementation Fund in a manner prescribed by the Mayor.

(b) A covered employer who is a self-employed individual who has opted-in to the paid-leave program established pursuant to this act shall contribute an amount equal to 0.62% of his or her annual self-employment income to the Universal Paid Leave Implementation Fund in a manner prescribed by the Mayor.

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(c) Within 180 days after the effective date of this act, the Mayor shall provide public notice to covered employers regarding the manner in which the Mayor shall collect contributions to the Universal Paid Leave Implementation Fund.

(d) By July 1, 2019, the Mayor shall begin to collect contributions to the Universal Paid Leave Implementation Fund from covered employers.

(e) Upon a self-employed individual's becoming a covered employer by opting into the paid-leave program established pursuant to this act, the Mayor shall provide notice to that individual regarding the manner in which contributions to the Universal Paid Leave Implementation Fund shall be collected from the individual.

(f) A covered employer who fails to contribute any amount required by this section to the Universal Paid Leave Implementation Fund shall be subject to the same notice requirements, procedures, interest, penalties, and remedies set forth in section 4 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 948, D.C. Official Code § 51-104).

Sec. 104. Duration and amount of benefits.

(a) Upon the occurrence of a qualifying family leave event, qualifying medical leave event, or qualifying parental leave event, an eligible individual may file a claim for benefits to be paid pursuant to this act.

(b) After the occurrence of a qualifying family leave event, qualifying medical leave event, or qualifying parental leave event, an eligible individual shall wait one week during and for which no benefits are payable before being entitled to receive payment of his or her paid-leave benefits; provided, that regardless of the number of qualifying events for which an eligible individual files a claim for paid-leave benefits, he or she shall only have one waiting period during and for which no benefits are payable within a 52-week period.

(c) Following the filing of a claim and the one-week waiting period, if applicable, an eligible individual shall be entitled to receive payment of his or her paid-leave benefits; provided, that the payment of such benefits shall be made in the amount and manner set forth in the Mayor's initial determination made pursuant to section 106, as modified by the result of any appeal brought pursuant to section 108, and otherwise shall be subject to the provisions of this act.

(d) An eligible individual may submit a claim for payment of his or her paid-leave benefits for a period during which he or she does not perform his or her regular and customary work because of the occurrence of a qualifying family leave event, qualifying medical leave event, or qualifying parental leave event; provided, that an eligible individual shall not be entitled to receive payment for more than 8 workweeks total of paid-leave benefits in a 52-workweek period regardless of the number of qualifying leave events that occurred during that period.

(e) The International Classification of Diseases, Tenth Revision (ICD-10), or subsequent revisions by the World Health Organization to the International Classification of Diseases, along with the health care provider or caretaker assessments, shall be used to determine the appropriate length of paid family leave an eligible individual is entitled to, up to a maximum of 6

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workweeks, based on the serious health condition of the eligible individual's family member, or medical leave an eligible individual is entitled to, up to a maximum of 2 workweeks, based on the serious health condition of the eligible individual.

(f) An eligible individual may receive payment for intermittent leave; provided, that the total amount of intermittent leave shall not exceed 6 workweeks in a 52-workweek period for a qualifying family leave event, 2 workweeks in a 52-workweek period for a qualifying medical leave event, or 8 workweeks in a 52-workweek period for a qualifying parental leave event.

(g)(1) An eligible individual who earns an average weekly wage that is equal to or less than 150% of the District's minimum wage multiplied by 40 shall be entitled to weekly paid-leave benefits that shall equal 90% of that eligible individual's average weekly wage.

(2) An eligible individual who earns an average weekly wage that is greater than 150% of the District's minimum wage multiplied by 40 shall be entitled to payment of weekly paid-leave benefits that shall equal:

(A) 90% of 150% of the District's minimum wage multiplied by 40; plus

(B) 50% of the amount by which the eligible individual's average weekly wage exceeds 150% of the District's minimum wage multiplied by 40; provided, that no eligible individual shall be entitled to payment of paid-leave benefits at a rate in excess of the maximum weekly benefit amount.

(3) If an eligible individual has multiple sources of income, his or her wages may be combined to determine his or her average weekly wage; provided, that if an individual's combined wages result in an average weekly wage more than the maximum weekly benefit amount, the individual shall be entitled to no more than the maximum weekly benefit amount.

(4) Medical, family, and parental leave benefits for partial weeks of leave shall be prorated.

(5) Before October 1, 2021, the maximum weekly benefit amount shall be \$1,000.

(6)(A) On October 1, 2021, and on October 1 of each successive year, the maximum weekly benefit amount provided in this subsection shall increase in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers, Washington-Baltimore Metropolitan area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year; provided, that the Chief Financial Officer of the District of Columbia shall certify that funds are sufficient in the Universal Paid Leave Implementation Fund each year before the maximum weekly benefit amount increases pursuant to this paragraph.

(B) Any increase under this paragraph shall be adjusted to the nearest multiple of \$1.

(h) By September 30, 2017, and quarterly thereafter, the Mayor shall submit to the Council a project plan that explains in detail the timeline, including specific dates by which milestones of the project will be accomplished, for the development of all software necessary to administer the paid-leave system established pursuant to this act.

(i) By December 30, 2017, and quarterly thereafter, the Mayor shall submit to the Council a requirements document that explains in detail the requirements needed in order to

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develop all software necessary to administer the paid-leave system established pursuant to this act.

(j) By July 1, 2020, the Mayor shall commence the payment of paid-leave benefits provided for in this act.

(k) Covered employers are not responsible for collecting or tracking any taxes from individuals related to paid-leave payments received pursuant to this act from the District of Columbia government.

Sec. 105. Self-employed individuals.

(a)(1) An individual who earns self-employment income and who opts into the paid-leave program established pursuant to this act shall remain continuously enrolled in the program until such time as he or she elects to opt out; provided, that an individual who earns self-employment income who has opted into the program may only opt out of the program during an open enrollment period.

(2) If an individual who earns self-employment income has chosen not to opt into the paid-leave program established pursuant to this act, he or she shall only be permitted to enroll, or re-enroll, in the program during an open enrollment period in a manner prescribed by the Mayor and shall make contributions to the Universal Paid Leave Implementation Fund for no less than 3 consecutive years.

(b) If an individual who earns self-employment income withdraws from the paid-leave program established pursuant to this act 2 or more times, he or she shall be barred from re-enrolling in the program for a period of 5 years from the date of his or her withdrawal from the program.

(c) Beginning on January 1, 2020, an individual who earns self-employment income who previously opted out of or withdrew from the paid-leave program established pursuant to this act shall not be eligible to receive benefits pursuant to this act for the first year after enrolling or reenrolling in the program.

(d)(1) If an individual who earns self-employment income does not make a timely payment required by this act, the District shall notify the individual of the payment due. After notice has been given, and if payment is not received, the individual shall be disenrolled and shall not be eligible for paid-leave benefits pursuant to this act.

(2) An individual who has been disenrolled pursuant to this subsection may re-enroll consistent with requirements of this section following the payment of any amounts due to the District pursuant to this act.

Sec. 106. Administration of the paid-leave program.

(a) The Mayor shall establish reasonable procedures and forms for filing claims for benefits under this act and shall specify the supporting documentation necessary to support a claim for benefits, including, for qualifying family leave or qualifying medical leave, proof of a serious health condition and the length of leave expected based on industry standards used by health care professionals to label diagnosis of medical conditions and treatments.

(b) Claims for paid-leave benefits shall be made in accordance with this act and any regulations that the Mayor may prescribe for administration of the program established pursuant

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to this act; provided, that, for qualifying family leave, the Mayor shall require an applicant to affirm that he or she will be taking the leave in order to provide care or companionship for a family member with a serious health condition and submit a description of the care or companionship to be provided.

(c) The Mayor shall notify the eligible individual's employer within 3 business days of the filing of a claim for benefits under this act.

(d) No later than 10 business days after an eligible individual files a claim for benefits under this act, the Mayor shall make, and notify an individual of, an initial determination as to:

- (1) Whether an eligible individual may receive benefits pursuant to this act;
- (2) The weekly amount of benefits payable to the eligible individual;
- (3) The date on which payment to the eligible individual shall commence;
- (4) The number of weeks for which the eligible individual shall receive benefits

and the dates on which the corresponding payments shall be made; provided, that the Mayor shall employ the International Classification of Diseases, Tenth Revision (ICD-10), or any subsequent revision by the World Health Organization to the International Classification of Diseases, along with health care provider or caretaker assessments, when making this determination for purposes of qualifying family leave or qualifying medical leave; and

(5) The right to appeal to the Office of Administrative Hearings if an eligible individual does not agree with one or more of the determinations made by the Mayor pursuant to this subsection.

(e) If an individual is determined eligible to receive paid-leave benefits provided for under this act, the Mayor shall make the first payment to the eligible individual within 10 business days of the determination of eligibility and subsequent payments shall be made biweekly thereafter.

(f) The Mayor may use information sharing and integration technology to facilitate the disclosure of relevant information or records so long as an individual consents to the disclosure as required under District law.

(g)(1) The Mayor shall create a user-friendly, online portal for the submission and management of forms and documents necessary to administer the paid-leave program established pursuant to this act.

(2) The portal shall be accessible to the public via the Internet, and shall be designed with a privacy protected, user-friendly, interactive, searchable interface that provides information relevant to claimants, employers, and the public.

(3) No individual information shall be posted on this portal.

(4) The portal shall be compliant with Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936).

(5) The components of the portal accessible to the general public shall include at a minimum, real-time, searchable parameters for the purpose of collection of reportable data, tracking program use, and to use data to reduce the cost of the program and to integrate the program with existing District benefit programs.

(6) The portal, and all associated software necessary to administer the paid-leave program established pursuant to this act, shall be designed to be able to handle the benefits

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provided for in this act and future changes to the parameters of the program, including the maximum number of weeks an eligible individual may claim for a qualifying leave event or the formula for calculating weekly benefits.

(h) Information contained in the files and records pertaining to an individual under this act are confidential and not open to public inspection, other than to public employees in the performance of their official duties. An individual or an authorized representative of an individual may review his or her own records or receive specific information from his or her own records. All documents may be accepted and distributed electronically pursuant to D.C. Official Code § 28-4917.

(i)(1) The Mayor shall prescribe and provide to covered employers a notice explaining:

(A) The employees' right to paid-leave benefits under this act and the terms under which such leave may be used;

(B) That retaliation by the covered employer against the covered employee for requesting, applying for, or using paid-leave benefits is prohibited;

(C) That an employee who works for a covered employer with under 20 employees shall not be entitled to job protection if he or she decides to take paid leave pursuant to this act; and

(D) That the covered employee has a right to file a complaint and the procedures established by the Mayor for filing a complaint.

(2) The notice shall comply with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

(3) Each covered employer shall, at the time of hiring and annually thereafter, and at the time the covered employer is aware that the leave is needed, provide this notice to each covered employee. Each covered employer shall also post and maintain the notice in a conspicuous place in English and in all languages in which the Mayor has published the notice.

(4) A covered employer who violates this notice requirement shall be assessed a civil penalty not to exceed \$100 for each covered employee to whom individual notice was not delivered and \$100 for each day that the covered employer fails to post the notice in a conspicuous place. No liability for failure to post notice will arise under this section if the Mayor has not prescribed the notice required by this section.

(j)(1) The Mayor shall conduct a public-education campaign, which shall be paid for out of the Universal Paid Leave Implementation Fund, to inform individuals of the benefits provided for in this act; provided, that no more than 0.25% of annual revenue deposited into the Universal Paid Leave Implementation Fund shall be used for this purpose.

(2) The Mayor shall coordinate with the Office of Human Rights and other agencies the Mayor deems appropriate to create an awareness campaign for the paid-leave program established pursuant to this act.

(3) All outreach information shall comply with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

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Sec. 107. Coordination of benefits.

(a)(1) To the extent practicable, an eligible individual shall provide written notice to his or her employer of the need for the use of paid-leave benefits provided in this act before taking leave.

(2) The written notice shall include a reason for the absence involved, within the parameters of the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936), and the expected duration of the paid leave.

(3) If the paid leave is foreseeable, the written notice shall be provided at least 10 days, or as early as possible, in advance of the paid leave.

(4) If the paid leave is unforeseeable, a notification, either oral or written, shall be provided before the start of the work shift for which the paid leave is being used.

(5) In the case of an emergency, the eligible individual, or another individual on behalf of the eligible individual, shall notify the eligible individual's employer, either orally or in writing, within 48 hours of the emergency occurring.

(6) Nothing in this subsection shall be construed to deny an eligible individual paid-leave benefits to which he or she is otherwise entitled pursuant to this act.

(b) If paid leave taken pursuant to this act also qualifies as protected leave pursuant to the Family and Medical Leave Act of 1993, approved February 5, 1993 (107 Stat. 6; 29 U.S.C. § 2601 *et seq.*), or D.C. FMLA, the paid leave taken pursuant to this act shall run concurrently with, and not in addition to, leave taken under those other acts.

(c) Nothing in this act shall be construed to provide job protection to any eligible individual beyond that to which an individual is entitled under D.C. FMLA.

(d) A covered employer may provide an eligible individual with leave benefits in addition to those provided by this act; provided, that the provision of such benefits, including a paid-leave program, shall not exempt the covered employer from making contributions under section 103 or an eligible individual from receiving benefits pursuant to this act.

(e) An eligible individual receiving benefits pursuant to the District of Columbia Unemployment Compensation Amendment Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), shall not be eligible to receive the benefits provided for in this act.

(f) If an eligible individual is receiving long-term disability payments, he or she shall not be eligible to receive the benefits provided for in this act.

(g)(1) If an individual concurrently earns self-employment income and is a covered employee employed by a covered employer, the individual shall not be entitled to receive double payments.

(2) If the self-employed individual has opted into the paid-leave program established pursuant to this act, his or her benefit payment amount shall be based on the combined wages from covered employment and self-employment.

(h) This act shall not:

(1) Supersede any provision of law, collective-bargaining agreement, or other contract that provides paid-leave rights in addition to the rights established pursuant to this act;
or

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(2) Prevent a covered employer from adopting or retaining a paid-leave policy that supplements or otherwise provides greater benefits than are required by this act.

(i)(1) An individual's right to benefits provided for in this act shall not be diminished by a collective-bargaining agreement or other contract entered into or renewed after December 31, 2017.

(2) An individual's right to benefits provided for in this act shall not be diminished by an employer policy.

(3) Any agreement by an individual to waive his or her rights under this act is void as against public policy.

Sec. 108. Appeals.

(a) No later than 60 days after an individual who has submitted a claim for paid-leave benefits pursuant to this act is notified that a determination has been made by the Mayor regarding his or her claim, the individual may appeal the claim determination to the Office of Administrative Hearings, including with respect to his or her eligibility for benefits, the weekly amount of benefits to be provided, or the duration of the time period during which benefits are to be paid.

(b) In connection with an appeal made pursuant to subsection (a) of this section, the Office of Administrative Hearings shall consider as evidence documentation including but not limited to: paystubs; personal checks, cash receipts, or bank deposits; work schedules; communications between employer and employee; and any circumstantial evidence regarding the employee's eligibility.

(c) In any case in which an employer has failed to keep or provide an employee with employment records as required under District law or has failed to make contributions on wages paid to an employee as required under this act, the Office of Administrative Hearings shall consider, as a rebuttable presumption, that the employee is eligible and shall consider broadly evidence of the employee's eligibility for the benefit.

(d) A complaint, other than a claim determination, shall be filed within one year of the occurrence or discovery of the alleged violation of this act, whichever is later.

(e) For complaints, other than a claim determination, that arise under this act, the administrative enforcement procedure and relief shall be the same as that in D.C. FMLA.

(f) Notwithstanding any other provision of this act:

(1) All correspondence, notices, determinations, or decisions required for the administration of this act may be transmitted to claimants, employers, or necessary parties by electronic mail or other means of communication as the claimant, employer, or necessary party may select from the alternative methods of communication approved by the Mayor. The Mayor shall issue a list of such approved methods of communication within 180 days after the effective date of this act.

(2) All correspondence, notices, determinations, or decisions issued by the Mayor may be signed by an electronic signature that complies with the requirements of D.C. Official Code § 28-4917 and Mayor's Order 2009-118, issued June 25, 2009 (56 DCR 6867).

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Sec. 109. Erroneous payments and disqualification for benefits.

(a) An individual who intentionally makes a false statement or misrepresentation regarding a material fact, or who intentionally fails to report a material fact, to obtain a benefit under this act is disqualified from receiving paid-leave benefits under this act for a period of 3 years.

(b) If paid-leave benefits provided for in this act are paid erroneously or as a result of willful misrepresentation, or if a claim for paid-leave benefits is rejected after benefits are paid, the Mayor shall seek repayment of benefits from the recipient; provided, that the Mayor may exercise his or her discretion to waive, in whole or in part, the amount of any such payments when the recovery would be against equity and good conscience.

(c)(1) If the Mayor obtains repayment of benefits from an individual who has made a willful misrepresentation or otherwise perpetrated fraud to obtain paid-leave benefits provided for in this act, the Mayor shall distribute a proportional share of the recovered amount to each covered employer who paid into the Universal Paid Leave Implementation Fund on behalf of that individual during the period that he or she improperly obtained benefits.

(2) For the purposes of paragraph (1) of this subsection, a covered employer's proportional share of the recovered amount shall be equal to the amount paid into the Universal Paid Leave Implementation Fund by that covered employer on behalf of the individual during the period that he or she improperly obtained benefits, expressed as a percentage of the total amount paid into the Universal Paid Leave Implementation Fund by all covered employers on behalf of the individual during the period that he or she improperly obtained benefits.

Sec. 110. Prohibited acts.

(a) It shall be unlawful for any person to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by this act.

(b) It shall be unlawful for an employer to retaliate in any manner against any person because the person:

(1) Opposes any practice made unlawful by this act;

(2) Pursuant to or related to this act:

(A) Files or attempts to file a charge;

(B) Institutes or attempts to institute a proceeding;

(C) Facilitates the institution of a proceeding; or

(D) Requests, applies for, or uses paid-leave benefits; or

(3) Gives any information or testimony in connection with an inquiry or proceeding related to this act.

(c) It shall be unlawful for any individual to provide intentionally false statements in order to obtain paid-leave benefits.

Sec. 111. Investigative authority.

(a) An employer shall develop, maintain, and make available to the Mayor records regarding the employer's activities related to this act that the Mayor may prescribe by rule.

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(b) To ensure compliance with the provisions of this act, the Mayor, consistent with constitutional guidelines, may:

(1) Investigate and gather data regarding any wage, hour, condition, or practice of employment related to this act; and

(2) Enter or inspect any place of employment or record required by this act after written notice has been given.

(c) For the purpose of any investigation provided for in this section, the Mayor may exercise the subpoena authority provided in section 3 of the Independent Personnel Systems Implementation Act of 1980, effective September 26, 1980 (D.C. Law 3-109; D.C. Official Code § 1-301.2)1.

Sec. 112. Enforcement by civil action.

(a) Subject to the provisions in subsection (b) of this section, an eligible individual, the Attorney General of the District of Columbia, or the Mayor may bring a civil action against any employer to enforce the provisions of this act in any court of competent jurisdiction.

(b)(1) No civil action may be commenced more than one year after the occurrence or discovery of the alleged violation of this act.

(2) This one-year limitations period shall be tolled during the course of any administrative proceedings or during any period when a covered employer has failed to comply with the notice provisions of this act.

(c) If a court determines that an employer violated any provision of this act, section 10(b)(6) and (7) of D.C. FMLA shall apply.

Title II. Conforming Amendments

Sec. 201. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 2, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03) is amended by adding a new subsection (b-12) to read as follows:

“(b-12) In addition to those adjudicated cases listed in subsections (a), (b), (b-1), (b-2), (b-3), (b-4), (b-5), (b-6), (b-7), (b-8), (b-9), (b-10), and (b-11) of this section, this act shall apply to all adjudicated cases that arise under the Universal Paid Leave Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-415).

Sec. 202. Section 2(4) of the D.C. Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(4)), is amended as follows:

(a) Subparagraph (B) is amended by striking the word “or”.

(b) Subparagraph (C) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(D) A foster child.”.

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Sec. 203. Section 1152 of Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended to read as follows:

“Sec. 1152. Universal Paid Leave Implementation Fund.

“(a) There is established as a special fund the Universal Paid Leave Implementation Fund (“Fund”), which shall be administered by the Chief Financial Officer in accordance with subsections (b), (c), (d), (e), (f), (g), (h), (i), and (m) of this section.

“(b) Money in the Fund shall be used to fund the implementation of the Universal Paid Leave Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-415) (the “Act”), which shall include paying for benefits, public education, and administrative costs required pursuant to the Act; provided, that no more than 10% of the funds deposited into the Fund shall be used to pay for the administration of the Act for each fiscal year.

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

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

“(d) There shall be deposited into the Fund \$20,039,000 of local funds in Fiscal Year 2016.

“(e) Revenue from the following sources shall be deposited into the Fund:

“(1) Monies collected pursuant to section 103 of the Act;

“(2) Annual appropriations, if any;

“(3) Interest earned upon the money in the Fund; and

“(4) All other money received for the Fund from any other source.

“(f) Money in the Fund may not be used other than for the purposes of the paid-leave program established pursuant to the Act.

“(g) Beginning with October 1, 2017, and quarterly thereafter, the Chief Financial Officer of the District of Columbia shall certify the balance of the Fund.

“(h) Claims paid pursuant to the Act shall not be administered from the Fund until:

“(1) At least one year after the effective date of the Act; and

“(2) After the Chief Financial Officer of the District of Columbia certifies that the Fund will remain solvent for at least one year after claims have begun to be paid from the Fund.

“(i) The balance in the Fund shall not fall below the equivalent of 9 months of benefits provided pursuant to the Act, at any time during a fiscal year. If the Chief Financial Officer determines that the balance in the Fund will fall below the equivalent of 9 months of benefits during a fiscal year, the Chief Financial Officer shall promptly notify the Mayor and the Council and present a plan, including recommended legislative changes, if any, to address the shortfall. If the balance in the Fund falls below the equivalent of 6 months of benefits, the District shall immediately cease any further payments of benefits. If payment of benefits is ceased in accordance with this section, payment of benefits shall not resume until the Fund balance is equal to the equivalent of 12 months of benefits.

“(j) By December 30, 2017, the Mayor, in coordination with the Office of the Chief Financial Officer, shall provide an update to the Council as to the funds that have thus far been

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deposited into the Fund and the expected timeline for beginning to make payment of claims under the Act.

“(k) By October 1, 2018, and annually thereafter, the Mayor shall submit a report to the Council about the financial management, claim management, operation, and use of the Fund and the paid-leave program established pursuant to the Act.

“(l) By October 1 of the year following the first 3 full years of implementation of the Act, the Chief Financial Officer shall review the status of the Fund and compare that status against original projections. If the Fund is running an annual surplus, the Chief Financial Officer shall issue a report to the Council that outlines options for bringing the Fund’s annual revenues and expenditures into balance, including a reduction in the employer contribution rate and changes to benefits under the paid-leave program established pursuant to the Act.

“(m) After benefits begin to be paid pursuant to the Act, no funds from any contingency fund or any other local funds shall be transferred to the Fund to be used for the paid-leave program established pursuant to the Act.”.

Title III. Applicability, Fiscal Impact, and Effective Date.

Sec. 301. 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. 302. 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. 303. Effective date.

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

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



Chairman
Council of the District of Columbia

~~UNSIGN~~

Mayor
District of Columbia

February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-683

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2017

To amend 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, a DC Main Streets program, or a 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 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 a 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.”.

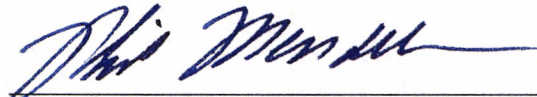
Sec. 3. Fiscal impact statement.

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

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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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

UNSIGNED _____

Mayor
District of Columbia
February 10, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-684

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2017

To amend An Act To provide for the payment and collection of wages in the District of Columbia to clarify that the Office of Administrative Hearings judges will hear wage theft cases, to exempt an employer from being required to pay wages to bona fide executive, administrative, and professional employees at least twice during each calendar month, to clarify that subcontractors include intermediate subcontractors, to clarify that general contractors and clients of temporary staffing agencies may waive their right to indemnification, to clarify that the Attorney General for the District of Columbia can bring civil enforcement actions in court and inspect business records, to incorporate record-keeping requirements from the Minimum Wage Act Revision Act of 1992, to allow businesses to challenge a demand for business records before a neutral decision-maker, to revise criminal penalties for violations of the act, to clarify the remedies and processes for civil and administrative actions to enforce wage theft laws, to clarify deadlines pertaining to service of wage theft complaints and that membership organizations may bring civil actions on behalf of their members, to clarify the Mayor's authority to issue rules, and to require the Mayor to issue rules identifying relevant prevailing federal standards for record-keeping requirements; to amend the Minimum Wage Act Revision Act of 1992 to remove the exclusion of parking lot and garage attendants from receiving the protections of the District's minimum and overtime laws, to require the Mayor to issue rules identifying relevant prevailing federal standards for record-keeping requirements, to exempt employers from keeping precise time records for bona fide executive, administrative, professional non-hourly employees, to allow businesses to challenge a demand for business records before a neutral decision-maker, to clarify when an employer or a temporary staffing firm must provide notices to an employee in a second language, to require the Mayor to publish translations of notices and sample templates online in all the languages required by the Language Access Act of 2004, to clarify how the Mayor shall make certain information available to employers, to clarify that general contractors and clients of temporary staffing agencies may waive their right to indemnification, and to clarify the remedies and procedures available in civil and administrative actions; to amend the Wage Theft Prevention Amendment Act of 2014 to repeal an obsolete provision; to amend the Accrued Sick and Safe Leave Act of 2008 and the Living Wage Act of 2006 to require the Mayor to issue rules identifying relevant prevailing federal standards for record-keeping requirements; and to provide that all rules, forms, and regulations issued pursuant to the Wage Theft Prevention Amendment

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Act of 2014 and to any emergency and temporary amendments to that act shall remain in force until repealed or superseded.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Theft Prevention Clarification and Overtime Fairness Amendment Act of 2016".

Sec. 2. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 32-1301) is amended as follows:

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

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

"(1) "Administrative Law Judge" means an administrative law judge of the Office of Administrative Hearings, established by section 5 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.02).

"(1A) "Attorney General" means the Attorney General for the District of Columbia, as established by section 435 of the District of Columbia Home Rule Act, effective May 28, 2011 (D.C. Law 18-160A; D.C. Official Code § 1-204.35)."

(b) Section 2 (D.C. Official Code § 32-1302) is amended by striking the phrase "Every employer shall pay all wages earned to his employees at least twice during each calendar month, on regular paydays designated in advance by the employer;" and inserting the phrase "An employer shall pay all wages earned to his or her employees on regular paydays designated in advance by the employer and at least twice during each calendar month; except, that all bona fide administrative, executive, and professional employees (those employees employed in a bona fide administrative, executive, or professional capacity, as defined in section 7-999.1 of the District of Columbia Municipal Regulation (7 DCMR § 999.1)) shall be paid at least once per month;" in its place.

(c) Section 3 (D.C. Official Code § 32-1303) is amended as follows:

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

"(5) A subcontractor, including any intermediate subcontractor, and the general contractor shall be jointly and severally liable to the subcontractor's employees for the subcontractor's violations of this act, the Living Wage Act, and the Sick and Safe Leave Act. Except as otherwise provided in a contract between the subcontractor and the general contractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorneys' fees owed as a result of the subcontractor's violations of this act, the Living Wage Act, and the Sick and Safe Leave Act, unless those violations were due to the lack of prompt payment in accordance with the terms of the contract between the general contractor and the subcontractor."

(2) Paragraph 6 is amended by striking the phrase "Unless otherwise agreed to by the parties, the temporary staffing firm shall indemnify the employer as a result of the temporary staffing firm's violations" and inserting the phrase "Except as otherwise provided in a contract

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between the temporary staffing firm and its client, the temporary staffing firm shall indemnify its client for any wages, damages, interest, penalties, or attorneys' fees owed as a result of the temporary staffing firm's violations" in its place.

(d) Section 6 (D.C. Official Code § 32-1306) is amended as follows:

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

"(2)(A) The Attorney General, acting in the public interest, including the need to deter future violations, may bring a civil action in a court of competent jurisdiction against an employer or other person violating this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act for restitution or for injunctive, compensatory, or other authorized relief for any individual or for the public at large. Upon prevailing in court, the Attorney General shall be entitled to:

"(i) Reasonable attorneys' fees and costs;

"(ii) Statutory penalties equal to any administrative penalties provided by law; and

"(iii) On behalf of an aggrieved employee:

"(I) The payment of back wages unlawfully withheld;

"(II) Additional liquidated damages equal to treble the back wages unlawfully withheld; and

"(III) Equitable relief as may be appropriate.

"(B) The Attorney General shall not in any action brought pursuant to this section be awarded an amount already recovered by an employee."

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

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

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

"(2) The Attorney General shall have the power to investigate whether there are violations of this act, the Living Wage Act, the Sick and Safe Leave Act, or the Minimum Wage Revision Act, and administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony and to take depositions and affidavits in connection with any such investigation."

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

"(c) A person to whom a subpoena authorized by this section has been issued shall have the opportunity to move to quash or modify the subpoena in the Superior Court of the District of Columbia. In case of failure of a person to comply with any subpoena lawfully issued under this section, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, it shall be the duty of the Superior Court of the District of Columbia, or any judge thereof, upon application by the Mayor or the Attorney General, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the Court or a refusal to testify therein."

(3) New subsections (d) and (e) are added to read as follows:

"(d)(1) Every employer subject to any provision of this act or of any regulation or order issued pursuant to this act shall make, keep, and preserve, for a period of not less than 3 years, or

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the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater, a record of:

- “(A) The name, address, and occupation of each employee;
- “(B) A record of the date of birth of an employee under 19 years of age;
- “(C) The rate of pay and the amount paid each pay period to each

employee;

“(D) The precise time worked each day and each workweek by each employee, except for employees who are not paid on an hourly basis and who are exempt from the minimum wage and overtime requirements under section 5(a) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1004(a)); and

“(E) Any other records or information as the Mayor may prescribe by regulation as necessary or appropriate for the enforcement of the provisions of this act.

“(2)(A) Any records shall be open and made available for inspection or transcription by the Mayor, the Mayor’s authorized representative, or the Office of the Attorney General upon demand at any reasonable time. An employer shall furnish to the Mayor, the Mayor’s authorized representative, or the Office of the Attorney General on demand a sworn statement of records and information upon forms prescribed or approved by the Mayor or Attorney General.

“(B) No employer may be found to be in violation of subparagraph (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney General’s demand before a judge, including an administrative law judge.

“(e) Every employer shall furnish to each employee at the time of payment of wages an itemized statement showing the:

- “(1) Date of the wage payment;
- “(2) Gross wages paid;
- “(3) Deductions from and additions to wages;
- “(4) Net wages paid;
- “(5) Hours worked during the pay period; and
- “(6) Any other information as the Mayor may prescribe by regulation.”.

(e) Section 7(a) (D.C. Official Code § 32-1307(a)) is amended to read as follows:

“(a)(1) An employer who negligently fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall be fined:

“(A) For the first offense, an amount per affected employee of not more than \$2,500; and

“(B) For any subsequent offense, an amount per affected employee of not more than \$5,000.

“(2) An employer who willfully fails to comply with the provisions of this act or the Living Wage Act shall be guilty of a misdemeanor and, upon conviction, shall:

“(A) For the first offense, be fined not more than \$5,000 per affected employee, or imprisoned not more than 30 days; or

“(B) For any subsequent offense, be fined not more than \$10,000 per affected employee, or imprisoned not more than 90 days.

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“(3) The fines set forth in paragraphs (1) and (2) of this subsection shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).”.

(f) Section 8 (D.C. Official Code § 32-1308) is amended as follows:

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

“(a)(1)(A) Subject to subparagraph (B) of this paragraph, a person aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act may bring a civil action in a court of competent jurisdiction against the employer or other person violating this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act and, upon prevailing, shall be awarded reasonable attorneys’ fees and costs and entitled to restitution including:

“(i) The payment of any back wages unlawfully withheld;

“(ii) Liquidated damages equal to treble the amount of unpaid wages;

“(iii) Statutory penalties; and

“(iv) Such legal or equitable relief as may be appropriate, including reinstatement of employment, and other injunctive relief.

“(B) No person in any action brought pursuant to this section shall be awarded any amount already recovered by an employee.

“(C) Actions may be maintained by one or more employees, who may designate an agent or representative to maintain the action for themselves, or on behalf of all employees similarly situated as follows:

“(i) Individually by an aggrieved person;

“(ii) Jointly by one or more aggrieved persons;

“(iii) Consistent with the collective action procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b);

“(iv) As a class action;

“(v) Initially as a collective action pursuant to the procedures of the Fair Labor Standards Act, 29 U.S.C. § 216(b), and subsequently as a class action;

“(vi) By a labor organization or association of employees whose member is aggrieved by a violation of this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act; or

“(vii) By the Attorney General for the District of Columbia, pursuant to section 6.”.

(2) Subsection (b)(4) is amended by striking the word “Mayor” and inserting the word “District” in its place.

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

(1) Subsection (a) is amended by striking the phrase “A signed complaint” and inserting the phrase “A physically or electronically signed complaint” in its place.

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

(A) Paragraph (1) is amended by striking the word “deliver” and inserting the word “serve” in its place.

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(B) Paragraph (2) is amended by striking the word "receipt" and inserting the phrase "receipt of service" in its place.

(C) Paragraph (3) is amended by striking the word "mailed" and inserting the word "served" in its place.

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

"(4) If a respondent admits the allegation, the Mayor shall issue an administrative order requiring the respondent to provide restitution, including the payment of any back wages unlawfully withheld, liquidated damages equal to the amount of unpaid wages, reasonable attorney fees and costs, and other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief, and which may include statutory penalties. The Mayor or Attorney General may also proceed with an audit or subpoena to determine if the rights of employees other than the complainant have also been violated."

(E) Paragraph (5) is amended by striking the word "mailed" and inserting the word "served" in its place.

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

(i) Strike the word "delivered" and insert the word "served" in its place.

(ii) Strike the phrase "pay any unpaid wages, compensation, liquidated damages, and fine or penalty owed and requiring the respondent to cure any violations." and insert the phrase "provide restitution including the payment of any back wages unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties, reasonable attorney fees and costs, other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief." in its place.

(G) Paragraph (7) is amended to read as follows:

"(7) The Mayor shall issue an initial determination within 60 days after the date the complaint is served. The initial determination shall set forth a brief summary of the evidence considered, the findings of fact, the conclusions of law, and an order requiring the respondent to provide restitution, including the payment of any back wages unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties, reasonable attorney fees and costs, and other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief. The initial determination shall be provided to both parties and set forth the losing party's right to appeal under this section or to seek other relief available under this act."

(H) Paragraph (9) is amended by striking the word "filing" and inserting the word "serving" in its place.

(3) Subsection (e)(1) is amended by striking the phrase "administrative law judge shall issue an order based on the findings from the hearing. The".

(4) Subsection (f)(2) is amended to read as follows

"(2) Appropriate relief shall include the payment of any back wages unlawfully withheld, liquidated damages equal to treble the amount of unpaid wages, statutory penalties, reasonable attorney fees and costs, and other legal or equitable relief as may be appropriate, including reinstatement in employment, and other injunctive relief."

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(5) Subsection (m)(4) is amended by striking the word "Mayor" and inserting the word "District" in its place.

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

"(n) Appeals of any order issued or fine assessed under this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act shall be made to the District of Columbia Court of Appeals."

(h) A new section 8b is added to read as follows:

"Sec. 8b. Interpretation of fees.

No inference shall be drawn, or precedent established, based on the provisions in section 8 or section 8a that provide that attorney fees shall be calculated pursuant to the matrix approved in *Salazar v. District of Columbia*, 123 F.Supp.2d 8 (D.D.C. 2000) that such fees are reasonable for any law other than this act, the Minimum Wage Revision Act, the Sick and Safe Leave Act, or the Living Wage Act."

(i) A new section 10b is added to read as follows:

"Sec. 10b. Rules.

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

(j) Section 212(a) (D.C. Official Code § 32-1331.12(a)) is amended by striking the phrase "3 years, in or about its place of business," and inserting the phrase "3 years or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater, in or about its place of business," in its place.

Sec. 3. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 5(b) (D.C. Official Code § 32-1004(b)) is amended as follows:

(1) Paragraph (3) is amended by adding the word "or" at the end.

(2) Paragraph (5) is repealed.

(b) Section 8 (D.C. Official Code § 32-1007) is amended to read as follows:

"(a) The Mayor and the Attorney General shall each have the power to administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, registers, and other evidence relative to any matters under investigation, at any public hearing, or at any meeting of any committee or for the use of the Mayor or the Attorney General in securing compliance with this act.

"(b) In case of disobedience to a subpoena, the Mayor or the Attorney General may invoke the aid of the Superior Court of the District of Columbia to require the attendance and testimony of witnesses and the production of documentary evidence.

"(c) In case of contumacy or refusal to obey a subpoena, the Court may issue an order to require an appearance before the Mayor or the Attorney General, the production of documentary evidence, and the giving of evidence.

"(d) A person or an entity to whom a subpoena has been issued may move to quash or modify the subpoena.

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“(e) Any failure to obey the order of the Court may be punished by the Court as contempt.”.

(c) Section 9 (D.C. Official Code § 32-1008) is amended as follows:

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

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

(i) The lead-in language is amended striking the phrase “or whatever the prevailing federal standard is,” and inserting the phrase “or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act,” in its place.

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

“(D) The precise times worked each day and each workweek by each employee, except for employees who are not paid on an hourly basis and who are exempt from the minimum wage and overtime requirements under section 5(a); and”.

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

“(2)(A) Any records shall be open and made available for inspection or transcription by the Mayor, the Mayor’s authorized representative, or the Office of the Attorney General upon demand at any reasonable time. An employer shall furnish to the Mayor, the Mayor’s authorized representative, or the Office of the Attorney General on demand a sworn statement of records and information upon forms prescribed or approved by the Mayor or Attorney General.

“(B) No employer may be found to be in violation of subparagraph (A) of this paragraph unless the employer had an opportunity to challenge the Mayor or Attorney General’s demand before a judge, including an administrative law judge.”.

(2) Subsection (c) is amended by striking the phrase “shall furnish to each employee at the time of hiring a written notice, both in English and in the employee’s primary language, containing the following information:” and inserting the phrase “shall furnish to each employee at the time of hiring, and whenever any of the information contained in the written notice changes, a written notice in English; provided, that if the Mayor has made a sample template available in a language other than English that the employer knows to be the employee’s primary language or that the employee requests, the employer shall furnish the written notice to the employee in that other language also. The notice required by this subsection shall contain:” in its place.

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

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

“(1)(A) Within 90 days after February 26, 2015, and within 30 days of any change to the information contained in the prior written notice, an employer, except in those instances where notice is provided pursuant to section 9a, shall furnish each employee with an updated notice containing the information required under subsection (c) of this section in English and in any additional language required by subsection (c) of this section.

“(B) To show proof of compliance with these notice requirements, an employer shall retain either copies of the written notice furnished to employees that are signed and dated by the employer and by the employee acknowledging receipt or electronic records

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demonstrating that the employee received and acknowledged the notice via email or other electronic means.”

(B) Paragraph (3) is amended by striking the phrase “subsections (b) and (c) of”.

(4) Subsection (e) is amended by adding a sentence at the end to read as follows:

“On or before February 26, 2017, the Mayor also shall publish online a translation of the sample template in any languages required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933). The Mayor shall also publish online translations of the sample template in any additional languages the Mayor considers appropriate to carry out the purposes of this section.”.

(d) Section 9a (D.C. Official Code § 32-1008.01) is amended as follows:

(1) Subsection (a)(1) is amended by adding a sentence at the end to read as follows:

“The notice shall be provided in English and, if the Mayor has made available a translation of the sample template in a language that is known by the temporary staffing firm to be the employee’s primary language or that the employee requests, the temporary staffing firm shall furnish written notice to the employee in that other language also.”.

(2) The lead-in language to subsection (b) is amended to read as follows:

“(b) When a temporary staffing firm assigns an employee to perform work at, or provide services for, a client, the temporary staffing firm shall furnish the employee a written notice in English, and in another language that the employer knows to be the employee’s primary language or that the employee requests, if a sample template has been made available pursuant to subsection (c) of this section, of:”.

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

“(c) On or before February 26, 2017, the Mayor shall publish online a translation of the sample template of the notice required by this section in any language required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933). The Mayor shall also publish online translations of the sample template in any additional languages the Mayor considers appropriate to carry out the purposes of this section.”.

(e) Section 12(d)(1)(C) (D.C. Official Code § 32-1011(d)(1)(C)) is amended by striking the phrase “or whatever the prevailing federal standard is, whichever is greater” and inserting the phrase “or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater,” in its place.

(f) Section 12a (D.C. Official Code § 32-1011.01) is amended by striking the phrase “liquidated damages of not less than \$1,000 and not more than \$10,000” and inserting the phrase “all appropriate relief provided for under section 10a of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 979; D.C. Official Code § 32-1311)” in its place.

(g) Section 13 (D.C. Official Code § 32-1012) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “according to” and inserting the phrase “according to, and with all the remedies provided under,” in its place.

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(2) Subsection (b)(2) is amended by striking the phrase “The court may award an amount of liquidated damages less than treble the amount of unpaid wages, but not less than the amount of unpaid wages. In any action commenced to recover unpaid wages or liquidated damages, the employer shall demonstrate” and inserting the phrase “The court may award an additional amount of liquidated damages less than treble the amount of unpaid wages, but not less than the amount of unpaid wages, only if the employer demonstrates” in its place.

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

“(c) A subcontractor, including any intermediate subcontractor, and the general contractor shall be jointly and severally liable to the subcontractor’s employees for the subcontractor’s violations of this act. Except as otherwise provided in a contract between the subcontractor and the general contractor, the subcontractor shall indemnify the general contractor for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the subcontractor’s violations of this act, unless those violations were due to the lack of prompt payment in accordance with the terms of the contract between the general contractor and the subcontractor.”.

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

“(f)(1) When a temporary staffing firm employs an employee who performs work on behalf of or to the benefit of a client pursuant to a temporary staffing arrangement or contract for services, both the temporary staffing firm and the client shall be jointly and severally liable for violations of this act to the employee and to the District.

“(2) The District, the employee, or the employee’s representative shall notify the temporary staffing firm of the alleged violations at least 30 days before filing a claim for a violation against a client who was not the employee’s direct employer.

“(3) Except as otherwise provided in a contract between the temporary staffing firm and its client, the temporary staffing firm shall indemnify its client for any wages, damages, interest, penalties, or attorneys’ fees owed as a result of the temporary staffing firm’s violations of this act.”.

(h) Section 13a (D.C. Official Code § 32-1012.01) is amended to read as follows

“Administrative complaints filed for violations of this act shall be considered under the same procedures and with all the same legal and equitable remedies available for violations of Title I of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*)”.

Sec. 4. Conforming amendments.

(a) Section 11b(a) of the Accrued Sick and Safe Leave Act of 2008, effective February 22, 2014 (D.C. Law 20-89; D.C. Official Code § 32-131.10b(a)), is amended by striking the phrase “3 years,” and inserting the phrase “3 years or the prevailing federal standard at the time the record is created, which shall be identified in rules issued pursuant to this act, whichever is greater,” in its place.

(b) Section 107 of the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.07), is amended by striking the phrase “3 years from the payroll date” and inserting the phrase “3 years or the prevailing federal standard at the time the record is

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created, which shall be identified in rules issued pursuant to this act, whichever is greater, from the payroll date” in its place.

(c) Paragraph 11 of section 105.3 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 105.3(11)) is amended as follows:

(1) Strike the phrase “general contractor or construction manager,” and insert the phrase “general contractor, construction manager, and each subcontractor,” in its place.

(2) Strike the phrase “general constructor or construction manager is selected” and insert the phrase “general contractor, construction manager, or any subcontractor is selected” in its place.

Sec. 5. Continuation of rules, forms, and regulations.

All rules, forms, and regulations issued pursuant to the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157), and any rules, forms, and regulations issued pursuant to any like succeeding emergency and temporary acts, including the Wage Theft Prevention Clarification Temporary Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-101; 63 DCR 2220), and the Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2016, effective November 30, 2016 (D.C. Law 21-170; 63 DCR 12600), shall continue in effect according to their terms until lawfully amended, repealed, or superseded.

Sec. 6. Repealers.

(a) Section 7 of the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157), is repealed.

(b) The Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2016, effective November 30, 2016 (D.C. Law 21-170; 63 DCR 12600), is repealed.

(c) The Revised Wage Theft Prevention Clarification Temporary Amendment Act of 2016, enacted on December 6, 2016 (D.C. Act 21-562; 63 DCR 15051), is repealed.

Sec. 7. Fiscal impact statement.

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

Sec. 8. Effective date.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 15, 2017

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AN ACT
D.C. ACT 21-685

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2017

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor’s analysis of whether real property is no longer required for public purposes to include a description of each public use considered and an accompanying narrative explaining why the real property will not satisfy each public use considered, to require the Mayor to hold a public hearing to obtain community input on potential public uses of real property before submitting a surplus resolution and at least 60 days before the Mayor issues a request for proposals or competitive sealed proposals, to require the Mayor to hold a public hearing or hearings in connection with a proposed disposition, including in the affected community of any off-site redevelopment related to the disposition, to require the Mayor to provide the Council with a description of the difference between the value of property to be disposed of and the purchase or lease price to be paid by a developer, a pre-disposition economic impact statement, and a valuation of the property to be disposed of, to be prepared by a licensed appraiser no earlier than 5 months before the submission of a disposition resolution, and to require that units dedicated as affordable housing remain so dedicated for the life of the ground lease, or, if not disposed of by ground lease, in perpetuity and secured by a covenant that runs with the land.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Land Disposition Transparency and Clarification 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 as follows:

(a) Subsection (a) is amended by adding a new paragraph (3) to read as follows:

“(3) The Mayor shall submit to the Council a semiannual report explaining the status of each disposition approved by the Council during the previous 2 years, including a schedule for project completion of each disposition, an explanation of impediments, if any, to completion of the project, and a description of the steps that are being taken to resolve them.”.

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

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(1) Paragraph (1) is amended by striking the phrase “and a detailed explanation as to why the real property is no longer required for public purposes”.

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

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

“(A) Whether the real property could have any use by the District, including a description of the District’s current needs for real property, a description of potential public uses considered by the Mayor, and a narrative explaining why the real property is unsuited for each public use considered;”.

(B) Subparagraph (B) is amended by striking the word “Why” and inserting the phrase “A detailed explanation as to why the real property is no longer required for public purposes, and why” in its place.

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

“(4) Before submitting a proposed resolution pursuant to this subsection, and at least 60 days before seeking proposals for the disposition of the real property or otherwise proceeding to negotiate the disposition of the real property, the Mayor shall hold at least one public hearing to obtain community input on potential public uses of the real property to inform the Mayor’s determination whether the real property is no longer required for public purposes. This surplus hearing shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the real property. The Mayor shall provide at least 30 days written notice of the public hearing to the affected Advisory Neighborhood Commissions and shall publicize the hearing by posting a written notice at the site and placing a notice in the District of Columbia Register at least 15 days before the hearing.”.

(4) Paragraph (5) is repealed.

(c) Subsection (a-3) is repealed.

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

(1) The lead-in language is amended to read as follows:

“(b) If the Mayor seeks to dispose of real property that is determined to no longer be required for public purposes pursuant to subsection (a-1) of this section, the Mayor shall submit to the Council a proposed resolution that contains the following:”.

(2) Paragraph (5) is amended by striking the phrase “(a-3)” both times it appears and inserting the phrase “(b-3)” in its place.

(3) Paragraph (8)(C) is amended by striking the number “20” and inserting the number “15” in its place.

(4) Paragraph (9) is amended to read as follows:

“(9) The following statement:

“The Land Disposition Agreement for the disposition of the real property shall not be inconsistent with the substantive business terms of the transaction submitted by the Mayor with this resolution, unless revisions to those substantive business terms are approved by the Council.”.

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

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

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

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

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

“(D) A pre-disposition economic impact statement in the form of a quantitative analysis that estimates the economic benefits, including revenues, tax receipts, and job creation, that will result from the disposition, including the anticipated benefits of any development project to be undertaken at the property and any offsite property, including direct, indirect, or induced outcomes.”.

(2) Paragraph (2)(A) is amended by striking the word “major” and inserting the word “substantive” in its place.

(3) Paragraphs (3) and (4) are amended to read as follows:

“(3)(A) An appraisal report of the value of the property prepared by an independent licensed appraiser performed no earlier than 5 months before the transmission of the proposed resolution to the Council. The report shall analyze both the highest and best use value of the property and the value of the property under the development proposed pursuant to the disposition. For the purposes of this subparagraph, the term “highest and best use” shall mean the reasonably probable and legal use that is physically possible, appropriately supported, and financially feasible, and that results in the highest value.

“(B) An explanation of the difference, if any, between the appraised value (determined pursuant to subparagraph (A) of this paragraph) and the purchase or lease price to be paid pursuant to the disposition.

“(4) An itemization, together with an explanation, of any government assistance to be received, or contemplated to be received, by the purchaser or lessee under the disposition, including any discount on the price or rent, grants, loans, tax credits, tax abatements, tax increment financing, affordable housing subsidies, land exchange, and negotiated contributions.”.

(4) Paragraph (5)(B) is amended by striking the phrase “at the time the resolution is transmitted.” and inserting the phrase “at the time the resolution is transmitted; provided, that if documents transmitted with the proposed resolution are revised during the pendency of Council consideration of the proposed resolution, the revised documents shall be clearly marked and transmitted promptly to the Council.” in its place.

(5) Paragraph (6) is repealed.

(f) New subsections (b-2), (b-3), and (b-4) are added to read as follows:

“(b-2)(1) Before proceeding to negotiate the disposition of real property pursuant to subsection (b) of this section, and after holding the hearing required under subsection (a-1) of this section, the Mayor shall hold at least one public hearing to obtain community comment and suggestions on the proposed use of the property. The hearing shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the real property. The Mayor shall provide at least 30 days written notice of the public hearing to the affected Advisory

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Neighborhood Commissions and shall publicize the hearing by posting written notice at the site and placing a notice in the District of Columbia Register at least 15 days before the hearing.

“(2) To the extent that redevelopment related to the disposition occurs offsite of the real property, the Mayor shall hold at least one public hearing in the affected off-site community of such proposed redevelopment to obtain community comment. The hearing shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the off-site real property. The Mayor shall provide at least 30 days written notice of the public hearing to the affected Advisory Neighborhood Commissions and shall publicize the hearing by posting written notice at the site and placing a notice in the District of Columbia Register at least 15 days before the hearing.

“(b-3)(1) If a proposed disposition of real property will result in the development of multifamily residential property consisting of 10 or more units (“multifamily units”), the following affordable-housing requirements shall apply:

“(A) If the multifamily units are located in the following areas, at least 30% of the units shall be dedicated as affordable housing:

“(i) Within ½ mile of a Metrorail station that is in operation or for which a construction contract has been awarded on or before the date of the disposition; or

“(ii) Within ¼ mile of a Priority Corridor Network Metrobus Route, as designated by the Washington Area Metropolitan Transit Authority, located entirely or partially within the District of Columbia;

“(B) If the multifamily units are located outside of the areas described in subparagraph (A) of this paragraph, at least 20% of the units shall be dedicated as affordable housing;

“(C) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall remain affordable-housing units for the life of the ground lease if the land disposition is by ground lease, or shall remain affordable-housing units in perpetuity, secured by a covenant running with the land that may be extinguished at the sole discretion of the District; and

“(D) The purchase price for the second and subsequent sales of the units dedicated as affordable housing described in subparagraphs (A) and (B) of this paragraph shall be determined by a formula established by the Mayor.

“(2) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall be made available at the following affordability levels:

“(A) In the case of rental units, at least 25% of the units shall be housing for which a very low-income household will pay no more than 30% of its income toward housing costs, and the remainder of such units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs; and

“(B) In the case of ownership units, 50% of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs.

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“(3) The Mayor shall take into account the affordable-housing requirements of this subsection when establishing the terms and conditions under which real property is to be disposed of. The Mayor may provide subsidies to a developer, as necessary, to ensure that the affordable-housing requirements imposed by this subsection are met.

“(4) The Mayor may waive the affordable-housing requirements of this subsection; provided, the Mayor certifies that:

“(A) The appraised value of the property to be disposed of is insufficient to support the affordable-housing requirements, taking into account all other available sources of public funding for affordable housing, whether provided by the District of Columbia or the federal government;

“(B) The terms and conditions under which the real property is to be disposed of satisfy the affordable-housing requirements to the maximum extent possible; and

“(C) The Chief Financial Officer has provided to the Mayor and the Council a financial analysis that shall consist of:

“(i) A review and analysis of the financial condition of disposed-of land; and

“(ii) An advisory opinion stating whether or not it is likely that the developer reasonably could be expected to satisfy the affordable-housing requirements set forth in paragraph (1) of this subsection.

“(5) Paragraph (4) of this subsection shall not apply to the disposition of the building and property owned by the District and located at 425 2nd Street, N.W., unless the District commits to using all of the proceeds from the disposition of the property for the construction of one or more new homeless shelters and affordable housing to serve a homeless population of comparable size to the homeless population at 425 2nd Street, N.W.

“(6) The Mayor may reduce the affordable-housing requirements of this section if the proposed disposition of real property finances the development of a significant public facility. For the purposes of this paragraph, the term “public facility” means a building, structure, or system that is an asset of the District government eligible for capital spending and subject to depreciation. A public facility may include a fire station, public library, public school, stadium, or homeless shelter. Notwithstanding the priority to finance a significant public facility, the Mayor shall nevertheless endeavor to provide affordable housing, consistent with this section, to the extent economically feasible.

“(7) Notwithstanding the provisions of this subsection, the Mayor may waive the affordable-housing requirements of this subsection if the District-owned real property is less than 5,000 square feet, even though the property may be consolidated with a private development of multifamily housing consisting of 10 or more units.

“(b-4)(1) If a substantive change is made to the business terms of the transaction described in the term sheet or Memorandum of Understanding, referenced in subsection (b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this section, a proposed resolution describing the change and accompanied by the amended documents in redline format shall be transmitted to Council for a 45-day period of review,

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excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the documents, in whole or in part, by resolution within the 45-day review period, the proposed amendments shall be deemed approved.

“(2) For the purposes of this subsection, the term:

“(A) “Redline format” means the changes that are deletions have a line through them and the changes that are additions are underlined.

“(B) “Substantive change” means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the originally approved resolution.”.

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

“(d) Approval of the disposition of the real property by the Council shall expire 2 years after the effective date of the resolution of approval. If the Mayor determines subsequent to Council approval that the property cannot be disposed of within the 2-year period, the Mayor may submit to the Council a resolution to extend the time for the disposition of the property, and shall include with the transmittal a detailed status report on efforts made toward disposition of the property as well as the reasons for the inability to dispose of the property within the 2-year period. The resolution may extend the time for any specified period up to 2 years. If the Council does not take action to approve or disapprove the resolution within 45 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed disapproved.”.

(h) Subsections (h), (i), (j), (k), and (l) are 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 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-686

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2017

To amend the District of Columbia Deed Recordation Tax Act to provide a first-time homebuyer recordation tax rate reduction on the purchase of an eligible property for an individual who has never owned residential real property or an economic interest in a cooperative unit in the District of Columbia, to provide that the recordation tax rate reduction program shall expire 5 years following its implementation, and to require the Mayor to submit a report to the Council on the benefits of providing the recordation tax rate reduction.

BE IT ENACTED BY THE COUNCIL FOR THE DISTRICT OF COLUMBIA, That this act may be cited as the "First-time Homebuyer Tax Benefit Amendment Act of 2016".

Sec. 2. The District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 42-1101) is amended by adding new paragraphs (16) and (17) to read as follows:

"(16) The phrase "first-time District homebuyer" means an individual who has never owned eligible property as the individual's principal residence. The term "first-time District homebuyer" includes an individual who has divorced or separated and who, by a written settlement agreement or court order, did not obtain an ownership interest in a principal residence that had been jointly owned.

"(17) The phrase "eligible property" means improved residential real property, including an economic interest in a cooperative unit, that qualifies for the homestead deduction provided pursuant to D.C. Official Code § 47-850."

(b) Section 303 (D.C. Official Code § 42-1103) is amended by adding new subsections (e) and (f) to read as follows:

"(e)(1) Beginning on or after October 1, 2016, for a first-time District homebuyer who meets the requirements set forth in paragraph (2) of this subsection, the recordation tax shall be reduced to 0.725% in accordance with subsection (c) of this section; except, that the entire benefit of the reduced recordation tax rate shall be applied to the first-time District homebuyer on the HUD-1 settlement statement.

"(2) To be eligible for the reduced recordation tax rate, a first-time District homebuyer shall:

"(A) Provide proof that he or she is a bona fide District of Columbia resident;

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“(B) Have a household income no higher than 180% of the Area Median Income as provided by the United States Department of Housing and Urban Development as a direct calculation without taking into account any adjustment;

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

“(D) Submit a copy of the deed and a copy of the homestead deduction application for the eligible property; and

“(E) Provide other documentation that the Mayor or the Chief Financial Officer of the District of Columbia considers necessary or appropriate.

“(3) This subsection shall expire 5 years after implementation of the first-time District homebuyer recordation tax rate reduction program.

“(f) Upon the expiration of the first-time District homebuyer recordation tax rate reduction provided pursuant to subsection (e) of this section, the Mayor shall submit a report to the Council reviewing the impact of the benefits for a first-time District homebuyer allowed under subsection (e) of this section from October 1, 2016 until December 31, 2021. The report shall include:

“(1) An analysis of the recordation tax rate reduction on homeownership in the District;

“(2) The number of households who received the recordation tax rate reduction through December 31, 2021.

“(3) The total number of home sales in the District within the time frame of the recordation tax rate reduction;

“(4) An evaluation of the access to housing for people within the affected income range with the time frame of the recordation tax rate reduction; and

“(5) The overall housing affordability in the District each year that the recordation tax rate reduction was in place.”.

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).

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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)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-687

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 17, 2017

To amend the Advisory Neighborhood Councils Act of 1975 to permit District government entities to provide electronic notice to Advisory Neighborhood Commissions (“ANCs”) by default and first-class mail notice by request; to transfer duties related to ANC quarterly financial reports from the D.C. Auditor to the Office of Advisory Neighborhood Commissions to provide for 7-day advance publication of ANC meeting draft agendas; to provide that officer transition protocols and tiebreaking procedures shall be included in ANC bylaws; to stipulate that ANC committees are to be advisory only; to stipulate minimum duties for ANC officer positions; to require the Mayor to assist an ANC with locating office space in the ward of the ANC; to provide executive staff of District agencies, boards, and commissions with optional training on ANC procedures provided by the OANC; to require the Mayor to reimburse translation and interpretation service costs incurred by a Commission; to provide an online ANC portal for streamlined communication between ANCs and other government entities, viewable by the public; to require each ANC treasurer to maintain a publicly viewable and up-to-date treasurer’s report; to clarify that the OANC is required to return an ANC’s confiscated checkbook immediately upon receiving and approving any outstanding financial reports; to permit an ANC to provide up to \$100 worth of food and nonalcoholic beverages at each public meeting for residents who attend; to permit ANCs to incur expenses for meals and personal subsistence items to the extent such purchases are for a public purpose or other specifically authorized purpose; to provide for certain ANC documents to be produced from templates created by the OANC; to limit overhead costs for any ANC grant to 15% of the total amount of the grant; to require each ANC grantee to give regular updates to the granting ANC on the use of grant funds; to authorize the OANC to prohibit ANC grants to any recipient that uses ANC grant money inconsistently with the grant agreement; to provide for reimbursement of Commissioners from ANC allotments for travel and childcare expenses incurred to carry out Commissioner duties; to clarify the ownership of records kept and items purchased by or on behalf of an ANC; to provide for additional and clarified responsibilities for the OANC; and to authorize the Office of Open Government to assist the OANC with Freedom of Information Act training and provide support in fulfilling FOIA requests.

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

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Sec. 2. The Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 2(c) (D.C. Official Code § 1-309.01(c)) is amended as follows:

(1) New paragraphs (2A), (2B), and (2C) are added to read as follows:

“(2A) “Commissioner” means a member of an Advisory Neighborhood Commission.

“(2B) “Community” means those residents who reside within a Commission area.

“(2C) “DCAPA” means the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).”

(2) A new paragraph (5) is added to read as follows:

“(5) “OANC” means the Office of Advisory Neighborhood Commissions established by section 18.”

(b) Section 5 (D.C. Official Code § 1-309.04) is amended by striking the phrase “Board of Elections and Ethics” and inserting the phrase “Board of Elections” in its place.

(c) Section 6(a)(1) (D.C. Official Code § 1-309.05(a)(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 “office.” and inserting the phrase “office; and” in its place.

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

“(D) Has not been convicted of a felony committed while serving as a Commissioner.”

(d) Section 8 (D.C. Official Code § 1-309.06) is amended by striking the phrase “Board of Elections and Ethics” wherever it appears and inserting the phrase “Board of Elections” in its place.

(e) Section 13 (D.C. Official Code § 1-309.10) is amended as follows:

(1) Subsection (a) is amended by striking the final sentence.

(2) Subsection (b) is amended by striking the first sentence and inserting the following sentence in its place: “The executive branch and any independent agency, board, or commission shall give 30-days written notice, excluding Saturdays, Sundays and legal holidays, of: (1) the intent to acquire an interest in real property, either through purchase or lease; or (2) the intent to change the use of property owned or leased by or on behalf of the government; to the OANC, each affected Commission, the Commissioner representing a single-member district affected by said actions, and to each affected Ward Councilmember, except where shorter notice on good cause made and published with the notice may be provided, or in the case of an emergency, and the notice shall be published in the District of Columbia Register.”

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

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

(i) Strike the first sentence.

(ii) Strike the phrase “required in subsection (a)” and insert the phrase “required in subsection (b)” in its place.

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

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“(1A) All notices transmitted pursuant to this section may be by electronic mail, unless otherwise provided by law, or unless the party to be noticed requests in writing to receive first-class mail notifications. Requests for first-class mail notification under this subsection shall be sent to the OANC, which shall forward the requests to all Advisory Neighborhood Commission Liaisons.”.

(C) Paragraph (2)(A) is amended by striking the phrase “first class mail” and inserting the phrase “electronic mail, subject to paragraph (1A) of this subsection,” in its place.

(D) Paragraph (3) is amended by striking the phrase “electronic or first-class mail; provided, that the notice to the affected Commission shall be by first-class mail unless the affected Commission agrees in writing to receive electronic mail notifications” and inserting the phrase “electronic mail, subject to paragraph (1A) of this subsection,” in its place.

(E) Paragraph (4) is amended by striking the phrase “electronic or first-class mail; provided, that the notice to the affected Commission shall be by first-class mail unless the affected Commission agrees in writing to receive electronic mail notifications” and inserting the phrase “electronic mail, subject to paragraph (1A) of this subsection,” in its place.

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

(5) A new subsection (n-1) is added to read as follows:

“(n-1) By December 1 of each year, each Commission shall publish an annual report or newsletter that summarizes the activities of the Commission in service to the community over the preceding 12 months, including a highlighting of key issues voted upon, comments submitted to District agencies, and issuance of community grants.”.

(f) Section 14 (D.C. Official Code § 1-309.11) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

“(1A) A Commissioner must be physically present at a public meeting in order to participate in the meeting, including being counted toward the presence of a quorum and voting on matters before the Commission.”.

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

(A) Strike the phrase “, individuals with official business before the Commission,”.

(B) Strike the phrase “good cause” and insert the phrase “good cause articulated in the notice” in its place.

(3) New subsections (c-1) and (c-2) are added to read as follows:

“(c-1)(1) No fewer than 7 calendar days before any regular monthly public Commission meeting, the Commission shall:

“(A) Publish a draft agenda for the meeting via each website the Commission maintains; and

“(B) Transmit the draft agenda electronically to the OANC.

“(2) The Commission shall retain the right to modify the draft agenda for a public meeting as necessary following publication of the draft agenda; provided, that the Commission shall only discuss or take official action upon an item added to a draft agenda after initial

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publication pursuant to this subsection upon official approval of the addition of the item to the agenda by the Commission.

“(c-2) Any individual or entity whose property or business may be the subject of discussion or official action by a Commission may notify the Commission in writing that the individual or entity wishes to be directly contacted upon the placement of the property or business on a published draft agenda, and of the preferred method of contact. Any Commission so notified shall make a good-faith attempt to contact the notifying individual or entity in a timely manner, using the preferred method of contact specified, upon adding to a published draft agenda any matter directly pertaining to the property or business of the individual or entity.”.

(4) Subsection (d)(1) is amended as follows:

(A) Subparagraph (I) is amended by striking the word “and” at the end.

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

(C) New subparagraphs (K) and (L) are added to read as follows:

“(K) Transition protocols for officer positions; and”

“(L) A tiebreaking procedure for Commission officer elections.”.

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

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

“(1) Each Commission shall elect from among its members at a public meeting of the Commission held in January of each year, a Chairperson, Vice-Chairperson, Secretary, and Treasurer. Each Commission may also elect any other officers that the Commission deems necessary. For each Commission officer election, the Commission shall nominate a non-Commissioner to count ballots for officer positions.”.

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

“(1A)(A) The Chairperson shall serve as convener of the Commission and shall chair the Commission meetings.

“(B) The Vice-Chairperson shall fulfill the obligations of the Chairperson upon the absence, death, incapacitation, or resignation of the Chairperson.

“(C) The Secretary shall ensure that appropriate minutes of Commission meetings are kept and that appropriate notice of Commission meetings is provided in accordance with subsection (c) of this section. The Secretary shall ensure that Commission meeting agendas, minutes, and written recommendations for other government entities are electronically transmitted to the OANC upon their completion.

“(D) The Treasurer shall ensure that the responsibilities provided for in section 16 are fulfilled. No individual may serve as both the Chairperson and Treasurer simultaneously for any Commission.

“(E) The views or recommendations of each Commission shall be presented only by its officers, Commissioners, or representatives appointed by the Commission at a public meeting to represent the Commission's views on a particular issue or proposed action.”.

(6) A new subsection (f-1) is added to read as follows:

“(f-1) Committees and task forces of a Commission shall be advisory only, except that a

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Commission may officially adopt committee or task force determinations. A Commission shall not delegate official decision-making authority to any committee or task force.”

(7) The lead-in language of subsection (g) is amended to read as follows:

“(g) Each Commission, including each committee of a Commission, shall be subject to the open meetings provisions of section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42). No meeting may be closed to the public unless personnel or legal matters are discussed. Without limiting the scope of section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42), the following categories of information shall be specifically made available to the public subject to section 204 of the DCAPA:”

(g) Section 15 (D.C. Official Code § 1-309.12) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase “District of Columbia Auditor” and inserting the acronym “OANC” in its place.

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

(i) Subparagraph (A) is repealed

(ii) New subparagraphs (C-i) and (C-ii) are added to read as follows:

“(C-i) Reimbursement of translation and interpretation service costs incurred by a Commission, for residents and Commissioners who require such services in relation to Commission documents or proceedings; provided, that applications for reimbursement under this subparagraph shall be submitted to OANC, using a form prescribed by the Mayor;

“(C-ii) Reimbursement to the Commission for the purchase or rental of assistive listening systems, as they are described in the 2010 Americans with Disabilities Act Standards for Accessible Design, Section 706 of Appendix D to 36 C.F.R. Part 1191, for use by hearing-impaired residents or Commissioners at Commission proceedings; provided, that applications for reimbursement under this subparagraph shall be submitted to OANC, using a form prescribed by the Mayor;”

(C) New paragraphs (4), (5), and (6) are added to read as follows:

“(4) The Office of the Attorney General for the District of Columbia shall provide legal interpretations of statutes concerning or affecting the Commissions, or of issues or concerns affecting the Commissions. These interpretations may be requested directly by any Commission or by the OANC.

“(5) Within 180 days after the effective date of the Advisory Neighborhood Commissions Omnibus Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-697), the Mayor shall provide the following:

“(A) An email address for each Commission Chairperson, including the word “chair” and the single-member district alphanumeric designation, correspondence to which shall automatically be directed to the government-provided single-member district email address of the Commission Chairperson.

“(B) An online Advisory Neighborhood Commissions Portal (“ANC Portal”) where District agencies, boards, and commissions may post notices and documentation,

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Commissioners may post questions and comments, and agencies may respond to questions and comments posted by Commissioners. All content uploaded to the ANC Portal shall be accessible for viewing by the general public. Communications between government entities and Commissioners via the ANC Portal shall not be considered sufficient for meeting the requirements of section 13.

“(6) The District of Columbia Office of Open Government (“OOG”) shall develop a training program and materials on the requirements of title II of the DCAPA (“FOIA”) with respect to Advisory Neighborhood Commissions. The OOG shall coordinate with the OANC to include OOG-developed FOIA training materials in Commissioner training sessions provided by the OANC. OOG shall also provide a training session at least twice per calendar year on Commission obligations under FOIA, to which all Commissioners shall be invited.”.

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

“(f)(1) Each executive and independent agency, board, and commission of the District shall assign an individual to act as an Advisory Neighborhood Commission Liaison who shall serve as a designated contact for all Commissioners conducting official business with the government entity. The duties of the Advisory Neighborhood Commission Liaison shall include transmitting notice to Commissions pursuant to section 13 for any action that the government entity has determined to require notice under section 13, acknowledging receipt of Commission-approved comments submitted pursuant to section 13(d), and forwarding the Commission comments to the appropriate staff.

“(2) The OANC shall maintain a list of Advisory Neighborhood Commission Liaisons.

“(3) The Mayor shall transmit to each Commission and the OANC the e-mail and telephone contact information for any newly designated Advisory Neighborhood Commission Liaison within 5 business days of the designation.”.

(3) New subsections (g) and (h) are added to read as follows:

“(g) The Mayor shall provide informational materials to all newly hired or promoted District supervisory employees of the executive branch on the role of Advisory Neighborhood Commissions, and on their relationship to other government entities with which they interact. The materials shall cover the responsibilities of District agencies under section 13.

“(h) The OANC shall hold biannual training sessions on the responsibilities of District agencies with respect to Advisory Neighborhood Commissions, including those responsibilities under section 13. The OANC shall invite the director or highest-ranking officer of each District government agency, board, or commission, or his or her designee, to attend the training.”.

(h) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

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

“(c-1) The treasurer of each Commission shall maintain an up-to-date treasurer’s report that shall be available for any Commissioner or member of the public to review at each regular public Commission meeting.”.

(2) Subsection (d)(2) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Office of the Attorney General for the District of Columbia” in its place.

ENROLLED ORIGINAL

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

(A) Paragraph (1) is amended by striking the phrase "without the specific authorization of the Commission" and inserting the phrase "without the specific authorization of the Commission, except for reimbursements approved by the Commission treasurer under subsection (1-1) of this section" in its place.

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

"(B) Before signature, the check shall contain:

"(i) The date of payment;

"(ii) The name of the payee;

"(iii) The amount of the payment; and

"(iv) A note describing the purpose of the payment.".

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

(A) Strike the phrase "Corporation Counsel" and insert the phrase "Office of the Attorney General for the District of Columbia" in its place.

(B) Strike the word "Auditor" and insert the acronym "OANC" in its place.

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

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

(i) Strike the word "Auditor" wherever it appears and insert the acronym "OANC" in its place.

(ii) Strike the word "Auditor's" and insert the acronym "OANC's" in its place.

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

(i) Strike the word "Auditor" wherever it appears and insert the acronym "OANC" in its place.

(ii) Insert the sentence "Upon receiving and approving all outstanding quarterly financial reports from the Commission, the OANC shall immediately return the checkbook to the Commission." before the last sentence.

(6) Subsection (l) is amended as follows:

(A) Paragraph (1) is amended by:

(i) Striking the phrase "and nominal refreshments at Commission meetings" and inserting the phrase "legal expenses for Commission representation by an attorney licensed in the District before an agency, board, or commission of the District government, and nominal refreshments at Commission meetings" in its place.

(ii) Striking the sentence "Expenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to subsection (m) of this section." and inserting the sentences "Nominal refreshments shall be limited to \$100 worth of food and nonalcoholic beverages per regular public Commission meeting, and any refreshments purchased shall be available to the public. Expenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to subsection (m) of this section. A public purpose shall be a purpose that benefits the

ENROLLED ORIGINAL

community as a whole and is not done for the primary purpose of benefitting a private entity.” in its place.

(iii) Adding after the final sentence the following: “Where a Commissioner submits a complete and valid application for reimbursement for travel or childcare expenses under subsection (1-1) of this section, a Commission shall reimburse that Commissioner for all requested expenses for which the Commissioner qualifies under subsection (1-1).”.

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

“(2) No Commission may expend funds except as authorized under this act. Prohibited expenditures include those for any purpose that involves partisan political activity, legal expenses other than for Commission representation before an agency, board, or commission of the District government, or travel outside of the Washington metropolitan area.”.

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

“(3) Commissions shall use staff payroll forms provided by the OANC.”.

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

“(1-1)(1) A Commission shall expend funds to reimburse any Commissioner who submits a complete application for reimbursement from the Commission allotment for qualifying travel or childcare expenses incurred to carry out qualifying official duties of the Commissioner in accordance with this subsection; provided, that the maximum total reimbursement that any individual Commissioner may receive under this subsection in a single calendar year shall be \$500.

“(2) An application for reimbursement shall be completed using a form created by the OANC, which shall be available to individual Commissioners upon request, and which shall indicate any attachments required to demonstrate that the expense qualifies under this subsection. A Commission Treasurer shall not approve the release of Commission funds under this subsection except where the application for reimbursement meets all requirements under this subsection. To qualify for reimbursement under this subsection, a Commissioner shall submit an application within 30 days of incurring the relevant expense. Upon approving an application for reimbursement under this subsection, the Commission Treasurer shall electronically transmit the application to the OANC, which shall maintain electronic copies of all applications. The Commission Treasurer shall ensure that applications submitted under this subsection are included in quarterly financial reports of the Commission prepared pursuant to subsection (j) of this section.

“(3) For the purposes of this subsection, the term:

“(A) “Qualifying official duties” shall be limited to the following:

“(i) Attending regular and special public meetings of the Commission on which the Commissioner sits;

“(ii) Delivering official testimony on behalf of the Commission as a whole, or a committee of the Commission at an official proceeding of any agency, board, or commission within the District government that receives public testimony, or before the Council;

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“(iii) Attending meetings of a Commission committee on which the Commissioner sits;

“(iv) Traveling to and from the offices of government entities in order to participate in meetings on behalf of the Commission; and

“(v) Attending training provided under this act.

“(B) “Qualifying travel or childcare expenses” shall be limited to the following, to the extent they are incurred to perform qualifying official duties under this subsection:

“(i) Expenses for public transportation provided by the Washington Metropolitan Area Transit Authority; and

“(ii) Expenses charged to the Commissioner for childcare services that comply with all licensing requirements of the Office of the State Superintendent of Education.”.

(8) Subsection (m) is amended as follows:

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

“(2) An applicant for a grant shall submit an application in writing to the Commission and to the OANC. The application shall be in the form of a template designed by the OANC, and shall contain:

“(A) A description of the proposed project for which the grant is requested;

“(B) A statement of expected public benefits;

“(C) The total cost of the proposed project, including other sources of funding, if any; and

“(D) An accounting by the grantees of the expected overhead costs the grantees will incur in carrying out the grant. No Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”.

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

“(3) Within 60 days following the issuance of a grant, and every 90 days thereafter during the life of the grant, the grant recipient shall forward to the Commission and the OANC a statement as to the use of the funds consistent with the grant application, complete with receipts that support the expenditures. The OANC:

“(A) May prohibit all Commissions from providing a grant to any past grant recipient that used grant funds contrary to the associated grant agreement; and

“(B) Shall maintain a list, available to any Commissioner upon request, of prohibited grantees identified pursuant to subparagraph (A) of this paragraph.”.

(9) Subsection (q) is amended by striking the phrase “may seek to reprogram funds” and inserting the phrase “shall assist the Commission in locating appropriate office space in the ward in which the Commission is located, and may seek to reprogram funds” in its place.

(10) New subsections (r) and (s) are added to read as follows:

“(r) Any document created by requirement of this act, and any equipment purchased by, or on behalf of, a Commission, is the property of the District, and not the property of any Commissioner or other individual.

ENROLLED ORIGINAL

“(s) Commissioners shall attend at least one training session per year conducted by the OANC pursuant to section 18(c)(5).”.

(i) Section 18 (D.C. Official Code § 1-309.15) is amended to read as follows:

“Sec. 18. Office of Advisory Neighborhood Commissions; appointment of Executive Director.

“(a) There is hereby established an Office of Advisory Neighborhood Commissions to provide technical, administrative, and financial reporting assistance to the Advisory Neighborhood Commissions. Subject to appropriations beginning in Fiscal Year 2001, the OANC shall be funded by an annual budget allocation. The OANC is intended to support the efforts of Advisory Neighborhood Commissions, review Commission quarterly financial reports, and approve or disapprove the release of Commission quarterly allotments pursuant to section 16.

“(b) The OANC shall be headed by an Executive Director who shall be appointed by the Council.

“(c) The duties of the OANC shall include:

“(1) Developing and implementing new programming and services to assist Commissioners in serving District residents;

“(2) Responding to requests from Commissioners in a timely manner and acting upon those requests in a timely manner;

“(3) Organizing and overseeing a task force of Commissioners every 2 years, charged with assisting the OANC in updating the ANC Handbook;

“(4) Coordinating with the Office of Open Government (“OOG”) to maintain and improve public transparency, including coordinating with OOG to assist Commissions in fulfilling Freedom of Information Act (“FOIA”) requests;

“(5) Developing and directing no fewer than 2 training sessions for Commissioners per year, one of which shall take place no later than January 31 of each year, which shall include information on the statutory mandates and responsibilities of Commissions, Robert’s Rules of Order, conflict resolution, and any training or informational material provided by OOG concerning Commission duties related to FOIA;

“(6) Creating, updating, and distributing to all Commissions templates for bylaws;

“(7) Creating and updating templates for staff payroll forms, grant applications, and expense reimbursement applications, and distributing those templates to all Commissions;

“(8) Increasing public awareness of the work of the Advisory Neighborhood Commissions;

“(9) Providing Commissioners with technical assistance related to government email accounts;

“(10) Creating a standard Advisory Neighborhood Commissions logo that Commissions may use on official documents and materials;

“(11) Serving as the primary source of advice for Commissioners with respect to their official statutory responsibilities;

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“(12) Providing electronic or in-person briefings, as requested by a Commission, on legislation under review by the Council, using OANC personnel or through coordination with Council staff, as necessary;

“(13) Advising Commissions on judicial and administrative decisions particularly affecting Commission duties or activities, and seeking advice from the Office of the Attorney General for the District of Columbia on behalf of Commissions, where necessary and appropriate;

“(14) Advocating on behalf of Commissions with respect to District agencies;

“(15) Providing technical assistance, as needed, to Councilmembers, and committees and staff of the Council with respect to Commission matters; and

“(16) Reviewing Commission quarterly financial reports, and approving or disapproving the release of Commission quarterly allotments pursuant to section 16.

“(d) Funds may be transferred from the OANC through an intra-District transfer for the operations of the OANC.

“(e) The OANC may issue rules to implement the provisions of this section.”

Sec. 3. Applicability.

(a) Except as provided in subsection (d) of this section, 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.

(d) Section 2(g)(1)(A), (h)(4)(B), (h)(5)(A), (h)(7), (h)(8), and (i) shall apply on April 1st, 2017.

Sec. 4. Rules.

Within 180 days after the effective date of this act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 15, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-5

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To approve, on an emergency basis, the award of an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-07-02A with South Capitol Improvements, LLC, for Local Rent Supplement Program units at 4001 South Capitol Street, S.W., and to authorize payment for housing services 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 “Local Rent Supplement Program Contract No. 2014-LRSP-07-02A Approval and Payment Authorization Emergency Act of 2017”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with South Capitol Improvements, LLC, for an initial annual subsidy amount of \$298,800 and authorizes payment for services 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.

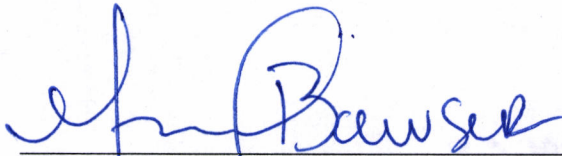
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;
D.C. Official Code § 1-204.12(a)) .



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To approve, on an emergency basis, Modification Nos. 6 and 8 to Human Care Agreement No. CW29940 with The WIN Team LLC to provide extended family home services, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. CW29940 Approval and Payment Authorization Emergency Act of 2017”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 6 and 8 to Human Care Agreement No. CW43691 with The WIN Team LLC to provide extended family home services, and authorizes payment in the total not-to-exceed amount of \$1,351,185 for services received and to be received under the modifications for the period from June 30, 2016, to June 29, 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.

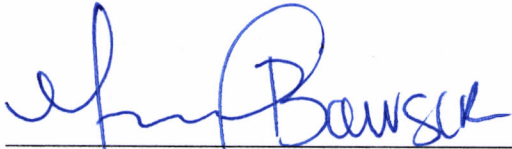
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
February 15, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 15, 2017

To approve, on an emergency basis, Modification Nos. 2, 3, and 5 and proposed Modification No. 4 to Human Care Agreement No. DCJM-2014-H-0006-01 with the National Children’s Center, Inc. to provide residential habilitation, supported living, host home, and related residential expenses to District persons with intellectual and developmental disabilities, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. DCJM-2014-H-0006-01 Approval and Payment Authorization Emergency Act of 2017”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 2, 3, 5 and proposed Modification No. 4 to Human Care Agreement No. DCJM-2014-H-0006-01 with the National Children’s Center, Inc. to provide residential habilitation, supported living, host home, and related residential expenses to District persons with intellectual and developmental disabilities, and authorizes payment in the total not-to-exceed amount of \$2,347,898.40 for services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 15, 2017

ENROLLED ORIGINAL

A RESOLUTION

22-18

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To approve the reappointment of Ms. Kathleen Patterson as the District of Columbia Auditor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Auditor Kathleen Patterson Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia approves the reappointment of:

Ms. Kathleen Patterson
5228 Chevy Chase Parkway, N.W.
Washington, D.C. 20015
(Ward 3)

as the District of Columbia Auditor, established by section 455 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.55), for a 6-year term to end February 25, 2023.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-21

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize and celebrate the Greater Washington Urban League in celebration of the 45th Annual Whitney M. Young, Jr. Memorial Gala of 2017 and to declare March 10, 2017 as “Greater Washington Urban League Day” in the District of Columbia.

WHEREAS, The Greater Washington Urban League’s mission is to increase the economic and political empowerment of blacks and other minorities and to help all Americans share equally in the responsibilities and rewards of full citizenship;

WHEREAS, The Greater Washington Urban League was founded in 1938 and is one of more than 100 affiliates of the National Urban League;

WHEREAS, The Greater Washington Urban League, a major civil rights and social services organization, has been dealing effectively with a wide range of social and economic problems for 71 years and the 40-member Board of Directors that governs the League represents a cross-section of individuals from the metropolitan Washington, D.C. area, while an Advisory Board provides expertise and guidance to support its work;

WHEREAS, The Greater Washington Urban League serves 65,000 residents in Washington, D.C., Montgomery County, and Prince George’s County, managing and administering programs in education, employment and training, housing and community development, health promotion, financial literacy and emergency assistance;

WHEREAS, members benefit through various services, including technical assistance, business ownership development, access to markets, and workforce development; and

WHEREAS, The Greater Washington Urban League has strengthened its ongoing partnerships with a number of major public and private sector institutions committed to helping alleviate the hardships faced by our constituents, and private funding sources provide base support in addition to the League’s contracts with federal and government agencies that fund special programs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “The Greater Washington Urban League Recognition Resolution of 2017”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia commends the Greater Washington Urban League for its many contributions to the District of Columbia and declares March 10, 2017, as “Greater Washington Urban League Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-22

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To honor the life and contributions of Woody Ward.

WHEREAS, Woody Ward attended Maryland State College, now known as University of Maryland Eastern Shore;

WHEREAS, Woody Ward was drafted as the ninth pick by the Buffalo Bills, then an American Football League team, and wore the number 59 jersey;

WHEREAS, Woody Ward was injured in 1967 during a kickoff by the Houston Oilers, bringing his professional football career to an end;

WHEREAS, Woody Ward traveled to Washington, D.C. for rehabilitation and began working with the Department of Parks and Recreation;

WHEREAS, Woody Ward met his future wife, Barbara Butler, at a Washington Redskins' party, and they were married in 1975 and raised 3 children;

WHEREAS, Woody Ward had the pleasure of working at Rudolph, McGartney, Washington Highlands (Ferebee-Hope), Benning Terrace, Kelly Miller, and Watts Recreation Center before serving 26 years at the Benning Park Recreation Center, where he helped to raise 3 generations of youth;

WHEREAS, Woody Ward impacted the lives of young athletes throughout many Washington, D.C. communities during his 40-plus years working at the Department of Parks and Recreation, serving as a football, baseball, and basketball coach;

WHEREAS, Woody Ward greeted everyone with a smile and was known for saying "Good show," which was a confirmation from him that everything was ok;

WHEREAS, Woody Ward was revered at Benning Park Recreation Center, and was a father figure for many youth; and

ENROLLED ORIGINAL

WHEREAS, Woody Ward jokingly told parents and youth that his name was Woody “King” Ward because he wanted to be called “King.”

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Woody Ward Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia appreciates the life and legacy of Woody Ward for his contributions to the lives of District youth and families as coach, father figure, and mentor.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-23

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize and honor the Boy Scouts of America for over 100 years of service and to declare February 8, 2017 as “National Boy Scouts Day” in the District of Columbia.

WHEREAS, on February 8, 1910, Chicago publisher William Dickson Boyce filed incorporation papers in the District of Columbia to create the Boy Scouts of America (“BSA”);

WHEREAS, in 1916, the United States Congress granted the Boy Scouts of America a federal charter;

WHEREAS, the BSA is committed to helping millions of youth succeed by providing support, friendship, and mentoring;

WHEREAS, since its creation in 1910, more than 110 million Americans have been participants in BSA programs;

WHEREAS, the Boy Scouts have helped develop leaders across the United States and former scouts have gone on to become leaders in all fields, including such notables as astronaut Neil Armstrong, Reverend Dr. Martin Luther King, Jr., and Presidents Gerald Ford, George W. Bush, Bill Clinton, John F. Kennedy, and Barack Obama;

WHEREAS, the National Capital Area Council, founded in 1911, serves 10 counties in Northern Virginia, 6 counties in Maryland, the District of Columbia, and the U.S. Virgin Islands and is one of the largest councils in the country;

WHEREAS, Troop 100, "The Century Troop," was chartered on February 1, 1918, and is the oldest Boy Scout Troop in Washington, D.C.;

WHEREAS, the Washington, DC District has 54 scouting units serving over 1,290 youth across the District of Columbia; and

ENROLLED ORIGINAL

WHEREAS, the Boy Scouts of America has been an integral part of communities across the United States and the District, and continues to prepare youth to participate and provide leadership in American society through active civic engagement.

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

Sec. 2. The Council of the District of Columbia recognizes and supports the Boy Scouts of America for being at the forefront of instilling timeless values in youth since its founding in 1910, for its over 100 years of service and its continued commitment and dedication to America’s youth.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize and congratulate the St. John’s College High School Boys Varsity Wrestling team for its outstanding 2016-2017 season in which the team won its first Washington Catholic Athletic Conference team title since 1979.

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, St. John’s philanthropic efforts include 25,000 hours of annual student Christian service;

WHEREAS, the St. John’s College High School Boys Varsity Wrestling team, led by Head Coach Cam Watkins, captured the 2017 Washington Catholic Athletic Conference (“WCAC”) championship on February 4, 2017, the Cadets’ first WCAC team title since 1979; and

WHEREAS, the St. John’s College High School Boys Varsity Wrestling 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 Boys Varsity Wrestling Team Recognition Resolution of 2017”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia heartily congratulates Coach Cam Watkins for his coaching excellence and the members of the St. John's College High School Boys Varsity Wrestling 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

22-25

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize and congratulate Rebecca Frye of the St. John’s College High School Girls Varsity Volleyball team for being named the 2016-17 Gatorade Washington DC Volleyball Player of the 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, St. John’s philanthropic efforts include 25,000 hours of annual student Christian service;

WHEREAS, on January 17, 2017, The Gatorade Company announced Rebecca Frye of St. John's College High School as its 2016-17 Gatorade District of Columbia Volleyball Player of the Year;

WHEREAS, Rebecca Frye is the sixth Gatorade District of Columbia Volleyball Player of the Year to be chosen from St. John's College High School;

WHEREAS, Rebecca Frye’s excellent season included leading the Cadets to a 21-11 record and the D.C. Interscholastic Athletic Association tournament championship, recording 358 assists, 168 kills, 149 digs, 83 service aces, and 47 blocks while posting a .407 kill percentage; and

WHEREAS, Rebecca Frye and the St. John’s College High School Girls Varsity Volleyball Team has triumphed and excelled on the field and in the classroom.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rebecca Frye Gatorade Washington DC Volleyball Player of the Year Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia heartily congratulates Coach Bill Pribac for his coaching excellence, the members of the St. John’s College High School Girls Varsity Volleyball Team for their accomplished athletic abilities, and Rebecca Frye for being the 2016-17 Gatorade Washington DC Volleyball Player of the Year.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-26

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To declare February 2017 as “Teen Dating Violence Awareness and Prevention Month” in the District of Columbia.

WHEREAS, young women between the 16 and 24 years of age are more vulnerable to intimate partner violence, experiencing abuse at a rate almost triple the national average;

WHEREAS, one in 3 teen girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

WHEREAS, high school students who experience physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide, and are much more likely to carry patterns of abuse into future relationships;

WHEREAS, students in the District of Columbia who reported dating violence were 4.5 times more likely to not attend school because they felt unsafe;

WHEREAS, lesbian, gay, bisexual, and questioning middle and high school students in the District of Columbia are at a significantly increased risk for sexual assault and experiencing relationship violence compared to their heterosexual peers;

WHEREAS, lesbian, gay, bisexual, and questioning middle and high school students in the District of Columbia were 2.5 times more likely to report being harmed by the person they were dating than heterosexual youth;

WHEREAS, although there is a disturbing lack of data on experiences of transgender and gender non-conforming youth with dating violence, these young people likely are disproportionately affected, based on the extremely high rates of lifetime intimate partner violence reported by transgender and gender non-conforming adults;

ENROLLED ORIGINAL

WHEREAS, young people victimized by a dating partner are more likely to engage in risky sexual behavior and unhealthy dieting behaviors, and the experience may disrupt the development of self-esteem and positive body image;

WHEREAS, nearly half of teens who experience dating violence report that incidents of abuse took place in a school building or on school grounds;

WHEREAS, only 33% of teens who are in an abusive relationship tell anyone about the abuse, and 81% of parents surveyed either believe teen dating violence is not an issue or admit they do not know if it is one;

WHEREAS, by providing young people with education about healthy relationships and relationship skills and by changing attitudes that support violence, the Council recognizes that dating violence is preventable;

WHEREAS, it is essential to raise community awareness and to provide training for teachers, counselors, and school staff so that they may recognize when youth are exhibiting signs of dating violence;

WHEREAS, the establishment of Teen Dating Violence Awareness and Prevention Month benefits young people, their families, schools, and communities, regardless of socioeconomic status, gender, sexual orientation, or ethnicity; and

WHEREAS, all residents of the District of Columbia have the right to a safe and healthy relationship and to be free from abuse.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Teen Dating Violence Awareness and Prevention Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares February 2017 as “Teen Dating Violence Awareness and Prevention Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-27

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To honor “National Wear Red Day” in the District of Columbia, to recognize the importance of educating women in the District about the risks of cardiovascular disease, and to commemorate the 15th anniversary of the American Heart Association’s Go Red for Women[®] campaign.

WHEREAS, heart disease is the leading cause of death for women in the United States and in the District of Columbia;

WHEREAS, approximately 60% of all people who die from stroke are women;

WHEREAS, approximately 44 million women in the United States are affected by cardiovascular diseases;

WHEREAS, women in the District are more likely to be affected by heart disease than men;

WHEREAS, women, in general, have a higher lifetime risk of stroke than men; and fewer women than men will survive their first heart attack;

WHEREAS, one in 3 women in the United States will die from heart disease or stroke;

WHEREAS, every 80 seconds, a woman in the United States will die from cardiovascular disease or a stroke;

WHEREAS, 90% of women in the United States have one or more risk factors for developing heart disease or stroke;

WHEREAS, cardiovascular disease is the leading cause of death for Hispanic, Caucasian, and African American women, yet only 34% of Hispanic women and 36% of African American

ENROLLED ORIGINAL

women know that heart disease is their greatest health risk, compared with 65% of Caucasian women;

WHEREAS, February 3, 2017 marked 15 years since the American Heart Association Go Red for Women[®] campaign began to bring national attention to the fact that heart disease is the number one killer of women in the United States; and

WHEREAS, because of the American Heart Association's Go Red for Women[®] campaign, nearly 90% of women have made at least one healthy behavior change; more than one-third of women have lost weight; more than 50% of women have increased their exercise; and nearly 300 fewer women die from heart disease and stroke every day.

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

Sec. 2. The Council of the District of Columbia declares February 3, 2017, as "National Wear Red Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize and honor the Washington Metropolitan Chapter Community Associations Institute, and the vital role of residential community associations in the Nation’s Capital, and to declare February 25, 2017 as “Community Association Day” in the District of Columbia.

WHEREAS, the residential community of homeowner associations, housing cooperatives, and condominiums in the Nation’s Capital has thrived in the new millennium;

WHEREAS, strong residential communities are the heart of city life and are essential for fostering civic responsibility and pride in the city;

WHEREAS, the prospects for the ongoing revitalization of the District of Columbia greatly depend on the flourishing of its residential core;

WHEREAS, the Community Associations Institute is dedicated to fostering vibrant, responsive, and competent residential community associations that promote harmony, community, and responsible leadership, enhancing the lives of their residents;

WHEREAS, Washington Metropolitan Chapter Community Associations Institute is commemorating its 40th anniversary in February 2017; and

WHEREAS, on Saturday, February 25, 2017, the Washington Metropolitan Chapter Community Associations Institute is celebrating the value added to the area’s quality of life by community associations in the Nation’s Capital.

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

Sec. 2. The Council of the District of Columbia recognizes and honors the Community Associations Institute, and the Washington Metropolitan Chapter’s observance of Community Association Day in the Nation’s Capital, and declares February 25, 2017, as “Community Association Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-29

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize and honor Go-Go Fitness, LLC on its 5th anniversary of service in dance fitness, health, and wellness to the men, women, children, and families of the District of Columbia.

WHEREAS, Go-Go Fitness LLC was founded in February 2012 by 2 native Washingtonians and longtime Go-Go Music fans – Danette “Dani” Tucker and Erica Berry-Wilson – both graduates of Benjamin Banneker Academic High School and alumni of both the D.C.’s Mayor’s Youth Leadership Institute and the Summer Youth Employment program;

WHEREAS, Ms. Tucker and Mrs. Berry-Wilson desired to bring to District residents dance fitness classes that focused on the entire family and utilized the District of Columbia’s homegrown Go-Go music as its sole genre of choice;

WHEREAS, Go-Go Fitness, LLC was incorporated on February 11, 2012, and had its inaugural class on Good Hope Road, S.E., Washington D.C., to 8 students in Ward 8;

WHEREAS, Go-Go Fitness LLC, has grown to be one of the largest and leading dance fitness class of choice for entire families in the District of Columbia and has a student base worldwide of over 10,000 students who have taken a Go-Go Fitness LLC class live at one of its many class locations, or during one of GO-GO Fitness LLC’s fitness trips, including Fayetteville, NC; Seattle, WA; Miami, FL; East Rutherford, NJ; Prentiss, MS; and San Juan, Puerto Rico;

WHEREAS, Go-Go Fitness LLC has produced 3 Go-Go Fitness’ Live class DVD’s: “*Welcome to DA-GOGO (formerly Z-GOGO)*,” “*Wind Me Up Chuck*” honoring the memory of the late Godfather of Go-Go Chuck Brown, and “*Crankin’ at the Panorama Room.*”, and all 3 DVD’s have sold nationwide as well as overseas in Germany, China, and Japan;

WHEREAS, Go-Go Fitness LLC has partnered and served with over 500 gyms, fitness centers, community outreach programs, health insurance sponsors, wellness clinics, homeless shelters, correctional facilities, churches, local and state governments, recreation departments, sororities, television stations, local go-go musicians/bands, and radio stations;

ENROLLED ORIGINAL

WHEREAS, of notable interest were partnerships and activities with the NBC 4 Health and Fitness Expo and the NBC 4 New York Giants Health and Fitness Expo, Unity Health Care, Trusted Health Plan, the Walker Jones Clinic, the United Planning Organization, the Boys and Girls Club, The DC Commission on the Arts and Humanities, Go-Go Radio.com., Decalo Weight Loss Program, the DC Department of Parks and Recreation, the Maryland-National Park and Planning Commission, Anacostia Community Wellness Collaborative, the Archdiocese of Washington, the PWAC Athletic Center of Woodbridge, VA, the Colonial Heights Virginia Public Schools, D.C. Public Schools and Charter Schools, the D.C. Office of Motion Picture & Television Development, the Aquiline Group, the Ward 8 Arts & Cultural Council, the Smithsonian Anacostia Museum, the Federal Alumnae and Prince George's County Chapters of Delta Sigma Theta Inc., and Alpha Kappa Alpha, Inc.;

WHEREAS, throughout Go-Go Fitness LLC's history, it has contributed to District-wide healthy families to benefit thousands via its signature Da-GoGo® classes, education seminars on healthy eating, and free demos at various outdoor community festivals in the District of Columbia metropolitan area year-round;

WHEREAS, Go-Go Fitness LLC has been recognized many times via awards and press coverage for its ground-breaking accomplishment in dance fitness through the use of Go-Go Music, on behalf of the District's families, by the Jennie Jones Make a Wish Foundation, the Washington Post, Essence Magazine.com, and East of the River DC News;

WHEREAS, Go-Go Fitness LLC has also appeared on Fox 5 News: Good Day and will soon appear on the Monumental Sports Network in February, 2017; and

WHEREAS, Go-Go Fitness LLC has become a trusted partner and leader in fitness, and total health and wellness in the District, the nation, and the world spreading the love of the District of Columbia's homegrown GO-GO through dance fitness and making sure every family knows how to "Wind Me Up Chuck" and get healthy .

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Go-Go Fitness LLC 5th Anniversary Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia congratulates Go-Go Fitness on 5 years of service to children and families in the District, and declares February 11, 2017, as "Go-Go Fitness LLC Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To commemorate the 150th anniversary of Howard University, and to recognize Howard University’s commitment to excellence, scholarship, cultural diversity, and leadership.

WHEREAS, Howard University’s charter was approved on March 2, 1867, by President Andrew Johnson;

WHEREAS, Howard University was named for General Oliver Otis Howard, who was both the founder of Howard University and Commissioner of the Freedmen's Bureau.

WHEREAS, General Oliver Otis Howard later served as President of Howard University from 1869–1874;

WHEREAS, Howard University celebrates its sesquicentennial on Charter Day, March 2, 2017;

WHEREAS, Howard University’s mission and vision is to provide African-Americans with access to a high-quality education;

WHEREAS, Howard University is a comprehensive research institution comprised of 13 schools and colleges with students pursuing more than 120 areas of study;

WHEREAS, students of Howard University have been awarded more than 120,000 degrees in the arts, sciences, and humanities;

WHEREAS, Howard University produces the most African-American medical doctors, dentists, lawyers, and doctoral degree holders of any other college or university;

WHEREAS, Howard University has produced the highest number of Rhodes Scholars of any other historically black college or university;

ENROLLED ORIGINAL

WHEREAS, Howard University has helped to shape the fabric of the District by contributing to the city's economy and culture through countless social and community service projects;

WHEREAS, Howard University students and faculty remain committed to District civic engagement, including supporting local small businesses, educating students in STEM-focused middle schools, and providing low-income residents with medical services;

WHEREAS, Howard University has produced prominent leaders in several disciplines, including: Thurgood Marshall, first African-American Supreme Court Justice; Stokely Carmichael, prominent civil rights leader; Roberta Flack, distinguished vocalist; Phylicia Rashad, renowned actress, singer, and stage director; Patricia Roberts Harris, first African-American woman to serve in a United States Cabinet; Toni Morrison, award-winning novelist; Elijah Cummings, notable United States Representative, Paulette Brown, first African-American woman president of the American Bar Association; and Kamala Harris, first African-American United States Senator of California; and

WHEREAS, Howard University has educated numerous District residents, 3 District mayors, and several Councilmembers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "150th Anniversary of Howard University Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia celebrates Howard University on the occasion of its sesquicentennial anniversary and recognizes and honors Howard University as an institution dedicated to scholarship, excellence, and the betterment of humanity.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To recognize William T. Fauntroy for his contributions to the field of engineering, the Washington Metropolitan Area Transit Authority, and the United States Army Air Corps.

WHEREAS, William T. Fauntroy was born on March 26, 1926, and received his Bachelor of Science Degree in Civil Engineering from Howard University in 1960;

WHEREAS, William T. Fauntroy trained at Keesler Field in Biloxi, Mississippi and was inducted into the United States Army Air Corps on May 6, 1944;

WHEREAS, William T. Fauntroy was assigned to Tuskegee Army Air Field in Tuskegee, Alabama;

WHEREAS, William T. Fauntroy attended Class 45-I training as a single engine pilot, which included 40 weeks of training in pre-flight instruction, primary flying, basic flying, and advance flying;

WHEREAS, William T. Fauntroy was discharged as an aviation cadet on November 8, 1945 at the conclusion of World War II;

WHEREAS, William T. Fauntroy became the first African-American civil engineer hired by the National Capital Transportation Agency, in 1961;

WHEREAS, William T. Fauntroy was promoted to serve as the urban planner of the Washington Metropolitan Area Transportation Authority, where he was responsible for the underground train system;

WHEREAS, William T. Fauntroy is a life member of the American Society of Civil Engineers, National Capital Section;

WHEREAS, William T. Fauntroy is a member of the New Bethel Baptist Church;

WHEREAS, William T. Fauntroy is a community leader and member of the North Woodridge Community Association;

ENROLLED ORIGINAL

WHEREAS, William T. Fauntroy has been a member of the East Coast Chapter of the Tuskegee Airmen, Incorporated for several years; and

WHEREAS, William T. Fauntroy lives in Ward 5 with his son.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “William T. Fauntroy Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors William T. Fauntroy for his contributions to the field of engineering, the Washington Metropolitan Area Transit Authority, and the United States Army Air Corps.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To celebrate Thelma Doris Spriggs Fagan Hyman on the occasion of her 100th birthday, and to recognize her for her commitment to education and service as an exceptional community leader and educator.

WHEREAS, Thelma Doris Spriggs Fagan Hyman was born in Washington, D.C. on January 29, 1917;

WHEREAS, Thelma Doris Spriggs Fagan Hyman earned a Bachelor of Science degree from Howard University and a Master of Science degree from Columbia University;

WHEREAS, Thelma Doris Spriggs Fagan Hyman, taught health and physical education at Dunbar High School and Howard University;

WHEREAS, Thelma Doris Spriggs Fagan Hyman remained an active member of Planned Parenthood for many years in order to advocate for women’s reproductive rights;

WHEREAS, Thelma Doris Spriggs Fagan Hyman is a member of the DC Retired Educators Association;

WHEREAS, Thelma Doris Spriggs Fagan Hyman was the oldest active member of the 19th Street Baptist Church;

WHEREAS, Thelma Doris Spriggs Fagan Hyman was a committed volunteer of the Friends of the Woodridge Library;

WHEREAS, Thelma Doris Spriggs Fagan Hyman is a community leader and member of the North Woodridge Community Association;

WHEREAS, Thelma Doris Spriggs Fagan Hyman earned the distinguished honor of becoming a Diamond Soror of Alpha Kappa Alpha Sorority, Incorporated;

WHEREAS, Thelma Doris Spriggs Fagan Hyman has supported and contributed to Howard University as a member of the Howard University Retirees;

ENROLLED ORIGINAL

WHEREAS, Thelma Doris Spriggs Fagan Hyman lives in Ward 5, was married to the late V. Vincent Fagan, and is the mother of Barbara Fagan Manly, Pat Fagan Scott, and Darryl Hall Fagan;

WHEREAS, Thelma Doris Spriggs Fagan Hyman married Harold Hyman after the death of V. Vincent Fagan; and

WHEREAS, Thelma Doris Spriggs Fagan Hyman is a loving grandmother, great-grandmother, and a great-great-grandmother.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, This this resolution may be cited as the “Thelma Doris Spriggs Fagan Hyman 100th Birthday Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Thelma Doris Spriggs Fagan Hyman on the occasion of her 100th birthday and honors her for her service and contribution to Dunbar High School, Howard University, and the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 7, 2017

To celebrate Shirley Rivens Smith on the occasion of her 75th birthday, and to recognize and honor her for her continuous contributions in District education, finance, and civic engagement.

WHEREAS, Shirley Rivens Smith is a native Washingtonian born on March 19, 1942;

WHEREAS, Shirley Rivens Smith is a proud alumna of Cardozo Senior High School;

WHEREAS, Shirley Rivens Smith earned a Bachelor of Science in Accounting and a Masters in Business Administration from the University of the District of Columbia;

WHEREAS, Shirley Rivens Smith worked at the University of the District of Columbia for over 20 years;

WHEREAS, Shirley Rivens Smith was initiated into Delta Sigma Theta Sorority, Incorporated, at the Federal City Alumnae Chapter in 1984;

WHEREAS, Shirley Rivens Smith developed, analyzed, and supervised the DC Parole Board tracking system and planned and coordinated activities for the University of the District of Columbia's radio and television stations;

WHEREAS, Shirley Rivens Smith has worked on local and national campaigns in accounting, finance, administration, and event planning;

WHEREAS, Shirley Rivens Smith co-founded the Voter Education Institute;

WHEREAS, Shirley Rivens Smith served as finance manager for the United Planning Organization from 1996 to 2006;

WHEREAS, Shirley Rivens Smith served as the membership chair of the DC National Association for the Advancement of Colored People;

ENROLLED ORIGINAL

WHEREAS, Shirley Rivens Smith was appointed as the consumer member to the DC Real Estate Commission in 1996 and appointed to the International Advisory Committee in 1999;

WHEREAS, Shirley Rivens Smith served as chair of the DC-Dakar Capital Cities Friendship Council, Incorporated for over 15 years;

WHEREAS, Shirley Rivens Smith served as a class leader and usher at Reid Temple African Methodist Episcopal Church;

WHEREAS, Shirley Rivens Smith won the Citizen of the Year Award from the Emery Civic Association in 1987, 1991, and 1994;

WHEREAS, Shirley Rivens Smith won the Delta Sigma Theta Leadership Award from the Federal City Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated in 2001; and

WHEREAS, Shirley Rivens Smith is a proud Ward 5 resident, former Advisory Neighborhood Commissioner, and the president of the North Woodridge Civic Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Shirley Rivens Smith 75th Birthday Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors Shirley Rivens Smith on the occasion of her 75th birthday and recognizes her steadfast dedication to the 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.

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

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

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

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

- | | |
|---------|--|
| B22-118 | Department of Motor Vehicles Reciprocity Sticker Amendment Act of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment |
| <hr/> | |
| B22-119 | Reserve Fund Improvement Amendment Act of 2017

Intro. 2-7-17 by Councilmember Grosso and referred to the Committee of the Whole |
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| B22-120 | Public Use of Public Buildings Amendment Act of 2017

Intro. 2-7-17 by Councilmembers Gray, Evans, Nadeau, T. White, Cheh, Allen, McDuffie, R. White, and Todd and referred to the Committee on Transportation and the Environment with comments from the Committee on Education |
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| B22-121 | Disabled Veterans Homestead Exemption Act of 2017

Intro. 2-21-17 by Councilmembers Evans and Nadeau and referred to the Committee on Finance and Revenue |
| <hr/> | |

B22-122	Mobile DMV Act of 2017 Intro. 2-21-17 by Councilmember Cheh and referred to the Committee on Transportation and the Environment
B22-123	One License for One D.C. Amendment Act of 2017 Intro. 2-21-17 by Councilmembers Grosso, Evans, and Nadeau and referred to the Committee on Transportation and the Environment
B22-124	DC Circulator Tech-Friendly Feasibility Study Act of 2017 Intro. 2-21-17 by Councilmember Todd and referred to the Committee on Transportation and the Environment
B22-125	Small Business Parking Permit Act of 2017 Intro. 2-21-17 by Councilmembers R. White, Nadeau, and Todd and referred to the Committee on Transportation and the Environment
B22-126	Tax on Wellness Repeal Act of 2017 Intro. 2-21-17 by Councilmembers Gray and Evans and referred to the Committee on Finance and Revenue
B22-127	City Innovation Fund Re-Establishment Amendment Act of 2017 Intro. 2-21-17 by Councilmember Gray and Chairman Mendelson and referred to the Committee of the Whole
B22-128	Jobs for District of Columbia Public School and Public Charter School Graduates Amendment Act of 2017 Intro. 2-21-17 by Councilmember T. White and referred to the Committee on Labor and Workforce Development with comments from the Committee on Judiciary and Public Safety
B22-129	Street Harassment Prevention Act of 2017 Intro. 2-21-17 by Councilmember Nadeau and referred to the Committee on Judiciary and Public Safety

B22-130 Paid Leave Compensation Act of 2017
Intro. 2-21-17 by Councilmembers Cheh and Evans and referred to the
Committee of the Whole

PROPOSED RESOLUTIONS

PR22-105 Compensation and Working Conditions Agreement between the Office of the
State Superintendent of Education, Division of Student Transportation and
Teamsters Local 639 Approval Resolution of 2017
Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Labor and Workforce Development

PR22-106 District of Columbia Boxing and Wrestling Commission Adam Weers
Confirmation Resolution of 2017
Intro. 2-13-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business and Economic Development

PR22-108 Commission on Health Equity Ambrose Lane, Jr. Confirmation Resolution of
2017
Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health

PR22-109 Commission on the Arts and Humanities Lawrence Green Confirmation
Resolution of 2017
Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Finance and Revenue

PR22-110 Commission on Human Rights Motoko Aizawa Confirmation Resolution of
2017
Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Judiciary and Public Safety

PR22-111 Board of Marriage and Family Therapy Sheila Holt Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR22-112 Board of Marriage and Family Therapy William Boston Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR22-113 Board of Industrial Trades Khidhar Abdulshakur Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-114 Board of Dentistry Yolanda Josey-Baker Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR22-115 Board of Architecture and Interior Designers Barbara Jones Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-116 Real Estate Commission Josephine Ricks Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-117 Real Estate Commission Christine Warnke Confirmation Resolution of 2017

Intro. 2-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

- PR22-118 Statewide Health Coordinating Council Chioma Nwachukwu Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-119 Statewide Health Coordinating Council Marc Rankin Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-120 Board of Podiatry Michangelo Scruggs Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-121 Commission on Asian and Pacific Islander Community Development Karissa Barnett Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-122 Commission on Asian and Pacific Islander Community Development Benjamin Takai Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-123 Commission on Asian and Pacific Islander Community Development Koustubh Bagchi Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations
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- PR22-124 Washington Convention and Sports Authority Board of Directors Denise Rolark Barnes Confirmation Resolution of 2017
- Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-

PR22-125 Interagency Council on Homelessness Sue Ann Marshall Confirmation
Resolution of 2017

Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Human Services

PR22-126 District of Columbia Water and Sewer Authority Board of Directors
Maria Powell Confirmation Resolution of 2017

Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

PR22-127 District of Columbia Water and Sewer Authority Board of Directors Ivan
Frishberg Confirmation Resolution of 2017

Intro. 2-15-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Transportation and the Environment

**COUNCIL OF THE DISTRICT OF COLUMBIA
 ABBREVIATED NOTICE OF PUBLIC HEARINGS
 AGENCY PERFORMANCE OVERSIGHT HEARINGS
 FISCAL YEAR 2016-2017**

2/21/2017

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>
2/15/2017	2/15/2017	Committee on Labor and Workforce Development; 10:30 a.m.
2/17/2017	2/16/2017	Commission on the Arts and Humanities (Finance & Revenue-Room 412)
2/17/2017	2/27/2017	Secretary of the District of Columbia (Government Operations-Room 120)
2/24/2017	2/28/2017	Office of Public-Private Partnerships (Government Operations-Room 412)
		Office of Chief Financial Officer, Real Property Tax Appeals Commission, & DC Lottery (Finance & Revenue-Room 412; 10:00 a.m.)
2/27/2017	2/22/2017	
3/2/2017	2/13/2017	Correction Information Council (Judiciary-Room 500; 11:00 a.m.)
		D.C. Housing Authority & Age-Friendly DC Task Force (Housing & Neighborhood Revitalization-Room 412; 12:00 p.m.)
3/14/2017	2/16/2017	

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, FEBRUARY 2, 2017; COUNCIL CHAMBER (Room 500)	
Time	Subject
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**

WEDNESDAY, FEBRUARY 8, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-724-8198.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

FRIDAY, FEBRUARY 10, 2017; Room 412	
Time	Agency
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) or by calling 202-724-8062.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

MONDAY, FEBRUARY 13, 2017; Room 412	
Time	Agency
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

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

TUESDAY, FEBRUARY 14, 2017; Room 412	
Time	Agency
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**

WEDNESDAY, FEBRUARY 15, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-297-0152.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

WEDNESDAY, FEBRUARY 15, 2017; Room 412	
Time	Agency
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 or by calling 202-724-8170.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, FEBRUARY 15, 2017; Room 120	
Time	Agency
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) or by calling 202-724-7772.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, FEBRUARY 15, 2017; Room 123	
Time	Agency
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

THURSDAY, FEBRUARY 16, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-724-8058.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

THURSDAY, FEBRUARY 16, 2017; Room 412	
Time	Agency
10:00 a.m. - End	Office on Aging Commission on Aging

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, FEBRUARY 16, 2017; Room 123	
Time	Agency
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 or by calling 202-727-8275.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

FRIDAY, FEBRUARY 17, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-727-7774.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

FRIDAY, FEBRUARY 17, 2017; Room 412	
Time	Agency
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) or by calling 202-724-8058.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

FRIDAY, FEBRUARY 17, 2017; Room 120	
Time	Agency
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 or by calling 202-724-6668.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, FEBRUARY 22, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-297-0152.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, FEBRUARY 22, 2017; Room 412	
Time	Agency
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

WEDNESDAY, FEBRUARY 22, 2017; Room 120	
Time	Agency
10:00 a.m. - End	Events DC
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, FEBRUARY 23, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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

THURSDAY, FEBRUARY 23, 2017; Room 412	
Time	Agency
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) or by calling 202-727-7774.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

THURSDAY, FEBRUARY 23, 2017; Room 120	
Time	Agency
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: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

THURSDAY, FEBRUARY 23, 2017; Room 123	
Time	Agency
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 or by calling 202-727-8275.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

FRIDAY, FEBRUARY 24, 2017; Room 412	
Time	Agency
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: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

MONDAY, FEBRUARY 27, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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: governmentoperations@dccouncil.us or by calling 202-724-6668.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

MONDAY, FEBRUARY 27, 2017; Room 412	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	District of Columbia Lottery and Charitable Games
	Real Property Tax Appeals Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

TUESDAY, FEBRUARY 28, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-724-8062.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

TUESDAY, FEBRUARY 28, 2017; Room 412	
Time	Agency
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 or by calling 202-727-8275.

COMMITTEE OF GOVERNMENT OPERATIONS

Chairperson Brandon Todd

TUESDAY, FEBRUARY 28, 2017; Room 120	
Time	Agency
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 or by calling 202-724-6668.

COMMITTEE ON EDUCATION

Chairperson David Grosso

TUESDAY, FEBRUARY 28, 2017; Room 123	
Time	Agency
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

WEDNESDAY, MARCH 1, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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 or by calling 202-724-8170.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, MARCH 1, 2017; Room 412	
Time	Agency
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) or by calling 202-724-8835.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

WEDNESDAY, MARCH 1, 2017; Room 120	
Time	Agency
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) or by calling 202-727-7774.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

WEDNESDAY, MARCH 1, 2017; Room 123	
Time	Agency
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) or by calling 202-297-0152.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

THURSDAY, MARCH 2, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

THURSDAY, MARCH 2, 2017; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

FRIDAY, MARCH 3, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-724-8198.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, MARCH 6, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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 or by calling 202-724-8196.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

WEDNESDAY, MARCH 8, 2017; COUNCIL CHAMBER (Room 500)	
Time	Agency
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) or by calling 202-727-7774.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

WEDNESDAY, MARCH 8, 2017; Room 123	
Time	Agency
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) or by calling 202-724-8198.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, MARCH 13, 2017; COUNCIL CHAMBER (Room 500)	
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) or by calling 202-724-8062.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, MARCH 13, 2017; Room 412	
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: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

TUESDAY, MARCH 14, 2017; Room 412	
Time	Agency
12:00 p.m. - End	District of Columbia Housing Authority
	Age-Friendly DC Task Force

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

WEDNESDAY, MARCH 15, 2017; COUNCIL CHAMBER (Room 500)	
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) or by calling 202-724-7772.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, MARCH 15, 2017; Room 412	
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 or by calling 202-724-8170.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

WEDNESDAY, MARCH 15, 2017; Room 123	
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: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

THURSDAY, MARCH 16, 2017; COUNCIL CHAMBER (Room 500)	
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: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, MARCH 16, 2017; Room 412	
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) or by calling 202-724-8062.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

on

**B22-26, Early Learning Equity in Funding Amendment Act of 2017
B22-50, Child Development Facilities Regulations Amendment Act of 2017
B22-76, District of Columbia Child Development Facilities Expansion Amendment Act of 2017
B22-103, Non-Traditional Child Care Needs Evaluation Act of 2017**

on

**Thursday, March 30, 2017
10:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing of the Committee on Education on B22-0026 the Early Learning Equity in Funding Amendment Act of 2017; B22-0050 the Child Development Facilities Regulations Amendment Act of 2017; B22-0076 the District of Columbia Child Development Facilities Expansion Amendment Act of 2017; and B22-0103 the Non-Traditional Child Care Needs Evaluation Act of 2017. The hearing will be held at 10:00 a.m. on Thursday, March 30, 2017 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of B22-26 is to expand the definition of "at-risk" students to include pre-k aged children who are experiencing homelessness, are in the District's foster care system, or qualify for TANF or SNAP. B22-50 requires that all proposed child development facility regulations be submitted to the Council for a 45-day period of passive review. B22-76 requires the Mayor to designate 10,300 square feet of space within D.C. government buildings and adjacent areas to meet childcare needs; and B22-103 requires OSSE to conduct a study to evaluate the sufficiency of the number of non-traditional child care facilities.

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, March 28. Persons wishing to testify are encouraged, but not required, to submit 10 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

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 on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 12, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

on

B22-0027 - Public School Health Services Amendment Act of 2017

on

Thursday, March 23, 2017

10:00 a.m., Hearing Room 500, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

Councilmember David Grosso announces the scheduling of a public hearing of the Committee on Education on B22-0027 - Public School Health Services Amendment Act of 2017. The hearing will be held at 10:00 a.m. on Thursday, March 30, 2017 in Hearing Room 500 of the John A. Wilson Building.

The stated purpose B22-0027 this bill increases the minimum hours per week of registered public school nurses at District Public and Charter Schools to 40 hours per week.

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, March 21. Persons wishing to testify are encouraged, but not required, to submit 10 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

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 on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 12, 2016.

**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 22-46, the “Department of General Services Procurement Authority
Amendment Act of 2017”**

Bill 22-47, the “Government Contractor Pay-to-Play Prevention Amendment Act of 2017”

**Bill 22-131, the “Education Professional Development Contracting Authority Clarification
Amendment Act of 2017”**

on

**Wednesday, March 15, 2017 at 1:00 p.m.
(or immediately following the preceding hearing)
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 Whole on Bill 22-46, the “Department of General Services Procurement Authority Amendment Act of 2017,” Bill 22-47, the “Government Contractor Pay-to-Play Prevention Amendment Act of 2017,” and Bill 22-131, the “Education Professional Development Contracting Authority Clarification Amendment Act of 2017.” The hearing will be held Wednesday, March 15, 2017 at 1:00 p.m. (or immediately following the preceding hearing) in Hearing Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The stated purpose of Bill 22-46 is to repeal the independent procurement authority of the Department of General Services and to create a facilities procurement division at the Office of Contracting and Procurement to manage all procurement activities for the Department of General Services. The stated purpose of Bill 22-47 is to amend the Procurement Practices Reform Act of 2010 to prohibit District government contracts with businesses and individuals that have made contributions to District government elected officials for a period of time. The stated purpose of Bill 22-131 is to amend the Procurement Practices Reform Act of 2010 to clarify the contracting authority for procurement of professional development services by the Office of the State Superintendent of Education and by the District of Columbia Public Schools to conform both OSSE and DCPS to a provision requested in subtitle IV-B of the introduced version of the Fiscal Year 2017 Budget Support Act of 2016.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Evan Cash, Committee and Legislative Director at (202) 724-8196, and provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Monday, March 13, 2017. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on March 13, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lms.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 March 29, 2017.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE

on

Compensation and Working Conditions Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and Teamsters Local 639 Approval Resolution of 2017 (PR 22-0105)

**Wednesday, March 1, 2017
9:45a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public roundtable before the Committee on **Compensation and Working Conditions Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and Teamsters Local 639 Approval Resolution of 2017 (PR 22-0105)**. The roundtable will be held at 9:45a.m. on Wednesday, March 1, 2017, in Room 412 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at croyster@dccouncil.us or (202) 724-7772 by close of business Friday, February 24, 2017, to provide your name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at croyster@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on March 15, 2017.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON HUMAN SERVICES**

ANNOUNCES A PUBLIC ROUNDTABLE ON

PR22-71, the “Child and Family Services Agency Brenda Donald Confirmation Resolution of 2017”

**Wednesday, March 1, 2017, 9:30 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, announces a public roundtable to be held on Wednesday, March 1, 2017, at 9:30 a.m. in the Council Chamber, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC, 20004.

PR22-71, the “Child and Family Services Agency Brenda Donald Confirmation Resolution of 2017” would confirm the appointment of Ms. Brenda Donald as Director of the Child and Family Services Agency.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Aubrey Joseph, Legislative Aide at 202-724-8170 or humanservices@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, February 28, 2017. Witnesses should bring 15 copies of their written testimony to the roundtable. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by email to humanservices@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Avenue, NW, Suite 112, Washington DC 20004.

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

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR 22-109, the “Commission on Arts and Humanities Lawrence Green Confirmation
Resolution of 2017”**

**PR 22-124, the “Washington Convention and Sports Authority Board of Directors Denise
Rolark Barnes Confirmation Resolution of 2017”**

Wednesday, March 1, 2017

10:00 a.m.

Room 120 - John A. Wilson Building

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

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, March 1, 2017 at 10:00a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22-109, the “Commission on Arts and Humanities Lawrence Green Confirmation Resolution of 2017” would confirm the appointment of Lawrence Green as a member of the Commission on Arts and the Humanities for a term to end June 30, 2019.

PR 22-124, the “Washington Convention and Sports Authority Board of Directors Denise Rolark Barnes Confirmation Resolution of 2017” would confirm the reappointment of Denise Rolark as a public member to the Washington Convention and Sports Authority Board of Directors, to serve for a term to end May 16, 2020.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 11:00a.m. on Tuesday, February 28, 2017. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 22-105, the "*Compensation and Working Conditions Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and Teamsters Local 639 Approval Resolution of 2017*" to allow for the proposed resolution to be considered at the March 7, 2017 meeting of the Council. The abbreviated notice is necessary to allow the Council to act in a timely manner due before the statutory review period ends.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 22 - 13: Request to reprogram \$1,497,000 of Fiscal Year 2017 Local funds budget authority within the Department of Corrections (DOC) was filed in the Office of the Secretary on February 17, 2017. This reprogramming ensures that DOC has adequate funding to cover personal services costs for 17.0 Full-Time Equivalent positions that are being shifted from Special Purpose Revenue.

RECEIVED: 14 day review begins February 21, 2017

Reprog. 22 - 14: Request to reprogram \$770,000 of Fiscal Year 2017 Local funds budget authority within the Department of Motor Vehicles (DMV) was filed in the Office of the Secretary on February 17, 2017. This reprogramming ensures that DMV is able to support the new communication/media campaign for credential design and inventory buyout, the agency's Office of Human Rights Bilingual Navigator contract, and the relocation of the Adjudication Services division and warehouse from 301 C Street to L'Enfant Plaza.

RECEIVED: 14 day review begins February 21, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 24, 2017
Protest Petition Deadline: April 10, 2017
Roll Call Hearing Date: April 24, 2017
Protest Hearing Date: June 21, 2017

License No.: ABRA-105010
Licensee: Jenkins Capital BBQ, LLC
Trade Name: Jenkins Capital BBQ
License Class: Retailer's Class "C" Restaurant
Address: 3365 14th Street, N.W.
Contact: Bryan Short: (202) 888-2107

WARD 1

ANC 1A

SMD 1A05

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 24, 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 June 21, 2017 at 1:30 p.m.

NATURE OF OPERATION

A restaurant serving wood-smoked barbeque with a Total Occupancy Load of 235 seats. The Sidewalk Café will have a total of 48 seats.

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

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

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 6 pm – 2:00 am, Friday and Saturday 6 pm – 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 24, 2017
Protest Petition Deadline: April 10, 2017
Roll Call Hearing Date: April 24, 2017
Protest Hearing Date: June 21, 2017

License No.: ABRA-105261
Licensee: N & D Entertainment, LLC
Trade Name: Phoenix Restaurant Lounge
License Class: Retailer's Class "C" Restaurant
Address: 2434 18th Street, N.W.
Contact: David McLeod: 240-801-2512

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 24, 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 June 21, 2017 at 4:30 p.m.

NATURE OF OPERATION

A Restaurant serving authentic American food. Entertainment Endorsement to offer Live Entertainment, Dancing, and Cover Charge. Total Occupancy Load of 198 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 9 am- 2 am, Monday through Thursday 12 pm- 2 am, Friday 12 pm- 3 am, Saturday 9 am - 3 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm -2 am, Friday and Saturday 6 pm- 3 am

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

Placard Posting Date: February 24, 2017
Protest Petition Deadline: April 10, 2017
Roll Call Hearing Date: April 24, 2017

License No.: ABRA-102437
Licensee: KHP IV DC TRS, LLC
Trade Name: The Darcy Hotel
License Class: Retailer’s Class “C” Hotel
Address: 1515 Rhode Island Avenue, N.W.
Contact: Michael Fonseca, Agent: (202) 625-7700

WARD 2 ANC 2B SMD 2B05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 24, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add two Sidewalk Cafes. Sidewalk Café 1 will have a seating capacity of 42 patrons. Sidewalk Café 2 will have a seating capacity of 38 patrons.

CURRENT HOURS OF OPERATION ON PREMISE

Sunday through Saturday 12 am – 12 am (24 hour operations)

CURRENT HOURS OF OPERATION FOR SUMMER GARDEN

Sunday 10 am – 1am, Monday through Saturday 8 am - 1 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON PREMISE AND FOR SUMMER GARDEN

Sunday 10 am - 1 am, Monday through Saturday 8 am - 1 am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ 1

Sunday through Thursday 11 am - 11 pm, Friday and Saturday 11 am - 12 am

PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFÉ 2

Sunday through Saturday 7 am - 10 pm

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ 2

Sunday through Saturday 8 am - 10 pm

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 12, 2017
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD TWO

19459 **Application of Andrew Phillips**, pursuant to 11 DCMR Subtitle X, Chapter
ANC-2F 9, for a special exception under the penthouse requirements of Subtitle C §
 1500.3(b), to permit roof access for the upper unit of an existing flat in the RF-1
 Zone at premises 930 P Street N.W. (Square 366, Lot 817).

WARD ONE

19469 **Application of Wana Bishop Revocable Trust**, pursuant to 11 DCMR
ANC-1A Subtitle X, Chapter 9, for a special exception under the RF-use requirements of
 Subtitle U § 320.2, to permit the expansion and conversion of an existing one-
 family dwelling into a three-unit apartment house in the RF-1 Zone at premises
 3123 Warder Street N.W. (Square 3049, Lot 48).

WARD ONE

19472 **Application of Behnam Farahpour**, pursuant to 11 DCMR Subtitle X,
ANC-1B Chapter 9, for a special exception under the height requirements of Subtitle E §
 5203.3, to permit the construction of a third-story addition to convert an existing
 one-family dwelling into a flat in the RF-1 Zone at premises 723 Girard Street
 N.W. (Square 2886, Lot 214).

WARD THREE

**THIS CASE WAS ADMINISTRATIVELY RESCHEDULED FROM THE PUBLIC
HEARINGS OF JANUARY 25, 2017 AND POSTPONED FROM FEBRUARY 8, 2017 AT
THE APPELLANT'S REQUEST:**

19407 **Appeal of The Friends of Lowell Street**, pursuant to 11 DCMR §§ 3100
ANC-3D and 3101, from a June 30, 2016 decision by the Zoning Administrator,
 Department of Consumer and Regulatory Affairs, to issue S.O. 16-04562, for the
 subdivision of a lot in the R-1-A District at premises 4925 Lowell Street N.W.
 (Square 1436, Lot 34).

BZA PUBLIC HEARING NOTICE

APRIL 12, 2017

PAGE NO. 2

WARD ONE

THIS CASE WAS POSTPONED FROM THE PUBLIC HEARINGS OF MARCH 22, 2017 AT THE APPLICANT’S REQUEST:

19455 ANC-1C **Application of Wacap LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for 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).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለመነተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ እገልግሎቶች (ትርጉም ወይም ማስተርጓሚ)

ካስፈለገዎት እባክዎን ከስብሰባው አማካኝ ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

BZA PUBLIC HEARING NOTICE

APRIL 12, 2017

PAGE NO. 3

0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

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

TIME AND PLACE: **Thursday, April 27, 2017 @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 16-17 (EYA Development, LLC – Consolidated PUD and Related Zoning Map Amendment for 1200 Varnum Street, N.E. (Square 3917, Lot 800))

THIS CASE IS OF INTEREST TO ANC 5A AND 5B

On August 2, 2016 the Office of Zoning received an application from EYA Development, LLC and St. Joseph's Society for Colored Missions ("Applicant"). The Applicant is requesting review and approval of a consolidated planned unit development and related Zoning Map amendment pursuant to Subtitle X, Chapter 3 of Title 11 of the District of Columbia Municipal Regulations ("Zoning Regulations of 2016"). The Office of Planning submitted a report to the Zoning Commission, dated October 7, 2016. At its October 17, 2016 public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its supplemental filing on February 8, 2016.

The property that is the subject of this Application consists of approximately eight acres, and is formally designated as Square 3917, Lot 800 ("Property"). The Property is currently occupied by the existing Josephites' Seminary building and surrounding Seminary-owned grounds and is located on the block generally bounded by Varnum Street, N.E. to the south, 13th Street, N.E./Sargent Road, N.E. to the east, Allison Street, N.E. to the north, and 12th Street, N.E. to the west. The Property is currently zoned R-2 (low-density). The Applicant seeks a PUD-related map amendment to the RA-1 Zone District (moderate-density apartment zone – rowhouses permitted as a matter-of right).

The Applicant proposes to construct approximately 80 townhouses on the northern half of the Property. The townhouses will have approximately 179,043 square feet of total gross floor area and a maximum height of approximately 40 feet. Upon completion of the proposed development, the Property will have (including the existing Seminary building) an aggregate floor area ratio of 0.95 and an aggregate lot occupancy of approximately 25%. Each of the townhouses will have dedicated parking spaces with an overall ratio of 1.93 spaces per unit. The existing Seminary building will be preserved, and several acres of open space will be retained.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations of 2016, Subtitle Z, Chapter 4.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written

testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person’s interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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

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

400.1 The MU-3 through MU-10 **and the MU-30** zones are mixed-use zones that are intended to be applied throughout the city consistent with the density designation of the Comprehensive Plan. A zone may be applied to more than one (1) density designation.

400.10 The MU-30 zone is intended to:

- (a) **Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and**
- (b) **Be located in or near the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area.**

1.b Amend Subtitle G § 402, DENSITY – FLOOR AREA RATIO (FAR), by adding a new § 402.2 as follows:

402 DENSITY – FLOOR AREA RATIO (FAR)

402.4 **In the MU-30 zone, the maximum permitted FAR in the MU-30 zone shall be as set forth in the following table:**

MU-30 Zone Height	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
<u>Buildings erected to a height of 110 ft. or less</u>	8.5	8.5
	10.2	
<u>Buildings erected to a height in excess of 110 ft. as permitted in Subtitle G § 403.2</u>	10.0	10.0
	12.0 (IZ)	

402.5 **Residential density in the MU-30 zone shall be subject to the Inclusionary Zoning requirements and bonuses of Subtitle C, Chapter 10.**

1c. Amend Subtitle G § 403 as follows:

403 HEIGHT

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones **and the MU-30 zone** shall be as set forth in the following table, **except as provided in § 403.2:**

TABLE G § ~~303.1~~ **403.1**: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3	40	3
MU-4	50	N/A
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
MU-10	90	N/A
	100 (IZ)	
<u>MU-30</u>	<u>110</u>	<u>NA</u>

403.2 **In the MU-30 zone, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred ten feet (110 ft.) wide between building lines.**

403.2-403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § ~~403.2~~ **403.3**: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3 MU-4	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10 <u>MU-30</u>	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

1.d Amend Subtitle G § 404 as follows:

404 LOT OCCUPANCY

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones **and the MU-30 zone** shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3	60%
	60% (IZ)
MU-4	60%
	75% (IZ)
MU-5-A MU-5-B	80%
	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A (IZ)
<u>MU-30</u>	<u>N/A</u>

1.e Amend Subtitle G §§ 405.3, 405.4, and 405.6 as follows:

405 REAR YARD

405.3 A minimum rear yard of two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than twelve feet (12 ft.) shall be provided in the MU-7, MU-8, MU-9, ~~and MU-10,~~ **and MU-30** zones.

405.4 In the MU-3 through MU-9 zones, a horizontal plane may be established at ~~twenty-five feet (25 ft.)~~ **twenty feet (20 ft.)** above the mean finished grade at the middle of the rear of the structure for the purpose of measuring rear yards.

405.5 ...

405.6 In the MU-8, ~~and MU-9~~ **and MU-30** zones, rear yard shall be established subject to the following conditions:

- (a) A rear yard is not required to be provided below a horizontal plane as described in Subtitle G § 405.4;
- (b) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
- (c) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

1.f Amend Subtitle G § 407.3 as follows:

407 GREEN AREA RATIO (GAR)

407.3 The minimum required GAR for the MU-9, ~~and~~ MU-10, and MU-30 zones shall be 0.20.

2. SUBTITLE U - USES

2a. Amend Subtitle U by adding MU-30 to MU-Use Group F in Table U § 500.2 as follows:

500 GENERAL USE PROVISION FOR MU ZONES

500.2 Use groups for the MU zones are as follows:

TABLE U § 500.2 MU-USE GROUPS:

MU-Use Group A	MU-Use Group B	MU-Use Group C	MU-Use Group D	MU-Use Group E	MU-Use Group F	MU-Use Group G
MU-1 MU-2 MU-15, MU-16 MU-23	MU-11	MU-12, MU-13 MU-14 CG-5 CG-6 CG-7	MU-3	MU-4, MU-5 MU-6 MU-17, MU-18 MU-19 MU-24, MU-25 MU-26, MU-27 CG-2	MU-7, MU-8 MU-9 MU-20, MU-21 MU-28 CG-3 <u>MU-30</u>	MU-10 MU-22 MU-29 CG-4

2b. Amend Subtitle U §515.1 Matter-of-Right Uses (MU-Use Group F) as follows:

515.1 The following uses shall be permitted in MU-Use Group F as a matter of right, subject to any applicable conditions:

- (a) ...

- (l) In the MU-9 zone, any establishment that has as a principal use the administration of massages, provided that no portion of the establishment shall be located within two hundred feet (200 ft.) of a R, RF, or RA zone; ~~and~~

(m) In the MU-30 zone, a gasoline service station provided no portion of the structure or premises shall be located within twenty-five feet (25 ft.) of a R, RF or RA zone unless separated from that R, RF or RA zone by a street or alley; and

- (n)** Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

2c. Amend Subtitle U §516.1 Special Exception Uses (MU-Use Group F) as follows:

516.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section:

(a)...

- (b) Sexually-oriented business establishment in the MU-9 ~~or~~ MU-21 or MU-30 zone, subject to the following conditions: ...

(c) Public utility pumping station, subject to any requirements pertaining to setbacks or screening, or other requirements the Board of Zoning Adjustment deems necessary for the protection of adjacent or nearby property;

(d) Enlargement of an existing laundry or dry cleaning establishment that contains more than five thousand square feet (5,000 sq. ft.) of gross floor area, subject to the provisions of this paragraph:

- (1) Any noise or odor shall not adversely affect the neighborhood;**
- (2) Dangerous or otherwise objectionable traffic conditions shall not be created; and**
- (3) The Board of Zoning Adjustment may impose additional requirements as to the location of the building and other structures, the location of equipment, and other requirements as the Board of Zoning Adjustment deems necessary to protect adjacent or nearby property;**

- (e) An Electronic Equipment Facility (EEF) that does not qualify as a matter-of-right use under § 515.1(k) subject to the requirements of this paragraph:
- (1) An EEF shall not occupy more than fifty percent (50%) of the constructed gross floor area of the building, unless approved as part of a planned unit development pursuant to Subtitle X, Chapter 3;
 - (2) An applicant shall demonstrate, in addition to the requirements Subtitle X, Chapter 9 that the proposed use will not, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement;
 - (3) In evaluating whether an EEF will have any of the adverse impacts described in § 516.1 (e)(2), the Board of Zoning Adjustment shall consider, in addition to other relevant factors, the:
 - (A) Absence of retail uses or a design capable of accommodating retail uses in the future;
 - (B) Presence of security or other elements in the design that could impair street life and pedestrian flow; and
 - (C) Inability of the EEF to be adapted in the future for permitted uses; and
 - (4) The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, landscaping, parking, and other such requirements as it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life;
- (f) Where not permitted as a matter of right, any establishment that has as a principal use the administration of massages, subject to the following conditions:
- (1) No portion of the establishment shall be located within two hundred feet (200 ft.) of an R, RF, or RA zone;
 - (2) The establishment shall be compatible with other uses in the area;

(3) The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and

(4) The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area;

(g) Where not permitted as a matter of right, a gasoline service station to be established or enlarged, or a repair garage not including body and fender work, subject to the following conditions:

(1) The station shall not be located within twenty-five feet (25 ft.) of a residential zone unless separated from the residential zone by a street or alley;

(2) The operation of the use shall not create dangerous or other objectionable traffic conditions; and

(3) Required parking spaces may be arranged so that not all spaces are accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space; and

(h) Any use permitted as a matter of right in MU-Use Group F that does not comply with the required conditions for Use Group F may apply for permission as a special exception, except firearms retail sales establishments.

3. SUBTITLE X: Chapter 3

3a. *Amend Subtitle X Table X § 303.7 by adding the MU-30 zone as follows:*

Table X § 303.7: MAXIMUM PERMITTED PUD BUILDING HEIGHT IN THE LEAST RESTRICTIVE ZONE DISTRICT

Zone	Maximum PUD Height (feet)
...	
<u>MU-30</u>	<u>130</u>

3b. *Amend Subtitle X § 303.16 by adding the MU-30 zone as follows:*

303.16 An electronic equipment facility (EEF) may occupy more than fifty percent (50%) of the gross floor area of a building in the MU-7, MU-8,

MU-9, **MU-30**, or any D zone, if approved as part of a PUD in accordance with the requirements of this chapter and subject to the following additional criteria: ...

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

The public hearing will be conducted as a rulemaking in accordance with the rulemaking case provisions of the Zoning Commission's Rules of Practice and Procedure, 11-Z, Chapter 5.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

Time limits.

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

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| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FINAL RULEMAKING

The State Superintendent of Education, in consultation with the Department of Health, pursuant to the authority set forth in Sections 3(b), (15) and (24) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(15) and (24) (2012 Repl. & 2016 Supp.)) and the Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code §§ 38-651.01 *et seq.*) (2012 Repl. & 2016 Supp.)), hereby gives notice of the adoption of a new Chapter 11 (Access to Emergency Epinephrine in Schools) of Subtitle A (Office of the State Superintendent of Education), Title 5 (Education), of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of this final rulemaking is to further establish procedures for schools to acquire and maintain a supply of undesignated epinephrine auto-injectors, for administration by a certified employee or agent of the school to a student who the agent or employee believes in good faith is suffering or is about to suffer from an anaphylactic reaction.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on September 9, 2016 at 63 DCR 11449, with the emergency expiring on November 25, 2016. During the public comment period, the Council for the District of Columbia enacted the Access to Emergency Epinephrine in Schools Clarification Emergency Amendment Act of 2016, effective October 31, 2016 (D.C. Act 21-527; 63 DCR 13609 (November 4, 2016)) to add the definition of “designated epinephrine auto-injectors”, and to clarify that employees or agents of a public school certified by the Office of the State Superintendent of Education (OSSE) may legally administer either a designated or undesignated epinephrine auto-injector to a student suffering or about to suffer from an anaphylactic reaction.

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on December 9, 2016 at 63 DCR 15163, superseding the previous emergency rulemaking and expiring on February 21, 2017, to comply with Access to Emergency Epinephrine in Schools Clarification Emergency Amendment Act of 2016. The Notice of Second Emergency and Proposed Rulemaking was published for a fourteen (14) day public comment period. The comment period officially closed on December 23, 2016, with the State Superintendent having received no comments.

The final rules are being adopted in the same form as the proposed rule published on December 9, 2016. The rule was adopted as final on January 5, 2017, and will become effective upon publication in the *D.C. Register*.

Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended by adding a new Chapter 11 to read as follows:

CHAPTER 11 ACCESS TO EMERGENCY EPINEPHRINE IN SCHOOLS**1100 GENERAL PROVISIONS AND APPLICABILITY****1101 CERTIFIED USERS OF EPINEPHRINE AUTO-INJECTORS; TRAINING**

- 1102 ADMINISTRATION OF DESIGNATED OR UNDESIGNATED EPINEPHRINE AUTO-INJECTORS**
- 1103 ACCESS AND ACQUISITION OF UNDESIGNATED EPINEPHRINE AUTO-INJECTORS**
- 1104 STORAGE, AND MAINTENANCE OF UNDESIGNATED EPINEPHRINE AUTO-INJECTORS**
- 1105 DISPOSAL OF UNDESIGNATED EPINEPHRINE AUTO-INJECTORS**
- 1106 MONITORING AND INSPECTIONS**
- 1107 CORRECTIVE ACTION AND PENALTIES**
- 1199 DEFINITIONS**

1100 GENERAL PROVISIONS AND APPLICABILITY

- 1100.1 The purpose of this chapter is to authorize employees or agents of public schools to administer designated and undesignated epinephrine auto-injectors and to establish the standards and procedures for the use, storage, and oversight of undesignated epinephrine auto-injectors.
- 1100.2 The provisions of this chapter shall not apply to a public school that provides education services only to adult students; except, the provisions of this chapter shall apply to public schools that provide only special education services for adult students.
- 1100.3 The Office of the State Superintendent of Education (“OSSE”) shall administer and enforce this chapter.

1101 CERTIFIED USERS OF EPINEPHRINE AUTO-INJECTORS; TRAINING

- 1101.1 Each public school shall have at least two (2) employees or agents of the public school certified in the use of both a designated and an undesignated epinephrine auto-injector available to administer epinephrine at all times throughout the instructional day. Such employees or agents shall not include a licensed health practitioner assigned to the public school by the Department of Health.
- 1101.2 In order to be certified, an employee or agent shall:
 - (a) Be trained in the following areas:
 - (1) The storage of undesignated epinephrine auto-injectors;
 - (2) The proper administration of designated or undesignated epinephrine auto-injectors in emergency circumstances; and
 - (3) How to determine whether a public school student is suffering from an anaphylactic reaction; and

- (b) Complete an epinephrine auto-injector administration training program that is developed and provided by OSSE or an epinephrine administration training that is approved by OSSE.

1101.3 Certification to administer a designated or undesignated epinephrine auto-injector shall expire one (1) year after the date the certification is issued.

1102 ADMINISTRATION OF DESIGNATED OR UNDESIGNATED EPINEPHRINE AUTO-INJECTORS

1102.1 In emergency circumstances, a certified employee or agent of a public school may administer epinephrine via an undesignated epinephrine auto-injector to a public school student or a designated epinephrine auto-injector to the student to whom it is prescribed if:

- (a) The certified employee or agent believes, in good faith, that the student is suffering from or about to suffer from an anaphylactic reaction; and
- (b) The student is on the public school premises, on a school bus, or on a field trip or other sanctioned excursion away from the public school premises.

1102.2 After the administration of epinephrine via a designated or undesignated epinephrine auto-injector to a public school student pursuant to this chapter, the public school shall comply with the following requirements:

- (1) The student shall be immediately transported by emergency medical services to a hospital emergency department for medical evaluation;
- (2) The principal, or designee, of the public school shall, as soon as practicable, notify the student's emergency contact;
- (3) The certified employee or agent of the public school who administered the epinephrine auto-injector shall document the details of the incident; and
- (4) The principal of the public school, or the principal's designee, shall, within twenty-four (24) hours after the administration of an undesignated epinephrine auto-injector, notify OSSE and the physician, physician assistant, or advanced practice nurse who provided the standing order permitting the use of the undesignated epinephrine auto-injector of its use.

1103 ACCESS AND ACQUISITION OF UNDESIGNATED EPINEPHRINE AUTO-INJECTORS

1103.1 A public school shall stock, at all times, a minimum of two (2) pediatric dose and two (2) adult dose undesignated epinephrine auto-injectors on the public school premise.

- 1103.2 A public school shall obtain undesignated epinephrine auto-injectors for use in emergency circumstances from OSSE or OSSE's authorized designee.
- 1103.3 A public school shall request additional undesignated epinephrine auto-injectors from OSSE in the following circumstances:
- (1) An undesignated epinephrine auto-injector has been used;
 - (2) An undesignated epinephrine auto-injector is within two (2) months of expiration;
 - (3) An undesignated epinephrine auto-injector is discolored;
 - (4) An undesignated epinephrine auto-injector has visible particles; or
 - (5) The school is on notice that an undesignated epinephrine auto-injector is stolen or missing.
- 1103.4 Beyond what is provided for in Subsection 1103.1, a public school may request additional undesignated epinephrine auto-injectors from OSSE but the public school shall be responsible for the cost of any additional undesignated epinephrine auto-injectors.
- 1103.5 The public school shall be responsible for the cost of replacing a stolen or missing undesignated epinephrine auto-injector.

1104 STORAGE, AND MAINTENANCE OF UNDESIGNATED EPINEPHRINE AUTO-INJECTORS

- 1104.1 A public school shall store undesignated epinephrine auto-injectors in a secure, but easily accessible location(s) on the public school premises that is dark and maintained at room temperature or in accordance with the manufacturer label of the stock epinephrine auto-injector, which may include administrative offices, clinical space, or instructional space.
- 1104.2 A certified employee or agent of a public school may carry an appropriate supply of the public school's undesignated epinephrine auto-injectors during a field trip or sanctioned excursion away from public school property.
- 1104.3 A public school shall designate at least one (1) certified employee or agent of the public school as responsible for properly storing, destroying, and maintaining the undesignated epinephrine auto-injectors.
- 1104.4 A designated certified employee or agent of a public school shall routinely check the stock of undesignated epinephrine auto-injectors throughout the school year

and maintain in a monthly log, in a format and manner as determined by OSSE, the following information:

- (1) The date the undesignated epinephrine auto-injector was received from OSSE or OSSE's authorized designee;
- (2) The expiration date of the undesignated epinephrine auto-injector;
- (3) Where the undesignated epinephrine auto-injector is stored on the public school premises;
- (4) Any visualized particles or color change in the solution;
- (5) The date and manner of disposition of each undesignated epinephrine auto-injector, if applicable;
- (6) The date an undesignated epinephrine auto-injector was used, if applicable; and
- (7) The date a replacement undesignated epinephrine auto-injector was requested of OSSE or OSSE's authorized designee.

1104.5 A public school shall retain each monthly log record for each undesignated epinephrine auto-injector acquired pursuant to this chapter for three (3) years.

1105 DISPOSAL OF UNDESIGNATED EPINEPHRINE AUTO-INJECTORS

1105.1 A public school shall dispose of a discharged undesignated epinephrine auto-injector by placing the discharged undesignated epinephrine auto-injector into its carrying case and giving it to the emergency responder or medical provider upon their arrival.

1105.2 A public school shall dispose of an unused, and expired undesignated epinephrine auto-injector as infectious waste in accordance with 22-B DCMR § 502 (Disposal of Unused Pharmaceuticals).

1106 MONITORING AND INSPECTIONS

1106.1 OSSE, and any other duly authorized official of OSSE or another agency of the District of Columbia having jurisdiction over or responsibilities pertaining to undesignated epinephrine auto-injectors, shall have the right, with prior notice, to enter upon and into the public school premises to determine compliance with this chapter and the Act.

1106.2 The public school shall fully cooperate with authorized representatives of the Government of the District of Columbia, including OSSE, and shall provide them

access to facilities, staff, and records related to the administration of undesignated epinephrine auto-injectors.

- 1106.3 The supply of undesignated epinephrine auto-injectors and the monthly log shall be available for review during these announced inspections.

1107 CORRECTIVE ACTION AND PENALTIES

- 1107.1 If a public school fails to comply with this chapter or the Act, OSSE may issue an order (referred to hereinafter as a “corrective action order”) requiring the public school to take such action as is necessary to ensure compliance with this chapter or the Act or, after providing the public school with written notice of intent and a reasonable opportunity to respond, may issue an order revoking or limit the eligibility of the public school to compete for funding distributed by OSSE for the following school year pursuant to the Healthy Schools Act (“HSA”). In the absence of extenuating circumstances, a reasonable opportunity to respond shall be no less than thirty (30) calendar days.

- 1107.2 OSSE shall provide to each public school written notice of the decision to prohibit eligibility to receive HSA funding distributed by OSSE for the following school year, and, if applicable, required remedial action. The notice shall state with specificity the reasons, the specific remedial action required of the public school, the effective date of the enforcement action, and an opportunity to respond within thirty (30) calendar days from the date of the notice.

- 1107.3 The public school’s written response shall include the following:

- (a) Each basis for the school’s contesting the decision and, for each such basis, a complete statement of facts and associated legal support;
- (b) The specific relief requested; and
- (c) Two (2) copies of all documentary evidence supporting the recipient’s positions.

- 1107.4 An OSSE employee designated by the State Superintendent of Education shall review the public school’s request. The OSSE employee shall not have participated in the monitoring or inspection of the public school for compliance with the Act or this chapter, or the decision to revoke or prohibit eligibility to receive funding distributed by OSSE pursuant to the HSA. The decision of the OSSE employee shall be final.

1199 DEFINITIONS

- 1199.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – Access to Emergency Epinephrine in Schools Amendment Act of 2015 (Act), effective March 9, 2016 (D.C. Law 21-77; D.C. Official Code § 38-651.04a (2012 Repl. & 2016 Supp.)).

Certified – having obtained a certificate of completion of epinephrine administration training that is developed and implemented by OSSE and approved by OSSE.

Designated epinephrine auto-injector -- a disposable drug delivery system with a spring-activated needle, which is obtained with a prescription for a particular person, that is designed for the emergency administration of epinephrine to a person suffering an anaphylactic reaction.

Emergency circumstances – circumstances that indicate that a delay in treatment would endanger the health or life of a student.

Epinephrine auto-injector -- a disposable drug delivery system with a spring-activated needle that is designed for the emergency administration of epinephrine to a person suffering an anaphylactic reaction.

Instructional day – the period of the day when instruction begins and ends, not to include before or aftercare programming.

OSSE – the Office of the State Superintendent of Education established by Section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601).

Public school -- a District of Columbia Public Schools school or a public charter school. The term “public school” does not include a parochial school or a private school.

Public school premises -- A building, structure, field house, gymnasium, parking lot, greenhouse, playground, stadium, open space, or other property owned or used for school purposes.

Undesignated epinephrine auto-injector -- a disposable drug delivery system with a spring-activated needle, which is obtained without a prescription for a particular person, designed for the emergency administration of epinephrine to a person suffering an anaphylactic reaction.

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FINAL RULEMAKING

The Acting Director of the Department of For-Hire Vehicles (“Department”) or “DFHV”¹, pursuant to the authority set forth in Sections 8(c) (2), (3), (7), (10), and (19), and 14, 20, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (2), (3), (7), (10), and (19), 50-301.13, 50-301.19 and 50-301.29 (2014 Repl. & 2016 Supp.)), hereby gives notice of the adoption of amendments to Chapter 10 (Public Vehicles for Hire), Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends Chapters 10 and 18 to provide a new pathway for licensed taxicab operators who lost their DFHV taxicab vehicles licenses when they surrendered their “H” tags to the Department of Motor Vehicles in the period two (2) years prior to and one (1) year after the imposition of the “‘H’ tag moratorium.” See Final Report of the Panel on Industry: Findings and Recommendations on DCTC Policy on the Issuance of New Vehicle Licenses for Taxicabs (“The H-Tag Report”) (available at: <http://dctaxi.dc.gov/page/panel-industry>). This rulemaking adds a new § 101.20 consistent with the recommendations in the Report. The new provisions make these operators eligible for new vehicle licenses for the reasons cited in the Report for which they surrendered their tags. Consistent with the Department’s current policies, the new licenses carry reasonable conditions for the vehicles and the service they provide that are responsive to *current* market and passenger needs, rather than those which may have existed years ago, when the moratorium was imposed. The Department does not currently issue *any* vehicle licenses without such conditions. In addition, a necessary definition, not included in the proposed rulemaking, has been added to clarify that the Department for For-Hire Vehicles, by statutory authority, is the successor agency to the D.C. Taxicab Commission and the Office of Taxicabs.

Proposed rulemaking was adopted by the D.C. Taxicab Commission on March 9, 2016 and was published in the *D.C. Register* on June 17, 2016 at 63 DCR 008523. The Department received several comments during the comment period expiring July 17, 2016. Two groups representing taxicab operators submitted comments requesting that the Department: (1) eliminate the requirement in § 1010.20(a)(1)(A) that the applicant have surrendered his or her “H” tags within the time period consisting of two (2) years before and one (1) year after the imposition of the moratorium; (2) eliminate or modify the requirement in § 1010.20(a)(1)(C) that an applicant seeking a new taxicab vehicle license be required to establish a *bona fide* reason for having surrendered his or her “H” tags; (3) eliminate the requirement in § 1010.20(a)(2)(B) that an applicant found to have returned his or her “H” tags for a *bona fide* reason also have made a request for new or “returned” “H” tags within the twelve (12) month period from the latest date by which the Department determines the *bona fide* reason (identified in § 1010.20(a)(1)(C)) would no longer have provided a basis for the surrender of the “H” tags; and (4) eliminate § 1010.20(d), which establishes conditions on the type and use of vehicles placed into service in connection with a new vehicle license issued pursuant to this new subsection. The Department also received a comment from an organization representing

¹ The District of Columbia Taxicab Commission was renamed and re-structured as the Department of For-Hire Vehicles by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124; 63 DCR 7076 (May 13, 2016)).

taxicab companies supporting the requirements in § 1010.20(d) and also advocating for overall limits on the number of new vehicle licenses to be issued by the Department.

Based on the comments received, the Department has enlarged the time period during which an applicant would have had to surrender their H Tag from three (3) years to four (4). This change decreases burdens on stakeholders as allows for an increases in the number of drivers who may be eligible to receive H Tags under this final rulemaking. The Department has made no substantive changes from the proposed rules, as the Department concludes that the rulemaking, as proposed, properly balances the current concerns of passengers and the industry with the policy goals identified in The H Tag Report. The Department's intent in promulgating these regulations is to provide new vehicle licenses *only* to those operators who surrendered their tags for a *bona fide* reason, in compliance with the regulations, and in the *reasonable* belief they would be able to re-enter the industry upon their return, not to create an unlimited avenue for licenses that would flood the market with new taxicabs at a time when taxicab service is shrinking, and passenger demands for accessible service and efficient vehicles is on the rise. The Department finds that the conditions on vehicles placed into service are necessary to meeting the current needs of the industry and passengers, and to maintaining reasonable parity with the conditions on other vehicle owners. Accordingly, the Department has made only non-substantive changes in § 1010.20(a) for the purpose of clarifying intent, correcting grammar and typographic errors, or lessening the burdens on affected stakeholders.

The rules were adopted as final on September 7, 2016, and they will become effective upon publication in the *D.C. Register*.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1010, ISSUANCE OF DCTC VEHICLE LICENSES, is amended as follows:

1010 ISSUANCE OF DFHV VEHICLE LICENSES

A new Subsection 1010.20 is added to read as follows:

1010.20 A new DFHV taxicab vehicle license (and corresponding set of DMV "H" tags) shall be issued to each applicant who meets all the following requirements and all other applicable requirements of this title and other applicable laws and regulations of the District, pursuant to an applicable administrative issuance.

- (a) The applicant proves to the satisfaction of the Department that:
 - (1) The applicant surrendered his or her "H" tags to DMV as follows:
 - (A) During the four (4) year period beginning on July 6, 2007, through and including July 6, 2011;
 - (B) In good faith compliance with § 506 (taxicab removal from service); and

- (C) For any *bona fide* reason identified in an administrative issuance which prevented the applicant from working as a taxicab operator, such as a significant family or personal health need, an unaffordable vehicle failure or accident, or a significant legal obligation (“*bona fide* reasons” shall not include surrenders of “H” tags based on such voluntary decisions as engaging in economic or non-economic activity other than working as a taxicab operator, such as taking time off for personal travel or making a change in employment to another industry);
- (2) The applicant either:
 - (A) Has never made a request to the Department for a new or “returned” DFHV taxicab vehicle license or to DMV for new or “returned” “H” tags because the applicant reasonably believed the request would have been futile; or
 - (B) If the applicant made a request to the Department for a new or “returned” DFHV taxicab vehicle license or to DMV for new or “returned” “H” tags, the applicant did so within twelve (12) months following the first business day after the circumstances giving rise to the *bona fide* reason identified in subpart (1) (C) of this part have ended (for example, within twelve (12) months following the first business day after the applicant *returned* from *bona fide* travel that enabled the applicant to provide necessary care and assistance to an ailing family member who resided in a foreign country);
 - (b) The applicant has possessed a current and valid DFHV taxicab operator’s license continuously and without interruption since at least the earliest date by which the Department determines that the *bona fide* reason, identified in subpart (1)(C) of this part, would have no longer have prevented the applicant from operating a taxicab, through the date of the application;
 - (c) The applicant participates in Transport DC (CAPS-DC) for a period of not less than three (3) years from the date the vehicle license is issued, and executes a written a dispatch agreement with a taxicab company participating in Transport DC, during which time the vehicle shall be in continuous active service and available for dispatch in accordance with all of the applicable operating requirements of § 1806;
 - (d) The applicant uses the DFHV taxicab vehicle license to operate vehicles as follows, which the applicant shall acknowledge in writing:
 - (1) At the time the license is issued, the applicant shall place into service a new electric vehicle;

- (2) At the time the license is issued, the applicant shall place into service, notwithstanding any contrary provision of § 609 or Chapter 18, a wheelchair accessible vehicle not more than two (2) model years older than the current calendar year, or such earlier model year, as the Department may establish in an administrative issuance; or
- (3) At the time the license is issued, the applicant shall place into service any vehicle which complies with § 609.7, provided however, that when the applicant has completed three thousand (3,000) Transport DC trips among any number of vehicles, the applicant shall purchase and place into service a new wheelchair accessible vehicle;
- (e) If the applicant is not a District resident, the applicant shall form and maintain an independent vehicle business, if such a business is then authorized by the provisions of this title, in order to comply with the DMV requirements for registering the vehicle in the District;
- (f) The Department shall deny the application of an applicant who, in connection with an application under this subsection, makes a written or oral material misrepresentation to the Department or who fails to cooperate fully with the Department. "Cooperate" means timely and fully answer the Department's questions and timely provide additional information and documentation required by the Department;
- (g) The Department shall make a decision to grant or deny an application within twenty one (21) calendar days of the date on which the application is filed, provided however, that the failure to comply with this deadline shall not be a ground for the issuance of any DFHV license to any person; and
- (h) A vehicle license issued under this subsection shall be subject to suspension or revocation if, at any time or for any reason, the vehicle or the applicant fails to comply with the provisions of subparts (c), (d), (e), or (f) (only as to written or oral material misrepresentations, not for lack of cooperation).

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

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

Subsection 1806.8 is amended to read as follows:

- 1806.8 Each company shall maintain with the Department a current and accurate inventory of all active operators and vehicles approved for and providing Transport DC service, including all vehicles associated with the company

pursuant to a dispatch agreement under §§ 1010.17, or 1010.20 updated in such manner and at such times as determined by the Department, with the following information:

- (a) For each operator: name, cellular telephone number, DFHV operator's license number, and an indication of whether the operator has completed the wheelchair service training pursuant to § 1806.6, and, if so, the date of completion; and
- (b) For each vehicle: year, make, model, color, PVIN, tag number, and an indication of whether the vehicle is wheelchair accessible.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add the following definition:

“Department of For-Hire Vehicles”, “Department” or “DFHV” - the Department established under § 5 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.04 (2014 Repl. & 2015 Supp.)) and which replaced the D.C. Taxicab Commission and the Office of Taxicabs with the enactment of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016 (D.C. Law 21-0124).

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to Sections 4(a), 7(e)(1) and 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.03(a) and 7-1671.13 (2012 Repl.)) respectively, and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 3 (Use of Medical Marijuana) and Chapter 57 (Prohibited and Restricted Activities) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (DCMR).

This action is being taken in order to implement the provisions of Sections 4(a) and 7(e)(1) of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.03(a) and 7-1671.13 (2012 Repl.)), which allow the Mayor to increase, through rulemaking, the quantity of medical marijuana that a patient may possess, and that a dispensary may dispense within a thirty (30) day time period up to four (4) ounces to address the needs of patients suffering from medical conditions that need to receive medical marijuana in excess of the current limit of two (2) ounces, in consideration of the recommendations made by the Medical Marijuana Program Advisory Committee's Scientific Subcommittee and the Intergovernmental Subcommittee.

This rulemaking was published in the *D.C. Register* on September 30, 2016 at 63 DCR 11914. The Department received numerous comments in support of the rulemaking. No changes have been made to the rulemaking.

Following the required period of Council review, the rules were deemed approved by the D.C. Council on January 31, 2017. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 3, USE OF MEDICAL MARIJUANA, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 300, USE BY QUALIFYING PATIENT, TRANSPORTATION BY CAREGIVER, AND LIMITATIONS ON MEDICAL MARIJUANA, is amended as follows:

Subsection 300.9 is amended to read as follows:

- 300.9 The maximum amount of medical marijuana any qualifying patient or caregiver may possess at any time is:
- (a) Four (4) ounces of dried medical marijuana; or
 - (b) The equivalent of four (4) ounces of dried medical marijuana when sold in any other form.

Subsection 300.10 is repealed.

Chapter 57, PROHIBITED AND RESTRICTED ACTIVITIES, is amended as follows:

Section 5709, MEDICAL MARIJUANA AND PARAPHERNALIA RESTRICTIONS, is amended as follows:

Subsection 5709.1 is amended to read as follows:

5709.1 A dispensary shall not provide a qualified patient or caregiver more than four (4) ounces of dried medical marijuana, or the equivalent of four (4) ounces of dried medical marijuana in a form other than dried, either at one (1) time or within a thirty (30) day period.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-036
February 13, 2017

SUBJECT: Appointment — District of Columbia Innovation and Technology
Inclusion Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4(b) and section 5(a) of Mayor's Order 2014-139, effective June 11, 2014, and as amended by Section 4 of Mayor's Order 2014-236, dated October 10, 2014, it is hereby **ORDERED** that:

1. **ADAM RUBINSON** is appointed as a public member, filling a vacant seat, for a term to end September 25, 2019.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 25, 2015.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-037
February 13, 2017

SUBJECT: Appointments —Office of Employee Appeals


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 601 of the District Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, (D.C. Law 2-139; D.C. Official Code § 1-606.01) (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.)), it is hereby **ORDERED** that:

1. **PAMELA VICTORIA WILLIAMS**, pursuant to the Office of Employee Appeals Pamela Victoria Williams Confirmation Resolution of 2016, effective December 20, 2016, Resolution 21-0701, is appointed as a member of the District of Columbia Office of Employee Appeals, replacing William Persina, for a term to end April 6, 2018.
2. **PATRICIA HOBSON WILSON**, pursuant to the Office of Employee Appeals Patricia Hobson Wilson Confirmation Resolution of 2016 effective December 20, 2016, Resolution 21-0703, is reappointed as a member of the District of Columbia Office of Employee Appeals, for a term to end April 6, 2022.
3. **SHEREE PRICE**, is appointed as a Chairperson of the Office of Employee Appeals, replacing William Persina, and shall serve in that capacity at the pleasure of the Mayor.
4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.



 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 2017-038
February 13, 2017

SUBJECT: Appointment – Director, Office of Returning Citizen Affairs


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.)), in accordance to the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, approved March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302) (2013 Repl. and 2016 Supp.)), Mayor's Order 2012-31, dated February 28, 2012, and pursuant to the Director of the Office of Returning Citizens Affairs Brian Ferguson Confirmation Resolution of 2017, deemed approved on January 19, 2017, Proposed Resolution 22-0007, it is hereby **ORDERED** that:

1. **BRIAN FERGUSON** is appointed Director, Office on Returning Citizen Affairs, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2017-020, dated January 18, 2017.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-039
February 16, 2017

SUBJECT: Reappointment — State Early Childhood Development Coordinating Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 107 of the Pre-K Enhancement and Expansion Amendment Act of 2008, effective March 8, 2011, D.C. Law 18-285, D.C. Official Code § 38-271.07 (2012 Repl.), it is hereby **ORDERED** that:

1. **LATOYA SMITH**, is reappointed as a member of the State Early Childhood Development Coordinating Council, as a representative of families whose children are receiving or have received pre-k education services, for a term to end May 19, 2018.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-040
February 16, 2017

SUBJECT: Appointments – For-Hire Vehicle Advisory Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), and pursuant to section 11a of the Department of For-Hire Vehicles Establishment Act of 1985, effective June 22, 2016, D.C. Law 21-124; D.C. Official Code § 50-301.10a, which established the For-Hire Vehicle Advisory Council, it is hereby **ORDERED** that:

1. The following individuals are appointed as a members of the For-Hire Vehicle Advisory Council ("**Council**"), for terms to end January 30, 2020:
 - a. **JASON ARVANITES** as a representative of companies providing for-hire vehicle services in the District of Columbia.
 - b. **HANA BEKELE** as a District of Columbia resident who operates a public or private vehicle for-hire.
 - c. **ANTHONY THOMAS** as a District of Columbia resident who operates a public or private vehicle for-hire.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-041
February 16, 2017

SUBJECT: Appointments – District of Columbia Commission for National and Community Service

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2) (2016 Repl.), pursuant to Mayor's Order 2013-171, dated September 19, 2013, and in accordance with the provisions of the National and Community Service Trust Act of 1993, approved September 21, 1993, 107 Stat. 785, Pub. L. 103-82, it is hereby **ORDERED** that:


1. The following persons are appointed as public members, of the District of Columbia Commission for National and Community Service, filling vacant seats for terms to end July 31, 2019:
 - a. **CAROLINA CELNIK**, as a representative of the volunteer sector.
 - b. **CHARICE ROPER-WILLIAMS**, as a representative of the volunteer sector.
 - c. **NAJMAH AHMAD**, as a representative of the delivery of educational services to communities and persons.
 - d. **RAYMOND WEEDEN**, as a representative of the delivery of educational services to communities and persons.
 - e. **ROCHELLE HOWARD**, as an at-large member.
 - f. **SHARON RIEGSECKER**, as a representative of a national service program.

2. **EFFECTIVE DATE:**

- a. Section 1(a) of this Order is effective *nunc pro tunc* to December 15, 2016.
- b. Section 1(b) through 1(f) of this Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-042
February 16, 2017

SUBJECT: Reappointments and Appointments — District of Columbia Recreational Trails Advisory Committee

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 96-84, dated June 20, 1996, as amended by Mayor's Order 2007-208, effective September 26, 2007, it is hereby **ORDERED** that:

1. The following individuals are reappointed as non-motorized recreational trail user members of the District of Columbia Recreational Trails Advisory Committee ("**Committee**"):
 - a. **JAMES BYLES**, for a term to end September 10, 2017, and for a new term to end September 10, 2020.
 - b. **DAVID CRANOR**, for a term to end September 10, 2019.
 - c. **ELIZABETH McGOWAN**, for a term to end September 10, 2018.
2. **JOHN S. KOCZELA**, is reappointed as an off-road motorized recreational trail user member of the Committee for a term to end September 10, 2017, and for a new term to end September 10, 2020.
3. The following individuals are appointed as non-motorized recreational trail user members of the Committee:
 - a. **TOM AMRHEIN**, replacing David E. Anspacher, for a term to end September 10, 2018.
 - b. **JAMES BYLES**, replacing Rory Austin, for a term to end September, 10, 2017, and for a new term to end September 10, 2020.
 - c. **KATIE HARRIS**, replacing Mark C. Chambers, for a term to end September, 10, 2017, and for a new term to end September 10, 2020.

- d. **JEFFREY MILLER**, replacing Kelly L. Pack, for a term to end September 10, 2017, and for a new term to end September 10, 2020.
 - e. **MONA RAYSIDE**, replacing Lisa D. Swanson, for a term to end September 10, 2019.
 - f. **DEVIN RHINERSON**, replacing David A. Shellard, for a term to end September 10, 2018.
4. **MICHAEL ALVINO**, is appointed as the Department of Transportation Representative member of the Committee, replacing Jim Sebastian, to serve at the pleasure of the Mayor.
 5. **ELIZABETH McGOWAN**, is appointed as Vice-Chair of the Committee, to serve at the pleasure of the Mayor.
 6. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-043
February 16, 2017

SUBJECT: Appointment — District of Columbia Commission on Persons with Disabilities


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 Mayor's Order 2009-165, dated September 25, 2009, it is hereby **ORDERED** that:

1. **TRAVIS PAINTER** is appointed as a public member of the District of Columbia Commission on Persons with Disabilities, filling a vacant seat, for a term to end September 30, 2018.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-044
February 16, 2017

SUBJECT: Reappointments — Citizens Review Panel for Child Abuse and Neglect

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 352 of the Prevention of Child Abuse and Neglect Act of 1977, effective April 12, 2005, D.C. Law 15-341, D.C. Official Code § 4-1303.52 (2012 Repl.), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Citizens Review Panel for Child Abuse and Neglect for terms to end September 24, 2018:
 - a. **CLARESA VENSON**
 - b. **SHERRILL TAYLOR**
 - c. **RICHARD BARDACH**
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-045
February 16, 2017

SUBJECT: Appointment – Chesapeake Bay Program Citizens Advisory Committee


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with the Chesapeake Bay Agreement of December 9, 1983 (signed by the Mayor of the District of Columbia, the Governors of Virginia, Pennsylvania, and Maryland, and the United States Environmental Protection Agency), and pursuant to Article II, Section 1 of the bylaws of the Citizens Advisory Committee to the Chesapeake Executive Council, it is hereby **ORDERED** that:

1. **MARK BEY** is appointed as a public member of the Chesapeake Bay Program Citizens Advisory Committee, replacing Joanna Lewis, for a term to end on December 31, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-046
February 16, 2017

SUBJECT: Appointments — Healthy Youth and Schools Commission


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to sections 701 and 702(a) and (b) of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209; D.C. Official Code § 38-827.01 (2012 Repl. and 2016 Supp.) ("**Act**"), it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Healthy Youth and Schools Commission, for terms to end May 1, 2018:
 - a. **WILLIAM DIETZ**, replacing Alexandra Ashbrook.
 - b. **BEVERLY WHEELER**, filling a vacant seat.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 27, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

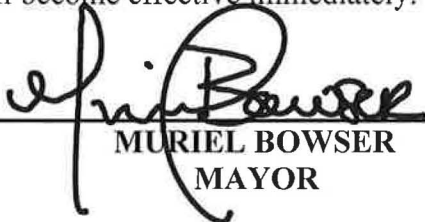
Mayor’s Order 2017-047
February 16, 2017

SUBJECT: Reappointments and Appointments – Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and section 3(b) of the Office of Gay, Lesbian, Bisexual and Transgender Affairs Act of 2006, effective April 4, 2006, D.C. Law 16-89, D.C. Official Code § 2-1382(b) (2016 Repl.), and in accordance with Mayor’s Order 2006-52, dated May 3, 2006, as amended by Mayor’s Order 2015-262, dated December 22, 2015, it is hereby **ORDERED** that:

1. The following individuals are appointed to the Advisory Committee to the Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs (herein referred to as “**Advisory Committee**”), for a term to end June 30, 2018:
 - a. **CRAIG LANGFORD**, replacing June Crenshaw.
 - b. **DWAYNE BENSING**, replacing Barbara Hemlick.
2. The following individuals are appointed to the Advisory Committee for a term to end June 30, 2017, and for a new term to end June 30, 2019:
 - a. **RANDY DOWNS**, replacing Ronald Flowers.
 - b. **JAIME GRANT**, replacing Bryan Norrington.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-048
February 17, 2017

SUBJECT: Reappointment — Board of Audiology and Speech-Language Pathology


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), and in accordance with section 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.18 (2016 Repl.), it is hereby **ORDERED** that:

1. **GABRIELE NICOLET**, is reappointed as a practicing speech-language pathologist member of the Board of Audiology and Speech-Language Pathology, to serve for a term to end September 15, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-049
February 17, 2017

SUBJECT: Reappointment — State Rehabilitation Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2001-173, dated November 30, 2001, it is hereby **ORDERED** that:

1. **MARGARET COWLEY** is reappointed as a representative of the Client Assistance Program member of the State Rehabilitation Council for a term to end January 16, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-050
February 17, 2017

SUBJECT: Appointment — Concealed Pistol Licensing Review Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Supp.), and in accordance with section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015, D.C. Law 20-279; D.C. Official Code § 7-2509.08 (2016 Supp.), it is hereby **ORDERED** that:

1. **DENISE ROPER** is appointed, as a public member, as a District resident with experience in the operation, care, and handling of firearms, to the Concealed Pistol Licensing Review Board, replacing Pia Carusone, to serve the remainder of an unexpired term, to end November 21, 2019.
2. This Order supersedes paragraph 6 of Mayor's Order 2015-099, dated March 26, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-051
February 17, 2017

SUBJECT: Appointment — District of Columbia Judicial Nomination Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 434 of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 796, Pub. L. 93-198, D.C. Official Code § 1-204.34 (2016 Repl.), it is hereby **ORDERED** that:

1. **BENJAMIN F. WILSON**, is appointed as the lawyer member of the Judicial Nomination Commission, replacing Natalie Ludaway, for a term to end February 27, 2022.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-052
February 17, 2017

SUBJECT: Reappointments and Appointment — District of Columbia Commission on Persons with Disabilities


ORIGINATING AGENCY: Executive 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 Mayor's Order 2009-165, dated September 25, 2009, it is hereby **ORDERED** that:

1. The following persons are reappointed as public members of the District of Columbia Commission on Persons with Disabilities ("**Commission**"), for terms to end September 30, 2019:
 - a. **DENISE DECKER**
 - b. **KAMILAH MARTIN-PROCTOR**
 - c. **SHAKIRA HEMPHILL**
2. **KAMILAH MARTIN-PROCTOR** is appointed as Chairperson of the Commission, replacing Denise Decker, and shall serve at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order is effective *nunc pro tunc* to September 30, 2016.



MURIEL BOWSER
MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MARCH 1, 2017
2000 14TH 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-00128; Belay Abere, t/a Amsterdam Lounge, 1208 U Street NW, License #100340, Retailer CT, ANC 1B

Application to Renew the License

This hearing is cancelled due to the submission of a Settlement Agreement for the Board's review and approval.

Protest Hearing (Status) 9:30 AM

Case # 16-PRO-00127; Belay Abere, t/a Amsterdam Lounge, 1208 U Street NW, License #100340, Retailer CT, ANC 1B

Petition to Amend or Terminate the Settlement Agreement

This hearing is cancelled due to the submission of a Settlement Agreement for the Board's review and approval.

Protest Hearing (Status) 9:30 AM

Case # 16-PRO-00124; Marabu, Inc., t/a Bukom Café, 2442 18th Street NW License #26466, Retailer CT, ANC 1C

Petition to Amend or Terminate the Settlement Agreement

This hearing is cancelled due to the approval of a Settlement Agreement. See Board Order No. 2017-077

Protest Hearing (Status) 9:30 AM

Case # 16-PRO-00126; Restaurant Enterprises, Inc., t/a Smith Point, 1338 Wisconsin Ave NW, License #60131, Retailer CT, ANC 2E

Application to Renew the License

Protest Hearing (Status) 9:30 AM

Case # 16-PRO-00125; Darnell Perkins & Associates, LLC, t/a Darnell's, 944 Florida Ave NW, License #95113, Retailer CT, ANC 1B

Board's Calendar

March 1, 2017

Application to Renew the License

Protest Hearing (Status) 9:30 AM

Case # 16-PRO-00122; Raso Corporation, t/a Nomad Hookah Bar, 1200 H Street NE, License #87558, Retailer CT, ANC 6A

Petition to Amend or Terminate the Settlement Agreement

Show Cause Hearing (Status) 9:30 AM

Case # 16-CMP-00611; Facility Concession Services, Inc., t/a Spectrum, 1299 Pennsylvania Ave NW, License #87627, Retailer CX, ANC 2C

No ABC Manager on Duty

This hearing is cancelled. The Government will be dismissing the case due to the payment of the fine.

Show Cause Hearing (Status) 9:30 AM

Case # 16-CC-00111; Travel Traders Retail, Inc., t/a Travel Traders #200 400 New Jersey Ave NW., License #80595, Retailer B, ANC 6C

No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM

Case # 16-CMP-00676; 6th & Q, LLC, t/a 6th & Q Market, 523 Q Street NW License #79896, Retailer B, ANC 6E

Failed to Post License Conspicuously in the Establishment

Show Cause Hearing (Status) 9:30 AM

Case # 16-CMP-00532; Relish Food Concepts, LLC, t/a Carving Room, 300 Massachusetts Ave NW, License #88816, Retailer CR, ANC 2C

No ABC Manager on Duty

Show Cause Hearing* 10:00 AM

Case # 15-251-00161; Jasper Ventures, LLC, t/a Capitale, 1304 K Street NW License #72225, Retailer CN, ANC 2F

Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Plan (Two Counts)

Fact Finding Hearing* 10:00 AM

Case # 17-251-00023; Umanzor Corporation, t/a Lesly's Grill, 4811 Georgia Ave NW, License #104058, Retailer CT, ANC 4D

Assault with a Deadly Weapon Outside of the Establishment

Show Cause Hearing* **11:00 AM**
Case # 16-CMP-00486; Schawarmji, LLC, t/a Michos, 500 H Street NE
 License #94784, Retailer CR, ANC 6C
No ABC Manager on Duty

Show Cause Hearing* **11:00 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

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Protest Hearing* **1:30 PM**
Case # 16-PRO-00109; The Fireplace Restaurant, Inc., t/a The Fireplace, 2161
 P Street NW, License #14419, Retailer CT, ANC 2B
Application to Renew the License

Show Cause Hearing* **1:30 PM**
Case # 16-CC-00063; 1010 V, LLC, t/a Living Room, 1010 Vermont Ave NW
 License #76906, Retailer CT, ANC 2F
Sale to Minor Violation, Offered a Facility for Dancing Larger than 140 square feet

Show Cause Hearing* **2:30 PM**
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

Protest Hearing* **4:30 PM**
Case # 16-PRO-00114; 1624 U Street, Inc., t/a Chi-Cha Lounge, 1624 U Street
 NW, License #26519, Retailer CT, ANC 2B
Application to Renew the License

Protest Hearing* **4:30 PM**
Case # 16-PRO-00113; TMI International, Inc., t/a Sip, 1812 Hamlin Street NE
 License #95164, Retailer CT, ANC 5C
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
CEASE AND DESIST AGENDA**

**WEDNESDAY, MARCH 1, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below.

ABRA-091196 – **Georgia Line Convenience Store** – Retail – B – 5125 Georgia Avenue NW
[Licensee did not make 3rd year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, MARCH 1, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, March 1, 2017 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case# 17-AUD-00002, Ethiopic Restaurant, 401 H Street N.E., Retailer CR, License # ABRA-083149

2. Case# 17-AUD-00004, China Chilcano, 418 7th Street N.W., Retailer CR, License # ABRA-095739

3. Case# 17-AUD-00005, Et Voila, 5120 MacArthur Blvd. N.W., Retailer CR, License # ABRA-078332

4. Case# 17-AUD-00006, Blues Alley Jazz, 1069 Wisconsin Avenue N.W., Retailer CR, License # ABRA-076966

5. Case# 17-CMP-00039(M), Robert Adams, ABC Manager, License # ABRA-103269

6. Case# 17-CMP-00029, Sip, 1812 Hamlin Street N.E., Retailer CT, License # ABRA-095164

7. Case# 17-251-00014, Cobalt/30 Degrees/Level One, 1639-1641 R Street N.W., Retailer CT, License # ABRA-071833

8. Case# 17-251-00022, Mad Hatter, 1321 Connecticut Avenue N.W., Retailer CT, License # ABRA-082646

9. Case# 17-CMP-00041, Betty's Gojo, 7616 Georgia Avenue N.W., Retailer CR, License # ABRA-102500

10. Case# 17-CC-00015, China House, 1601 Benning Road N.E., Retailer B, License # ABRA-025169

11. Case# 17-CC-00006, Alabama Convenience, 2209 Alabama Avenue S.E., Retailer B, License # ABRA-104330

12. Case# 17-CC-00011, New Seven Market, 1406 Good Hope Road S.E., Retailer B, License # ABRA-095880

13. Case# 17-CC-00019, Georgetown Piano Bar, 3287 M Street N.W., Retailer CT, License # ABRA-095632

14. Case# 17-CC-00020, Chinese Disco, 3251 Prospect Street N.W., Retailer CR, License # ABRA-078058

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MARCH 1, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Climax Restaurant & Hookah Lounge***, 900 Florida Avenue NW, Retailer CT, License No. 088290.

2. Review Application for Safekeeping of License – Original Request. ANC 4B. SMD 4B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***S&S Liquors***, 6925 4th Street NW, Retailer A Liquor Store, License No. 072300.

3. Review Request to Extend Safekeeping of License – Fourth Request. Original Safekeeping Date: 5/13/2013. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***To Be Determined (Formerly Bobby Lewis Saloon)***, 1815 Columbia Road NW, Retailer CR, License No. 091955.

4. Review Request for Change of Hours to extend morning hours only. ***Approved Hours of Operation and Alcoholic Beverage Sales and Consumption***: Sunday 10am to 2am, Monday-Thursday 11:30am to 2am, Friday-Saturday 11:30am to 3am. ***Proposed Hours of Operation***: Sunday-Thursday 7:30am to 2am, Friday-Saturday 7:30am to 3am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption***: Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 3E. SMD 3E04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Chads Friendship Heights***, 5247 Wisconsin Avenue NW, Retailer CT, License No. 104987.

5. Review Request for Change of Hours of Sunday alcoholic beverage sales. ***Approved Hours of Operation***: Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3pm. ***Approved Hours of Alcoholic Beverage Sales and Consumption***: Sunday 10am to 2am, Monday-Thursday

8am to 2am, Friday-Saturday 8am to 3am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Ari's Diner***, 2003 Fenwick Street NE, Retailer CT, License No. 101456.

6. Review Request for Change of Hours of Sunday alcoholic beverage sales. ***Approved Hours of Operation:*** Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3pm. ***Approved Hours of Alcoholic Beverage Sales and Consumption:*** Sunday 10am to 2am, Monday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ***Proposed Hours of Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***La Puerta Verde***, 2001 Fenwick Street NE, Retailer CT, License No. 101455.
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7. Review Request to expand approved Total Occupancy Load from 120 patrons to 174 patrons. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***La Puerta Verde***, 2001 Fenwick Street NE, Retailer CT, License No. 101455.
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8. Review Application for Summer Garden with seating for 10 patrons. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:*** Sunday-Saturday 11am to 10pm. ANC 2F. SMD 2F03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Jinya Ramen Bar***, 1336 14th Street NW, Retailer CR, License No. 101302.
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***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.**

DISTRICT OF COLUMBIA COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF PUBLIC MEETING****Board of Commissioners**

The Board of Commissioners of the District of Columbia Commission on the Arts and Humanities (DCCAH) will be holding a meeting on Thursday, February 23, 2017 at 3:30 p.m. The meeting will be held in the DCCAH Large Conference Room at 200 I Street, SE, Suite 1400, Washington, DC. Below is the draft agenda for this meeting. A final agenda will be posted to the DCCAH website at <http://dcarts.dc.gov/page/commissioner-meetings>.

For further information, please contact the front desk at (202) 724-5613.

DRAFT AGENDA

- | | | |
|-----|--------------------------------|---------------------------|
| 1. | Public Comment Period | |
| 2. | Call to Order | Chairperson |
| 3. | Adoption of the Agenda | All Commissioners Present |
| 4. | Adoption of Minutes | All Commissioners Present |
| 5. | Chairperson's Report | Chairperson |
| 6. | Executive Director's Report | Executive Director |
| 7. | Committee Reports | Respective Committees |
| 8. | Office of the Poet Laureate | Poet Laureate |
| 9. | Unfinished Business | All Commissioners Present |
| 10. | New Business and Announcements | All Commissioners Present |
| 11. | Closed Executive Session | All Commissioners Present |
| 12. | Adjournment | Chairperson |

CAPITAL CITY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Locker Room Renovation / Owner's Representative Services**

Capital City Public Charter School is soliciting for procurement of **owner's representative** services for the renovation of an existing locker room into a multi-use space, to include two smaller locker rooms. For RFP, please contact jweinstein@ccpcs.org. Proposals must be received no later than 5 pm on Monday, March 13, 2017.

Locker Room Renovation / Design-Build Construction Services

Capital City Public Charter School is soliciting for procurement of **design-build construction** services for the renovation of an existing locker room into a multi-use space, to include two smaller locker rooms. For RFP, please contact jweinstein@ccpcs.org. Proposals must be received no later than 5 pm on Monday, April 3, 2017.

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING**

**WEDNESDAY, MARCH 1, 2017 AT 2:00 PM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, March 1, 2017 at 2pm. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements

- II. Discussion Items:
 - a. Second Draft of Report No. 1, Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes;

 - b. Advisory Group Memorandum No. 4, Changes for Second Draft of Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes;

- III. Discussion Items:
 - a. First Draft of Report No. 2, Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability;

 - b. Advisory Group Memorandum No. 2, Adoption of a Comprehensive General Part in the Revised Criminal Code

 - c. Advisory Group Written Comments on the First Draft of Report No. 2.

- IV. Adjournment.

DC SCHOLARS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Internet Access and Voice Services**

Notice is hereby given that DC Scholars Public Charter School has released Request for Proposals (RFP's) for multi-year Internet Access and Voice services. Various service details and levels are identified within the formal posted RFPs. Interested Respondents must have an E-rate SPIN number and abide by the response directions in accordance with the RFPs and supporting documentation. Complete responses must be received on or before 10:00 A.M. E.S.T. on March 10, 2017.

To receive a copy of the RFPs and/or MTM services pricing quote requests, view the website www.intelafunds.net and select the "E-Rate" tab then "Bid Opportunities" then select the RFP/service quote requests documents of interest posted for this school. If you have questions or concerns regarding this notice, contact **Emily Stone** at [202-559-6138](tel:202-559-6138) or estone@dcscholars.org no later than **9:00 am March 10th, 2017**.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN

1300 H Street, NE

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 a Voluntary Cleanup Action Plan (VCAP) requesting to perform a remediation action. The applicant for contiguous properties located at 1300 and 1302 H Street, NE, and 1306 and 813 13th Street, NE, Washington, DC 20002, is 1300 H Street NE LLC, c/o Insight Property Group LLC, 4601 N Fairfax Drive, Suite 1150, Arlington, Virginia 22203. The VCAP identifies the presence of chlorinated solvents and petroleum hydrocarbons in soil and groundwater. The site is planned for a four-story, mixed-use building with ground floor retail and approximately 36 residential dwelling units above.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6A) for the area in which the property is located. The VCAP is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the VCAP and supporting documents by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the VCAP may be obtained by e-mailing kokeb.tarekegn@dc.gov.

Written comments on the Voluntary Cleanup Action Plan must be received by the VCP 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--041 in any correspondence related to this application.

**DEPUTY MAYOR FOR GREATER ECONOMIC OPPORTUNITY
OFFICE OF THE WORKFORCE INVESTMENT COUNCIL**

NOTICE OF FUNDING AVAILABILITY

DC Workforce Intermediary – Targeted Industry Partnership Grant

The DC Workforce Investment Council (WIC) is soliciting applications for performance-based grants to provide workforce services that support District residents in gaining access to work-based learning activities and other career opportunities, as well as ensuring businesses have access to a pipeline of skilled adult workers. Grants will be awarded to providers offering services in one of the following sectors: healthcare, information technology, and/or infrastructure.

The organizations receiving grants under this Request for Applications (RFA) will be responsible for providing services under one program model: (1) work-based learning training for jobseekers that incorporates federally endorsed curricula and credentials and prepares participants for career opportunities in one of the targeted sectors; and (2) support services for the jobseekers participating in industry specific workforce efforts supported through the District, assisting them with employment barriers both during training and after placement in employment. Grantees will work in partnership with DC Department of Employment Services (DOES), and will provide intake, tracking, and placement services to assist employers in identifying skilled workers.

The WIC convened group consisting of representatives from employers, labor unions, industry associations, and DOES that help guide the efforts of grantee(s) under this solicitation; and working to incorporate the Committee's feedback to improve program services and partnerships. In addition, funded providers will be responsible for participating in quarterly Industry Sector meetings

Funds must be used solely for the purposes noted above and further specified in this solicitation's forthcoming RFA, and will not be disbursed until grantee(s) achieve required performance outcomes.

Eligibility: Organizations, or multiple organizations in partnership, that are eligible to apply for this grant include public or private organizations with demonstrated effectiveness in providing the requested services and meeting the employment needs of the target population, including, but not limited to:

- Non-profit, community, or faith-based organizations;
- Institutions of higher education;
- Trade associations or chambers of commerce;
- Targeted industry employers (provided they are willing to place participants with other industry employers);
- Private, for-profit service providers; or
- Labor unions or labor-management partnerships.

Additionally, to be eligible to receive funds under this solicitation, an organization must be current on all taxes and liabilities owed to the District, and must be in good fiscal standing.

Length of Award: Date of execution through September 30, 2017, with an option for one (1) renewal year depending on grantee performance, and at the sole discretion of the WIC.
Available Funding: The amount of funding available for this award is up to \$115, 955.83 per grantee in total. Funding for this award is contingent on continued fiscal year 2018 appropriations and their approval by Congress; as well as availability of funds. This notice does not commit the WIC to make an award. Total Funding availability for the Targeted industry Partnership Grant \$347,867.50.

Anticipated Number of Awards: The WIC anticipates making up to six (6) awards under this RFA.

Application Process: The RFA will be released on February 28, 2017. The RFA will be posted on the District's Grant Clearinghouse Website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>. All applications must be submitted online by following the links and instructions posted to this website.

An information meeting on the RFA will be held on March 3, 2017 at 2 p.m. at the Workforce Investment Council, located at 2235 Shannon Place SE Suite 3031, Washington, DC 20020. Attendance is strongly encouraged.

For additional information, contact LaToyia Hampton, Grants Manager of the Office of the Deputy Mayor for Planning and Economic Development, at Latoyia.hampton@dc.gov.

All questions concerning this RFA must be submitted in writing via electronic mail to Anika.holmes@dc.gov.

The deadline for submission is 3:00PM EST, Friday, March 17, 2017.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF INITIAL APPLICATION PERIOD FOR *MY HEALTH GPS* PROGRAM

The State Plan Amendment (SPA) authorizing the *My Health GPS* program was approved by the Council of the District of Columbia through the Fiscal Year 2017 Budget Support Emergency Act of 2016, effective July 20, 2016 (D.C. Act 21-463; 63 DCR 009843), and by the Centers for Medicare and Medicaid Services with an effective date of July 1, 2017. The *My Health GPS* program will use an interdisciplinary team embedded in a primary care setting to deliver comprehensive care management services to eligible District Medicaid beneficiaries who have three (3) or more qualifying chronic conditions.

The Director of the Department of Health Care Finance (DHCF), has authority pursuant to the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(4) (2012 Repl. & 2016 Supp.)) to execute agreements on behalf of DHCF. DHCF shall accept initial applications for the *My Health GPS* program between **March 1, 2017 and March 31, 2017** in order for participating entities to be approved and enrolled to deliver *My Health GPS* program services to eligible beneficiaries prior to the July 1, 2017 program implementation date.

Only entities that submit complete applications by March 31, 2017 shall be considered for the initial assignment of eligible beneficiaries to the entity for the delivery of *My Health GPS* services beginning July 1, 2017.

After March 31, 2017, applications will be accepted and reviewed on an ongoing basis, and eligible beneficiaries will be assigned to approved entities quarterly.

The *My Health GPS* application is available on the DHCF website at: <https://dhcf.dc.gov/page/health-home-persons-multiple-chronic-conditions-my-health-gps>.

For further information, please contact Joe Weissfeld, Project Manager, Health Care Reform and Innovation Administration, D.C. Department of Health Care Finance, at (202) 442-5839 or joe.weissfeld@dc.gov.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Audiology and Speech-Language Pathology (“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 hold its meeting on a quarterly basis in 2017. The first meeting of the year will be held on Monday, March 20, 2017 from 9:00 AM to 12:00 PM and will be open to the public from 9:00 AM until 9:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b)), the meeting will be closed from 9:30 AM to 12:00 PM 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:

Monday, June 19, 2017
Monday, September 18, 2017
Monday, December 18, 2017

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Health Professional Licensing Administration website at <http://doh.dc.gov/events> and to view additional information and agenda.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Occupational 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 hold its meeting on a quarterly basis in 2017. The first meeting of the year will be held on Monday, March 20, 2017 from 2:30 PM to 4:30 PM and will be open to the public from 2:30 PM until 3:00 PM 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 3:00 PM to 4:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Subsequent meetings of the calendar year will be held at the same time on the following dates:

Monday, June 19, 2017
Monday, September 18, 2017
Monday, December 18, 2017

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Health Professional Licensing Administration website at <http://doh.dc.gov/events> and to view additional information and agenda.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
February 22, 2017

On February 22, 2017 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, J.D.

**DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH
MEDICAL MARIJUANA PROGRAM**

PUBLIC NOTICE

Letter of Intent for Dispensaries In Ward 7 or Ward 8 Applications

Pursuant to 22-C DCMR § 5401.1, applications for a new dispensary registrations shall only be accepted by the Director during the open application period as specified by the Director by published Notice in the D.C. Register; such period shall not be extended. Pursuant to 22-C DCMR § 5401.2, prior to the submission of a formal application for a new dispensary registration, the prospective applicant shall submit a Letter of Intent to the Director or a designee. The Director shall only accept Letters of Intent during the time period specified by the Director by Notice in the D.C. Register, such period shall not be extended. The purpose of the Letter of Intent is to formally notify the Director that an application for a dispensary registration will be forthcoming.

Letters of Intent shall be submitted only by completing the Letter of Intent Form posted on the DC Medical Marijuana Webpage <http://doh.dc.gov/mmp>. No other format is acceptable. Letters of Intent for a dispensary in Ward 7 or Ward 8 will be received beginning Monday, March 6, 2017 at 9:00 am and ending Friday, April 7, 2017 at 12:00 Noon ET. Letters should be addressed to: DC Medical Marijuana Program, 899 North Capitol Street, NE, 2nd Floor Washington, DC 20002. Letters shall be submitted in a manner to ensure signed receipt.

Only one (1) registration will be issued. Applicants may submit an application for Ward 7 and an application for Ward 8, but must file a separate Letter of Intent Form and a separate application, with a separate application fee, for each. Only the individuals and entities that submit timely Letters of Intent to the Director, meeting the requirements set forth in the regulations, shall be permitted to submit an application for a dispensary registration in Ward 7 or Ward 8. Regardless of the number of applications received, only one (1) registration will be issued, and it will be issued for either Ward 7 or Ward 8, but not both.

The United States Congress has determined that marijuana is a controlled substance and has placed marijuana in Schedule I of the Controlled Substance Act. Growing, distributing, and possessing marijuana in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia's law authorizing the District's medical marijuana program will not excuse any person from any violation of the federal laws governing marijuana or authorize any registrant to violate federal laws.

DEPARTMENT OF HEALTH (DOH)
NOTICE OF FUNDING AVAILABILITY (NOFA)
AMENDED

FY 2017 Opioid Treatment Expansion Initiative
RFA# HAHSTA_OTSP02.10.17

This notice supersedes the notice published in DC Register on January 27, 2017 Vol 64/4

The District of Columbia, Department of Health (DOH) is soliciting applications from qualified applicants to provide services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement provides public notice of the Department of Health's intent to make funds available for the purpose described below. 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:	FY2017 Opioid Treatment Expansion Initiative
Funding Opportunity Number:	FO-HAHSTA-PG-00080-002
RFA ID#:	RFA # HAHSTA_OTSP02.10.17
Opportunity Category:	Competitive
DOH Administrative Unit:	HIV/AIDS, Hepatitis, STD, Tuberculosis Administration
DOH Program Bureau	Prevention and Intervention Services Division
Program Contact:	Stacey Cooper, Deputy Division Chief Stacey.cooper@dc.gov 202/671-4900
Program Description:	The Government of the District of Columbia, Department of Health (DOH), HIV/AIDS, Hepatitis, STD and Tuberculosis Administration (HAHSTA) is soliciting applications from qualified applicants to build capacity among primary care providers and Federally Qualified Health Centers (FQHCs) to prescribe buprenorphine-based treatment to opioid users.
Eligible Applicants	Not-for-profit organizations, including healthcare entities and universities; government-operated health facilities; for-profit health and support service providers demonstrated to be the only entity able to provide the service. All applicants must be located within and provide services in the District of Columbia.

Anticipated # of Awards:	Up to 5
Anticipated Amount Available:	\$1,000,000.00

Funding Authorization

Legislative Authorization	FY17 Budget Support Act of 2016
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required	No
RFA Release Date:	Friday, February 10, 2017
Pre-Application Meeting (Date)	Friday, February 17, 2017
Pre-Application Meeting (Time)	10:30 a.m. – 12:00 p.m.
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE – 4 th Floor
Letter of Intent Due date:	Friday, February 17, 2017
Application Deadline Date:	Friday, March 10, 2017
Application Deadline Time:	By 6:00 p.m.
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse https://opgs.dc.gov/page/opgs-district-grants-clearinghouse DOH EGMS https://dcdoh.force.com/GO_ApplicantLogin2

Notes:

1. DOH reserves the right to issue addenda and/or amendments subsequent to the issuance of this NOFA, or to rescind the NOFA.
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).
5. Effective September 1, 2016, grant application submissions will be done via the DOH Enterprise Grants Management System (EGMS). Applicants must register to obtain an EGMS account at least two weeks prior to the submission deadline date.
6. DOH is located in a secured building. Government issued identification must be presented for entrance.

DEPARTMENT OF HEALTH (DOH)
NOTICE OF FUNDING AVAILABILITY (NOFA)

RFA#: CHA_TPCC_03.10.17
Tobacco Prevention and Control Community Grants

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:	Tobacco Prevention and Control Community Grants
Funding Opportunity Number:	FO-CHA-PG-00179-005
Program RFA ID#:	CHA_TCCP_3.10.17
Opportunity Category:	Competitive
DOH Administrative Unit:	Community Health Administration
DOH Program Bureau	Cancer and Chronic Disease Prevention Bureau
Program Contact:	Erin Thomas at 202.442.5902 tobaccocontrol@dc.gov
Program Description:	The DC Tobacco Control Program is located within the DOH Bureau of Cancer and Chronic Disease because tobacco smoke harms nearly every organ of the body, causing many diseases and negatively affecting the health of smokers and people who live with smokers. The DC Tobacco Control Program works with stakeholders to encourage a coordinated effort to reduce the harmful effects of tobacco; this includes preventing young people from starting smoking, supporting current smokers in quitting and working with stakeholders to ensure the regulatory landscape that addresses tactics used by the tobacco industry.
Eligible Applicants	Not for profit, public and private organizations located and licensed to conduct business within the District of Columbia and experienced in providing programming and services in the program areas and/or targeted populations.
Anticipated # of Awards:	6
Anticipated Amount Available:	\$300,000
Floor Award Amount:	\$ 25,000

Ceiling Award Amount:	\$ 75,000
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Funding Authorization

Legislative Authorization	FY 17 Budget Support Act of 2016
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, March 10, 2017
Pre-Application Meeting (Date)	Thursday, March 16, 2017
Pre-Application Meeting (Time)	10:00 AM – 11:30 AM
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE, 3rd Floor conference room 306
Letter of Intent Due date:	Not applicable
Application Deadline Date:	Monday, April 4, 2017
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse. DOH EGMS https://dcdoh.force.com/GO ApplicantLogin2

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 #, Tax ID#, 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.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
HOUSING PRODUCTION TRUST FUND**

Notice of 2017 Public Meeting Schedule

DC Department of Housing and Community Development (DHCD)-Housing Production Trust Fund (HPTF) Advisory Board announces the public meeting schedule for 2017.

Thursday, March 16, 2017 @ 10:30 am
Thursday, April 20, 2017 @ 10:30
Thursday, May 18, 2017 @ 10:30 am
Thursday, June 15, 2017 @ 10:30 am
Thursday, July 20, 2017 @ 10:30 am
Thursday, August 17, 2017 @ 10:30 am
Thursday, September 21, 2017 @ 10:30 am
Thursday, October 19, 2017 @ 10:30 am
Thursday, November 16, 2017 @ 10:30 am
Thursday, December 21, 2017 @ 10:30 am

The public meetings shall take place at 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020, Housing Resource Center.

For additional information, please contact Oke Anyaegbunam via e-mail at Oke.Anyaegbunam@dc.gov or by telephone at 202-442-7200.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**THE RENTAL HOUSING COMMISSION 2017 RESOLUTION**


for

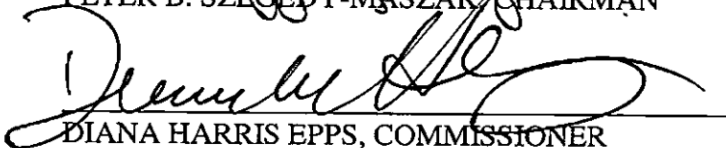
**THE CHANGE IN THE REGIONAL CONSUMER PRICE INDEX –
URBAN WAGE EARNERS AND CLERICAL WORKERS (CPI-W), FOR
ALL ITEMS; THE SOCIAL SECURITY COST-OF-LIVING
ADJUSTMENT; AND THE MAXIMUM ANNUAL RENT INCREASE FOR
ELDERLY TENANTS AND TENANTS WITH A DISABILITY**

It is hereby resolved by the Rental Housing Commission (“Commission”) this 13th day of February, 2017:

1. Whereas, effective January 1998, the United States Department of Labor, Bureau of Labor Statistics (“BLS”), eliminated the publication “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which included the District of Columbia and parts of the states of Maryland and Virginia, and initiated the publication “Consumer Price Index – Urban Wage Earners and Clerical Workers (CPI-W), Washington-Baltimore, D.C.-Md.-Va.-W.Va., All Items,” which includes the District of Columbia and parts of the states of Maryland, Virginia, and West Virginia in a consolidated metropolitan statistical area (“Washington-Baltimore CMSA”);
2. Whereas, pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b) (2012 Repl.)) (“Act”), the Commission is mandated to determine the change, during the twelve months of calendar year 2016 in the Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for all items in the metropolitan statistical area that includes the District of Columbia;
3. Whereas, pursuant to the requirements of section 206(b) of the Act, the Commission used the BLS publication of the CPI-W for all items for calendar year 2016 in the Washington-Baltimore CMSA;
4. Whereas, the Commission determined the calendar year 2016 change in the CPI-W for all items for the Washington-Baltimore CMSA was 1.1%;
5. Whereas, pursuant to section 202(a)(3)(B) of the Act, as amended by the Elderly Tenant and Tenant with a Disability Protection Emergency Amendment Act of 2017, effective February 9, 2017 (D.C. Bill 22-17) (“Tenant Protection Emergency Act”), the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i));

6. Whereas, the Commission determined that the Social Security COLA established for calendar year 2017 is 0.3%;
7. Whereas, pursuant to section 202(a)(3)(C) of the Act, as amended by the Tenant Protection Emergency Act, the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider in accordance with section 208(h)(2) of the Act, as amended by the Tenant Protection Emergency Act, which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this resolution; (b) the Social Security COLA, as determined by this resolution; or (c) 5% of the current rent charged; and
8. Whereas, the Commission determined that, pursuant to section 208(h)(2) of the Act (D.C. Official Code § 42-3502.08(h)(2)), as amended by the Tenant Protection Emergency Act, the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider shall not exceed 0.3%;
9. Be it therefore resolved, that, pursuant to the requirements of section 202(a)(3) of the Act (D.C. Official Code § 42-3502.02(a)(3)), as amended by the Tenant Protection Emergency Act, the Commission hereby certifies that:
 - (a) The rent adjustment of general applicability, to become effective on May 1, 2017, shall not exceed 1.1% of the legal rent charged for a rental unit on April 30, 2017; and
 - (b) The annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability shall not exceed 0.3% of the legal rent charged on April 30, 2017; and
10. Be it further resolved, that the Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2017, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents and Administrative Issuances for publication in the *District of Columbia Register*.


PETER B. SZEGEDY-MASZAK, CHAIRMAN


DIANA HARRIS EPPS, COMMISSIONER


MICHAEL T. SPENCER, COMMISSIONER

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION
CERTIFICATION AND NOTICE OF RENT ADJUSTMENT OF
GENERAL APPLICABILITY

EFFECTIVE MAY 1, 2017

1. Pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b) (2012 Repl.)) (“Act”), the Rental Housing Commission (“Commission”) shall determine an adjustment of general applicability in the rent that may be charged in accordance with section 206(a) of the Act (D.C. Official Code § 42-3502.06(a)) for rental units covered by the Rent Stabilization Program,¹ which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (“SMSA”) Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for All Items.²
2. Pursuant to section 206(b) of the Act, the Commission determined that the CPI-W for All Items in the Washington, D.C. metropolitan area increased by 1.1% during the previous calendar year.
3. Pursuant to the requirements of section 202(a)(3) of the Act of 1985 (D.C. Official Code § 42-3502.02(a)(3)), the Commission hereby certifies and gives notice that **the rent**

¹ The coverage of the Rent Stabilization Program is established by section 205(a)-(e) of the Act (D.C. Official Code § 42-3502.05(a)-(e)).

² The Rental Housing Commission and the Rent Administrator are mandated by Act to annually calculate and publish in the *District of Columbia Register* the percentage change in the “Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items.” D.C. Official Code §§ 42-3502.04(k), 42-3502.06(b). However, the Act does not conform to two changes in the publication by the United States Department of Labor, Bureau of Labor Statistics (“BLS”), which publishes the CPI-W statistics and determines what areas will be in the SMSA.

First, the BLS enlarged the geographical areas included with Washington, D.C. in the statistical area. Second, the name of the BLS statistical publication was changed to reflect the enlargement of the area. Originally, the SMSA included Washington, D.C. and parts of Maryland, and Virginia. The statistical publication issued by BLS, and used by both the Rent Administrator and the Commission, was named “Consumer Price Index, Urban Wage Earners and Clerical Workers – (CPI-W), Washington, DC-MD-VA, All Items.” That publication was discontinued, and now the BLS publication is the “Consumer Price Index – Urban Wage Earners and Clerical Workers, Washington-Baltimore, D.C.-Md.-Va.-W.Va., All Items.” The difference is the inclusion of parts of the state of West Virginia and the city of Baltimore, Maryland into a “consolidated metropolitan statistical area” with Washington, D.C.

The BLS data on which the Commission relies is published with the Series ID CWURA311SA0.

adjustment of general applicability to become effective on May 1, 2017, shall not exceed 1.1% of the legal rent charged for a covered rental unit on April 30, 2017.³

4. Pursuant to section 202(a)(3)(B) of the Act, as amended by the Elderly Tenant and Tenant with a Disability Protection Emergency Amendment Act of 2017, effective February 9, 2017 (D.C. Bill 22-17) (“Tenant Protection Emergency Act”),⁴ the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)).
5. Pursuant to section 202(a)(3)(B) of the Act, as amended by the Tenant Protection Emergency Act, the Commission determined that the Social Security COLA established for calendar year 2017 is 0.3%.
6. Pursuant to section 202(a)(3)(C) of the Act, as amended by the Tenant Protection Emergency Act, the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider in accordance with section 208(h)(2) of the Act (D.C. Official Code § 42-3502.08(h)(2)),⁵ which, as amended by the Tenant Protection Emergency Act, provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this notice; (b) the Social Security COLA, as determined by this notice; or (c) 5% of the current rent charged.
7. Pursuant to section 202(a)(3)(B) of the Act, as amended by the Tenant Protection Emergency Act, the Commission hereby certifies and gives notice that **the annual adjustment in the rent charged for a covered rental unit occupied by an elderly tenant or tenant with a disability shall not exceed 0.3% of the legal rent charged** on April 30, 2017.

³ Pursuant to section 208(h)(2) of the Act (D.C. Official Code § 42-3502.08(h)(2)), as amended by the Rent Control Reform Amendment Act of 2006, effective August 5, 2006 (D.C. Law 16-145; 53 D.C.R. 6688), except as provided for elderly tenants and tenants with a disability, a housing provider may increase the rent charged for a rental unit by **an additional 2% above the adjustment of general applicability**.

⁴ The Tenant Protection Emergency Act is a temporary, emergency version of certain provisions of the Elderly Tenant and Tenant with a Disability Protection Amendment Act of 2016, signed by the Mayor February 9, 2017 (D.C. Act 21-655), which will take effect permanently following 30 days of congressional review.

⁵ For the purpose of determining the maximum allowable rent increase under section 208(h)(2) of the Act, the term “elderly tenant” means a tenant who is at least **62 years of age** and “tenant with a disability” means a tenant who has **a physical or mental impairment that substantially limits one or more major life activities**, as defined by section 206(f)(1) of the Act (D.C. Official Code § 42-3502.06(f)(1)) but without regard to income.

D.C. DEPARTMENT OF HUMAN RESOURCES

NOTICE OF EXCEPTED SERVICE APPOINTMENTS AND CHANGES

As of December 19, 2016

Pursuant to D.C. Official Code § 1-609.03(c), the Executive must publish the names of individuals posted to Excepted Services positions within 45 days of appointment. The following individuals, along with the agency, title and grade, were appointed to Excepted Service or the nature of their appointment has changed.

AGENCY NAME	Position Title	Last Name	First Name	Grade
Alcoholic Beverage Reg Admin	Director, ABRA	Moosally	Frederick	10
Arts & Humanities, Comm on the	Special Assistant	Younger	Derek	07
Behavioral Health, Dept. of	Health System Administrator	Chastang	Mark	11
	Director of Mental Health	Royster	Tanya	E5
Board of Ethics and Government	General Counsel	Flowers	Brian	09
	Director of Open Government	Hughes	Traci	10
	Director of Government Ethics	Sobin	Darrin	10
Chief Technology Officer, Ofc	Chief Technology Officer	Vemulapalli	Archana	E5
City Administrator, Ofc of the	Budget Director	Brown	Matthew	11
	Deputy Budget Director	Constantino	Justin	10
	Budget Analyst	Gamblin	Anthony	05
	Deputy Direct of Public-Privat	Gluckman	Judah	10
	Senior Budget Analyst	Griffin	Consha	09
	Budget Analyst	Hatton	Timothy	05
	Performance Analyst	Holt	Kasmin	07
	Senior Legal Advisor	Kreiswirth	Barry	10
	Deputy Director	McGaw	John	10
	Director	Miller Gabriel	Seth	10
	Chief of Staff	Miller-Vierra	Lyndsey	10
	Senior Budget Analyst	Murray	Christopher	09
	Chief Performance Officer	Reed	Jennifer	10
	Program Analyst	Rockett	Ayana	07
	Director, OLRCB	Sims	Lionel	10
	Executive Assistant	Thompson	LaTonya	07
	Director of Data Operations	Williams	Dartanion	10
Director of the Lab @ DC	Yokum	David	10	
Consumer and Regulatory Affair	Deputy Director	Parris	Lori	10
	Special Assistant	Washington	Jason	07
Contract Appeals Board	Clerk of Court	Tuttle	Thane	09
Contracting and Procurement	Dir Contracting & Procurement	Schutter	George	E4
Corrections, Department of	Interim Director, Department o	Booth	Quincy	11
	Medical Officer (Administration)	Mynett	Beth	11
Criminal Code Reform Comm.	Attorney Advisor	Nitta	Bryson	07
	Attorney Advisor	Park	Jinwoo	07

AGENCY NAME	Position Title	Last Name	First Name	Grade
Criminal Code Reform Comm.	Sr. Attorney Advisor	Redfern	Rachel	08
	Executive Director	Schmechel	Richard	09
	Sr. Attorney Advisor	Serota	Michael	08
Department of General Services	Dep. Dir. for Facilities Mgmt.	Davis	Wilbert	11
	Director, Department of	Gillis	Greer	11
	Special Assistant	Sherrod	Wanda	09
Department of Health	Director Department of Health	Nesbitt	LaQuandra	E5
	Chief of Staff	Watson	Jacqueline	09
Department of Human Services	Executive Director Interagency	Greenwalt	Kristy	11
	Chief Operating Officer	Kershbaum	Sharon	10
	Policy Analyst	Olahanmi	Ololade	09
	DIRECTOR	Zeilinger	Laura	E5
Dept Housing and Comm Dvlpmt	Staff Assistant	Roary	Booker	03
	Public Affairs Specialist	Wilson	Timothy	08
Dept of Energy and Environment	Special Assistant	Stutz	Benjamin	08
	DIRECTOR	WELLS	THOMAS	E5
Dept of Health Care Finance	Chief of Staff	Rapp	Melisa	09
	Senior Deputy Director	Schlosberg	Claudia	11
	Director	Turnage	Wayne	E5
Dept of Human Resources	Director	Gibson	Ventris	E5
	Special Assistant	Selman	David	06
	Chief of Staff	Williams	Ronald	10
Dept of Small and Local Bus Dv	Dep Dir for Business Opportuni	Edwards	Ronnie	09
Dept. of For-Hire Vehicles	Chairman DC Taxicab Commission	Chrappah	Ernest	10
Deputy Mayor for Education	Special Assistant	Comey	Jennifer	08
	Policy Advisor	Miller	Taneka	08
	Deputy Mayor for Education	Niles	Jennifer	E5
	Chief of Staff	Smith	Ahnna	09
	Senior Policy Advisor	Steinle	Aurora	07
	Senior Policy Advisor	Watson	Naomi	09
	Deputy Chief of Staff	Wells	Shayne	07
Disability Services	Acting Director, Department on	Reese	Andrew	11
DMGEO	Associate Director of Legislat	Austin	Michael	06
	Director of Operations	Beasley	Amber	03
	Exec Director, Office of Afric	Branch	Rahman	07
	Executive Director, Commission	Dugger	Tony	07
	Outreach & Service Specialist	Hill	Jaren	05
	Chief of Staff	Leach	Faith	08
	Deputy Mayor for Greater Econo	Snowden	Courtney	11
Employment Services, Dept of	Program Specialist	Waters	Dianna	06
Fire and Emerg. Medical Svcs	Chief Communications Officer	Buchanan	Douglas	08
	Fire Chief	Dean	Gregory	PS2
	Interim Medical Director	Holman	Robert	PS1
	Public Affairs Specialist	Maggiolo	Vito	06
	Chief of Staff	Mauro	Amy	10
	Assistant Medical Director	Puppala	Neha	11
Health and Human Services, Ofc	Special Assistant	Cevasco	Jenna	07

AGENCY NAME	Position Title	Last Name	First Name	Grade
Health and Human Services, Ofc	Dep Mayor for Hlth & Hum Svcs	Donald	Brenda	11
	Chief of Staff	Joseph	Rachel	10
Homeland Security & EMA	Community Outreach Specialist	Brannum	Robert	06
	Community Outreach Specialist	Gilmore	Edward	06
Human Rights, Office of	Director, Ofc of Human Rights	Palacio	Monica	E4
	Special Assistant	Thornton	Charles	09
Inspector General, Ofc of the	ATTORNEY ADVISOR	Bailey	Erica	08
	GEN COUNSEL	Branson	Karen	10
	ASST IG INSPECTOR/EVALUATION	Farley	Edward	10
	Deputy Inspector General	Hart	Lee	10
	Supv Attorney Advisor	Karrasch	Benjamin	09
	Attorney Advisor	Kiser	Denise	08
	Deputy General Counsel	Lucchesi	Victoria	09
	Attorney	Perry	Joseph	09
	Attorney-Advisor	Van Croft	Keith	08
	Supervisory Attorney Advisor	Weeks	Marcus	10
	Attorney-Advisor	Williams	Burnette	08
Insurance, Securities and Bank	Special Assistant	Collins	Theford	07
	Commissioner Ins Sec&Banking	Taylor	Stephen	E5
Justice Grants Administration	Special Assistant	Dyer	Christopher	07
	Director, Justice Grants Admin	Garcia	Michelle	09
Latino Affairs, Office on	Deputy Director	Guity Guevara	Julio	07
	Community Outreach Specialist	Lopez	Olimpia	03
Mayor's Off. of Legal Counsel	Attorney Advisor	Evans	Gregory	08
	Paralegal Specialist	Hughes	Bijan	07
	Paralegal Specialist	Marsh	John	07
	Chief of Staff	Moir	Thomas	09
	Attorney Advisor	Tucker	Melissa	08
Metropolitan Police Department	Special Assistant	Bromeland	Matthew	09
	Special Assistant	Dickerson	Pamela	09
	Special Assistant to the Chief	Fieselmann	Heidi	09
	Interim Chief of Police	Newsham	Peter	11
Motion Picture & Television	Director	Gates	Angie	E2
	Associate Director, Television	Walker	Bruce	07
Motor Vehicles, Department of	Director	Babers	Lucinda	E4
	Ticket Ombudsman	Stewart	Gregori	08
Ofc. of State Superintendent	Assistant Superintendent of Da	Ashton	Darrell	10
	State Superintendent of Educat	Kang	Hanseul	E5
	Deputy Assistant Superintenden	Laird	Elizabeth	08
	Strategic Planning Manager	Siu	Peter	08
Office of Cable Television	Producer	Washington	Lindsay	03
Office of Disability Rights	Director	Taylor	Alexis	E3
Office Of the Mayor	Associate Director	Afoakwah	Kimberly	05
	Chief of Staff	Akins	Lamont	07
	Executive Assistant	Anthony	Lavita	07
	Policy Analyst	Armstrong	Shana	05
	Digital Director	Barmore	Heather	06

AGENCY NAME	Position Title	Last Name	First Name	Grade
Office Of the Mayor	DIR PART & GRANTS DEV	Barnes	Lafayette	10
	Exec Dir for Comm on Women	Bassett	Kimberly	07
	Outreach & Service Specialist	Battle	Antoine	05
	Outreach & Service Specialist	Benab	Yasmin	05
	Associate Director	Billie	Michelle	05
	Program Support Specialist	Boucree	Catherine	11
	Special Assistant	Bowen	Thomas	06
	Program Analyst	Brown	Ajan	03
	Staff Assistant	Carpenter	Astin	02
	Associate Director	Castillo Arias	Susana	05
	General Counsel	Cavendish	Elizabeth	11
	Outreach & Service Specialist	Chapin	Jeremiah	05
	Policy Analyst	Christian	Hassan	05
	Associate Director of Scheduling	Clark	Joshua	03
	Outreach & Service Specialist	Clarke	John	05
	Outreach & Service Specialist	Doxen	Edward	05
	Director of Scheduling	Fink	Jason	07
	Senior Communications Officer	Foster	LaToya	08
	Community Outreach Specialist	Foster-Lee	Isha	06
	Outreach & Service Specialist	Gaines	Lionell	05
	Special Assistant	Gilchrist	Kristina	05
	Special Assistant	Glenn	Aliyah	05
	Director of Communications	HAWKINS	JAMES	10
	Director, Community Affairs	Hines	Charon	10
	Chief Service Officer	Hunter	Delano	09
	Deputy General Counsel	Intrieri	Alana	10
	Associate Director	Irby	Melissa	05
	Outreach & Service Specialist	Jeong	Kang	05
	Director of Community Relation	Jones Jr.	Tommie	09
	Language Access & Outreach Spe	Kaba	Aly	05
	Associate Director	Karnofsky	Alan	05
	Deputy Director	Laney	Terrance	06
	Outreach & Service Specialist	Lesesne	Devon	05
	Outreach & Service Specialist	Livingstone	Richard	05
	Staff Assistant	Locher	Jeanne	02
	Outreach & Service Specialist	Maggard	Ian	05
	Outreach & Service Specialist	Mane	Bezawit	05
	Associate Director of Scheduling	Mason	Erika	03
	Outreach & Service Specialist	McAuley	Phillip	05
	Community Emergency Response S	McLeroy	Willie	05
	Deputy Executive Director	Melder	Joseph	09
	Outreach & Service Specialist	Miles	Ke'von	05
	Outreach & Service Specialist	Mims	Keisha	05
Associate Director	Nartowicz	Nikolas	07	
Clerical Assistant (OA)	Norris	Jeanete'	02	
Deputy Director	Oruh	Chioma	06	
Outreach & Service Specialist	Owens	Tynisha	05	

AGENCY NAME	Position Title	Last Name	First Name	Grade
Office Of the Mayor	Deputy Chief of Staff	Parker	Lindsey	11
	Outreach & Service Specialist	Phillips	Shinada	05
	Scheduling Support Assistant	Pleitez	Diego	02
	Outreach & Service Specialist	Pollard	Monte	05
	Associate Director	Raingé	Kennisha	05
	Outreach & Service Specialist	Rogers	Hakeem	05
	Associate Director	Satterlee	Erika	05
	Associate Director	Sebastian	Dorothy	05
	Program Analyst (Bilingual)	Sereke-Brhan	Heran	06
	Correspondence Officer	Slattery	James	08
	Community Outreach Specialist	Smith	Dimosha	03
	Dep Dir of Grants & Operations	Spriggs	Sareeta	07
	Outreach & Service Specialist	Sutton	Adrian	05
	Outreach & Service Specialist	Thomas	William	05
	Special Assistant	Tondoneh Munu	Sward	06
Staff Assistant	Walker	Lakiesha	03	
Director, Office of Talent and	Walker	Steven	09	
Office of the Senior Advisor	Dir of Legislative Support	Barge	Lolita	08
	Deputy Director	Coombs	John	08
	Chief of Staff	Floyd	Sean	08
	Policy Analyst	George	Deborah	06
	Associate Director	Herrell	Arlen	06
	Associate Director	Hoffman	Desiree	05
	Director, Federal and Regional	Kinlow	Eugene	10
	Associate Director	Scalf	Matthew	06
	Associate Director	Talamante	Tomas	06
Parks and Recreation, Dept of	Director	Anderson	Keith	E5
Planning and Economic Developm	Special Assistant	Bekele	Tsegazeab	07
	Special Assistant	Clarke	Randall	08
	Special Assistant	Fisher	Edward	08
	Dep. Mayor, Plan. & Econ. Dev.	Kenner	Brian	E5
	Communications Director	McPeek	Joaquin	08
	Director, Real Estate	Olpadwala	Sarosh	10
	Outreach Coordinator	Townley	Dion	07
	Chief of Staff	Trueblood	Andrew	11
	Special Assistant	Tyus	Darnetta	08
	Deputy Chief of Staff	White	Timothy	09
Planning, Office of	Food Policy Director	Cidlowski	Laine	08
PS&J Cluster, Ofc of Dep Mayor	Legislative & Policy Analyst	Harris	Shae	07
Public Works, Department of	Deputy Director for Operations	Jackson	James	10
	Solid Waste Program Coordinator	Reynolds	Wilson	06
	Chief Operating Officer	Robinson	Gabriel	10
	Clean City Coord	Williams	Malik	09
Risk Management, Office of	Chief Risk Officer	Ross	Jed	E4
Secretary, Office of the	Protocol Officer	Elwood	Patricia	08
	Notary & Authent. Officer	Gold	Judi	07
	Deputy Secretary	Holland	Joy	09

AGENCY NAME	Position Title	Last Name	First Name	Grade
Secretary, Office of the	Staff Assistant	Johnson	LaShawn	03
	Public Records Administrator	Katz	Rebecca	07
	Administrator, Ofc of Document	Reid	Victor	08
	Staff Assistant	Savonis	Luke	03
	Secretary of the District	Vaughan	Lauren	E3
Transportation, District Dept	Director, Dist Dept of Transp.	Dormsjo	Leif	E5
	Special Assistant	Naji-Allah	Khalid	07
	Chief of Staff	Turner	Adrea	10
Unified Communications, Ofc of	Director, OUC	Holmes	Karima	E5
Veteran Affairs, Office of	Director, Veterans Affairs	Ross	Ely	09
Youth Rehab Services, Dept of	Deputy Director for DYRS	Harlee-Harper	Linda	10
	Director, Department of Youth	Lacey	Clinton	E5

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****General Contracting and Equipment for Full Service Kitchen**

Mundo Verde PCS seeks bids for:

1. general contracting services to install a full service kitchen; and
2. kitchen equipment for a full service kitchen.

The two RFPs with bidding requirements and supporting documentation can be obtained by contacting kweisgerber@mundoverdepcs.org. **Any bids not addressing all areas as outlined in the RFP may not be considered.**

The deadline for application submission is 9:00am March 10, 2017.

A pre-con site walk will be conducted on March 3 from 12:30-1:30. RSVP required by 2pm on March 1. To RSVP or for further information regarding this notice, contact **Kelsey Weisgerber** at kweisgerber@mundoverdepcs.org.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

CHRIS G. GARDINER, BOARD CHAIR

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Wednesday, February 22, 2017. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Rooms 1/2/3. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. READING AND APPROVAL OF MINUTES**
Wednesday, January 25, 2017
- V. CONSENT AGENDA**
 - A. Dr. Julian R. Craig, Chief Medical Officer**
 - B. Dr. Mina Yacoub, Medical Chief of Staff**
- VI. THE ANNUAL BOARD OF ETHICS TRAINING**
- VII. EXECUTIVE MANAGEMENT REPORTS**
 - A. Luis A. Hernandez, Chief Executive Officer
- VIII. COMMITTEE REPORTS**
 - A. Audit Committee
 - B. Governance Committee Report
 - C. Patient Safety & Quality Committee
 - D. Strategic Steering Committee
 - E. Finance Committee
- IX. OTHER BUSINESS**
 - A. Old Business
 - B. New Business

X. ANNOUNCEMENT

Next Governing Board Meeting – **Saturday, April 29, 2017, at 9:00 a.m.** in Conference Rooms 1/2/3 on the ground level.

XI. ADJOURNMENT

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.), and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog exercise area within Takoma Recreation Center Park, located specifically west of the Takoma Aquatic Center and north of Coolidge High School (Frank R. Williams Building); Reservation 445, Square 3272, Lot 805.

The proposed application seeks to install and operate an off-leash dog park at the above referenced location that is approximately 0.30 acres in size. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 1250 U Street, NW on the 2nd floor. The application is also available at: <http://dpr.dc.gov/page/dog-parks>

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after March 27, 2017 will not be accepted.**

Address written comments to:

Office of Planning & Capital Projects
District Department of Parks and Recreation
Attn: Dog Park Comments – Takoma Park
1250 U Street, NW
Washington, DC 20009

To submit comments via email, please email dpr.dogparks@dc.gov

For more information, please call (202) 673-7647.

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, February 21, 2017 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or mia.hebb@dc.gov

Meeting Agenda

1. Overview of Inter-Agency Data Request.
2. Commission Discussion and Action On What Data Can Be Shared with Government Agencies.
3. Next Meeting – March 21, 2017.
4. Adjourn.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, March 2, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | | |
|----|---|-----------------------|
| 1. | Call to Order | Board Chairman |
| 2. | Roll Call | Board Secretary |
| 3. | Approval of February 2, 2017 Meeting Minutes | Board Chairman |
| 4. | Committee Reports | Committee Chairperson |
| 5. | General Manager's Report | General Manager |
| 6. | Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. | Other Business | Board Chairman |
| 8. | Adjournment | Board Chairman |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19408 of Serra Sippel, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.1, the side yard requirements of Subtitle D § 307. 1, and the side yard requirements of Subtitle D § 307.5, to allow a second-story rear addition to an existing one-family dwelling in the R-1-B Zone at premises 3619 15th Street N.E. (Square 4005, Lot 18).¹

HEARING DATE: February 8, 2017²
DECISION DATE: February 8, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 21, 2016, at which a quorum was present, the ANC voted 5-0-0 to support the application. The ANC's report further indicated that the ANC revisited the support originally provided to review the revised plans and found that its support for the project was not altered by the changes to the application. (Exhibit 37.)

¹ The caption was revised to remove the reference to "porch" based on the enclosure of the porch in the revised plans. (Exhibit 33.)

² This case was administratively rescheduled from the public hearing session of February 1, 2017 to the public hearing session of February 8, 2017.

The Office of Planning (“OP”) submitted a timely report, dated January 27, 2017 (Exhibit 35), and testified at the hearing in support of the application. The District Department of Transportation (“DDOT”) submitted a timely report, dated January 19, 2017, expressing no objection to the approval of the application. (Exhibit 32.)

Three adjacent property owners filed letters in support of the application. (Exhibits 13-15.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the nonconforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.1, the side yard requirements of Subtitle D § 307.1, and the side yard requirements of Subtitle D § 307.5, to allow a second-story rear addition and to an existing one-family dwelling in the R-1-B Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 5201, 304.1, 306.1, 307.1, 307.5, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 33.**

VOTE: **3-0-2** (Frederick L. Hill, Peter G. May, and Carlton E. Hart to APPROVE; two Board seats vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

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FINAL DATE OF ORDER: February 14, 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 THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECTED TO DISCIPLINARY ACTION.

BZA APPLICATION NO. 19408

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19409 of Maple Park Associates, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the eating and drinking establishment requirements of Subtitle H § 1106.1(e)(1), to establish a prepared food shop with more than 24 seats¹ in the NC-2 Zone at premises 232 Carroll Street, N.W. (Square 3354, Lot 833).

HEARING DATES: January 25, 2017 and February 8, 2017²
DECISION DATE: February 8, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. The ANC submitted a report noting that at a regularly scheduled, properly noticed public meeting on January 23, 2017, at which a quorum was present, the ANC voted 7-0-0 to adopt a resolution in support of the application, with eight proposed conditions requesting the Applicant to do the following:

1. Provide an intrinsic customer path to the service counter inside the store.
2. Designate one entrance and one exit to and from the parking lot rather than permitting both entry and exit on both Carroll and Maple.

¹ The caption was revised to accurately reflect that the application is to establish a prepared food shop with more than the 24 seats allowed as a matter of right, not simply to establish a coffee shop as originally advertised. (See Applicant's Preliminary Statement at Exhibit 5.)

² The hearing for this case was rescheduled administratively from January 25, 2017 to February 8, 2017 due to the lack of a quorum for the January 25th hearing.

3. Ensure that the plantings on the fence remain inside the property and not project onto the Carroll Street public sidewalk.
4. [Provide] exterior seating not to exceed 14, including handicapped seating.
5. Eliminate the inside circular table (seating five) now shown between the two store entrances that could interfere with foot traffic.
6. Reduce the maximum interior seating capacity to 35-45.
7. Address/eliminate the hazard posed by the downspout.
8. Stripe the raised concrete curb that separates the outdoor seating from Carroll Street to improve pedestrian safety.

(Exhibit 30.)

At the public hearing on February 8, 2017, the Board requested that the Applicant address the ANC's conditions. The Applicant expressed its intention to comply with conditions 1 through 5, which are within the Applicant's control. With regard to conditions 7 and 8, which are in the landlord's control, the Applicant intends to raise these matters with the landlord for resolution. The Applicant did not agree with the ANC's condition No. 6 which requests that the applicant "reduce the maximum interior seating capacity to 35-45". The application proposes 50 interior seats and 14 exterior seats. The Board was satisfied with the Applicant's statement with regard to the ANC's conditions.

The Office of Planning ("OP") submitted a timely report dated January 27, 2017, recommending approval of the application. (Exhibit 32.)

The District Department of Transportation ("DDOT") submitted a timely report dated January 25, 2017, indicating that it had no objection to the Board granting the application with the condition that the Applicant will provide two short-term bicycle parking spaces and one long-term bicycle parking space at the site. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle H § 1106.1(e)(1). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle H § 1106.1(e)(1), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 29B – PHS: Tab B (STARBUCKS DRAWINGS), AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall provide two short-term bicycle parking spaces and one long-term bicycle parking space at the site.

VOTE: 3-0-2 (Peter G. May, Carlton E. Hart, and Frederick L. Hill to APPROVE; two Board seats vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 13, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

BZA APPLICATION NO. 19409

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FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19411 of 2814 Georgia LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W. (Square 2886, Lots 330 and 331).

HEARING DATE: January 18, 2017

DECISION DATE: February 8 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 11.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 5, 2017, at which a quorum was present, the ANC voted 11-0-0 to support the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application with conditions. (Exhibit 30.) The Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11

DCMR Subtitle X § 901.2, and Subtitle C § 703.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 38 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall implement the Transportation Demand Management plan in Exhibit 32A of the record.
2. Trash shall be stored within private property.

VOTE: **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Michael G. Turnbull (by absentee vote), to APPROVE; two Board seats vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 10, 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.

BZA APPLICATION NO. 19411
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PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19411-A of 2814 Georgia LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W. (Square 2886, Lots 330 and 331).

HEARING DATE: January 18, 2017

DECISION DATE: February 8, 2017

CORRECTED¹ SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 11.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 5, 2017, at which a quorum was present, the ANC voted 11-0-0 to support the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application with conditions. (Exhibit 30.) The Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

¹ This corrected summary order is due to a typographical error of the decision date. That was the only issue corrected in this order.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle C § 703.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 38 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall implement the Transportation Demand Management plan in Exhibit 32A of the record.
2. Trash shall be stored within private property.

VOTE: **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Michael G. Turnbull (by absentee vote), to APPROVE; two Board seats vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 13, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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.

BZA APPLICATION NO. 19411-A
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PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application 19419 of Stephen and Jennifer Cummings, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the rear yard requirements of Subtitle D § 306.1, and the side yard requirements of Subtitle D § 307.1, to allow the construction of a rear deck to an existing one-family dwelling in the R-1-B Zone at premises 3125 Worthington Street, N.W. (Square 2357, Lot 35).

HEARING DATE: February 8, 2017¹
DECISION DATE: February 8, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated October 28, 2016, from the Zoning Administrator, certifying the required relief. (Exhibit 11.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3G and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on January 23, 2017, at which a quorum was present, the ANC voted 4-0-0 to support the application. (Exhibit 37.)

The Office of Planning (“OP”) submitted a timely report, dated January 20, 2017 (Exhibit 35), and testified at the hearing in support of the application. The District Department of Transportation (“DDOT”) submitted a timely report, dated January 18, 2016, expressing no objection to the approval of the application. (Exhibit 33.)

Two nearby residents submitted letters in support of the application. (Exhibits 34 and 39.) As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the rear yard requirements of Subtitle D § 306.1, and the side yard requirements of Subtitle D § 307.1, to allow the construction of a rear deck to an existing one-family dwelling in the R-1-B Zone. No parties

¹ This case was administratively rescheduled from the public hearing session of February 1, 2017 to the public hearing session of February 8, 2017.

appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle D §§ 5201, 306.1, and 307.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED CORRECTED REVISED PLANS AT EXHIBIT 44.**

VOTE: **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Peter G. May to APPROVE; two Board seats vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 14, 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.

BZA APPLICATION NO. 19419

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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 THAT IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19420 of Steven and Stephanie Hoehn, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.2, the side yard requirements of Subtitle D § 307.1, and the addition to a nonconforming structure requirements of Subtitle C § 202.2, to replace the existing side yard landing and steps with a rear deck and side walkway deck to an existing one-family dwelling in the R-2 Zone at premises 720 Tewkesbury Place, N.W. (Square 3163, Lot 31).

HEARING DATES: February 1, 2017 and February 8, 2017²
DECISION DATE: February 8, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated November 14, 2016, from the Zoning Administrator, certifying the required relief. (Exhibit 8.) (Revised - See footnote 1.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 4B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. The ANC submitted a report dated January 24, 2017, recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 23, 2017, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 32.)

¹ At the recommendation of the Office of Planning, at the public hearing, the Applicant's representative amended the application by adding to the original request a special exception under Subtitle C § 202.2 – the addition to a nonconforming structure provision. The Board accepted the statement of the Applicant's representative at the hearing as a revision to the Zoning Administrator's memorandum referenced above as Exhibit 8. The caption was also revised to clarify that the proposal is not to replace a rear deck as originally advertised (see Public Hearing Notice at Exhibit 24), but to replace the existing side yard landing and steps with a rear deck and side walkway deck. (See Exhibit 4 - Applicant's Statement of Use.)

² The hearing for this case was rescheduled administratively from February 1, 2017 to February 8, 2017 due to the lack of a quorum for the February 1st hearing.

The Office of Planning (“OP”) submitted a timely report dated January 20, 2017 recommending approval of the requested relief, and recommending that the Applicant seek a special exception under Subtitle C § 202.2 – the addition to nonconforming structures provision. (Exhibit 30.) OP testified that, based on the ZA’s Notes and Computations, the property is nonconforming because the existing side yard is less than the required eight feet. (See Exhibit 8, p. 2.) The Applicant’s representative agreed to revise the relief at the public hearing, per OP’s recommendation. (See footnote 1.) OP recommended approval of the application as revised.

The District Department of Transportation (“DDOT”) submitted a timely report dated January 18, 2017, indicating that it had no objection to the grant of the application. (Exhibit 29.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.2, the side yard requirements of Subtitle D § 307.1, and the addition to a nonconforming structure requirements of Subtitle C § 202.2. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 5201, 304.1, 306.2, and 307.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 – ARCHITECTURAL PLANS & ELEVATIONS.**

VOTE: 3-0-2 (Carlton E. Hart, Frederick L. Hill, and Peter G. May to APPROVE; two Board seats vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

BZA APPLICATION NO. 19420

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FINAL DATE OF ORDER: February 15, 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. 19420

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19421 of Edward and Donna Naybor, as amended¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the addition to a nonconforming structure provision of Subtitle C § 202.2, to renovate a flat in the RF-1 Zone at premises 18 T Street N.E. (Square 3509S, Lot 43).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: February 8, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5C –original, Exhibit 39 – revised.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled and properly noticed meeting on January 17, 2017, at which a quorum was in attendance, ANC 5C voted 8-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report, dated January 23, 2017, in support of the application. (Exhibit 31.) The District Department of Transportation ("DDOT") submitted a timely report, dated January 18, 2017, expressing no objection to the approval of the application. (Exhibit 32.)

¹ The Applicant amended the application, as recommended by the Office of Planning (Exhibit 31), by including special exception relief from Subtitle C § 202.2 to allow an addition to a nonconforming structure. (See revised Self-certification form at Exhibit 39.) The caption has been amended accordingly.

A letter in support of the application was submitted by the Eckington Civic Association. (Exhibit 33.) Eleven letters in support of the application by nearby residents were submitted to the record. (Exhibit 5J and 31.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the addition to a nonconforming structure provision of Subtitle C § 202.2, to renovate a flat in the RF-1 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X §§ 901.2, Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5A2.**

VOTE: **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Peter G. May to APPROVE; two Board seats vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: February 10, 2017

BZA APPLICATION NO. 19421
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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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 05-28R

**(Parkside Residential, LLC – 2nd-Stage PUD and Modification of Significance to 1st-
Stage PUD @ Square 5041, Lot 807– Block F, Parcel 8)**

February 16, 2017

THIS CASE IS OF INTEREST TO ANC 7D

On February 7, 2017, the Office of Zoning received an application Parkside Residential, LLC (the “Applicant”) for approval of a second-stage PUD and modification to a previously approved first-stage PUD for the above-referenced property.

The property that is the subject of this application consists of Lot 807 in Square 5041 in northeast Washington, D.C. (Ward 7), for property bounded by Kenilworth Terrace, N.E., Roosevelt Place, N.E., Parkside Place, N.E., and Grant Place, N.E., also known as Parcel 8 of Block F of the Parkside project. The property was rezoned from R-5-A to the C-3-A, for the purposes of this project, as part of the first-stage PUD. Pursuant to Condition No. 1 of Z.C. Order No. 05-28, the Applicant has included an application for a map amendment with their second-stage PUD submission in order to specify the property involved in this application. This case is related to Z.C. Case No. 05-28S, and the Applicant has asked the Commission to combine the two cases together into one.

The Applicant proposes to construct two multi-family residential buildings (including 239,767 square feet) with 141 below-grade parking spaces, 25 townhome units, and 14,564 square feet of ground-floor retail space. (The development numbers are the aggregate for both cases.)

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 05-28S

**(Parkside Residential, LLC – 2nd-Stage PUD and Modification of Significance to 1st-
Stage PUD @ Square 5056, Lot 810– Block F, Parcel 10)**

February 16, 2017

THIS CASE IS OF INTEREST TO ANC 7D

On February 7, 2017, the Office of Zoning received an application Parkside Residential, LLC (the “Applicant”) for approval of a second-stage PUD and modification of significance to a previously approved first-stage PUD for the above-referenced property.

The property that is the subject of this application consists of Lot 810 in Square 5056 in northeast Washington, D.C. (Ward 7), for property bounded by Kenilworth Terrace, N.E., Burnham Place, N.E., Parkside Place, N.E., and Cassell Place, N.E., also known as Parcel 10 of Block F of the Parkside project. The property was rezoned from R-5-A to the C-3-A, for the purposes of this project, as part of the first-stage PUD. Pursuant to Condition No. 1 of Z.C. Order No. 05-28, the Applicant has included an application for a map amendment with their second-stage PUD submission in order to specify the property involved in this application. This case is related to Z.C. Case No. 05-28R, and the Applicant has asked the Commission to combine the two cases into one.

The Applicant proposes to construct two multi-family residential buildings (including 239,767 square feet) with 141 below-grade parking spaces, 25 townhome units, and 14,564 square feet of ground-floor retail space. (The development numbers are the aggregate for both cases.)

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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