



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-364, Personal Delivery Device Act of 2018
- D.C. Council enacts Act 22-366, Maternal Mental Health Task Force Establishment Act of 2018
- D.C. Council schedules a public hearing on Bill 22-0758, Better Access for Babies to Integrated Equitable Services Act of 2018
- D.C. Council schedules a joint public roundtable on the “Summer Modernizations of District of Columbia Public Schools”
- Department of Behavioral Health announces funding availability for the DC Clubhouse Initiative and Branding Services
- Department of Health establishes civil fines for violations of the law governing the registration and operation of medical marijuana dispensaries
- D.C. Health Benefit Exchange Authority solicits grant applications for the DC Health Link Assister Program
- Department of Insurance, Securities and Banking schedules a public hearing on the 2019 proposed health insurance rates
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2019 DC Career Academy Network (DC CAN) Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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MAYOR

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To approve, on an emergency basis, Change Order No. 6 to Contract No. DCAM-16-CS-0032 with MCN Build, Inc. for design-build services in connection with the modernization of Watkins Elementary School, and to authorize payment in the amount of \$1,753,916 for the goods and services received under the change order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Order to Contract No. DCAM-16-CS-0032 Approval and Payment Authorization Emergency Act of 2018”.

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(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Order No. 6 to Contract No. DCAM-16-CS-0032 with MCN Build, Inc. for design-build services in connection with the modernization of Watkins Elementary School, and authorizes payment in the amount of \$1,753,916 for the goods and services received under the change order.

Sec. 3. Fiscal impact statement.

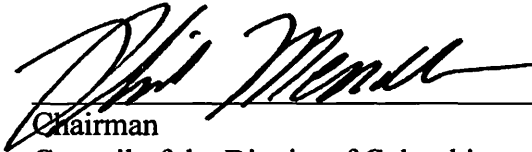
The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

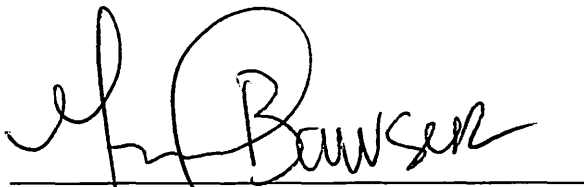
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To approve, on an emergency basis, Modification No. 1 to an Enrollment Agreement with the Washington Metropolitan Area Transit Authority to provide transit benefits to adult learners, and to authorize payment for the services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification to an Enrollment Agreement with the Washington Metropolitan Area Transit Authority Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 1 to an Enrollment Agreement with the Washington Metropolitan Area Transit Authority to provide transit benefits to adult learners, and authorizes payment in the amount of \$1,988,000 for the services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

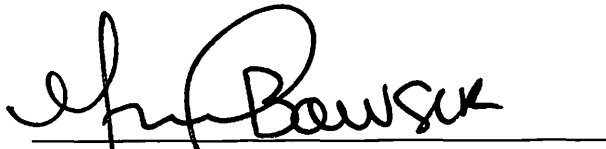
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To approve, on an emergency basis, Modification Nos. 020 and 021 to Contract No. DCFA-2015-C-2292SS/CW37092 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and to authorize payment for the goods and 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 Contract No. DCFA-2015-C-2292SS/CW37092 Approval and Payment Authorization Emergency Act of 2018”.

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. 020 and 021 to Contract No. DCFA-2015-C-2292SS/CW37092 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and authorizes payment in the amount of \$4,055,426.67 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To amend, on an emergency basis, section 25-723 of the District of Columbia Official Code to amend the hours of operation, sale, service, and consumption of alcoholic beverages for on-premises retailers during the 2018 World Cup, and to amend the hours of operation, sale, service, and consumption of alcoholic beverages for on-premises retailers, manufacturers, and temporary license holders during the 2018 All-Star Game.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “2018 All-Star Game and World Cup Emergency Amendment Act of 2018”.

Sec. 2. Section 25-723 of the District of Columbia Official Code is amended by adding new subsections (g) and (h) to read as follows:

“(g)(1) Except as provided in § 25-724, the licensee under an on-premises retailer’s license, manufacturer’s license, or temporary license, during the 2018 All-Star Game, beginning July 14, 2018, and ending July 18, 2018, may operate, sell, serve, and allow for consumption of alcoholic beverages until 4 a.m. and operate 24 hours a day if the licensee:

“(A) Registers with the Board;

“(B) Pays a registration fee of \$100; and

“(C) Provides written notification, no later than July 3, 2018, to the Board and the Metropolitan Police Department of its extended hours of operation, sales, service, and consumption.

“(2) The fees collected pursuant to this subsection shall be deposited in the Alcoholic Beverage Regulation Administration Fund established by § 25-210.

“(3) This subsection shall expire on July 19, 2018.

“(h)(1) Except as provided in § 25-724, an on-premises retailer’s license, may, during the World Cup Tournament, beginning on June 14, 2018, through July 15, 2018, operate, sell, serve, and allow for consumption of alcoholic beverages beginning at 7:00 a.m. on the first day of the World Cup Tournament through the last day of the World Cup Tournament if the licensee:

“(A) Registers with the Board;

“(B) Pays a registration fee of \$100; and

“(C) Provides written notification, no later than 7 days before the first day

ENROLLED ORIGINAL

extended hours of operation, sales, service, and consumption.

“(2) The fees collected pursuant to this subsection shall be deposited in the Alcoholic Beverage Regulation Administration Fund established by § 25-210.

“(3) For the purposes of this subsection, the term “World Cup Tournament” means the international soccer tournament that takes place every 4 years and is organized by the Fédération Internationale de Football Association.

“(4) This subsection shall expire on July 16, 2018.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective fate.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-363

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To amend, on an emergency basis, the Commission on the Arts and Humanities Act to establish the duration of specified terms for members of the commission for the purpose of maintaining the staggered expiration of terms required by the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commission on the Arts and Humanities Emergency Amendment Act of 2018”.

Sec. 2. Section 4(b) of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203(b)), is amended to read as follows:

“(b)(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, all members of the Commission shall be appointed to 3-year terms that shall commence on July 1st in the year of appointment and expire on June 30th of the 3rd year. Terms shall be staggered so that 6 terms expire each year on June 30th. Members may be reappointed.

“(2) The term subsequent to the term being served pursuant to:

“(A) Council resolution 20-668 shall begin on July 1, 2017, and expire on June 30, 2018;

“(B) Council resolution 21-51 shall begin on July 1, 2017, and expire on June 30, 2018;

“(C) Council resolution 20-673 shall begin on July 1, 2017, and expire on June 30, 2018;

“(D) Council resolution 20-669 shall begin on July 1, 2017, and expire on June 30, 2019; and

“(E) Council resolution 20-671 shall begin on July 1, 2017, and expire on June 30, 2019.”.

ENROLLED ORIGINAL

Sec. 3. Applicability.


This act shall apply as of May 3, 2018.

Sec. 4. Fiscal impact statement.

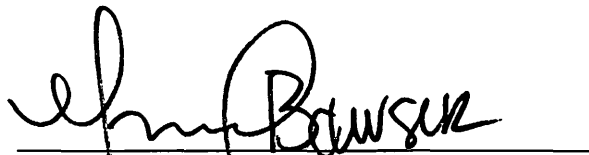
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To establish a Personal Delivery Device Program to be administered by the District Department of Transportation, to authorize the District Department of Transportation to issue permits for the operation of personal delivery devices on sidewalks and crosswalks in the District, to establish operational standards for personal delivery devices, to require a permit holder to report certain information to the District Department of Transportation, and to clarify how the personal delivery device pilot program will transition into the Personal Delivery Device Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Personal Delivery Device Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Contact information” means the legal name, website, business address, and telephone number.

(2) “Crosswalk” means the part of a roadway at an intersection included within the lateral lines connecting sidewalks on opposite sides of the roadway.

(3) “Department” means the District Department of Transportation.

(4) “Director” means the Director of the Department.

(5) “Eligible entity” means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(6)(A) “Hazardous materials” means substances or materials in a quantity and form that may pose an unreasonable risk to health, safety, or property when transported in commerce.

(B) The term “hazardous materials” includes explosives, radioactive materials, etiological agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, or compressed gases.

(7) “Operator” means an agent of a permit holder who exercises direct physical control over, or monitoring of, the operation of a PDD.

(8) “PDD” means an electronically powered device that:

ENROLLED ORIGINAL

the PDD;

- (A) Is intended to transport property on sidewalks and crosswalks;
- (B) Weighs less than 90 pounds, excluding any property being carried by

operator.

- (C) Has a maximum speed of 10 miles per hour; and
- (D) Is capable of operating both with and without the direct control of the

(9) “Pedestrian” means any person afoot or who is using a wheelchair.

(10) “Permit holder” means an eligible entity that has received a permit from the Department, pursuant to this act, authorizing the operation of a PDD.

(11) “Traffic” includes motor vehicles, motorcycles, personal mobility device, pedestrians, bicyclists, and animals.

Sec. 3. Permits for the operation of a personal delivery device.

(a) There is established a Personal Delivery Device Program (“PDD Program”), which shall be administered by the Department in accordance with this act.

(b) Under the PDD Program, the Director may issue permits to eligible entities authorizing the operation of a PDD subject to any reasonable terms and conditions that the Director may require.

(c) To obtain a permit pursuant to this section, an eligible entity shall submit an application to the Director, which shall include the following:

(1) The eligible entity’s contact information;

(2) A certification by the eligible entity that:

(A) Each PDD that the eligible entity seeks to operate complies with the requirements of this act;

(B) The person signing the application has reviewed the application and determined that the information provided in the application is true and accurate; and

(C) The person signing the application is authorized to sign and file the application;

(3) The proposed geographic locations within the District where the eligible entity intends to operate PDDs;

(4) The number of PDDs the eligible entity intends to operate; and

(5) A nonrefundable application fee of \$250.

(d) If the Director approves an application submitted pursuant to this section, the Director shall:

(1) Issue a permit to the eligible entity, which shall be valid for one year after the date the permit is issued; and

(2) Require the eligible entity to pay a permit fee in an amount to be determined by the Director.

ENROLLED ORIGINAL

(e) The Director shall, by rule, establish procedures for the renewal of a permit issued pursuant to this section. The renewal procedures established pursuant to this subsection shall require the permit holder to pay a renewal fee in an amount to be determined by the Director.

Sec. 4. Operation of a personal delivery device.

(a) A permit holder may operate a PDD that complies with this act on sidewalks and crosswalks in the District.

(b) To operate in the District, a PDD shall:

- (1) Obey all traffic control devices and signs;
- (2) Operate in a safe and non-hazardous manner that does not endanger traffic or property;
- (3) Not unreasonably interfere with traffic;
- (4) Not transport any hazardous materials or waste; and
- (5) Clearly and conspicuously display the contact information of the permit holder operating the PDD.

(c) A PDD shall have the same obligations and rights-of-way as a pedestrian under similar circumstances, except that a PDD shall yield the right-of-way to traffic.

(d) Notwithstanding any other law, a PDD shall not constitute a vehicle or motor vehicle for any purpose.

(e)(1) If a technology failure or loss of communication occurs during the operation of a PDD, the PDD shall alert the operator and, if the PDD operator is unable to assume direct control of the device, come to an off-roadway stop.

(2) If a PDD comes to an off-roadway stop under paragraph (1) of this subsection, the owner of the PDD shall promptly remove the PDD.

Sec. 5. Reporting requirements.

(a) A permit holder shall report the following information to the Department in a manner and at times to be determined by the Department:

- (1) A description of the people or entities on whose behalf the permit holder is making deliveries using a PDD;
- (2) The total number of deliveries completed by each PDD;
- (3) The duration of time, distance traveled, and route of each delivery;
- (4) A heat map showing the frequency of routes taken by each PDD;
- (5) A description of any collisions involving a PDD and any form of traffic or property;
- (6) The nature and location of any incidents involving theft or vandalism of a PDD; and
- (7) The nature and location of any incidents involving the cyber hacking of a PDD’s systems.

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(b) Any records provided to the Department by an eligible entity or permit holder under this act shall not be disclosed to a third party by the Department, including through a request submitted pursuant to the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

Sec. 6. Enforcement.

(a) The Director may suspend or revoke a permit issued pursuant to this act if a permit holder violates any provision of this act, or rules issued pursuant to this act.

(b) Civil fines and penalties may be imposed as sanctions for any infraction of the provisions of this act, or rules issued pursuant to this act, 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.*).

Sec. 7. Transition.

(a) After the effective date of this act, no registrations, including renewals, shall be issued under the Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*).

(b)(1) A registration, including a renewal, issued before the effective date of this act, pursuant to the Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), shall remain valid for one year from the date of registration, or renewal, or until December 31, 2018, whichever is first.

(2) A person or entity who has a registration, including a renewal, that was issued before the effective date of this act, pursuant to the Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), may continue to operate a PDD in accordance with the Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), until the registration, or renewal, expires, is revoked, or the person or entity obtains a new permit under this act.

(c) As of December 31, 2018, the Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), is repealed.

Sec. 8. Rules.

The Department, 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. 9. Fiscal impact statement.

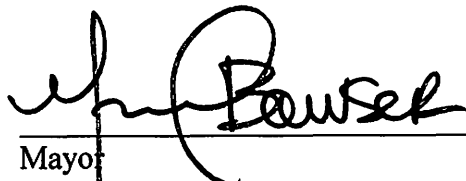
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 10. 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
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To establish that it shall be unlawful for the owner or operator of a grocery store or a food retail store to agree to the inclusion of a restrictive land covenant or other use restriction in a contract for the sale, lease, or other transfer of real property that prohibits the subsequent use of the property as a grocery store or a food retail store or that prohibits the use of any property within one mile as a grocery store or a food retail store, unless the owner or operator relocates the grocery store or food retail store within a half mile of its former location, commences operation of the store within 2 years, and limits the restrictive covenant to not exceed 3 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Grocery Store Restrictive Covenant Prohibition Act of 2018”.

Sec. 2. (a) It shall be unlawful for the owner or operator of a grocery store or a food retail store to agree to the inclusion of a restrictive land covenant or other use restriction in a contract for the sale, lease, or other transfer of real property that prohibits the use of the real property as a grocery store or a food retail store or that prohibits the use of any property within one mile as a grocery store or a food retail store.

(b) A restrictive land covenant or other use restriction on real property of the type described in subsection (a) of this section shall be void and unenforceable.

(c) The prohibition imposed by this section shall not apply to an owner or operator of a grocery store or food retail store that terminates operations at a site for purposes of relocating the grocery store or food retail store to a comparable or larger site located in the District of Columbia within one-half mile of the site where the prior operations were terminated; provided, that relocation and commencement of the operation of the new grocery store or food retail store at the new site occurs within 2 years of the sale, transfer, or lease of the prior site, and that the restrictive covenant or other use restriction agreed upon with respect to the prior site does not have a term in excess of 3 years.

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

(1) “Food retail store” means a retail establishment with a primary business of selling food for consumption on-premise or off-premise.

ENROLLED ORIGINAL


(2) "Grocery store" means a retail establishment with a primary business of selling grocery products and that has a selling area that is used for a general line of food, including perishable food, and may also include household supplies, or prescription pharmacy merchandise.

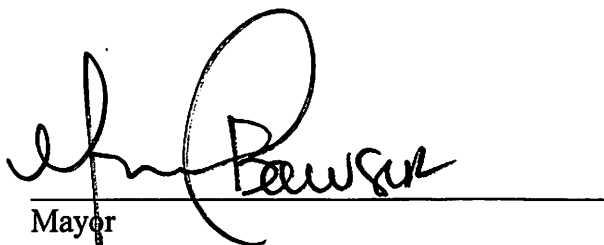
Sec. 3. Fiscal impact statement.

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
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To establish a Maternal Mental Health Task Force to study maternal mental health needs in the District, and to require the task force to submit a report to the Mayor and the Council setting forth its findings and recommendations; and to amend the Confirmation Act of 1978 to require Council approval of mayoral nominees to the Maternal Mental Health Task Force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Maternal Mental Health Task Force Establishment Act of 2018”.

TITLE I. MATERNAL MENTAL HEALTH TASK FORCE

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) “Health care provider” shall have the same meaning as provided in section 2(1B) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1B)).

(2) “Home visiting program” means an entity that:

(A) Supports expectant parents, and parents or legal guardians with infants, toddlers, and children between 3 and 5 years of age; and

(B) Provides access to health, social, and educational services through weekly or monthly home visits to promote positive child health and development outcomes, including healthy home environments, healthy birth outcomes, and a reduction in adverse childhood experiences.

(3) “Postpartum recovery” shall have the same meaning as provided in section 151(5) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective July 25, 2015 (D.C. Law 20-280; D.C. Official Code § 2-1515.51(5)).

(4) “Task Force” means the Maternal Mental Health Task Force established by section 102.

Sec. 102. Maternal Mental Health Task Force.

(a) There is established a Maternal Mental Health Task Force to provide comprehensive

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policy recommendations for the improvement of maternal mental health in the District. The Task Force shall study:

- (1) Vulnerable populations and risk factors for maternal mental health disorders that may occur during pregnancy and postpartum recovery;
 - (2) Barriers to screening and identifying maternal mental health disorders;
 - (3) Evidence-based and emerging treatment options for individuals suffering from maternal mental health disorders;
 - (4) Health care provider and patient needs to improve diagnosis and treatment of maternal mental health disorders;
 - (5) Effective, culturally competent, and accessible screening, identification, and treatment strategies for maternal mental health disorders, including public education efforts, health care provider education and training, and the provision of social support services;
 - (6) Successful postpartum recovery mental-health initiatives throughout the United States;
 - (7) Evidence-based practices for health care providers and public-health systems;
- and
- (8) Models for private and public funding of maternal mental health initiatives.

(b) By December 31, 2018, the Task Force shall submit to the Mayor and the Council a comprehensive report setting forth its findings and providing recommendations regarding legislation, policy initiatives, and the funding requirements of initiatives to address maternal mental health needs in the District.

(c) The Task Force shall consist of 19 members as follows:

- (1) The Deputy Mayor of the Office of the Deputy Mayor for Health and Human Services or his or her designee;
- (2) The Director of the Department of Behavioral Health or his or her designee;
- (3) The Director of the Department of Health or his or her designee;
- (4) The Director of the Department of Health Care Finance or his or her designee;
- (5) The Chairperson of the Council's Committee on Health or his or her designee;
- (6) The Chairperson of the Council's Committee on Human Services or his or her designee; and

(7) The following members appointed by the Mayor 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)):

- (A) A representative from the health insurance industry;
- (B) A representative from La Clinica del Pueblo, a nonprofit health center;
- (C) A nurse psychotherapist experienced in providing perinatal mental health services in the District;
- (D) A registered nurse experienced in providing perinatal mental health services in the District;

ENROLLED ORIGINAL

(E) A licensed clinical social worker experienced in providing perinatal mental health services in the District;

(F) A licensed pediatrician experienced in providing perinatal mental health services in the District;

(G) An obstetrician experienced in providing perinatal mental health services in the District;

(H) A reproductive psychiatrist practicing in the District;

(I) A reproductive therapist practicing in the District;

(J) A perinatal mood and anxiety disorders survivor;

(K) A pediatric primary care provider located in the District;

(L) An individual with experience in working with homeless families in the District; and

(M) A representative of a home visiting program operating in the District.

(d) The Mayor shall designate 2 co-chairs of the Task Force, one each from the government and non-government sectors.

(e) Vacancies shall be filled in the same manner as the original appointment to the position that became vacant.

(f) The Department of Behavioral Health shall provide the Task Force with an operating budget, which shall include funds to maintain a website where the Task Force shall provide a public listing of members, meeting notices, and meeting minutes.

(g) The Task Force shall dissolve after submitting the report required pursuant to subsection (b) of this section.

TITLE II. CONFORMING AMENDMENT

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

(b) Paragraph (57) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (58) is added to read as follows:

“(58) The Maternal Mental Health Task Force, established by the Maternal Mental Health Task Force Establishment Act of 2018, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22-172).”.

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.

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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. 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 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
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To amend Chapter 39 of Title 28 of the District of Columbia Official Code to clarify the definition of unfair or deceptive trade practice, to clarify that an unfair or deceptive trade practice shall be considered a violation of the District’s consumer protection laws, to include as an enumerated unfair or deceptive trade practice the violation of an agreement with the Attorney General for the District of Columbia for compliance with the provisions of Chapter 39, to clarify that the equitable relief available in an action brought by the Attorney General for the District of Columbia for a violation of the District’s consumer protection laws includes an order requiring a violator to take affirmative action, including making restitution of money or property, and to increase the amount of the civil penalty for a violation of the District’s consumer protection laws in an action brought by the Attorney General for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Consumer Protection Clarification and Enhancement Amendment Act of 2018”.

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

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

(1) Strike the phrase “28-3904. Unlawful trade practices” and insert the phrase “28-3904. Unfair or deceptive trade practices” in its place.

(2) Strike the phrase “28-3910. Investigatory powers of Corporation Counsel.” and insert the phrase “28-3910. Investigatory powers of Attorney General.” in its place.

(b) Section 28-3901 is amended by adding a new subsection (d) to read as follows:

“(d) In construing the term “unfair or deceptive trade practice” due consideration and weight shall be given to the interpretation by the Federal Trade Commission and the federal courts of the term “unfair or deceptive act or practice,” as employed in section 5(a) of An Act To create a Federal Trade Commission, to define its powers and duties, and for other purposes, approved September 26, 1914 (38 Stat. 719; 15 U.S.C. § 45(a)).”.

(c) Section 28-3904 is amended as follows:

(1) The section heading is amended to read as follows:

“28-3904. Unfair or deceptive trade practices.”.

ENROLLED ORIGINAL

(2) The lead-in language is amended to read as follows:

“It shall be a violation of this chapter for any person to engage in an unfair or deceptive trade practice, whether or not any consumer is in fact misled, deceived, or damaged thereby, including to:”.

(3) Subsection (hh) is amended by striking the word “or”.

(4) Subsection (ii) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(jj) violate any agreement entered into pursuant to section 28-3909(c)(6).”.

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

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

“(a) Notwithstanding any provision of law to the contrary, if the Attorney General for the District of Columbia has reason to believe that any person is using or intends to use any method, act, or practice in violation of section 28-3803, 28-3805, 28-3807, 28-3810, 28-3811, 28-3812, 28-3814, 28-3817, 28-3818, 28-3819, or 28-3904, and if it is in the public interest, the Attorney General, in the name of the District of Columbia, may bring an action in the Superior Court of the District of Columbia to obtain a temporary or permanent injunction prohibiting the use of the method, act, or practice and requiring the violator to take affirmative action, including the restitution of money or property. In any action under this section, the Attorney General shall not be required to prove damages and the injunction shall be issued without bond.”.

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

“(b) In addition, in an action under this section, the Attorney General for the District of Columbia may recover:

“(1) From a merchant who engaged in a first violation of section 28-3803, 28-3805, 28-3807, 28-3810, 28-3811, 28-3812, 28-3814, 28-3817, 28-3818, 28-3819, or 28-3904, a civil penalty of not more than \$5,000 for each violation;

“(2) From a merchant who engaged in a first violation of section 28-3803, 28-3805, 28-3807, 28-3810, 28-3811, 28-3812, 28-3814, 28-3817, 28-3818, 28-3819, or 28-3904 and who subsequently repeats the same violation, a civil penalty of not more than \$10,000 for each subsequent violation;

“(3) Economic damages; and

“(4) The costs of the action and reasonable attorneys’ fees.”.

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

(A) The lead-in language is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

(B) Paragraph (5) is amended by striking the phrase “Corporation’s Counsel’s” and inserting the phrase “Attorney General’s” in its place.

(e) Section 28-3910 is amended as follows:

(1) The section heading is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General” in its place.

ENROLLED ORIGINAL

(2) Subsection (a) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia” 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
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To require the Department of Behavioral Health to conduct a study, in consultation with private and public entities that provide health care services to members of the District’s immigrant community, to evaluate the impact on the mental health of the District’s immigrant community of the threat of imminent action by the federal government to remove immigrant residents from the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Study of Mental Health and Substance Abuse in Immigrant Communities Act of 2018”.

Sec. 2. Study of mental health and substance abuse in immigrant communities.

(a) The Department of Behavioral Health (“Department”), in consultation with private and public entities that provide health care services to members of the District’s immigrant community, shall conduct a study assessing the impact on the mental health of the District’s immigrant community of the threat of imminent action by the federal government to remove immigrant residents from the District. The study shall:

(1) Evaluate the manner in which fear of removal from the District precipitates mental health issues in the immigrant community;

(2) Evaluate the immigrant community’s access to and use of mental health services, including the availability of mental health educational services and any barriers impeding access to mental health care services;

(3) Evaluate the prevalence of substance use disorders and mental health issues in the immigrant community;

(4) Evaluate the immigrant community’s access to and utilization of substance abuse programs, including any barriers impeding access to substance abuse programs;

(5) Determine the primary factors contributing to alcohol and substance abuse issues in the immigrant community;

(6) Identify specific mental health needs in the immigrant community to improve diagnosis and provide quality treatment for mental trauma and substance abuse issues; and

ENROLLED ORIGINAL

(7) Identify financial resources to protect and preserve the mental and physical health of the immigrant community, including individuals with either private or public health insurance coverage.

(b) By February 1, 2019, the Department shall submit the study required pursuant to subsection (a) of this section to the Council.

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.

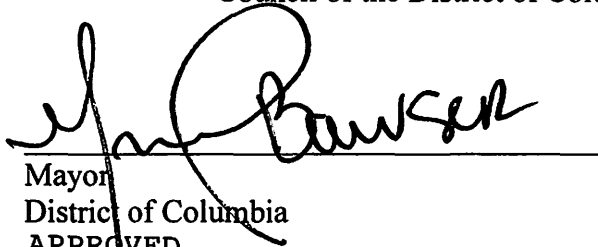
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To provide that homeowners associations, condominium owners associations, and cooperative housing associations shall not prohibit an owner or member from installing or using a solar energy collection device on the owner’s or member’s property or residential unit, or on the roof of a property or residential unit that only covers one owner’s or member’s property or residential unit; provided, that homeowners associations, condominium owners associations, and cooperative housing associations may prohibit the installation or use of a solar energy collection device on the common elements, other than a roof that only covers one owner’s or member’s property or residential unit, and establish reasonable guidelines, other than aesthetic guidelines, on the installation or use of a solar energy collection device.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Solar Expansion for Cooperative Associations Act of 2018”.

Sec. 2. Limitation on authority of homeowners associations, condominium owners associations, and cooperative housing associations to prohibit the installation and use of solar energy collection devices.

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

(1) “Condominium owners association” means a unit owners’ association, as described in section 301 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42–1903.01).

(2) “Cooperative housing association” means an association, whether incorporated or unincorporated, organized for the purpose of owning and operating residential real property, the shareholders or members of which, by reason of their ownership of a stock or membership certificate, a proprietary lease, or other evidence of membership, are entitled to occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement.

(3) “Homeowners association” means a mandatory membership association of owners of residential property created and formed pursuant to a recorded instrument including a declaration of covenants, limitations, and conditions, which subjects property within the homeowners association to certain restrictive covenants.

ENROLLED ORIGINAL

(4) “Solar energy collection device” means a system used to capture and use solar energy, including a passive heating panel or building component and solar photovoltaic apparatus.

(b) A homeowners association, condominium owners association, or cooperative housing association shall not prohibit an owner or member from installing or using a solar energy collection device on the owner’s or member’s property or residential unit, or on a roof that only covers one owner’s or member’s property or residential unit, regardless of whether the roof is considered part of the common elements; provided, that a homeowners association, condominium owners association, or cooperative housing association may:

(1) Prohibit the installation or use of a solar energy collection device on the common elements of the association, other than a roof that only covers one owner’s or member’s property or residential unit; and

(2) Establish reasonable guidelines, other than aesthetic guidelines, on the installation and use of a solar energy collection device for the purposes of preventing nuisance to other owners or members of the association.

(c) Reasonable guidelines established under subsection (b)(2) of this section may provide that an owner or member who installs or uses a solar energy collection device shall be financially responsible for any:

(1) Maintenance or repair to the solar energy collection device; and

(2) Damages caused by the installation or use of the solar energy collection device.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-370

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To declare that District-owned real property located at 405 53rd Street, N.E., known for tax and assessment purposes as Lot 0800 in Square 5232 is no longer required for public purposes and to authorize the disposition of the property to Kreg Development, LLC, for the purpose of eliminating an unauthorized encroachment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “405 53rd Street, N.E., Disposition Act of 2018”.

Sec. 2. Notwithstanding the requirements of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Council declares that the real property located at 405 53rd Street N.E., known for tax and assessment purposes as Lot 0800 in Square 5232 (“Property”) is no longer required for public purposes and authorizes the disposition of the Property to Kreg Development, LLC, a Virginia limited liability company, in accordance with the terms of the Agreement of Purchase and Sale negotiated between the District of Columbia and Kreg Development, LLC, and submitted to the Council by the Mayor on April 25, 2017, for the purpose of eliminating an unauthorized encroachment upon the Property.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

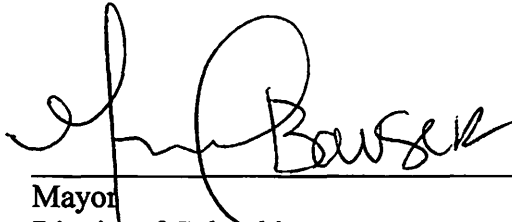
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-371

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To order the closing of a portion of the public alley system in Square 748, bounded by 3rd Street, N.E., L Street, N.E., 2nd Street, N.E., Delaware Avenue, N.E., and M Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Public Alley in Square 748, S.O. 16-21105, Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 748, as shown on the Surveyor’s plat filed in S.O. 16-21105, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

(b) The approval of the Council of this alley closing is contingent upon the recordation of an easement of approximately 1,125 square feet for the benefit of the District of Columbia, as shown on the Surveyor’s plat filed in S.O. 16-21105, that includes an agreement by the owner of the property encumbered by the easement to maintain the easement area for public use.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To approve the closing of a portion of the public alley system in Square 5196, bounded by Nannie Helen Burroughs Avenue, N.E., Division Avenue, N.E., Square 5195, and Square 5234, in Ward 7.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Public Alley in Square 5196, S.O. 17-26544, Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds a portion of the public alley system in Square 5196, as shown on the Surveyor’s plat filed in S.O. 17-26544, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

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

(1) That title to the closed portion of the public alley system be conveyed subject to a non-restrictive public access easement, as shown on the Surveyor’s plat filed in S.O. 17-26544, which shall run with the land and be recorded in the land records of the Recorder of Deeds for the District of Columbia and shall include an agreement by the owner of the property encumbered by the easement to maintain the easement area for public use; and

(2) The satisfaction of all the conditions set forth in the official file for S.O. 17-26544 before the recordation of the alley-closing plat.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

24, 1983 (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
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To amend the Sustainable Solid Waste Management Amendment Act of 2014 to establish a Home Composting Incentive Program to provide vouchers and rebates for the purchase of home composting systems for residential property owners and lessees in the District, to authorize owners of residential property in the District to engage in composting, and to authorize the Mayor to issue rules relating to the Home Composting Incentive Program; and to amend section 47-1803.02 of the District of Columbia Official Code to provide that the amount received by a taxpayer from the Home Composting Incentive Program shall be excluded in the computation of District gross income.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Home Composting Incentives Amendment Act of 2018”.

Sec. 2. The Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8–1031.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8–1031.01) is amended as follows:

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

“(8A) “Home composting system” means containers, bins, tumblers, and other equipment, approved by the Department of Public Works, used to facilitate composting or vermicomposting on residential property in the District.”.

(2) A new paragraph (20A) is added to read as follows:

“(20A) “Vermicomposting” means the process of using earthworms and microorganisms to convert organic materials into vermicompost.”.

(b) New sections 112a and 112b are added to read as follows:

“Sec. 112a. Home Composting Incentive Program.

“(a) There is established a Home Composting Incentive Program (“Program”), to be administered by the Mayor, to provide rebates and vouchers to encourage residential property owners and lessees to purchase and use a home composting system.

“(b) To be eligible for the rebate provided for in this section, a residential property owner or lessee shall:

ENROLLED ORIGINAL

“(1) After the effective date of the Home Composting Incentives Amendment Act of 2018, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22-501), purchase a home composting system;

“(2) Complete the training described in subsection (f) of this section; and

“(3) Submit a rebate claim to the Mayor in a manner to be determined by the Mayor.

“(c)(1) Upon approval of a rebate claim submitted pursuant to subsection (b) of this section, the Program shall provide a rebate up to \$75 per residential address; provided, that the amount of the rebate shall not exceed the purchase price of the home composting system.

“(2) Rebates shall be sent to the residential property owner or lessee within 30 days after the rebate claim is approved.

“(3) Rebates shall be contingent upon the availability of funds.

“(d) To be eligible for the voucher provided for in this section, a residential property owner or lessee shall:

“(1) Complete the training described in subsection (f) of this section; and

“(2) Submit a voucher application to the Mayor in a manner to be determined by the Mayor.

“(e)(1) Upon approval of a voucher application submitted pursuant to subsection (d) of this section, the Program shall provide a voucher up to \$75 per residential address.

“(2) Vouchers shall be sent to the residential property owner or lessee within one week after the voucher application is approved.

“(3) Vouchers shall be contingent upon the availability of funds.

“(f)(1) The Mayor, or a contractor selected by the Mayor, shall provide in-person training for District residents on proper handling and processing of organic materials that will be turned into compost, including training for residents interested in both outdoor composting and vermicomposting.

“(2) The Mayor shall create educational materials for District residents regarding how to use home composting systems in a manner that avoids creating public nuisances.

“Sec. 112b. Residential composting.

“An owner of residential property in the District may engage in composting on his or her residential property; provided, that that the composting shall be conducted in a manner that does not:

“(1) Promote the development, attraction, or harborage of vectors; or

“(2) Create a public nuisance.”

(c) Section 114 (D.C. Official Code § 8-1031.14) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement sections 112a and 112b.”

ENROLLED ORIGINAL

Sec. 3. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (DD) to read as follows:

“(DD) The amount received by a taxpayer from the Home Composting Incentive Program pursuant to section 112a of the Sustainable Solid Waste Management Amendment Act of 2014, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22-501).”.

Sec. 4. Applicability.

(a) Section 2 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 section 2.

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

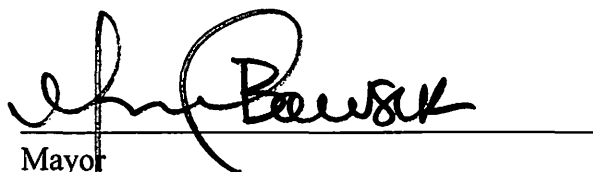
ENROLLED ORIGINAL

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



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To establish standards governing the presence of lifeguards at semi-public swimming pools, to exempt an operator of a semi-public swimming pool from the requirement to provide shower facilities, toilet facilities, eye wash stations, and dressing rooms, where use of the semi-public swimming pool is restricted to use by residents and guests and the semi-public swimming pool is located within 300 feet of a dwelling unit, and to exempt cooperatives, condominiums, and apartment buildings operating semi-public swimming pools from requirements to provide a pool operator, water quality and safety logs, new construction of, or alterations to, a semi-public swimming pool beyond those required by the Americans with Disabilities Act and 28 C.F.R Part 36, Subpart D, a fence around rooftop swimming pools, a safety line, or obtain a facility license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pools Without Penalties Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Bather” means any person using a swimming pool or spa pool and adjoining deck area for the purpose of water sports, recreation therapy, or related activities.

(2) “Class C, semi-public swimming pool” or “swimming pool” means any swimming pool operated solely for and in conjunction with lodgings such as hotels, motels, cooperatives, apartments, and condominiums.

(3) “Diving board” means a recreational mechanism for entering a swimming pool, consisting of a semi-rigid board that derives its elasticity through the use of a fulcrum mounted below the board.

(4) “Lifeguard” means a person responsible for the safety of the users of a swimming pool or spa pool who possesses a current:

(A) American Red Cross, Young Men’s Christian Association, or other lifeguard certification;

(B) First aid certificate; and

(C) Cardiopulmonary resuscitation certificate, issued by a nationally recognized aquatic training organizations, such as the International Lifeguard Training Program,

ENROLLED ORIGINAL

that is adopted and recognized by the Department of Health.

(5) “Sauna” means an aquatic feature including the application of water vapor from hot water facilities such as Jacuzzis, hot tubs, and steam baths.

(6) “Spa pool” means a structure intended for either warm or cold water where prolonged exposure is not intended. Spa structures are intended to be used for bathing or other recreational uses and are not usually drained and refilled after each use and may include hydrotherapy, air induction bubbles, and recirculation.

Sec. 3. Lifeguards.

(a) Except as provided in subsection (b) of this section, a lifeguard shall not be required for a Class C, semi-public swimming pool that is:

(1) Open for use only to persons who hold membership or other paid association in the facility where the swimming pool is located;

(2) Open for use only to persons who are permanent or temporary residents or guests of residents at the facility where the swimming pool is located;

(3) Open for use to persons who are lodging for a fee at the facility where the swimming pool is located; or

(4) A spa pool or sauna.

(b) A lifeguard shall be required for a Class C, semi-public swimming pool that has:

(1) A diving board;

(2) A depth greater than 5 feet; provided, that the swimming pool is constructed after June 30, 2018; or

(3) An expected bather population that is 50 % or more children under 15 years of age.

Sec. 4. Facilities.

An operator of a Class C, semi-public swimming pool shall not be required to provide shower facilities, toilet facilities, eye wash stations, and dressing rooms for swimming pool users where:

(1) Use of the swimming pool is restricted to residents and guests; and

(2) The farthest dwelling unit in the hotel, motel, cooperative, condominium, or apartment building is less than 300 feet from the swimming pool area, as measured along walkways provided for access by residents and guests to the swimming pool area.

Sec. 5. Operations.

A cooperative, condominium, or apartment building operating a Class C, semi-public swimming pool shall not be required to:

(1) Provide a swimming pool operator, pursuant to section 300.1 of Title 25-C of the District of Columbia Municipal Regulations (25-C DCMR § 300.1);

(2) Provide the information required pursuant to section 412 of Title 25-C of the

ENROLLED ORIGINAL

District of Columbia Municipal Regulations (25-C DCMR § 412 *et seq.*);

(3) Provide new construction of, or alterations to, a swimming pool beyond those required by section 303 of Title III of the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. § 12183), and 28 C.F.R Part 36, Subpart D;

(4) Provide a fence around a rooftop swimming pool;

(5) Provide a safety line, pursuant to section 505.4 of Title 25-C of the District of Columbia Municipal Regulations (25-C DCMR § 505.4); or

(6) Obtain a facility license, pursuant to section 700.1 of Title 25-C of the District of Columbia Municipal Regulations (25-C DCMR § 700.1).

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This 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
May 21, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To order the closing of a portion of the public alley system in Square 221, bounded by Pennsylvania Avenue, N.W., 15th Street, N.W., H Street, N.W., and Madison Place, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Closing of a Public Alley in Square 221, S.O. 17-26363, Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01 *et seq.*), the Council finds a portion of the public alley system in Square 221, as shown on the Surveyor’s plat filed in S.O. 17-26363, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.

(b) The approval of the Council of this alley closing is contingent upon the execution and recordation of an easement for the benefit of the District of Columbia Water and Sewer Authority for the maintenance and operation of the manhole and catch basin located in the portion of the alley to be closed, as shown on the Surveyor’s plat filed in S.O. 17-26363; provided, that no such easement need be executed and recorded in the event that the manhole and catch basin are removed, abandoned, disconnected, or otherwise rendered useless before the recordation of the alley closing plat by the Surveyor.

Sec. 3. Fiscal impact statement.

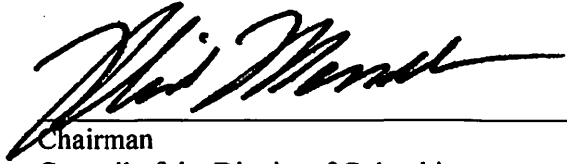
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayer
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To exempt from the Tenant Opportunity to Purchase Act of 1980 the transfer of real property owned by SOME, Inc. that is located at 1338 R Street, N.W., and known as Anna Cooper House.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Anna Cooper House TOPA Exemption Act of 2018”.

Sec. 2. (a) The transfer of the real property described as Lot 818 in Square 240, located at 1338 R Street, N.W., and known as Anna Cooper House, from SOME, Inc. to an owner that qualifies as a nonprofit affordable housing developer under D.C. Official Code § 47-1005.02(a)(1), which is controlled by SOME, Inc. or by Affordable Housing Opportunities, Inc., is exempt from the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.01 *et seq.*).

(b) No tenant or tenant organization shall have the right to challenge the transfer made pursuant to subsection (a) of this section under sections 503 or 503a of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code §§ 42-3405.03 – 42-3405.03a.).

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

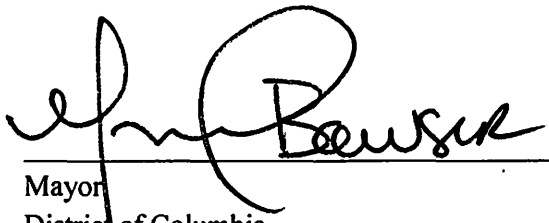
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-377

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2018

To officially designate the school in Lot 822 in Square 5561, bounded by Nicholson Street, S.E., Prout Street, S.E., 22nd Street, S.E., and Minnesota Avenue, S.E., in Ward 8, as Lawrence E. Boone Elementary School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lawrence E. Boone Elementary School Designation Act of 2018”.

Sec. 2. Pursuant to sections 401 and 422 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.22), the Council officially designates the school in Lot 822 in Square 5561, bounded by Nicholson Street, S.E., Prout Street, S.E., 22nd Street, S.E., and Minnesota Avenue, S.E., as the “Lawrence E. Boone Elementary School”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

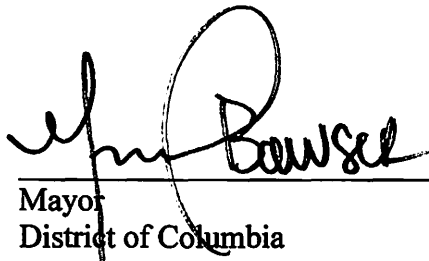
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2018

ENROLLED ORIGINAL

A RESOLUTION

22-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 10, 2018

To reappoint Ms. Katharine Aiken Huffman to the Corrections Information Council Governing Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Corrections Information Council Governing Board Katharine Aiken Huffman Reappointment Resolution of 2018”.

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

Katharine Aiken Huffman
2635 Woodley Place, N.W.
Washington, D.C. 20008
(Ward 3)

as a member of the Corrections Information Council Governing Board, established by section 11201a(b) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(b)), for a term to end May 4, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Corrections Information Council Governing Board, and the Office of the Mayor.

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

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****BILL**

B22-812 One Hundred Percent Renewable Portfolio Standard Expansion Amendment Act of 2018

Intro. 5-1-18 by Chairman Mendelson and Councilmember Cheh and referred to the Committee on Business and Economic Development with comments from the Committee on Transportation and the Environment

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

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

**B22-0480, THE VULNERABLE POPULATION AND EMPLOYER PROTECTION
AMENDMENT ACT OF 2017**

B22-0558, THE COMMUNITY HEALTH INVESTMENT AMENDMENT ACT OF 2017

**B22-0666, THE WOMEN, INFANTS, AND CHILDREN PROGRAM EXPANSION ACT
OF 2018**

B22-0687, THE ADVERSE CHILDHOOD EXPERIENCES TASK FORCE ACT OF 2018

B22-0744, THE OPTOMETRY PRACTICE AMENDMENT ACT OF 2018

B22-0751, THE NEWBORN SCREENING AMENDMENT ACT OF 2018

**B22-0758, THE BETTER ACCESS FOR BABIES TO INTEGRATED EQUITABLE
SERVICES ACT OF 2018**

**B22-0766, THE SUBSTANCE ABUSE AND OPIOID OVERDOSE PREVENTION
AMENDMENT ACT OF 2018**

**WEDNESDAY, JULY 11, 2018
10 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0480, the “Vulnerable Population and Employer Protection Amendment Act of 2017”, Bill 22-0558, the “Community Health Investment Amendment Act of 2017”, Bill 22-0666, the “Women, Infants, and Children Program Expansion Act of 2018”, Bill 22-0687, the “Adverse Childhood Experiences Task Force Act of 2018”, Bill 22-0744, the “Optometry Practice Amendment Act of 2018”, Bill 22-0751, the “Newborn Screening Amendment Act of 2018”, Bill 22-0758, the “Better Access for Babies to Integrated Equitable Services Act of 2018”, and Bill 22-0766, the “Substance Abuse and Opioid Overdose Prevention Amendment Act of 2018”. The hearing will be held on Wednesday, July 11, 2018, at 10 a.m., in Room 500 of the John A. Wilson Building. **This hearing notice is revised to reflect the removal of Bill 22-0688, and addition of Bill 22-0744, Bill 22-0751, Bill 22-0758, and Bill 22-0766 to the hearing agenda.**

Bill 22-0480, the “Vulnerable Population and Employer Protection Amendment Act of 2017”, authorizes a health occupations board to discipline a health professional who has financially exploited a patient, client or employer and provides for the summary suspension or restriction of the license, registration, or certification of a professional who financially exploits another without a hearing.

Bill 22-0558, the “Community Health Investment Amendment Act of 2017”, requires health care facilities to add community benefits - health improvement services and benefits that are provided without charge - as a prerequisite to obtaining or maintaining a certificate of need. The community benefits must be made specifically available to District residents.

Bill 22-0666, the “Women, Infants, and Children Program Expansion Act of 2018”, prohibits the Mayor from placing restrictions on the square footage, number of cashiers, or organic products for vendors of the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) beyond what is required by federal law. Among other things it requires the Department of Health to convene a WIC Outreach Advisory Board to provide guidance on how to increase WIC participation.

Bill 22-0687, the “Adverse Childhood Experiences Task Force Act of 2018”, would establish an Adverse Childhood Experiences Health Task Force to identify evidence-based solutions to reduce children's exposure to adverse childhood experiences, recommend ways to address the impacts of those experiences, recommend investments in preventative health care and mental health and wellness interventions, make recommendations regarding specified matters pertaining to adverse childhood experiences, and report its findings and recommendations to the Mayor and the Council.

Bill 22-0744, the “Optometry Practice Amendment Act of 2018”, permits optometrists to prescribe certain analgesics included in Schedule II through V controlled substances for the treatment of diseases of the human eye and its adjacent structures. Optometrists are no longer required to consult with a medical provider prior to treating glaucoma.

Bill 22-0751, the “Newborn Screening Amendment Act of 2018”, requires that adrenoleukodystrophy, the brain disorder causing the progressive loss of myelin, be added to the list of disorders for which neonatal testing must be made available.

Bill 22-0758, the “Better Access for Babies to Integrated Equitable Services Act of 2018”, establishes a two-year pilot program to reduce preterm births. It establishes a comprehensive newborn screening program, establishes discharge standards and authorizes penalties for failure to comply with the standards or to perform the necessary screens. It also authorizes the Department of Health to collect data and replaces the Committee on Metabolic Disorders with the Perinatal and Infant Health Advisory Committee. Lastly, it authorizes the Mayor to conduct a breastfeeding facilities survey of government offices and building and report annually.

Bill 22-0766, the “Substance Abuse and Opioid Overdose Prevention Amendment Act of 2018”, places oversight and approval of the training programs for pharmacists under the Board of Pharmacy. It limits the legal liability of a licensed physician or pharmacist who does not prescribe, dispense, or distribute an opioid antagonist in their professional judgment.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, July 9, 2018.

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

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 22-667, the “District of Columbia Education Charitable Donations Amendment Act of 2018”

Friday, July 6, 2018

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 hearing to be held on Friday, July 6, 2018 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-667, the “District of Columbia Education Charitable Donations Amendment Act of 2018” would amend Chapter 18 of Title 47 of the District of Columbia Office Code to create a nonrefundable individual income tax credit for charitable donations in support of public education in the District of Columbia; and to establish the District of Columbia Public Education Investment Fund.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Thursday, July 5, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

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

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

B22-0688, THE ATHLETIC TRAINERS CLARIFICATION AMENDMENT ACT OF 2018

**B22-0689, THE OMNIBUS ASSISTED LIVING RESIDENCE IMPROVEMENT AND
QUALITY LONG TERM CARE ACT OF 2018**

**B22-0690, THE STUDY OF LONG-TERM CARE SERVICES AND SUPPORTS ACT OF
2018**

**B22-0742, THE MENTAL HEALTH INFORMATION DISCLOSURE AMENDMENT ACT
OF 2018**

**B22-0743, THE PRESERVATION OF ELECTRONIC RECORDINGS OF MEETINGS
AMENDMENT ACT OF 2018**

B22-0784, THE CERTIFIED PROFESSIONAL MIDWIFE ACT OF 2018

B22-0785, THE PATIENT CENTERED MATERNAL CARE PROGRAM ACT OF 2018

B22-0790, THE STUDENT CERTIFICATE OF HEALTH AMENDMENT ACT OF 2018

**B22-0807, THE MEDICAL NECESSITY REVIEW CRITERIA AMENDMENT ACT OF
2018**

B22-0808, THE BABY-FRIENDLY HOSPITAL INITIATIVE ACT OF 2018

**FRIDAY, JUNE 22, 2018
10 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0688, the “Athletic Trainers Clarification Amendment Act of 2018”, Bill 22-0689, the “the “Omnibus Assisted Living Residence Improvement and Quality Long Term Care Act of 2018” Bill 22-0690, the “Study of Long-Term Care Services and Supports Act of 2018”, Bill 22-0742, the “Mental Health Information Disclosure Amendment Act of 2018”, Bill 22-0743, the “Preservation of Electronic Recordings of Meetings Amendment Act of 2018”, Bill 22-0784, the “Certified Professional Midwife Act of 2018”, Bill 22-0785, the “Patient Centered Maternal Care

Program Act of 2018”, Bill 22-0790, the “Student Certificate of Health Amendment Act of 2018”, Bill 22-0807, the “Medical Necessity Review Criteria Amendment Act of 2018”, and Bill 22-0808, the “Baby-Friendly Hospital Initiative Act of 2018”. The hearing will be held on Friday, June 22, 2018, at 10 a.m., in Room 500 of the John A. Wilson Building. **This hearing notice is revised to reflect the addition of Bill 22-0688, Bill 22-0742, Bill 22-0743, Bill 22-0784, Bill 22-0785, Bill 22-0790, Bill 22-0807, Bill 22-0808 to the hearing agenda.**

Bill 22-0688, the “Athletic Trainers Clarification Amendment Act of 2018”, would allow athletic trainers to diagnose physical disabilities and to rehabilitate injuries resulting from concussions. It expands the scope of injuries that can be treated by athletic trainers and expands available methods of treatment. It increases the membership of the Board of Physical Therapy from 7 to 10. It also allows the Mayor to waive requirements regarding the education of audiology and speech language pathology and licensure for one year for those with 5 years of school-based speech language pathology experience.

Bill 22-0689, the “Omnibus Assisted Living Residence Improvement and Quality Long Term Care Act of 2018”, would amend the Assisted Living Residence Regulatory Act of 2000 by establishing standards for DOH inspection of resident files and resident agreements for compliance with the D.C. Code; establishing that inspection reports, investigative findings and other data be made available online; establishing a resident's right to civil action against an ALR for violations; requiring an ALR to develop policies related to medication administration and errors, resident falls, individual service plans, transfer and discharge, complaints and grievances, abuse and neglect, emergency and evacuation, lifeline response, use of surveillance and video recording, and resident visitation; ensuring resident (and resident representative) access to resident records, occupancy and staffing information, and an annual report of revenue and expenses for the ALR; requiring a photo directory of employees and contractors as well as a directory of current residents; requiring an ALR to facilitate access to care as needed, including assistance with making and keeping scheduled appointments and arranging transportation; establishing that a resident may use the pharmacy of one's choice and to self-administer medication if able to do so; requiring an ALR with capacity for more than 60 residents employ an independent licensed clinical social worker at least 20 hours per week (40 hours a week for ALR capacity of more than 120 residents); requiring a registered nurse to be onsite at all times and that the ALR maintain consistent staff to resident ratios for nurses, care managers and direct care staff for all shifts; provides that an ALR permit each resident to remain in the ALR, and not transfer or discharge the resident unless the clinical or behavioral status of the resident endangers others; establishing that a resident has an absolute right to reside in and have access to one's living unit at all times; and stipulating that any effort to immediately restrict a resident from accessing one's living unit without required proper notice is considered an unlawful involuntary discharge and subjects the ALR to fines, penalties and expense reimbursement.

Bill 22-0690, the “Study of Long-Term Care Services and Supports Act of 2018”, would require the Department of Health to conduct a study to evaluate availability of affordable long-term care facilities, services and supports for residents of the District of Columbia to ensure that they can age in place.

Bill 22-0742, the “Mental Health Information Disclosure Amendment Act of 2018”, permits the disclosure of mental health information by third-party payors to health care providers, in certain circumstances. It establishes notification requirements to clients when a third-party makes such a request. It also allows clients to prevent the disclosure of mental health information.

Bill 22-0743, the “Preservation of Electronic Recordings of Meetings Amendment Act of 2018”, requires that electronic recordings of meetings of certain public bodies shall be preserved for a minimum of five years. It also requires the retention of electronic recordings of meetings of the Board of Directors of the Not-For-Profit Hospital Corporation for a minimum of 5 years.

Bill 22-0784, the “Certified Professional Midwife Act of 2018”, establishes the Board of Certified Midwives to regulate the practice of midwifery in the District of Columbia. It establishes qualifications necessary to obtain a license to practice midwifery. It also permits Certified Professional Midwives to supervise services at a Maternity birthing center. Among other things it requires every maternity center to have written Practice Guidelines establishing procedures for both normal and emergency care.

Bill 22-0785, the “Patient Centered Maternal Care Program Act of 2018”, requires the Department of Health Care Finance to select an entity to provide services in a 4-Year Patient Centered Maternal Care Program. The applicant selected shall deliver preventative health and perinatal educational services to Medicaid eligible, high-risk expectant mothers residing in Wards 7 and 8.

Bill 22-0790, the “Student Certificate of Health Amendment Act of 2018”, requires the Mayor to establish a uniform method by which all examining physicians, advanced practice nurses, dentists or other health professionals shall transmit a certificate of health, lead poisoning, immunization or dental health to the Mayor.

Bill 22-0807, the “Medical Necessity Review Criteria Amendment Act of 2018”, requires that any proposed amendment to the terms "medical necessity" or "medically necessary" as those terms are defined in Section 3499.1 of Title 22 of the District of Columbia Municipal Regulations, be issued by the Department of Behavioral Health ("Department ") by rulemaking, to require the Department to issue rules to establish criteria to determine whether mental health rehabilitation services are medically necessary pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations, and to subject such rules to Council approval.

Bill 22-0808, the “Baby-Friendly Hospital Initiative Act of 2018”, would require that all general acute care hospitals and special hospitals adopt the "Ten Steps to Successful Breastfeeding" sponsored by the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Wednesday, June 20, 2018.

Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity

to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR
COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
CHARLES ALLEN, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

Department of General Services Public Security Contracts

June 28, 2018 at 10:00 a.m.
in Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On June 28, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, and Councilmember Charles Allen, Chairperson of the Committee on Judiciary and Public Safety will hold a public roundtable to discuss administration of Department of General Services (“DGS”) contracts for public security services. The roundtable will begin at 10:00 in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to review the management of public security services employees by District contractors. The Committees seek testimony regarding the treatment of employees and sub-contractors by entities contracting with the District to provide these public security services at District-owned properties, including how, when these contractors go out of business, the District can ensure that contractors employees are able to recover unpaid wages and benefits and that there is not an interruption of security services at schools, government buildings, and other District-owned properties.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 12, 2018.

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

NOTICE OF JOINT PUBLIC ROUNDTABLE ON

Summer Modernizations of District of Columbia Public Schools

June 29, 2018 at 11:00 a.m.
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On June 29, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, and Councilmember David Grosso, Chairperson of the Committee on Education, will hold a joint public roundtable to discuss the Department of General Services (“DGS”) summer modernizations of District of Columbia Public Schools (“DCPS”) school facilities. The roundtable will begin at 11:00 in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to review the District’s school modernization plans for the summer for the schools currently undergoing modernization. The roundtable will also review modernizations over the fall of 2017 and spring of 2018.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 13, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-757, Fiscal Year 2018 Revised Local Budget Temporary Adjustment Act of 2018 was adopted on first reading on May 28, 2018. A final reading on this measure will occur on June 5, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications**

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

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

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

GBM 22-93: FY 2018 Grant Budget Modifications of May 4, 2018

RECEIVED: 14 day review begins May 25, 2018

GBM 22-94: FY 2018 Grant Budget Modifications of May 9, 2018

RECEIVED: 14 day review begins May 25, 2018

GBM 22-95: FY 2018 Grant Budget Modifications of May 15, 2018

RECEIVED: 14 day review begins May 29, 2018

GBM 22-96: FY 2018 Grant Budget Modifications of May 21, 2018

RECEIVED: 14 day review begins May 29, 2018

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, NW
Washington, DC 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 22-0858, the "Local Rent Supplement Program Contract No. 2016-LRSP08A Approval Resolution of 2018", to allow for the proposed resolution to be considered at a regular legislative meeting on June 5, 2018.

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. 22-128 Request to reprogram \$1,334,730 of Fiscal Year 2018 Special Purpose Revenue funds budget authority within the Department of Insurance, Securities, and Banking (DISB) was filed in the Office of the Secretary on May 25, 2018. This reprogramming ensures that DISB will be able to support various agency initiatives, such as the Earned Income Tax Credit, Opportunity Accounts, and the Inclusive Innovation Fund.

RECEIVED: 14 day review begins May 29, 2018

Reprog. 22-129 Request to reprogram \$180,000 of Fiscal Year 2018 Local funds budget authority from the Office of the State Superintendent of Education (OSSE) to the Office of the Deputy Mayor for Education (ODME) was filed in the Office of the Secretary on May 25, 2018. This reprogramming is needed to support the Out of School Time Grants.

RECEIVED: 14 day review begins May 29, 2018

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

Placard Posting Date: June 1, 2018
Protest Petition Deadline: July 16, 2018
Roll Call Hearing Date: July 30, 2018
Protest Hearing Date: September 26, 2018

License No.: ABRA-109998
Licensee: Georgetown Dining, Inc.
Trade Name: Chanterelle
License Class: Retailer's Class "C" Restaurant
Address: 3251 Prospect Street, N.W.
Contact: Risa Hirao or Matthew Devendorf : (202) 544-2200

WARD 2

ANC 2E

SMD 2E03

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 July 30, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on September 26, 2018 at 1:30 p.m.**

NATURE OF OPERATION

A New Class "C" French restaurant. The restaurant will have 216 indoor seats, and a Total Occupancy Load of 325. The Licensee is requesting an Entertainment Endorsement to include indoor and outdoor Live Entertainment, as well as a 60 seat Summer Garden, and a 30 seat Sidewalk Café.

PROPOSED HOURS OF OPERATION AND LIVE ENTERTAINMENT (INSIDE PREMISES AND ON OUTDOOR SIDEWALK CAFÉ AND SUMMER GARDEN)

Sunday – Thursday 7am – 2am

Friday – Saturday 8am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND ON OUTDOOR SIDEWALK CAFÉ AND SUMMER GARDEN)

Sunday – Thursday 8am – 2am

Friday – Saturday 8am – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
6/1/2018

Notice is hereby given that:

License Number: ABRA-105815

License Class/Type: B Beer and Wine

Applicant: Wine Outlet III LLC

Trade Name: The Wine Outlet

ANC: 2E05

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

3210 Grace ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
7/16/2018

A HEARING WILL BE HELD ON:
7/30/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 8 pm	11 am - 8 pm
Monday:	11 am - 8 pm	11 am - 8 pm
Tuesday:	11 am - 8 pm	11 am - 8 pm
Wednesday:	11 am - 8 pm	11 am - 8 pm
Thursday:	11 am - 8 pm	11 am - 8 pm
Friday:	11 am - 8 pm	11 am - 8 pm
Saturday:	11 am - 8 pm	11 am - 8 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

NOTICE OF PUBLIC HEARING

2019 PROPOSED HEALTH INSURANCE RATES

June 5, 2018

5:00 p.m.

One Judiciary Square

Jerrily R. Kress Memorial Hearing Room

441 4th Street, N.W.

Washington, D.C. 20001

The Commissioner of the Department of Insurance, Securities and Banking (“Department”) hereby gives notice of his intent to conduct a public hearing to review the 2019 proposed health insurance rates of the carriers offering health benefits plans in the individual and small business market in the District of Columbia.

Persons interested submitting written testimony can email written testimony to howard.liebers@dc.gov or by mail to District of Columbia Department of Insurance, Securities and Banking, 1050 First Street, NE, #801, Washington, D.C. 20002, Attention Howard Liebers by 5:00 p.m. on Friday, June 1, 2018. For more information visit DISB’s website: disb.dc.gov

If a party or witness is deaf, has a hearing impediment, or otherwise cannot readily understand or communicate in English, the party may apply to the Department for the appointment of a qualified interpreter. In addition, if any hearing attendee requires any other special accommodations, please contact the Department at (202) 442-8571 by 5:00 p.m. on Friday, June 1, 2018.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JULY 18, 2018
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 FOUR

19773 **Appeal of John Stokes and ANC 4C**, pursuant to 11 DCMR Subtitle Y § 302, ANC 4C from the decision made on February 21, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1611940, to construct a new three-story flat in the RF-1 Zone (previously R-4 Zone) at premises 1523 Varnum Street N.W. (Square 2698, Lot 46).

WARD EIGHT

19783 **Application of Beyond Light, Inc**, pursuant to 11 DCMR Subtitle X, Chapter 9, ANC 8D for a special exception under the use requirements of Subtitle U § 420.1(a), to permit a community-based institutional facility in the RA-1 Zone at premises 4212 Livingston Road S.E. (Square 6119, Lot 15).

WARD SEVEN

19789 **Application of HIP E Street Partners, LLC**, pursuant to 11 DCMR Subtitle X, ANC 7E Chapter 10, for variances from the lot occupancy requirements of Subtitle D § 302.1, and from the side yard requirements of Subtitle D §§ 307.4 and 307.5, to construct ten attached principal dwelling units in the R-3 Zone at premises 5101, 5103 and 5111 E Street S.E. (Square 5316, Lots 1, 2 and 810).

WARD SEVEN

19790 **Application of HIP E Street Partners, LLC**, pursuant to 11 DCMR Subtitle X, ANC 7E Chapter 10, for variances from the lot occupancy requirements of Subtitle D § 302.1, from the front setback requirements of Subtitle D § 305.1, and from the side yard requirements of Subtitle D § 307.5, to construct five attached principal dwelling units in the R-3 Zone at premises 827 F Street S.E. (Square 5316, Lot 35).

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WARD ONE

19797
ANC 1B **Application of Community Three Grimke, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle K § 813 from the rear yard requirements of Subtitle K § 805.1, and pursuant to Subtitle X, Chapter 10, for variances from the parking access requirements of Subtitle C § 711.3(b), and from the drive aisle width requirements of Subtitle C § 712.5, to renovate and expand the existing former school building and convert it to a mixed-use building in the ARTS-2 Zone at premises 1925 Vermont Avenue N.W. (Square 361, Lot 827).

WARD SIX

19799
ANC 6A **Application of 5533-518 9th Street NW Washington LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two existing primary buildings on a single record lot in the RF-1 Zone at premises 518 9th Street N.E. and 816 E Street N.E. (Square 914, Lots 55 and 54).

WARD TWO

19800
ANC 2B **Application of Alexander Pitt and Christine Qiang**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1, to modify an existing rear deck addition to an existing principal dwelling unit in the RA-8 Zone at premises 2131 N Street N.W. (Square 69, Lot 181).

WARD TWO

19805
ANC 2E **Application of Halcyon Georgetown, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 203.1(n), to permit a nonprofit use in a residential building in the R-20 Zone at premises 3400-3410 Prospect Street N.W. (Square 1204, Lot 63).

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

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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

ለመከተሉ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከሰብሳቢው አምላካት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。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

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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
LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
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

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 104 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 § 2-1801.04 (2016 Repl.)); Mayor's Order 99-68, dated April 28, 1999; Sections 9 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 §§ 7-1671.08(d) and 7-1671.13 (2012 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking prescribes civil fines for violations of the law governing the registration, general operation, advertising, record keeping, and reporting for medical marijuana dispensaries, and for violations of the law with respect to the prohibited and restricted activities. These amendments will add new Sections 3664, 3665, 3666, 3667, 3668 to Chapter 36 of Title 16 DCMR, and reserve Section 3669 of the same.

This rulemaking was published in the *D.C. Register* on February 2, 2018 at 65 DCR 964. The Department did not receive any comments in response to the notice. 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 October 20, 2017. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 3664, MEDICAL MARIJUANA DISPENSARY REGISTRATION VIOLATIONS, is added to read as follows:

3664 MEDICAL MARIJUANA DISPENSARY REGISTRATION VIOLATIONS

3664.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 22-C DCMR § 100.2 (No person shall possess, use, administer, or dispense marijuana in any form for the purpose of a medical use unless the person is registered with the District of Columbia government under the Legalization of Marijuana for Medical Treatment Initiative of 1999 (the "Act")).

3664.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22-C DCMR § 5500.3 (A dispensary registered under the Act shall not use or display a trade name, corporate name, or sign bearing the words “pharmacy,” “apothecary,” “drug store,” or other phrase that implies that the practice of any health profession occurs on the premises).

3664.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22-C DCMR § 5103.2 (A dispensary that has not timely renewed its registration shall not be permitted to sell medical marijuana with an expired registration);
- (b) 22-C DCMR § 5303.1 (A registration for a dispensary shall be returned to the Director of the Department of Health (the “Department”) if the dispensary fails to open for business within one hundred twenty (120) days after the registration has been issued); and
- (c) 22-C DCMR § 5303.2 (A registration for a dispensary shall be returned to the Director if the dispensary fails to operate for any reason for more than one hundred twenty (120) consecutive days after it has opened for business).

3664.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22-C DCMR § 5106.2 (Failure of manager to provide manager training certificate to the Department within thirty (30) days of registration);
- (b) 22-C DCMR § 5110.1 (All persons required to register with the Department shall receive and wear a nontransferable uniform registration ID card from the Department on their person, while working in a restricted access area at a dispensary);
- (c) 22-C DCMR § 5500.1 (Failure to notify Department of change of corporate or trade name);
- (d) 22-C DCMR § 5500.6 (Failure of a dispensary to notify registered qualified patients of a trade name change within ten (10) days of being notified by Department of approval); and
- (e) 22-C DCMR § 5501 (Failure to notify Department of corporate and partnership changes).

Section 3665, MEDICAL MARIJUANA DISPENSARY GENERAL OPERATION VIOLATIONS, is added to read as follows:

3665 MEDICAL MARIJUANA DISPENSARY GENERAL OPERATION VIOLATIONS

3665.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 22-C DCMR § 5602.1 (Sales cannot be transacted between 9:00 p.m. and 7:00 a.m.);
- (b) 22-C DCMR § 5603.1 (A registered dispensary shall keep all medical marijuana located on the premises in a separate storage area which is securely closed and locked during all hours when the establishment is prohibited from operating or is closed. The storage area shall have a volumetric intrusion detection device(s) installed and connected to the facility intrusion detection system);
- (c) 22-C DCMR § 5603.2 (A dispensary shall be required to install and use a safe for overnight storage of any processed marijuana, transaction records, and cash on the registered premises);
- (d) 22-C DCMR § 5604.1 (In the absence of an owner, a dispensary shall have a Department approved manager present at the registered premises during the hours that the dispensary is open);
- (e) 22-C DCMR § 5605.1 (A dispensary shall destroy or dispose of unused or surplus medical marijuana and its by-products by providing it to MPD for destruction);
- (f) 22-C DCMR § 5605.2 (All unused or surplus medical marijuana and its by-products shall be weighed and documented and submitted to MPD on a form provided by MPD prior to being delivered to MPD by the dispensary for destruction);
- (g) 22-C DCMR § 5605.4 (A dispensary shall report stolen or lost marijuana within twenty-four (24) hours of becoming aware by calling 911 or contacting Police in the business District);
- (h) 22-C DCMR § 5607.1 (All medical marijuana sold or otherwise distributed by a dispensary shall be packaged and appropriately labeled);
- (i) 22-C DCMR § 5607.7 (The label shall not contain any of the following information: (a) Any false or misleading statement or design; or (b) Any seal, flag, crest, coat of arms, or other insignia likely to mislead the qualified patient to believe that the product has been endorsed, made, or used by the

District government);

- (j) 22-C DCMR § 5607.10 (A dispensary shall not use the word(s) “candy” or “candies” on the product, packaging, or labeling of any medical marijuana product);
- (k) 22-C DCMR § 5607.11 (A dispensary shall not place any content, image, or labeling that specifically targets individuals under the age of twenty-one (21), including but not limited to, cartoon characters or similar images, on the product, packaging, or a container holding medical marijuana);
- (l) 22-C DCMR § 5607.13 (A dispensary shall not use or allow the use of any content, image, or labeling on a medical marijuana product that is offered for sale if the container does not precisely and clearly indicate the nature of the contents or that in any way may deceive a customer as to the nature, composition, quantity, age, or quality of the product);
- (m) 22-C DCMR § 5607.14 (Packaging of edible medical marijuana products or medical marijuana-infused products shall not bear any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available candy, snack, baked good or beverage; statement, artwork or design that could reasonably mislead any person to believe that the package contains anything other than an edible medical marijuana product or medical marijuana-infused products; or seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any person to believe that the product has been endorsed, manufactured, or used by any state, county or municipality or any agency thereof);
- (n) 22-C DCMR § 5608.1 (The production of any ingestible product containing medical marijuana distributed by a dispensary shall be prepared at a cultivation center facility that meets all requirements of a retail food establishment, including any Department licensing and/or certification requirements; and shall comply with all District of Columbia health regulations relating to the production, preparation, and sale of prepared food items);
- (o) 22-C DCMR § 5608.3 (Marijuana-infused products that are especially appealing to children are prohibited);
- (p) 22-C DCMR § 5608.4 (Marijuana-infused edible products such as, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited);
- (q) 22-C DCMR § 5609.1 (Medical marijuana shall be subject to testing for quality assurance and safety purposes);

- (r) 22-C DCMR § 5610.1 (A dispensary shall be required to operate and maintain in good working order a twenty-four (24) hour, seven (7) days a week, a closed circuit television (CCTV) surveillance system on the premises);
- (s) 22-C DCMR § 5610.2 (A dispensary shall install, maintain, and use a professionally monitored robbery and burglary alarm system);
- (t) 22-C DCMR § 5612.1 (A dispensary shall refuse to sell or deliver medical marijuana to any person who does not have a valid registration card and government issued photo identification);
- (u) 22-C DCMR § 5617.1 (A dispensary shall be required for security purposes to have sufficient lighting outside of the registered business each day between sunset and sunrise that adequately illuminates the dispensary and its immediate surrounding area);
- (v) 22-C DCMR § 5619.1 (Medical marijuana shall only be handled in designated limited access areas. A dispensary shall permit only those persons registered with the Department to enter limited access areas);
- (w) 22-C DCMR § 5619.2 (Limited access areas shall only be those areas identified on cultivation center application);
- (x) 22-C DCMR § 5619.5 (It shall be a violation for non-registered persons to be in limited access areas); and
- (y) 22-C DCMR § 6300.1 (A registered dispensary shall devote two percent (2%) of its annual gross revenue to provide medical marijuana on a sliding scale to qualifying patients determined eligible pursuant to § 1300.4 of this subchapter. (Conduct is flagrant, fraudulent, or willful).

3665.2

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22-C DCMR § 5604.7 (A registered dispensary shall notify the Department within seven (7) calendar days of discovering any manager's arrest or conviction for any crime other than minor traffic violations);
- (b) 22-C DCMR § 5607.3 (The label shall include all ingredients contained in the product, in order from most abundant to least abundant. The label for ingestible items shall identify potential food allergy ingredients. The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging);
- (c) 22-C DCMR § 5607.4 (The label shall contain the following warning: "There may be health risks associated with the ingestion or use of this

product. Please consult your physician if you have any questions or concerns.”);

- (d) 22-C DCMR § 5607.5 (All medical marijuana shall be labeled with a list of all chemical additives);
- (e) 22-C DCMR § 5607.8 (A dispensary shall not alter, obliterate or destroy the label affixed to a container containing marijuana);
- (f) 22-C DCMR § 5607.9 (A dispensary shall place the original marijuana container in a separately sealed, appropriately labeled container for customer transport purposes);
- (g) 22-C DCMR § 5607.17 (A dispensary shall obtain approval prior to using a label to be used in the sale of marijuana);
- (h) 22-C DCMR § 5610.3 (A dispensary shall notify the Department within twenty-four (24) hours of any incident triggering an alarm, and file a written report);
- (i) 22-C DCMR § 5617.2 (Outdoor lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (When willful conduct is demonstrated; for example, repeated occurrences)); and
- (j) 22-C DCMR § 5618.1 (A dispensary shall be staffed with at least two (2) persons during its hours of operations).

3665.3

Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22-C DCMR § 5601.1 (A dispensary shall post a notice regarding sales only to those persons having a valid registration card and government issued photo identification);
- (b) 22-C DCMR § 5608.2 (Marijuana-infused products that require cooking or baking by the consumer are prohibited);
- (c) 22-C DCMR § 5613.1 (A dispensary shall surrender its registration within three (3) calendar days of discontinuing its operation);
- (d) 22-C DCMR § 5616.1 (A dispensary shall post the required signs provided by the Department, in the manner required by the Department);
- (e) 22-C DCMR § 5619.3 (A dispensary shall post a sign provided by the Department at all areas of ingress and egress);
- (f) 22-C DCMR § 5619.4 (Persons registered by the Department shall wear

their registrations at all times while in limited access areas); and

- (g) 22-C DCMR § 6300.1 (A registered dispensary shall devote two percent (2%) of its annual gross revenue to provide medical marijuana on a sliding scale to qualifying patients determined eligible pursuant to § 1300.4 of this subchapter. (Single occurrence, with no evidence of flagrant, fraudulent, or willful conduct)).

3665.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22-C DCMR § 5610.3 (A dispensary shall maintain for three (3) years the reports of any incident triggering an alarm, and shall make those reports available during inspection).

3665.5 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 22-C DCMR § 5617.2 (Outdoor lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (Single occurrence, with no evidence of willful conduct)).

Section 3666, MEDICAL MARIJUANA DISPENSARY PROHIBITED AND RESTRICTED ACTIVITIES, is added to read as follows:

3666 MEDICAL MARIJUANA DISPENSARY PROHIBITED AND RESTRICTED ACTIVITIES

3666.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) D.C. Official Code § 3-1210.02 (Unless authorized to practice a health occupation under D.C. Official Code Title 3, Chapter 12, a person shall not represent to the public by title, description of services, methods, or procedures, or otherwise that the person is authorized to practice the health occupation in the District);
- (b) 22-C DCMR § 5700.1 (Unlawful to receive or purchase medical marijuana from a source other than a cultivation center registered in the District of Columbia);
- (c) 22-C DCMR § 5700.2 (A dispensary shall not offer for sale, sell or solicit an order outside the registered premises);
- (d) 22-C DCMR § 5700.3 (A dispensary shall not receive or purchase medical marijuana from a person other than a cultivation center registered in the District);
- (e) 22-C DCMR § 5703.1 (A dispensary shall not transport or deliver medical

marijuana);

- (f) 22-C DCMR § 5705.1 (A dispensary shall not permit the consumption of medical marijuana at the registered premises in any form. The dispensary shall dispense or distribute medical marijuana in a closed container that shall not be opened after sale, or the contents consumed, on the premises where sold);
- (g) 22-C DCMR § 5705.2 (It shall be a violation for a dispensary to have on the registered premises any medical marijuana or marijuana paraphernalia that shows evidence of the medical marijuana having been consumed or partially consumed);
- (h) 22-C DCMR § 5707.3 (A person under the age of eighteen (18) shall be precluded from purchasing medical marijuana from a dispensary unless he or she is a qualified patient and is in the presence of a parent or guardian);
- (i) 22-C DCMR § 5708.1 (It shall be a violation of this subtitle for a dispensary, or a director, officer, member, incorporator, agent, or employee of a dispensary to provide financial compensation, an office, or anything of value to an authorized practitioner who recommends the use of medical marijuana. (When willful conduct is demonstrated; for example, repeated occurrences));
- (j) 22-C DCMR § 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 marijuana in a form other than dried, either at one (1) time or within a thirty (30) day period);
- (k) 22-C DCMR § 5709.2 (A dispensary shall dispense medical marijuana and distribute paraphernalia only to a qualifying patient or caregiver, if the qualifying patient is registered to receive medical marijuana from that dispensary); and
- (l) 22-C DCMR § 5710.1 (A dispensary shall not permit medical marijuana or paraphernalia to be visible from any public or other property not owned by the dispensary).

3666.2

Violation of the following provision shall be a Class 2 infraction:

- (a) 22-C DCMR § 5707.1 (A person under twenty-one (21) years of age shall not be employed by a dispensary to sell or dispense medical marijuana); and
- (b) 22-C DCMR § 5708.1 (It shall be a violation of this subtitle for a dispensary, or a director, officer, member, incorporator, agent, or employee of a dispensary to provide financial compensation, an office, or anything of value to a physician who recommends the use of medical marijuana. (Single

occurrence, with no evidence of willful conduct)).

Section 3667, MEDICAL MARIJUANA DISPENSARY ADVERTISING VIOLATIONS, is added to read as follows:

3667 MEDICAL MARIJUANA DISPENSARY ADVERTISING VIOLATIONS

3667.1 Violation of any of the following provisions shall be a Class 2 violation:

- (a) 22-C DCMR § 5800.2 (Advertisements relating to medical marijuana shall not be displayed on the exterior of any window or on the exterior or interior of any door. (When willful conduct is demonstrated; for example, repeated occurrences));
- (b) 22-C DCMR § 5800.3 (No sign advertising medical marijuana on the exterior or visible from the exterior of any registered establishment or elsewhere in the District shall be illuminated at any time. (When willful conduct is demonstrated; for example, repeated occurrences);
- (c) 22-C DCMR § 5801.1 (A registered dispensary shall not use any picture or illustration that depicts a child or immature person, or objects (such as toys), suggestive of the presence of a child, and any statement, design, device, picture, or illustration designed to be especially appealing to children or immature persons);
- (d) 22-C DCMR § 5801.2 (A statement that is known by the dispensary to be false or misleading with respect to advertised price charged to the qualified patient, ingredients of medical marijuana, source of manufacturer, or statements as to health benefits, shall be prohibited); and
- (e) 22-C DCMR § 5801.3 (A statement that encourages the use or purchase of medical marijuana without a registration card shall be prohibited).

3667.2 Violation of any of the following provisions shall be a Class 4 violation:

- (a) 22-C DCMR § 5800.1 (Advertisements relating to the prices of medical marijuana shall not be displayed in the window of a registered establishment);
- (b) 22-C DCMR § 5800.2 (Advertisements relating to medical marijuana shall not be displayed on the exterior of any window or on the exterior or interior of any door. (Single occurrence, with no evidence of willful conduct); and
- (c) 22-C DCMR § 5800.3 (No sign advertising medical marijuana on the exterior or visible from the exterior of any registered establishment or

elsewhere in the District shall be illuminated at any time. (Single occurrence, with no evidence of willful conduct)).

Section 3668, MEDICAL MARIJUANA DISPENSARY RECORDS AND REPORTING VIOLATIONS, is added to read as follows:

3668 MEDICAL MARIJUANA DISPENSARY RECORDS AND REPORTING VIOLATIONS

3668.1 Violation of any of the following provisions shall be a Class 1 violation:

- (a) 22-C DCMR § 5902.1 (Each registered dispensary shall keep and maintain upon the registered premises true, complete, and current books and records which include invoices that adequately and fully reflect all purchases and sales of medical marijuana made to and by the dispensary. (When willful conduct is demonstrated; for example, repeated occurrences));
- (b) 22-C DCMR § 5902.2 (Records shall include and distinctly show the specifications of 17 DCMR § 5902.2(a)-(h). (When willful conduct is demonstrated; for example, repeated occurrences));
- (c) 22-C DCMR § 5902.3 (All invoices and delivery slips shall be systematically filed and maintained for a period of four (4) years from the date of delivery and shall show a true, accurate, legible, and complete statement of terms and conditions on which each purchase was made. (When willful conduct is demonstrated; for example, repeated occurrences));
- (d) 22-C DCMR § 5904.2 (On or before the thirtieth (30th) day of July and January, the dispensary shall furnish to the Department on a form to be prescribed by the Department a dispensary report under oath containing the specifications of 17 DCMR §§ 5904.2(a)-(k). (When willful conduct is demonstrated; for example, repeated occurrences));
- (e) 22-C DCMR § 5906.1 (The books and records referred to in this chapter, including the original and duplicate invoices, shall be open to inspection by the Department or its designated agent, and the OTR, during the establishment's approved hours of operation. (When willful conduct is demonstrated; for example, repeated occurrences));
- (f) 22-C DCMR § 5906.3 (A dispensary shall keep and maintain all books and records referred to in this chapter on the registered premises for a period of four (4) years after the latest transaction recorded in those books and records. (When willful conduct is demonstrated; for example, repeated occurrences)); and
- (g) 22-C DCMR § 6300.2 (Not later than February 15th of each calendar year,

each registered dispensary in the District of Columbia shall submit to the Director statements regarding the sliding scale program as specified by 17 DCMR §§ 6300.2(a)-(c). (When willful conduct is demonstrated; for example, repeated occurrences)).

3668.2 Violation of any of the following provisions shall be a Class 2 violation:

- (a) 22-C DCMR § 5902.1 (Each registered dispensary shall keep and maintain upon the registered premises true, complete, and current books and records which include invoices that adequately and fully reflect all purchases and sales of medical marijuana made to and by the dispensary. (Single occurrence, with no evidence of willful conduct));
- (b) 22-C DCMR § 5902.2 (Records shall include and distinctly show the specifications of 17 DCMR §§ 5902.2(a)-(h). (Single occurrence, with no evidence of willful conduct));
- (c) 22-C DCMR § 5902.3 (All invoices and delivery slips shall be systematically filed and maintained for a period of four (4) years from the date of delivery and shall show a true, accurate, legible, and complete statement of terms and conditions on which each purchase was made. (Single occurrence, with no evidence of willful conduct));
- (d) 22-C DCMR § 5904.2 (On or before the thirtieth (30th) day of July and January, the dispensary shall furnish to the Department on a form to be prescribed by the Department a dispensary report under oath containing the specifications of 17 DCMR §§ 5904.2(a)-(k). (Single occurrence, with no evidence of willful conduct));
- (e) 22-C DCMR § 5906.1 (The books and records referred to in this chapter, including the original and duplicate invoices, shall be open to inspection by the Department or its designated agent, and the OTR, during the establishment's approved hours of operation. (Single occurrence, with no evidence of willful conduct));
- (f) 22-C DCMR § 5906.3 (A dispensary shall keep and maintain all books and records referred to in this chapter on the registered premises for a period of four (4) years after the latest transaction recorded in those books and records. (Single occurrence, with no evidence of willful conduct)); and
- (g) 22-C DCMR § 6300.2 (Not later than February 15th of each calendar year, each registered dispensary in the District of Columbia shall submit to the Director statements regarding the sliding scale program as specified by 17 DCMR §§ 6300.2(a)-(c). (Single occurrence, with no evidence of willful conduct)).

3668.3 Violation of the following provision shall be a Class 4 violation:

- (a) 22-C DCMR § 5907.1 (A dispensary shall notify the Mayor within ten (10) days after a registered director, officer, member, incorporator, agent, employee, or manager ceases to work at, manage, own, or otherwise be associated with the operation. The director, officer, member, incorporator, agent, employee, or manager shall surrender his or her identification card to the Mayor within ten (10) days of ceasing to work at, manage, own, or otherwise be associated with the operation).

A new Section 3669 is added and RESERVED.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 85 (Licensed, Registered, or Certified Health Professional Criminal Background Checks) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to update the criminal background check (CBC) process based on the Health Regulation & Licensing Administration’s (HRLA) experience since implementing the program in 2010. The changes represent HRLA’s effort to make the CBC process as seamless as possible for all of the health professionals that it regulates. To accomplish that end, the following amendments are set forth:

Subsection 8501.1 will require an applicant who is not or has never been licensed, registered, or certified in another state and is applying for the same in the District of Columbia to undergo a fingerprint scan CBC. The license, registration, or certification will not be issued until the board that regulates the professional has reviewed the results of the CBC.

Subsection 8501.2 will require an applicant, who is endorsing from another state, and has not had a state and FBI CBC performed within the last two (2) years, to undergo a fingerprint scan CBC.

Subsection 8501.3 will require an applicant who has had a state and FBI CBC done in the state from which he or she is endorsing, to undergo a CBC based on the applicant’s name, gender, Social Security number, date of birth, and mailing address.

Subsection 8501.4 will require a person who is renewing his or her license, registration, or certification to undergo a fingerprint scan CBC or a CBC based on a name search, which shall include the applicant’s gender, Social Security number, date of birth, and mailing address. The CBC shall occur at a two (2) year interval coinciding with the renewal date of the respective profession.

Subsection 8501.5 will require a person applying for reinstatement, reactivation, or for a higher level license, registration, or certification in a specific profession to undergo a CBC if the applicant has not had a CBC done within the two (2) years prior to the date of his or her application.

Subsection 8501.6 provides that the CBC shall disclose the criminal history of the prospective applicant in the District of Columbia or in any other state or territory of the United States.

Subsection 8501.7 requires an applicant for an initial license, registration, or certification to present a current driver’s license or government-issued identification, containing a facial

photograph for the purpose of verifying his or her identity in order to obtain a fingerprint scan CBC.

Subsection 8502.1 requires an applicant to pay the CBC processing fee.

Subsection 8503.1 requires the Health Regulation & Licensing Administration to maintain a record of the most recent date on which a CBC was performed.

Subsection 8503.2 prohibits the Health Regulation & Licensing Administration from disclosing the results of a CBC unless it is requested by the Director, or requested by the person who is the subject of the CBC, or required to be produced pursuant to a court order, or provided to any person with the written consent and authorization of the person who is the subject of the CBC.

Section 8504 (Out of State Applicants) is repealed.

Subsection 8505.1 provides that if an applicant's fingerprint scan is rejected two (2) or more times because the scans are unreadable, a CBC shall be conducted based on the applicant's name, gender, Social Security number, date of birth, and mailing address.

Subsection 8506.1 provides that if the CBC reveals that the applicant has been convicted in any jurisdiction of any crime involving moral turpitude, as defined by D.C. Official Code § 3-1205.14(a)(4), before making a determination as to whether the applicant shall be licensed, registered, or certified, the board may afford the applicant the opportunity to appear before the board and present evidence to assist the board in determining his or her fitness to practice, prior to making a final decision as to the disposition of the application.

Finally, Subsection 8599.1 defines the term "criminal background check."

This rulemaking was published as Proposed Rulemaking on March 16, 2018 at 65 DCR 002717. No comments were received and no changes have been made. It will become effective upon publication in the *D.C. Register*.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, Chapter 85, LICENSED, REGISTERED, OR CERTIFIED HEALTH PROFESSIONAL CRIMINAL BACKGROUND CHECKS, is amended as follows:

Section 8501, BACKGROUND CHECK REQUIREMENT, is amended to read as follows:

Subsection 8501.1 is amended to read as follows:

8501.1 If an applicant for a license, registration, or certification is not or has not been licensed, registered, or certified in another state, the applicant shall be required to undergo a fingerprint scan criminal background check (CBC). The license, registration, or certification shall not be issued until the board with the authority to regulate the health professional, pursuant to D.C. Official Code § 3-1201.01 *et*

seq., has completed a review of the applicant's CBC in accordance with the provisions of this chapter.

Subsection 8501.2 is amended to read as follows:

8501.2 If an applicant for initial licensure, registration, or certification, by endorsement, has not had a state and FBI CBC conducted in the jurisdiction from which he or she is endorsing, within the last two (2) years, the applicant shall be required to undergo a fingerprint scan CBC.

Subsection 8501.3 is amended to read as follows:

8501.3 If an applicant for licensure, registration, or certification, by endorsement, has had a state and FBI CBC in the jurisdiction from which he or she is endorsing within the last two (2) years, then the applicant shall be required to undergo a CBC based on the applicant's name, gender, Social Security number, date of birth, and mailing address.

Subsection 8501.4 is amended to read as follows:

8501.4 A person renewing his or her license, registration, or certification shall be required to undergo a fingerprint scan CBC or a CBC based on a name search, which shall include the applicant's gender, Social Security number, date of birth, and mailing address. The CBC shall occur at a two (2) year interval coinciding with the renewal date of the respective profession.

Subsection 8501.5 is amended to read as follows:

8501.5 A person applying for reinstatement, reactivation, or for a higher level license, registration, or certification in a specific profession shall be required to undergo a CBC if the applicant has not had a CBC done within the two (2) years prior to the date of his or her application.

A new subsection 8501.6 is added to read as follows:

8501.6 The CBC shall disclose the criminal history of the prospective applicant in the District of Columbia or in any other state or territory of the United States.

A new subsection 8501.7 is added to read as follows:

8501.7 An applicant for an initial license, registration, or certification shall present a current driver's license or government-issued identification, containing a facial photograph, to verify his or her identity in order to obtain a fingerprint scan CBC.

Section 8502, FEES, is amended to read as follows:**Subsection 8502.1 is amended to read as follows:**

8502.1 An applicant for a license, registration, or certification shall pay the CBC processing fee.

Section 8503, RECORDKEEPING, is amended to read as follows:**Subsection 8503.1 is amended to read as follows:**

8503.1 The Health Regulation & Licensing Administration shall maintain a record of the most recent date on which a CBC was performed.

Subsection 8503.2 is amended to read as follows:

8503.2 The Health Regulation & Licensing Administration shall not disclose CBC records obtained for the purpose of licensure, registration, or certification except:

- (a) To the Director during an official inspection or investigation of a facility;
- (b) To the person who is the subject of the CBC;
- (c) To comply with a court order; or
- (d) To any person, with the written consent and authorization of the person who is the subject of the CBC.

Section 8504, OUT OF STATE APPLICANTS, is amended as follows:

8504 REPEALED

Section 8505, ILLEGIBLE FINGERPRINT CARDS, is amended as follows:**Subsection 8505.1 is amended to read as follows:**

8505.1 If an applicant's fingerprint scan is rejected two (2) or more times because the scans are unreadable, a CBC shall be conducted based on the applicant's name, gender, Social Security number, date of birth, and mailing address.

Section 8506, BOARD OF REVIEW, is amended as follows:**Subsection 8506.1 is amended to read as follows:**

8506.1 If the CBC reveals that the applicant has been convicted in any jurisdiction of any crime involving moral turpitude, pursuant to D.C. Official Code § 3-205.14(a)(4),

before making a determination as to whether the applicant shall be licensed, registered, or certified, the board shall afford the applicant the opportunity to appear before the board and present evidence to assist the board prior to making a final decision as to the disposition of the application.

Section 8599, DEFINITIONS, is amended as follows:

Subsection 8599.1 is amended as follows:

The definition of “Criminal background check” is amended to read as follows:

Criminal background check – an investigation into a person’s history by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Office of Public-Private Partnerships (OP3), pursuant to the authority set forth the Public-Private Partnership Act of 2014, approved March 11, 2015 (D.C. Law 20-228, D.C. Official Code §§ 2-271.01 *et seq.* (2016 Repl.)) (“P3 Act”) and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.* (2016 Repl.)), hereby gives notice of the adoption of amendments to Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking makes several changes to OP3’s procurement process, including:

- **Qualification Phase for Unsolicited Process:** Amendments to Section 4807 would allow OP3 to include a qualification phase as part of the request for alternative proposals procurement process. This would encourage more bidders, including small and local businesses, to participate by lowering barriers to entry for particularly large or complex projects. OP3 anticipates that higher competition will result in higher quality proposals and more competitive pricing that will benefit the District.
- **Alternative Technical Concepts:** New Section 4813 would give OP3 the ability to allow alternative technical concepts, which are deviations proposed by bidders from the District’s procurement requirements. The allowance of alternative technical concepts encourages innovative solutions to District project goals that can ultimately cost less and deliver equal or better outcomes than if a bidder met the original requirements of a procurement. The emergency and proposed rules include procedures for the submission and review of alternative technical concepts.
- Other changes in Sections 4808, 4810 and 4812 were made to clarify and simplify and make technical changes to the regulations.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 12, 2018 at 65 DCR 000273. No comments were received, and no changes have been made for these final rules. These rules were adopted by the Director on April 7, 2018, and shall become final upon publication of this notice in the *D.C. Register*.

Chapter 48, PUBLIC-PRIVATE PARTNERSHIPS, in Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 4807, UNSOLICITED PROPOSALS: REQUEST FOR ALTERNATIVE PROPOSALS AND COMPREHENSIVE EVALUATION, is amended to read as follows:

4807 UNSOLICITED PROPOSALS: REQUEST FOR ALTERNATIVE PROPOSALS AND COMPREHENSIVE EVALUATION

4807.1 Comprehensive Evaluation of Unsolicited Proposal: If the result of the preliminary evaluation is favorable, the unsolicited proposal will enter the comprehensive evaluation phase.

4807.2 Unsolicited Proposal Clarification: During the comprehensive evaluation phase the D.C. OP3 may communicate with the proposer (hereinafter referred to as the “Original Unsolicited Proposer”) for clarification of the proposal. This process will not be an opportunity for changes to be made to the unsolicited proposal; only for clarification of proposal aspects to allow an evaluation by the D.C. OP3.

4807.3 Notification of the Unsolicited Proposer: The D.C. OP3 will notify the Original Unsolicited Proposer that the unsolicited proposal has been deemed favorable. The D.C. OP3 will also notify the proposer of the alternative proposals process outlined in § 4807.4 and of the proposer’s ability to submit a modified proposal as part of the process outlined in § 4807.7.

4807.4 Public Notice and Alternative Proposal Process:

- (a) The D.C. OP3 will publish the executive summary of the Original Unsolicited Proposer’s proposal and any non-proprietary aspects of the unsolicited proposal on the D.C. OP3 website. The D.C. OP3 will also publish notice in the *D.C. Register* and in any other publication or on any website that the D.C. OP3 deems appropriate.
- (b) As part of its publication of the unsolicited proposal, the D.C. OP3 will also publish a request for alternative proposals (“RFAP”) soliciting other private parties to submit alternative proposals. The timeline of the RFAP process, the requirements that alternative proposals must satisfy the criteria by which proposals will be evaluated, and other relevant guidance for proposers, will be included in the RFAP.
- (c) An RFAP may include a qualification phase through the issuance of an RFAP-Q when the D.C. OP3, in consultation with the Owner Agency(ies), determines that a qualification phase is in the best interests of the District. The qualification phase will determine which prospective alternative proposers will be authorized to submit responses to the RFAP, based on

the prospective alternative proposers' qualifications to complete the project contemplated by the RFAP-Q.

- (d) If a qualification phase is utilized:
- (1) The D.C. OP3 will invite prospective alternative proposers to respond in writing with a Statement of Qualifications (“SOQ”) to complete the project. As part of the RFAP-Q, the D.C. OP3 will provide, at a minimum: a description of the proposed project; a description of the information and documents that must be included as part of an SOQ; the criteria to be used to evaluate each prospective alternative proposer; and a high-level description of the procurement process, including an indicative schedule.
 - (2) The D.C. OP3 and the Owner Agency(ies) may communicate with those prospective alternative proposers that submit an SOQ or require them to give one or more oral presentations to clarify their responses and answer questions that will aid in the understanding and evaluation of the responses.
 - (3) The D.C. OP3 may establish an evaluation committee to conduct the evaluation, or assist D.C. OP3 in its evaluation, of the responses to the RFAP-Q. The evaluation committee may establish subcommittees, which may include members who are not members of the committee, and engage advisors to provide advisory input in the evaluation process as the evaluation committee deems appropriate.
 - (4) For each prospective alternative proposer that submits an SOQ, the D.C. OP3 will determine if the prospective alternative proposer possesses qualifications appropriate for the P3 project, according to evaluation criteria established under Subsection 4807.4(d)(1). The D.C. OP3 reserves the right to issue an RFAP to a short list of the prospective alternative proposers that were deemed to possess the qualifications appropriate for the P3 project, rather than issuing the RFAP to all prospective alternative proposers that were deemed to possess the qualifications appropriate for the P3 project.
 - (5) Each prospective alternative proposer that submits an SOQ will be required to pay the preliminary evaluation fee described in § 4806.3.
 - (6) The Original Unsolicited Proposer must provide a response to the RFAP-Q in order for its unsolicited proposal (or an amended proposal authorized by § 4807.7) to be considered as part of the RFAP process. Regardless of the other evaluation criteria set forth

in the RFAP-Q, the Original Unsolicited Proposer shall be deemed qualified if it meets the minimum requirements criteria set forth in the RFAP-Q, and there are no materially adverse changes to the key personnel, team members, financial condition, or other qualifications elements of its unsolicited proposal. If any qualifications elements of the Original Unsolicited Proposal change prior to the issuance of the RFAP-Q, the Original Unsolicited Proposer must provide notice of such change(s) in writing to D.C. OP3 according to the procedures described in the RFAP-Q. The D.C. OP3 shall determine whether (a) the change(s) to the Original Unsolicited Proposer's qualifications are material and (b) the proposed change(s) results in qualifications that are equal to or better than the qualifications of the Original Unsolicited Proposal. If the D.C. OP3 determines that the change(s) is materially adverse, the Original Unsolicited Proposer must submit an SOQ, which shall be evaluated according to the criteria of the RFAP-Q. The Original Unsolicited Proposer will not be required to pay an additional preliminary evaluation fee with its response to the RFAP-Q, even if it makes a material change to a qualification element of its unsolicited proposal.

4807.5 **Schedule:** The D.C. OP3 will allow alternative proposals to be submitted in response to the RFAP for at least thirty (30) days after the notice is published in the D.C. Register. In most cases, the response period will be longer than thirty (30) days in order to increase the competitive environment for the project. The response period will be expressly stated in the RFAP.

4807.6 **Requirements of Alternative Proposals:** All responses to the RFAP must meet all the requirements of an original unsolicited proposal as stated in § 4806. The requirements include the completion of the unsolicited proposal form and any other requirements included in the public notice and RFAP issued under § 4807.4.

Each alternative proposer will be required to pay the comprehensive evaluation fee described in § 4807.13.

4807.7 **Amended Submittals by the Original Unsolicited Proposer:** The Original Unsolicited Proposer must submit a response to the RFAP in order for its proposal to be considered as part of the RFAP process. The Original Unsolicited Proposer may submit its unsolicited proposal or an amended proposal based upon the RFAP. The amended proposal may only update the original proposal to the extent necessary to be responsive to additional or modified requirements or clarifications about the project that D.C. OP3 has requested in the RFAP or to respond to project-specific scoring criteria; the amended proposal may not constitute a completely new proposal.

- 4807.8 **Comprehensive Evaluation:** After the end of the RFAP response period, the D.C. OP3 will evaluate the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals.
- 4807.9 **Comprehensive Evaluation Criteria:** The D.C. OP3 will evaluate the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals under the same criteria outlined in the RFAP, including the general criteria stated in § 4807.15.
- 4807.10 **Comprehensive Evaluation Period:** The D.C. OP3 will establish a time period for the comprehensive evaluation of the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals. The time period will be shared with all proposers no more than ten (10) business days after the end of the RFAP response period. The D.C. OP3 may, at any time, revise the time period for review, as needed.
- 4807.11 **Proposer Presentations:** The D.C. OP3 and Owner Agency(ies) may communicate with proposers or require them to give one or more oral presentations to clarify their proposal and answer questions that will aid in the understanding and evaluation of the proposal.
- 4807.12 **Evaluation Committees:** The D.C. OP3 will evaluate all responses to an RFAP that are deemed to be responsive, meet the minimum requirements of the RFAP, and that are pre-qualified under § 4807.4, if applicable. The evaluation of proposals will be based on the criteria stated in the RFAP, including the general criteria stated in § 4807.15.

For most RFAPs, the evaluation of responses to an RFAP will be divided between two committees matching the two required packets outlined in the Guidelines. The two review committees will consist of:

- (a) **Technical Review Committee:** The technical review committee will review all technical aspects of the proposal, including proposed project scope, innovative use of technology, engineering and design, and operation and maintenance of the project. Members of this committee will, in most cases, include technical staff from the Owner Agency and technical staff from associated District agencies.
- (b) **Financial Review Committee:** The financial review committee will review all financial aspects of each proposal including financing to be provided by the private partner, federal sources, and external sources and any fiscal obligations of the District to the project as proposed. Members of this committee will, in most cases, include financial staff from the Owner Agency, financial staff from associated District agencies, a representative from the Office of the Chief Financial Officer, and a representative from the Mayor's Office of Budget and Finance.

In some instances where the D.C. OP3 deems it appropriate, a single committee will review both technical and financial aspects of each proposal. This will be stated in the RFAP and separate packets for technical and financial aspects of proposals will not be required.

Employees of the D.C. OP3 and the Owner Agency(ies) may serve on both committees. The evaluation committee may establish subcommittees with members who are not members of the committee and engage advisors to provide input in the evaluation process as they deem appropriate.

4807.13 **Comprehensive Evaluation Review Costs:** The Original Unsolicited Proposer and any alternative proposers will be required to pay a comprehensive evaluation fee with their response to an RFAP. The fee will be set by the D.C. OP3 based on all direct costs reasonably anticipated by the D.C. OP3 for the comprehensive evaluation. The amount of the fee will be set forth in the RFAP. The Original Unsolicited Proposer must submit the fee to the D.C. OP3 by the end of the RFAP period (or with the submission of its amended proposal, if it submits an amended proposal). No unsolicited proposal or alternative proposal will be reviewed without payment of the Comprehensive Evaluation Review fee.

The comprehensive evaluation fees will be used to cover the costs of the comprehensive evaluation. If the fees paid to the D.C. OP3 exceed the D.C. OP3's total cost for the unsolicited review process, the D.C. OP3 will reimburse the remaining funds equally to all proposers at the end of the review period.

If an unsolicited proposer or alternative proposer does not wish to pay the comprehensive evaluation fee, it may withdraw its proposal without penalty.

4807.14 **Use of Unsolicited and Alternative Proposals:** Each unsolicited proposal and alternative proposal shall become the property of the District, and the D.C. OP3 and the District may use any information or concepts within such proposals for whatever purpose it deems appropriate.

4807.15 **Selection of a Preferred Bidder:** Based on the results of the evaluation committees, the D.C. OP3 will declare the proposer with the highest overall score the Preferred Bidder. The D.C. OP3 may also select a secondary bidder to be engaged in the event that an agreement is not reached between the District government and the Preferred Bidder. Unsolicited and alternative proposals will be reviewed under the criteria as stated in the RFAP, which may include:

- (a) Cost;
- (b) Delivery time;
- (c) Financial commitment required of public entities;

- (d) Capabilities, related experience, facilities, or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;
- (e) Value-for-money and public sector comparator analysis of the proposal;
- (f) Innovative methods, approaches, or concepts demonstrated by the proposal;
- (g) Scientific, technical or socioeconomic merits of the proposal;
- (h) Potential contribution of the proposal to the mission of the District, including how the proposal benefits the public;
- (i) The proposal must not duplicate an existing infrastructure project or services in a competitive way nor closely resemble a pending competitive proposal for a P3 or other procurement; and
- (j) Other factors as the D.C. OP3 deems appropriate to obtain the best value for the District.

4807.16 **OCFO Certification:** Prior to commencement of negotiations with the Preferred Bidder, the Chief Financial Officer of the District of Columbia must also certify:

- (a) The availability of any funds, debts, or assets that the District will contribute to the project;
- (b) That no provision of the proposal would violate the District Anti-Deficiency Act of 2002; and
- (c) That the project is not likely to have a significant adverse impact on the District's bond ratings.

4807.17 **OAG Certification:** Prior to commencement of negotiations with the Preferred Bidder, the Attorney General of the District of Columbia must certify that:

- (a) Proper indemnifications, including project insurance and bonding are included in the proposal; and
- (b) There are no interstate compact issues if the project involves multiple jurisdictions.

4807.18 **Notice of Selection of Preferred and Secondary Bidders:** When a Preferred Bidder has been selected, the point of contact provided on the proposal will be notified by the D.C. OP3. If it has been determined that a secondary bidder will

also be selected, that secondary bidder will also be notified. The D.C. OP3 will provide public notice of this selection and its intent to commence negotiations. Negotiations will only begin with the secondary bidder if negotiations have been terminated with the Preferred Bidder.

4807.19 **Communication during the Procurement Process:** While the D.C. OP3 encourages communication during the procurement process, the point of contact listed in the procurement documents will serve as the sole official coordinator of communication with the party making the inquiry. All official communication must be written. Communication during the procurement process that violates the communication policies set out in the procurement documents may result in penalties, including disqualification of a proposer.

4807.20 **Confidential Information Included as Part of an Unsolicited or Alternative Proposal:** The D.C. OP3 and Owner Agency understand the need for some information provided by private entities to remain confidential. In order to protect confidential or proprietary information, the proposer must identify those portions of its proposal, or other submitted materials, that it considers to be confidential or proprietary. For the confidential or proprietary information of a proposer to be exempt from public disclosure, the proposer must do all of the following when the proposal is submitted to the D.C. OP3:

- (a) Invoke exclusion on submission of the information or other materials for which protection is sought;
- (b) Identify, with conspicuous labeling, the data or other materials for which protection is sought;
- (c) State the reasons why protection is necessary; and
- (d) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

The D.C. OP3 will review information that a proposer designates as confidential or proprietary to determine if that designation is proper. Where the proposer cannot justify the protection of information, D.C. OP3 may ask the proposer to revise its proposal accordingly. If an agreement cannot be reached between the proposer and the D.C. OP3 regarding the designation of information as confidential or proprietary, the proposer may withdraw its proposal from the procurement and all unused fees paid by the proposer will be returned to the proposer. If an unsolicited proposal is rejected under Subsections 4806.2 and 4806.4 or is withdrawn by the proposer prior to the comprehensive evaluation period, the D.C. OP3 will return all copies of the unsolicited proposal to the proposer, and such proposals shall be confidential to the extent allowed by the Freedom of Information Act, including statutory exclusions that protect proprietary information, among other things.

The D.C. OP3 and Owner Agency will not release or disclose any part of the proposal other than the executive summary and information required to be disclosed under §§ 109(b) and 114(a) of the P3 Act (D.C. Official Code §§ 2-273.04(b) and 2-273.09(a)) before the award of the P3 agreement, and at the conclusion of any protest, appeal, or other challenge to the award, absent an administrative or judicial order requiring such a disclosure. After the final award of the P3 agreement, the Freedom of Information Act shall apply to the proposal except for statutory exclusions such as proprietary information.

4807.21 **Termination of the Process:** The D.C. OP3 may terminate the unsolicited proposal procurement process at any time. In the event of such a termination, the D.C. OP3 will return the unused funds paid by unsolicited or alternative proposers for the comprehensive evaluation process equally to all proposers.

Section 4808, PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, is amended as follows:

Paragraph 4808.13 is amended by striking the phrase “§ 4804.10” and inserting “§ 4804.11” in its place.

Section 4810, RESERVED RIGHTS, is amended as follows:

Paragraph 4810.1(g) is amended by striking the phrase “Guidelines” and inserting “rules and the Guidelines” in its place.

Section 4812, RULES TO ENSURE ETHICAL CONDUCT, is amended as follows:

Paragraph 4812.5(a) is amended by striking the phrase “guidelines” and inserting “rules” in its place.

Paragraph 4812.5(b) is amended by striking the phrase “guidelines” and inserting “rules” in its place.

Paragraph 4812.5(c) is amended by striking the phrase “guidelines” and inserting “rules” in its place.

A new Section 4813, ALTERNATIVE TECHNICAL CONCEPTS, is added to read as follows:

4813 ALTERNATIVE TECHNICAL CONCEPTS

4813.1 The District in its sole discretion may allow proposers to propose one or more alternative technical concepts in response to an RFP or RFAP.

- 4813.2 The allowance of alternative technical concepts and the full details of the content, submission, evaluation criteria, review process, and approval of alternative technical concepts, procedures for confidential meetings and communications (if used), methods for evaluating alternative technical concepts, and any other requirements and procedures of the alternative technical concept process will be stated in an RFP or RFAP.
- 4813.3 In general, approval of an alternative technical concept will only be granted if the District finds that the alternative technical concept will result in performance, safety, durability, quality, and utility of the end product that is equal to or better than the performance, safety, durability, quality, and utility of the end product that would result from full compliance with the requirements of the RFP or RFAP without causing any substantial delay to the schedule of, substantial additional cost to, or substantial reduction to the scope of the project or addition of a separate project.
- 4813.4 A proposer’s financial proposal shall reflect any approved alternative technical concepts that are included in the proposer’s technical proposal.
- 4813.5 Approval of an alternative technical concept does not imply that a proposal with an approved alternative technical concept will receive a favorable review. All proposals submitted in response to the RFP or RFAP shall be evaluated against the same evaluation factors, regardless of whether or not an approved alternative technical concept is included.
- 4813.6 A proposer may incorporate one or more approved alternative technical concepts into its technical and financial proposal.
- 4813.7 An approved alternative technical concept that is incorporated into a proposer’s proposal will become part of the contract upon award of the contract unless the parties agree otherwise.
- 4813.8 To the extent authorized by law, and except as provided in this subsection, an alternative technical concept properly submitted by a proposer and all subsequent communications regarding the proposer’s alternative technical concept will be considered confidential prior to the award of the contract. Exceptions to the confidentiality protection may be set forth in the RFP or RFAP.

Section 4899, DEFINITIONS, is amended as follows:

Subsection 4899.1 is amended as follows:

The opening phrase is amended by striking the phrase “guidelines” and inserting “rules” in its place.

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

- (a-1) “**Alternative technical concept**” means a proposed technical, financial, or other change or variance from a requirement contained in an RFP or RFAP that a proposer proposes to the District pursuant to § 4813.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

AND

Z.C. ORDER NO. 08-060

Z.C. Case No. 08-060

(Text Amendment – 11 DCMR)

**Minor Modification to Z.C. Order 08-06A to Permit Large Format Retail as a Special
Exception Use in the Production, Distribution, and Repair Zones**

April 30, 2018

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.), hereby gives notice of the adoption of amendments to Subtitle U (Use Permissions) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR) to make a minor modification to an amendment made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

The proposed minor modification will permit large format retail uses by special exception in Production, Distribution, and Repair (PDR) zones as the Commission originally intended. As part of the deliberations that led to the adoption of the Zoning Regulations of 2016, the Commission, on October 6, 2014, voted to permit large format retail uses by special exception in certain Mixed-Use zones and in all PDR zones. Although the Commission's intent was noted in the Order at page 25, the Order only included the special exception language for the identified MU zones and not PDR zones.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on March 23, 2018, at 65 DCR 002998. In response, the Commission received no comments.

The Commission therefore took final action at a public meeting on April 30, 2018 to adopt the amendments as proposed.

The amendments shall become effective upon publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are adopted:

Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, of Title 11-U DCMR, USE PERMISSIONS, is amended as follows:

Subsection 802.1 of § 802, SPECIAL EXCEPTION USES (PDR), is amended by adding a new paragraph (j) as follows:

802 SPECIAL EXCEPTION USES (PDR)

802.1 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:

...¹

(h) Utilities (basic) uses not meeting the conditions of Subtitle U § 801.1(z); however, if the use is an electronic equipment facility (EEF), the Board of Zoning Adjustment shall consider:

(1) How the facility, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, will not inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian movement;

...

(4) The economic benefits the proposed facility will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development; and

(5) The design appearance, landscaping, parking and other such requirements it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life;

(i) Waste-related service uses not permitted under Subtitle U § 801.1(aa), but not including hazardous waste, subject to the following conditions:

(1) Regardless of use, the facility shall comply with the following:

...

(11) The applicant shall provide credible evidence to the Board of Zoning Adjustment to demonstrate the ability of the facility and its ancillary elements to comply with all applicable regulations. The evidence shall include, but not be limited to, the following:

(A) An indication of the site and description of land uses within one-quarter (1/4) of a mile of the site;

...

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

- (E) A traffic study that indicates truck routes to and from the facility on streets, to the extent possible, that are major arterials and highways that do not abut residential neighborhoods along the way; and
- (F) A certified statement by an architect or engineer licensed in the District of Columbia that the facility as sited and designed to the best of his or her professional knowledge and belief is capable of complying with this subsection and all other applicable regulations of the District of Columbia government, including, without limitation, regulations adopted pursuant to the Solid Waste Facility Permit Act of 1995, effective February 27, 1996 (D.C. Law 11-94, as amended; D.C. Official Code §§ 8-1051 to 8-1063 (2012 Repl.)); and
- (j) Retail, large format, subject to the following conditions:
 - (1) The development standards and design guidelines contained within this section apply to all new large format retail establishments with single tenant space of fifty thousand (50,000) gross square feet or greater;
 - (2) The use shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, parking, loading, deliveries, lighting, trash compacting and collection, hours of operation, or otherwise objectionable conditions;
 - (3) Sufficient automobile parking, but not less than that required in Subtitle C, Chapter 7, shall be provided to accommodate the employees and customers;
 - (4) An application under this section shall include the following information:
 - (A) A general site and development plan, indicating the proposed use, location, dimensions, number of stories, and height of building;
 - (B) A study of site characteristics and conditions;
 - (C) A description of existing topography, soil conditions, vegetation and drainage consisting of written material, plats, maps and photographs;

- (D) Proposed topography including street grades and other grading contours;
- (E) Identification of mature trees to remain and percent of site to be covered by impervious surface;
- (F) Proposed drainage and sewer system and water distribution;
- (G) Proposed treatment of existing natural features, such as steep slopes, ravines, natural watercourses;
- (H) Proposed method of solid waste collection;
- (I) Estimated water consumption (gallons per year);
- (J) A transportation study, containing the following:
 - (i) Proposed circulation plan, including the location of vehicular and pedestrian access ways, other public space and the location and number of all off-street parking and loading spaces, loading berths and service delivery spaces;
 - (ii) Estimated number and type of trips assumed to be generated by project, and assumed temporal and directional distribution;
 - (iii) Traffic management requirements (lights, stop signs, one-way streets, etc.);
 - (iv) Relationship of the proposed project to the mass transit system (nearest bus stops and routes, nearest Metrorail stations, etc.);
 - (v) Vehicular trip generation, trip assignment and before-and-after capacity analyses and level of service at critical intersections; and
 - (vi) Any other information needed to fully understand the final building proposed for the site;
- (5) An applicant requesting approval under this section must demonstrate that the proposed use, building, or structure,

including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (A) Be in context with the surrounding street patterns;
 - (B) Minimize unarticulated blank walls adjacent to public spaces through facade articulation, materials, display windows, entries, and other architectural efforts; and
 - (C) Not result in light spillage off the site;
- (6) Where additional stores or individual uses are located within a large format retail use, each such store shall have at least one (1) exterior customer entrance;
- (7) The following list should be considered as guidelines for the design of large format retail buildings:
- (A) Building design shall incorporate architectural features and patterns to provide visual interest;
 - (B) Exterior walls shall feature projections and recesses;
 - (C) Building roofs shall incorporate pitched rooflines and detailed roofing materials;
 - (D) Building materials shall include stone, wood, brick, glass, and metal in keeping with the surrounding architectural context;
 - (E) Entryways shall be well-marked and engaging and provide connection via wide sidewalks to primary streets and parking;
 - (F) Building design shall incorporate sustainable measures to include solar energy, geothermal heating and cooling, and use of permeable paving for surface parking areas; and
 - (G) Landscaping shall be provided in the rear and side yards to screen and limit visibility of storage areas;

- (8) This section shall not apply to the following:
- (A) Large format retail that would occupy a planned unit development approved as of September 5, 2016; or
 - (B) Large format retail that would occupy a project with a completed review under the large tract review regulations (Title 10-B DCMR, Chapter 23) as of September 6, 2016; except that a modification to a completed large tract review that would result in a project with fifty thousand square feet (50,000 sq. ft.) or more of retail use shall also require approval under this section prior to certificate of occupancy for a use meeting the definition of large format retail.

At its public meeting held on February 25, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took action to **APPROVE** the immediate publication of the proposed rulemaking by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

On April 30, 2018, upon the motion of Commissioner Turnbull, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to approve; Peter G. May to approve by absentee ballot).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on June 1, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2017 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2013 Repl.)), hereby gives notice of a proposed amendment to Chapter 48 (Medicaid Reimbursement for Inpatient Hospital Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulation (DCMR).

Section 1886(h) of the Social Security Act, as added by section 9202 of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (Pub. L. 99-272) and implemented in regulations at existing 42 CFR 413.75 through 413.83, establish a methodology for determining payments to hospitals for the costs of approved graduate medical education (GME) programs. Direct and Indirect Medical Education adjustments to inpatient hospital services are meant to compensate hospitals for patient care costs related to teaching activities.

These proposed rules amend the Medicaid reimbursement for the inpatient hospital services section. DHCF is proposing amendments to clarify the longstanding policy that DHCF reimburses in-District hospitals for Direct Medical Education costs attributable to the District Medicaid population enrolled in managed care. Consistent with the authority DHCF previously exercised under 42 CFR 438.60, DHCF hereby gives notice that it will formalize its current policy in rulemaking. There is no anticipated fiscal impact associated with these proposed rules because this is only a technical change.

These rules correspond to a related State Plan Amendment (SPA), which requires approval by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). Once approved by CMS, the corresponding SPA will be added to the District's Medicaid State Plan, which can be found on DHCF's website at <https://dhcf.dc.gov/page/medicaid-state-plan>.

The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*, contingent upon approval of the corresponding SPA by CMS.

Chapter 48, MEDICAID REIMBURSEMENT FOR INPATIENT HOSPITAL SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 4805, INPATIENT SERVICES: DIRECT MEDICAL EDUCATION (DME), is amended to read as follows:

4805 INPATIENT SERVICES: DIRECT MEDICAL EDUCATION (DME)

- 4805.1 For Medicaid reimbursement of inpatient hospital discharges, DME shall be a per-discharge add-on payment for each in-District general hospital that is eligible for DME. The DME add-on shall be calculated annually by dividing the Medicaid DME costs determined in accordance with Subsection 4805.2 by the number of Medicaid discharges in the base year, subject to the limits described in this section.
- 4805.2 For discharges occurring on or after October 1, 2014, and annually thereafter, the DME add-on payment for each in-District general hospital shall be based on costs from each hospital's submitted or audited cost report for the hospital's fiscal year that ends September 30 of the prior calendar year, subject to the limits described in this section.
- 4805.3 The District-wide average cost of DME per Medicaid patient day shall be based on submitted cost reports for the base year. The average cost per patient day is calculated by dividing total Medicaid DME cost for all DME eligible hospitals by the total number of Medicaid days for those hospitals, as reported on the hospital cost reports. The per-day amount is converted to a per discharge amount for each hospital, based on Medicaid utilization information in the cost report.
- 4805.4 For discharges occurring on or after October 1, 2014, DME shall be limited to two hundred percent (200%) of the average District-wide cost of DME per Medicaid patient day.
- 4805.5 For discharges occurring on or after October 1, 2015, and annually thereafter, DME costs for each hospital shall be limited to the per discharge equivalent of one-hundred fifty percent (150%) of the average District-wide cost of DME per Medicaid patient day.
- 4805.6 If, after an audit of the hospital's cost report for the base year period, an adjustment is made to the hospital's reported costs which results in an increase or decrease of five percent (5%) or greater of the DME add-on payment, the add-on payment for DME add-on costs shall be adjusted prospectively to reflect the revised costs.

- 4805.7 In accordance with 42 CFR 438.60, DHCF shall reimburse in-District general hospitals directly for DME on behalf of contracted managed care organizations.
- 4805.8 The per discharge DME add-on payment set forth in Subsection 4805.1 shall be payable by DHCF to in-District general hospitals for all District Medicaid beneficiaries enrolled in managed care plans and those receiving services under the District's fee-for-service benefit.

Comments on this proposed rulemaking shall be submitted in writing to Claudia Schlosberg, Senior Deputy Director, Department of Health Care Finance, 441 4th Street, N.W., 9th Floor, Washington, D.C. 20001, via email to DHCFPubliccomments@dc.gov or by telephone to (202) 442-9115, within thirty (30) days after the date of publication of this notice in the D.C. Register. Additional copies of these rules may be obtained from the above address.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the District of Columbia (“District”) Department of Human Services (“Department”), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005 (“HSRA” or “Act”), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02 (2012 Repl.)), and Mayor’s Order 2006-20, dated February 13, 2006, hereby gives notice of the adoption, on an emergency basis, of the following new Chapter 79, entitled “Flexible Rent Subsidy Pilot Program”, of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations, to become effective immediately.

The purpose of the new chapter is to establish rules to administer the District’s Flexible Rent Subsidy Pilot Program and conditions of participation for enrolled households. The Flexible Rent Subsidy Pilot Program, which subsequently shall be referred to as the DC Flex Program (and “Program” throughout this rule), is a four (4) year pilot program that provides financial assistance to households to support their ability to pay monthly rental expenses, especially during periods of income volatility, in order to promote long-term housing stability. Training on budgeting and money management will be offered to households enrolled in the Program.

A Notice of Emergency and Proposed Rulemaking, published in the *D.C. Register* on April 27, 2018, at 65 DCR 4663, was adopted on January 24, 2018, became effective on that date, and will remain in effect until May 24, 2018, or until superseded by adoption of this rulemaking. The emergency rules will expire before comments can be incorporated into a final rulemaking, thereby necessitating these emergency rules.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), is necessary to allow the Department to continue to operate the Program as the Department receives and reviews comments in response to the proposed rulemaking, and to finalize the proposed rules. Therefore, taking emergency action under these circumstances will promote the immediate preservation of the health, safety, and welfare of District residents who are at risk of experiencing homelessness by permitting the Department to continue to support their efforts to maintain permanent housing. These emergency rules are identical to the emergency and proposed rules published on April 27, 2018, at 65 DCR 4663.

DHS adopted the emergency rules on May 24, 2018, and they went into effect at that time. The emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date or until September 21, 2018, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. If approved, the Department shall publish the effective date with the Notice of Final Rulemaking.

A new Chapter 79, FLEXIBLE RENT SUBSIDY PILOT PROGRAM, has been added to Title 29 DCMR, PUBLIC WELFARE, to read as follows:

CHAPTER 79 FLEXIBLE RENT SUBSIDY PILOT PROGRAM

7900 SCOPE

- 7900.1 The purpose of the Flexible Rent Subsidy Pilot Program, which subsequently shall be referred to as the DC Flex Program (and “Program” throughout this rule), is to support households that are at risk of experiencing homelessness to achieve stability in permanent housing. The Program provides financial assistance to each enrolled head of household in the instances where there is a gap between the total monthly rent expenses and the household’s funds available for rent. The financial assistance is payable only to the households, with the exception noted in § 7905.11(b).
- 7900.2 The Department shall be responsible for the implementation of this chapter, which shall apply to all financial assistance provided through the Department pursuant to the Program.
- 7900.3 The Program shall operate for four years, beginning in Fiscal Year 2018.
- 7900.4 One person per household is eligible to enroll his or her household in the Program. This person shall be considered the head of household.
- 7900.5 The provisions of this chapter describe eligibility criteria; the application process; assistance determination; description of assistance provided and how it is administered; recertification requirements; and appeal procedures for the Program.
- 7900.6 Nothing in these rules shall be interpreted to mean that Program assistance is an entitlement. This Program shall be subject to annual appropriations and the availability of funds.
- 7900.7 The Department may execute contracts, grants, and other agreements as necessary to carry out the Program.

7901 ELIGIBILITY CRITERIA

- 7901.1 Only one person who is twenty-one (21) years old or older at the time of application per household is eligible to enroll his or her household in the Program. This person shall be considered the head of household.

- 7901.2 A household is composed of individuals who live in the same physical housing unit as the applying head of household, and shall include:
- (a) Persons related by blood or legal adoption with legal responsibility for minor children in the household;
 - (b) Persons related by marriage or 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))), including stepchildren and unmarried parents of a common child who live together;
 - (c) Persons with a legal responsibility for an unrelated minor child or an unrelated adult with a disability; and
 - (d) Any person not included by § 7901.2(a)-(c), regardless of blood relationship, age, or marriage, whose history and statements reasonably demonstrate that the individuals intend to remain together in the same household and whose income contributes to total household expenses.
- 7901.3 An otherwise eligible person temporarily away from the housing unit due to employment, school, hospitalization, incarceration, legal proceedings or vacation shall be considered to be living in the household. A minor child who is away at school is considered to be living in the household if he or she returns to the housing unit on occasional weekends, holidays, school breaks, or during summer vacations.
- 7901.4 To establish initial eligibility for the Program, a household must:
- (a) Reside in the District of Columbia, as defined by Section 2(32) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(32)), at the time of application;
 - (b) Demonstrate risk of homelessness as evidenced by:
 - i. Previous application for at least one emergency or temporary government-funded housing or rental assistance program administered by the District, including, but not limited to, the Emergency Rental Assistance Program, the Homelessness Prevention Program, or the Family Re-Housing and Stabilization Program, within the last 48 months; and
 - ii. Having a total annual income less than or equal to 30 percent of the Median Family Income for the District, which is a periodic calculation provided by the United States Department of Housing and Urban Development; and

- (c) Be headed by a person that is twenty-one (21) years old or older at the time of application, and who meets the following requirements:
- i. Has physical custody of one or more minor children;
 - ii. Is currently employed or has recent history of employment; and
 - iii. Is the lease holder for a rental unit.

7901.5 The applicant may be enrolled in a government-funded rental assistance program administered by the District at the time of application. However, if selected for the Program, no household member may be enrolled in both the Program and another District or federal government-funded rental assistance program at the same time. Enrollment in the Program shall not preclude receipt of shelter or rental assistance after participation in the Program has ended.

7902 HOUSEHOLD OUTREACH

7902.1 The Department will conduct outreach to households with an estimated high likelihood of meeting the eligibility criteria listed in § 7901, to inform these households about the Program and to determine potentially eligible households' interest in Program enrollment.

7902.2 Households that receive information about the Program shall be identified by the Department through administrative data contained in applications completed by households seeking or enrolled in government-funded housing or emergency rental assistance programs administered by the District.

7902.3 The Department will conduct outreach via the US Postal Service, telephone, email, SMS text messages, or other communication means determined by the Department.

7902.4 Outreach communications will invite households interested in Program enrollment to submit an application as described in § 7903 to the Department via a web-based portal, US Postal Service, or in person at a physical site determined by the Department.

7902.5 Outreach communication shall contain or provide a hyperlink to a description of the Program, the application and enrollment process, responsibilities of the Department and the Administrative Agent used to manage the Program, and

Program participation requirements, including each applicant's involvement in budget and financial management activities.

7903 APPLICATION AND SELECTION PROCESS

- 7903.1 Each household interested in enrolling in the Program shall complete an application form provided by the Department that is signed by the head of household. An authorized representative may apply on behalf of the applying household if the applying head of household provides a written and signed statement stating why he or she cannot personally complete the form and the name and address of the person authorized to act on his or her behalf.
- 7903.2 If the applicant has a disability or the authorized representative of the applicant with a disability requests assistance to complete the application, the Department shall assist such applicant or authorized representative with the application process to ensure that the applicant has an equal opportunity to submit an application.
- 7903.3 The Director of the Department will determine the number of applications that will be accepted for the Program, which is contingent on available funding. If at any point the Department receives additional funding for the program, the Department may reopen the application process at that time for new applications.
- 7903.4 Household enrollment shall follow a two-step process. The first step shall require the applying person to complete and submit a web-based or paper application to the Department as notification of his or her household's enrollment interest and self-reported eligibility in order to be selected. The second step shall require selected households to submit documentation to the Department that enables the Department or its designee to verify information on the household's application and Program eligibility criteria included in § 7901.
- 7903.5 The application will include questions that require the applicant to attest to the Program eligibility criteria listed in § 7901, and may also request the applicant to provide the following:
- (a) Identifying information;
 - (b) Contact information;
 - (c) Household composition;
 - (d) Current income;
 - (e) Current monthly rent expense;

- (f) Address of current rental unit;
- (g) Consent to release information; and
- (h) Any additional information deemed necessary by the Department.

- 7903.6 Due to limited Program availability during the pilot period, the Department will administer one or more assignment lotteries to determine which applying households are offered one of the available Program slots using the method described in § 7903.5, § 7903.7, and § 7903.8.
- 7903.7 The results of the Program’s pilot period will be evaluated to understand its effectiveness in supporting households’ long term housing stability. To increase the probability that the Program will be successful if expanded to enroll more households, the lottery will be structured so that the characteristics identified on the applications of the group of households offered a Program slot are similar to the characteristics identified on the application of all households that applied for the Program.
- 7903.8 After the lottery is completed, the Department will offer available Program slots to households selected by the lottery. The Department will notify selected households via the US Postal Service, telephone, email or another communication mode determined by the Department. These Program slots are conditional, and are only official after the household responds to the Department’s notice of the conditional offer and successfully completes the Program eligibility process described in § 7904. If a household fails to respond within the given timeframe, or after verification the household does not meet eligibility requirements for the Program, an additional household will be selected based on the method described in § 7903.10, until all slots have been filled.
- 7903.9 Each household selected for the Program will have thirty (30) calendar days from the date of notice to respond to the Department.
- 7903.10 Any household that declines the offer for the Program slot, fails to provide a response to the Department within thirty (30) calendar days of Program selection notice, or fails to meet the Program eligibility process described in § 7904, will lose their spot on the lottery result list, and the next household on the list will be offered the slot, until all slots have been filled.
- 7903.11 Any household that submits an application for Program enrollment will receive one or more of the following notices, as applicable:
- (a) DC Flex Program: Notice of Ineligibility to Enter Lottery;

- (b) DC Flex Program Lottery Results: Conditional Offer for Enrollment;
- (c) DC Flex Program Lottery Results: Household Not Selected;
- (d) DC Flex Program: Final Offer for Enrollment;
- (e) DC Flex Program Enrollment: Unable to Verify Eligibility; and
- (f) DC Flex Program Enrollment: Notice of Termination.

7903.12 Any household that submits an application for Program enrollment, but is not enrolled as a result of the processes described in § 7903.5 – 7903.10 will receive oral and written notice via US Postal Service. Written notice shall be one or more of the notices listed in § 7903.11, as applicable, which shall include:

- (a) A clear statement of the client’s application status, eligibility status, or termination from the Program;
- (b) A clear and detailed statement of the factual basis for the action described in the notice, including the date or dates on which the basis or bases for the denial occurred;
- (c) A reference to the statute, regulation, policy, or Program Rule pursuant to which the denial is being implemented;
- (d) A clear and complete statement of the client’s right to appeal the action through fair hearing and administrative review proceedings pursuant to § 7910, or the client’s right to reconsideration pursuant to rules established by the Administrative Agent in accordance with Section 18 of the HSRA (D.C. Official Code § 4-754.32), including the appropriate deadlines for instituting the appeal or reconsideration; and
- (e) A statement of the client’s right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to § 7910.3.

7903.13 Any household that submits an application for Program enrollment and successfully completes the application and eligibility verification processes described in § 7903.5 – 7903.10 and § 7904, shall receive the type of written notice from the Department listed at §7903.11(d). This notice shall include the information listed in § 7904.9.

7903.14 Any household that submits an application for Program enrollment, is enrolled in the Program, but is terminated from Program enrollment, as described in §

7908.2, shall receive the type of written notice from the Department listed at § 7903.11(f). This notice shall include the information listed in § 7908.3.

7904 ELIGIBILITY VERIFICATION AND PROGRAM ENROLLMENT

7904.1 From each household offered a Program slot, the Department shall request documentation that will enable the Department to verify eligibility for the Program. The Department will contact each household through the US Postal Service, email, telephone or other means determined by the Department.

7904.2 Documentation that the Department shall use to verify eligibility for the Program may include, but is not limited to:

- (a) Birth certificates;
- (b) District identification;
- (c) Child custody reports;
- (d) Copy of a current, valid lease agreement specifying the landlord's name and contact information, and the head of household's name;
- (e) Pay stubs for the most immediate past two (2) months prior to Program application; and
- (f) Earned Income Tax Credit filing for most immediate tax-year prior to Program application.

7904.3 In addition to documents listed in § 7904.2, the Department may use in-person interviews and third party information to verify Program eligibility.

7904.4 Each head of household offered a Program slot shall also sign and submit to the Department a release form, either personally or through an authorized representative, which authorizes the Department to obtain or verify information necessary to confirm Program eligibility.

7904.5 If further information is needed from the household to verify Program eligibility, the Department shall request additional information by telephone, email or US Postal Service. This request shall specify the information needed to complete the household's eligibility verification and the timeframe in which the additional documentation must be provided to the Department.

7904.6 The Department will notify the household once all requested documentation needed to verify eligibility has been received.

- 7904.7 If a household has not obtained and provided to the Department the requested information needed to verify eligibility for the Program within thirty (30) calendar days of the date of the Department's offer of a Program slot, the household will lose its spot on the list and a new household will be offered the subsidy, as described in Section § 7903.10.
- 7904.8 The Department shall determine the eligibility in as short a time as feasible, but not later than ten (10) business days after receipt of all requested information by the Department.
- 7904.9 If a household successfully completes the application and eligibility verification processes described in § 7903 and this section, the Department shall give to the applicant, directly or through an authorized representative, a written Notice of Enrollment in the Program, as listed in § 7903.11(d), which shall state:
- (a) That the applicant is determined eligible and is enrolled in the Program;
 - (b) That receipt of Program assistance is conditioned upon the head of household's participation in all required Program activities as may be described in the Program Rules established in accordance with Section 18 of the HSRA (D.C. Official Code § 4-754.32);
 - (c) The length of time for which the Program's subsidy will be provided, per the applicant's successful compliance with the Program recertification criteria set forth in § 7906; and
 - (d) Name and contact information for the Administrative Agent that the Department will use to administer the Program.
- 7904.10 Upon a household's enrollment in the Program, the Department will facilitate the household's transition from any other District or federal government rent assistance program to ensure the household's compliance with the eligibility requirement set forth in § 7901.5.

7905 PROGRAM ADMINISTRATION

- 7905.1 The Department shall issue a competitive grant solicitation to select an Administrative Agent for the Program.
- 7905.2 The Department will determine what percentage of the annual allotment shall be dedicated to the Administrative Agent's allowable administrative fees, as described in § 7905.3, and the remaining total that shall be used for household financial assistance.

- 7905.3 The percentage of the annual allotment dedicated for the Administrative Agent’s allowable administrative fees shall be used to pay for costs that are associated with the general operation of the Program and that cannot be attributed to any one enrolled household. These administrative fees may include:
- (a) Staff salaries and fringe benefits;
 - (b) Overhead expenses, which may include, but are not limited to, supplies and IT equipment;
 - (c) Local travel for duties associated with program administration/oversight; and
 - (d) Other expenses agreed upon by the Department and Administrative Agent, consistent with District and federal law.
- 7905.4 The Department will refer households enrolled in the Program to the Administrative Agent.
- 7905.5 The Administrative Agent shall make available at least one in-person budgeting or financial management training for enrolled households within the first three (3) months of each household’s enrollment into the Program, and monitor the enrolled households’ participation in this training and others, if provided. If the Administrative Agent does not administer its own such training, the Administrative Agent may secure this type of training from another entity and coordinate the enrolled household’s participation in this training. The Administrative Agent shall also make financial coaching or consultation opportunities available to clients in a manner approved by the Department.
- 7905.6 The Administrative Agent shall use the available granted funds to set up an escrow account and checking account for each enrolled household. The escrow account shall be solely administered by the Administrative Agent on behalf of the head of household. The checking account shall be a joint account administered by the Administrative Agent and head of household.
- 7905.7 The Administrative Agent shall assist the head of household to secure checks or a debit card linked to the checking account in the name of the head of household.
- 7905.8 The Administrative Agent will receive seven thousand two hundred dollars (\$7,200) per year for each household enrolled in the Program. A year shall be defined as a twelve (12) month cycle, with the first month of the year dependent on the household’s enrollment in the program. Based on the availability of funds,

the Department reserves the right to adjust, by rule, the amount of funding provided to each enrolled household.

- 7905.9 Upon a household's enrollment into the Program, the Administrative Agent shall transfer seven thousand two hundred dollars (\$7,200), or a different amount established by rule pursuant to § 7905.8, into an escrow account it has established and will solely administer on behalf of that head of household. The Administrative Agent shall then transfer funds from the escrow account into the household's checking account each month so that funds available to the household equal the total cost for one month's rent amount, per terms of the household's lease.
- 7905.10 Each month, the head of household can access the full amount available in the checking account (if needed), or a lesser amount needed to bridge any gap between their monthly income available for rent and their actual monthly rent expenses. A head of household may choose not to use any of the available funds. Any amount not used in one month rolls over and is available for future use throughout the year.
- 7905.11 If a household meets the Program Recertification requirements described in §7906, does not owe rental arrears on their unit, and has Program funds remaining at the end of the Program year, the household may:
- (a) Apply all of the remaining funds for use in the next annual Program year cycle, or
 - (b) Withdraw up to five hundred dollars (\$500) of the remaining funds for other household expenses and apply the remaining funds for use in the next annual Program year cycle.
- 7905.12 If the household has funds remaining at the end of the Program pilot period and does not owe rental arrears on their unit, the household may determine how the funds are used. The Department will not regulate how these funds are spent or saved.
- 7905.13 Table 1 below provides an example of the process described in § 7905.9 – 7905.12.

At the beginning of the Program, Year 1, an annual total lump sum of seven thousand two hundred dollars (\$7,200) is deposited into the escrow account for Household X. The monthly rent total for Household X is \$1,600. Over the twelve (12) month year, the Administrative Agent transfers funds from the escrow account as necessary to maintain a balance of \$1,600 in the joint checking account held with Household X. Household X's monthly income fluctuates, and in some

months there is not enough money to pay the total rent amount. In the months when Household X’s available income is less than the total rent amount of \$1,600, the Household uses funds available in its checking account. At the end of Year 1, Household X has a remaining balance of four hundred dollars (\$400).

Table 1: Year 1- Monthly Rent Amount = \$1,600

	Savings (Escrow) Balance	Amount of Program Subsidy Transferred to Checking Account	Amount Accessible by Household via Checking Account	Amount of Program Subsidy Used by Household	Amount Paid by Household	Amount Remaining in Checking Account at End of Month
Month 1	\$7,200	\$1,600	\$1,600	\$1,000	\$600	\$600
Month 2	\$5,600	\$1,000	\$1,600	\$1,000	\$600	\$600
Month 3	\$4,600	\$1,000	\$1,600	\$500	\$1,100	\$1,100
Month 4	\$3,600	\$500	\$1,600	\$300	\$1,300	\$1,300
Month 5	\$3,100	\$300	\$1,600	\$0	\$1,600	\$1,600
Month 6	\$2,800	\$0	\$1,600	\$0	\$1,600	\$1,600
Month 7	\$2,800	\$0	\$1,600	\$600	\$1,000	\$1,000
Month 8	\$2,800	\$600	\$1,600	\$400	\$1,200	\$1,200
Month 9	\$2,200	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 10	\$1,800	\$400	\$1,600	\$800	\$800	\$800
Month 11	\$1,400	\$800	\$1,600	\$1,600	\$0	\$0
Month 12	\$600	\$600	\$600	\$200	\$1,400	\$400

7905.14 Table 2 below provides a continuance of the example shown in Table 1. Household X does not owe rental arrears on their unit and decides to add the remaining four hundred dollars (\$400) from Year 1 to the total amount deposited into Household X’s escrow account for the following year, Year 2. The addition of the four hundred dollars (\$400) from Year 1 is reflected in the escrow balance of Year 2, Month 1. The Year 2 starting balance equals the seven thousand two hundred dollars (\$7,200) of the annual Program assistance, plus the four hundred dollars (\$400) carried over from Year 1.

Table 2: Year 2- Monthly Rent Amount = \$1,600

	Savings (Escrow) Balance	Amount of Program Subsidy Transferred to Checking Account	Amount Accessible by Household via Checking Account	Amount of Program Subsidy Used by Household	Amount Paid by Household	Amount Remaining in Checking Account at End of Month
Month 1	\$7,600*	\$1,600	\$1,600	\$400	\$1,200	\$1,200
Month 2	\$6,000	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 3	\$5,600	\$400	\$1,600	\$400	\$1,200	\$1,200
Month 4	\$5,200	\$400	\$1,600	\$0	\$1,600	\$1,600
Month 5	\$4,800	\$0	\$1,600	\$0	\$1,600	\$1,600
Month 6	\$4,800	\$0	\$1,600	\$1,600	\$0	\$0
Month 7	\$4,800	\$1,600	\$1,600	\$1,600	\$0	\$0
Month 8	\$3,200	\$1,600	\$1,600	\$1,200	\$400	\$400
Month 9	\$1,600	\$1,200	\$1,600	\$600	\$1,000	\$1,000
Month 10	\$400	\$400	\$1,400	\$400	\$1,200	\$1,000
Month 11	\$0	\$0	\$1,000	\$800	\$800	\$200
Month 12	\$0	\$0	\$200	\$200	\$1,400	\$0

7905.15 With the exception of end of year funds, the only eligible payee on the account will be the landlord of the unit the household lives in. The Administrative Agent will be responsible for monitoring account activity to ensure the head of household is using checking account funds to pay the landlord on record.

7905.16 The landlord must have a business license and a Certificate of Occupancy for the household’s unit that is in good standing.

7905.17 The household’s rental unit may be subject to required inspections as part of the requirement to be legally licensed and registered in the jurisdiction. The Department may offer or require additional inspections as part of the Program.

7906 RECERTIFICATION REQUIREMENTS

7906.1 To remain eligible for the Program, each enrolled household shall complete a recertification process annually.

7906.2 A household shall remain eligible for the Program if the household continues to meet requirements set forth in Sections § 7901.1- 7901.3 and continues to be eligible for services under the Continuum of Care.

7906.3 Additionally, the household shall meet the following to remain eligible for the Program:

- (a) Has a total annual income less than or equal to the recertification income limit, based on the United States Department of Housing and Urban

Development's Median Family Income Limits for the Washington DC Metropolitan Region, to be published by DHS not less than annually. The recertification limit shall not be less than 30% of Family Median Income, but may be higher, as allowable by local statute;

- (b) Is headed by a person that is twenty-one (21) years old or older, and who meets the following requirements:
 - i. Has physical custody of one or more minor children, and / or one or more youth that continues to reside in the household;
 - ii. Is currently employed or has recent history of employment; and
 - iii. Is the lease holder for a rental unit; and as the lease holder, is in good standing with all of the explicit obligations of their rental agreement, and is not subject to any form of sanction, suspension and disciplinary action by their landlord.
- (c) Has not accessed any other forms of emergency, temporary, or permanent government-funded rental assistance during the Program assistance period, including, but not limited to, Emergency Rental Assistance Program, Homelessness Prevention Program, Family Re-Housing and Stabilization Program assistance, or DCHA subsidies.

7906.4 The Administrative Agent shall conduct a recertification assessment of each household to confirm the household meets the Program's recertification standards.

7906.5 If a household does not meet the recertification requirements set forth in this section, the Department will provide written notice described in § 7903.11(f) to the household via email or US Postal Service, which will specify the recertification requirements the household did not meet during its recertification assessment.

7907 RELOCATION

At any point during the Program, a household may choose to relocate to a new unit that better meets the household's needs. The household shall be responsible for updating the Administrative Agent and providing appropriate documentation of the new lease agreement. The Administrative Agent shall not approve the payment of funds to a new landlord until it has received appropriate documentation of the new lease.

7908 TERMINATION FROM PROGRAM

- 7908.1 Termination pursuant to this section refers to a termination of Program assistance only and does not provide the Administrative Agent or the Department with any authority to interfere with a household's tenancy rights under the lease agreement as governed by Title 14 of the District of Columbia Municipal Regulations.
- 7908.2 The Administrative Agent shall adopt Program Rules to provide additional guidance on the DC Flex Program. In accordance with these Program Rules, which shall be signed by households at the time of Program enrollment, the Department or Administrative Agent may terminate Program assistance to a household when the household:
- (a) Provides false or fraudulent information to the Department or Administrative Agent to support their eligibility determination;
 - (b) Uses Program funds for any purpose other than rent payment to the landlord listed on the lease agreement provided to the Administrative Agent;
 - (c) Makes payments from their Program checking account in an amount in excess of their monthly rent amount, thereby overdrawing their account;
 - (d) Ceases to be a leaseholder on an eligible housing unit;
 - (e) Ceases to be a leaseholder in good standing; or
 - (f) Fails to meet recertification criteria, as outlined at § 7906.
- 7908.3 If a household is terminated from the Program, the Administrative Agent shall give to the household, personally or through an authorized representative, a written Notice of Termination at least 15 days before the effective date of the termination, which shall state:
- (a) The household is being terminated;
 - (b) The effective date of the termination;
 - (c) The reason or reasons for the termination, including the date or dates on which the basis or bases for the termination occurred;
 - (d) The statute, regulation, or program rule under which the termination is being made;

- (e) That the household has a right to appeal the termination through a fair hearing and administrative review, including deadlines for requesting an appeal; and
- (f) That the household has a right to continuation of Program assistance pending the outcome of any fair hearing requested within fifteen (15) days of receipt of written notice of a termination, as described in § 7910.

7909**SUMMARY OF ADMINISTRATIVE AGENT RESPONSIBILITIES**

7909.1

The Administrative Agent is responsible for the following:

- (a) Establishing an escrow and checking account for each household enrolled in the Program;
- (b) Delivering directly, or coordinating with another entity to offer periodic budgeting or financial literacy training to each household and monitor the household's participation in these trainings;
- (c) Monitoring each household's monthly payment activity;
- (d) Providing each household with general referrals and reminders about resources available within the community;
- (e) Reviewing the eligibility of each household to ensure that the household remains eligible per the recertification standards outlined in § 7906;
- (f) If applicable, updating the name of each household's landlord in the instance where a household moves to a new housing unit, or the landlord on a lease changes;
- (g) Assisting the Department with program evaluation activities, including reasonable data collection, providing administrative records, and making staff available for interviews;
- (h) Submitting to the Department quarterly reports, at the individual household level and aggregate level, that include information listed in § 7908.2 and §7908.3; and
- (i) Other tasks agreed upon by the Department and Administrative Agent.

7909.2

The Administrative Agent shall submit to the Department a formal quarterly report that may include, but is not limited to, the following for each enrolled household:

- (a) Frequency in which each household accessed the full monthly rent limit;
- (b) Average amount of funds accessed from each household's checking account each month; and
- (c) Participation in budget or financial planning classes.

7909.3 The Administrative Agent shall submit to the Department a formal quarterly report that shall include, but is not limited to, the following for the cohort of enrolled households:

- (a) Payment activity of the households for the current quarter;
- (b) Trend analysis that shows the payment activities of the households over the previous quarter(s), where applicable;
- (c) Average and median amounts of the Program subsidy used by the households monthly;
- (d) Addresses of participating households and other descriptive statistics identified or requested by the Department; and
- (e) Household attrition from the Program.

7909.4 The Administrative Agent shall submit reports to the Department via a method determined by the Department.

7910 FAIR HEARING AND ADMINISTRATIVE REVIEW

7910.1 An applying household or participating Program household shall have ninety (90) calendar days following the receipt of a written notice described in § 7903.11(a), (c), (e), or (f) to request a fair hearing, in accordance with the hearing provisions in Section 26 of the HSRA (D.C. Official Code § 4-754.41), for the action that is the subject of the written notice.

7910.2 Upon receipt of a fair hearing request, the Department shall offer the petitioner household or its authorized representative an opportunity for an administrative review in accordance with Section 27 of the HSRA (D.C. Official Code § 4-754.42), except that if an eviction is imminent, the Department shall take all reasonable steps to provide an expedited administrative review to maximize resolution of the appeal.

7910.3 In accordance with Section 9(a) of the HSRA (D.C. Official Code § 4-754.11(a)(18)), any household that requests a fair hearing within fifteen (15) days

of receipt of written notice of a termination pursuant to § 7908 shall have the right to the continuation of Program benefits pending a final decision from the fair hearing proceedings.

7911 DEFINITIONS

7911.1 The terms and definitions in 29 DCMR § 2599 are incorporated by reference in this chapter.

7911.2 For the purposes of this chapter, the following additional terms shall have the meanings ascribed:

Administrative Agent – an organization that receives Flexible Rent Subsidy Pilot Program funds and is authorized to administer the Program’s services.

Authorized representative – an individual who is at least eighteen (18) years of age, who is acting responsibly on behalf of the applicant, and has sufficient knowledge of the applicant’s circumstances to provide or obtain necessary information about the applicant, or a person who has legal authorization to act on behalf of the applicant.

District or federal government rent assistance – assistance paid to the tenant or the housing provider during the Program assistance period for the purpose of reducing the tenant’s rent or assisting with back rent.

Good Standing – rental status achieved by a household when the household has complied with all of the explicit obligations of their rental agreement, and is not subject to any form of sanction, suspension and disciplinary action.

Median Family Income - the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any further adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers. This calculation is used to determine a household’s eligibility for the Program.

Minor – a child under eighteen (18) years of age.

Youth – a person who is under twenty-five (25) years of age.

All persons who desire to comment on these proposed rules should submit their comments in writing to the Department of Human Services, 64 New York Avenue, N.E., 6th Floor, Washington, D.C. 20002, Attn: Dena Hasan, or by email to Dena.Hasan@dc.gov. All comments must be received by the Department of Human Services not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address, or by calling the Department of Human Services at (202) 671-4200.

DC MAYOR’S OFFICE ON AFRICAN AFFAIRS**COMMISSION ON AFRICAN AFFAIRS****Notice of Commissioners Meeting**

The Commission of African Affairs will be holding a meeting on Wednesday, June 6, 2018 from 6pm to 8pm.

The meeting will be held at Franklin D. Reeves Center of Municipal Affairs, 2000 14th Street, NW, 6th floor, Washington, DC 20001.

The Location is closest to the U Street / African –American Civil war Memorial / Cardozo Metro station on the green and yellow line of the Metro.

All Commission meetings are open to the public.

Below is a draft agenda for this meeting. A final agenda will be posted on The Office of African Affairs website at oaa.dc.gov.

If you have any questions about the commission or its meetings, please contact oaa@dc.gov.
Phone: (202) 727-5634

DRAFT AGENDA

- I. Opening – Call to Order
- II. MOAA Updates and Announcements
- III. Chair Announcements
- IV. Public Comments
- V. Adjournment (8:00pm).

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JUNE 6, 2018
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Donald Isaac, Sr., Bobby Cato, Rema Wahabzadah,

Protest Hearing (Status), Case # 18-PRO-00022, Only Paradise Restaurant, **9:30 AM**
Inc., t/a Golden Paradise Restaurant, 3903-3905 14th Street NW, License
#98205, Retailer CR, ANC 4C

**Substantial Change (Sidewalk Café with 26 Seats, Total Occupancy Load of
42), *This hearing is cancelled due to the withdrawal of the Application.***

Protest Hearing (Status), Case # 18-PRO-00023, Supra, LLC t/a Supra,
1013 M Street NW, License #106618, Retailer CR , ANC 2F

Substantial Change (Sidewalk Café with 48 Seats) 9:30 AM

Protest Hearing (Status), Case # 18-PRO-00024, Shoreditch Cooperative,
LLC, t/a Duke's Grocery, 1513 17th Street NW, License #92298, Retailer CR,
ANC 2B, **Substantial Change (Change of Hours on Sidewalk Café)**

9:30 AM

Show Cause Hearing (Status), Case # 18-CC-00008, Boeey of Georgetown
Corporation, t/a Boeeymonger Restaurant, 3265 Prospect Street NW, License
#102904, Retailer DR, ANC 2E

9:30 AM

Sale to Minor

Show Cause Hearing (Status), Case # 18-CIT-00092, La Villa Restaurant,
Inc., t/a La Villa Café, 6115 Georgia Ave NW, License #94826, Retailer CR
ANC 4B, **No ABC Manager on Duty**

9:30 AM

Board's Calendar
June 6, 2018

Show Cause Hearing (Status) , Case # 17-CMP-00729, Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C

Violated Terms of Board Order No. 2017-439

9:30 AM

Show Cause Hearing (Status), Case # 18-CMP-00038, Wu's Corporation t/a Eat First, 609 H Street NW, License #60387, Retailer CR, ANC 2C

9:30 AM

Purchased Alcoholic Beverages from an Off-Premises Retailer, Failed to Obtain an Importation Permit Authorizing the Licensee to Bring Alcoholic Beverages into the District and Keep Proper Records of the Importation

Show Cause Hearing (Status), Case #17-CMP-00729, Green Island Heaven and Hell, Inc. t/a Green Island Café Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C,**Violated Terms of Board Order**

9:30 AM

Fact Finding Hearing*, Case # N/A, Green Island Heaven and Hell, Inc. t/a Green Island Café Heaven & Hell, 2327 18th Street NW, License #74503 Retailer CT, ANC 1C, **MPD Request for a Fact Finding Hearing**

11:00 AM

Show Cause Hearing*, Case # 17-251-00250, Romyo, LLC, t/a Ambassador Restaurant, 1907 9th Street NW, License #90422, Retailer CR, ANC 1B
Operating Beyond Approved Hours, Failed to Follow Security Plan,
This hearing has been continued to June 13, 2018 at 10:00 am.

1:30 PM

Fact Finding Hearing*, Case #18-CMP-00099, Morini DC, LLC, t/a Osteria Morini/Nicoletta, 301 Water Street SE, License #092083, Retailer CR, ANC 6D, **Expanded Premises to a Summer Garden Without Board Approval**

2:30 PM

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to DC Official Code §2-574(b)(13).**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
CANCELLATION AGENDA**

**WEDNESDAY, JUNE 6, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-072672 – **The Argonaut** – Retail – C – Restaurant– 1433 H Street NE
[Safekeeping][Licensee did not pay the Safekeeping fee within 30 days.]

ABRA-108215 – **Rodman's Discount Spirits** – Retail – A – Liquor Store – 4936 Wisconsin
Avenue NW
[Safekeeping][Licensee did not pay the Safekeeping fee within 30 days.]

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JUNE 6, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, June 6, 2018 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# 18-251-00012, Howard Theatre, 620 T Street Unit C, N.W., Retailer CX, License # ABRA-088646

2. Case# 18-CMP-00083, Ezra, 1629 K Street N.W., Retailer A, License # ABRA-089730

3. Case# 18-251-00067, Bliss, 2122 24th Place N.E., Retailer CT, License # ABRA-095711

4. Case# 18-251-000117, Canopy Washington DC/ The Wharf, 975 7th Street S.W., Retailer CH, License # ABRA-106083

5. Case# 18-AUD-00033, Kittie O’Shea’s DC, 4624 Wisconsin Avenue N.W., Retailer CR, License # ABRA-090464

6. Case# 18-AUD-00034, Addis Ethiopian Restaurant, 707 H Street N.E., Retailer CR, License # ABRA-097534

7. Case# 18-AUD-00032, Scion, 2100 P Street N.W., Retailer CR, License # ABRA-082174

8. Case# 18-CMP-00106, Kraken Axes, 3400 A Georgia Avenue N.W., Retailer CT, License # ABRA-109296

9. Case# 18-251-00114, Kiss Tavern, 637 T Street N.W., Retailer CT, License # ABRA-104710
-
10. Case# 18-CMP-00102, Dew Drop Inn, 2801 8th Street N.E., Retailer CT, License # ABRA-097569
-
11. Case# 18-CC-00045, Blackfinn, 1620 I Street N.W., Retailer CT, License # ABRA-081161
-
12. Case# 18-CMP-00104, Gordon Biersch Brewery Restaurant, 100 M Street S.E., Retailer CR, License # ABRA-090968
-
13. Case# 18-CC-00049, O'Connor's Liquors, 2900 Minnesota Avenue S.E., Retailer A, License # ABRA-060231
-
14. Case# 18-CMP-00112, Desperados Pizza, 1342 U Street N.W., Retailer CR, License # ABRA-084731
-
15. Case# 18-CMP-00115, Laliguras Indian & Nepali Bistro, 4221 Connecticut Avenue N.W., Retailer CR, License # ABRA-095042
-
16. Case# 18-CC-00043, Safeway, 1100 4th Street S.W., Retailer B, License # ABRA-097697
-
17. Case# 18-CMP-00048, Randall Grocery, 2924 Minnesota Avenue S.E., Retailer B, License # ABRA-019046
-
18. Case# 18-CMP-00110, 100 Montaditos, 300 Tingey Street S.E., Retailer DR, License # ABRA-094846
-
19. Case# 18-CMP-00114, Sankofa Cafe, 2714 Georgia Avenue N.W., Retailer CT, License # ABRA-086424
-

20. Case# 18-CC-00054, Grand Liquors, 409 A 15th Street N.E., Retailer A, License # ABRA-108850

21. Case# 18-CC-00053, Abigail Room, 1730 M Street N.W., Retailer CN, License # ABRA-107468

22. Case# 18-CMP-00113, Roti Modern Mediterranean, 1251 1st Street S.E., Retailer CR, License # ABRA-106810

23. Case# 18-CMP-00111, RASA Indian Grill, 1247 1st Street S.E., Retailer CR, License # ABRA-106768

24. Case# 18-CMP-00109, Reliable Tavern & Hardware, 3655 Georgia Avenue N.W., Retailer CT, License # ABRA-098182

25. Case# 18-CC-00044, Franklin Liquors and Market, 2723 7th Street N.E., Retailer A, License # ABRA-098506

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JUNE 6, 2018 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Change of Hours. *Approved Hours of Operation:* Monday-Tuesday 9am to 6pm, Wednesday-Saturday 9am to 11pm, closed Sunday. *Approved Hours of Alcoholic Beverage Sales/Service/Consumption:* Monday-Tuesday 12pm to 6pm, Wednesday-Saturday 12pm to 11pm, closed Sunday. *Proposed Hours of Operation:* Sunday-Saturday 9am to 1am. *Proposed Hours of Alcoholic Beverage Sales/Service/Consumption:* Sunday-Saturday 10am to 12am. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Heurich House Museum*, 1307 New Hampshire Avenue NW, Retailer CX Multipurpose Facility, License No. 100673.

2. Review Request to reduce interior Total Occupancy Load from 350 to 150. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Heurich House Museum*, 1307 New Hampshire Avenue NW, Retailer CX Multipurpose Facility, License No. 100673.

3. Review Application for Summer Garden with seating for 350 patrons. *Proposed Hours of Operation for Summer Garden:* Sunday-Saturday 9am to 1am. *Proposed Hours of Alcoholic Beverage Sales/Service/Consumption for Summer Garden:* Sunday-Saturday 10am to 12am. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Heurich House Museum*, 1307 New Hampshire Avenue NW, Retailer CX Multipurpose Facility, License No. 100673.

4. Review Request for Change of Hours to operate earlier. *Approved Hours of Operation, Alcoholic Beverage Sales/Service/Consumption, and Live Entertainment:* Sunday-Thursday 10am to 2am, Friday-Saturday 10am to 3am. *Proposed Hours of Operation and Live Entertainment:* Sunday -Thursday 6am to 3am, Friday-Saturday 6am to 4am. *Proposed Hours of Alcoholic Beverage Sales/Service/Consumption:* Sunday-Thursday 8am to 2am, Friday-Saturday 8am-3am. ANC 2B. SMD 2B07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Saint Yves*, 1220 Connecticut Avenue NW, Retailer CT, License No. 099876.

-
5. Review Request for Change of Hours to operate earlier. ***Approved Hours of Operation and Alcoholic Beverage Sales/Service/Consumption inside Premises and for Summer Garden:*** Sunday-Thursday 11am to 1am, Friday-Saturday 11am to 3am. ***Proposed Hours of Operation and Alcoholic Beverage Sales/Service/Consumption inside Premises and for Summer Garden:*** Sunday-Thursday 8am to 1am, Friday-Saturday 8am to 3am. ANC 6B. SMD 6B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***The Brig***, 1007 8th Street SE, Retailer CT, License No. 085710.
-
6. Review Application for Sidewalk Café with seating for 10 patrons. ***Proposed Hours of Operation and Alcoholic Beverage Sales/Service/Consumption for Sidewalk Cafe:*** Sunday-Thursday 11am to 10pm, Friday-Saturday 11am to 10:30pm. ANC 3E. SMD 3E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Buredo***, 4235 Wisconsin Avenue NW, Retailer CR, License No. 107488.
-
7. Review Application for Summer Garden with seating for 75 patrons. ***Proposed Hours of Operation for Summer Garden:*** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ***Proposed Hours of Alcoholic Beverage Sales/Service/Consumption for Summer Garden:*** Sunday 10am to 2am, Monday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 2B. SMD 2B07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***The Manor***, 1327 Connecticut Avenue NW, Retailer CT, License No. 099536.
-
8. Review Request to expand rooftop Summer Garden into space over adjacent property at 911 U Street NW, increasing seating from 28 to 43, and increasing Total Occupancy Load from 48 to 99. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***The Dirty Goose***, 913 U Street NW, Retailer CT, License No. 101299.
-
9. Review Request to expand seating from 32 seats to 132 seats (32 seats on the first floor, 55 seats on the second floor, and 45 seats in the Summer Garden). Total Occupancy Load will increase from 32 to 155. ANC 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Dangerously Delicious DC***, 1339 H Street NE, Retailer CR, License No. 087422.

10. Review Request for Entertainment Endorsement to provide Live Entertainment with Dancing and Cover Charge. ***Proposed Hours of Live Entertainment Indoors Only***: Sunday-Thursday 6pm to 2am, Friday-Saturday 6pm-3am. ANC 2E. SMD 2E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Georgetown Inn-Daily Grill***, 1310 Wisconsin Avenue NW, Retailer CH, License No. 088198.

11. Review application for Tasting Permit. ANC 1A. SMD 1A05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Target Store T-2259***, 3100 14th Street NW, Retailer B, License No. 078895.

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

DEPARTMENT OF BEHAVIORAL HEALTH
NOTICE OF FUNDING AVAILABILITY (NOFA)
RFA# DBH DO061518

BRANDING SERVICES

Purpose/Description of Project

The Department of Behavioral Health (DBH) is soliciting applications for a Public Relations firm to engage stakeholders and communities around DBH's vision, mission and promise. This specific branding aims to establish a significant and differentiated presence of the Department's unique name and image for the integration of Mental Health and Substance Use Disorder services. The branding will also assist with connecting to the consumers' mind, mainly through advertising campaigns with a consistent theme. Branding services will explain DBH's realignment, key performance indicators and the results-based accountability outcome measures to the community.

Eligibility

- Applicant must have knowledge of DBH's accomplishments and current prevention campaigns;
- Applicant must have an understanding of DBH's realignment, key performance indicators and the process of how the results-based accountability outcomes are determined;
- Applicant must currently have a proven track record of successful performance with the Department of Behavioral Health's marketing and public relation campaigns;
- Applicant must be nationally recognized for their excellence in public relations and marketing campaign.

Length of Award

Grant awards will be made for a period of one (1) year from the date of award. The grant may be continued for up to one (1) additional year based on documented project success and availability of funding.

Available Funding

Approximately \$250,000 is available to fund the selected grantee. The grant will be awarded by DBH using appropriated local District funds.

Anticipated Number of Awards

DBH anticipates one (1) award in the amount of \$250,000.

Request for Application (RFA) Release

The RFA will be released Friday, June 15, 2018. The RFA will be posted on the DBH website, www.dbh.dc.gov under Opportunities, and on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. A copy of the RFA may be obtained from the DBH Office of Fiscal Services, located at 64 New York Ave NE, Washington, DC 20002, 2nd Floor, from Program Monitor, Ashley Goins Cotton, (202) 535-1822, during the hours of 9:00 a.m. – 4:45 p.m. beginning June 15, 2018.

Pre-Application Conference

A pre-application conference will be held at DBH, 64 New York Ave NE, Washington, DC, 20002, 3rd Floor, Rm. 340 on Friday, June 22, 2018 from 10:00 a.m. – 12:00 p.m. ET. For more information, please contact Ashley Goins Cotton at Ashley.goinscotton@dc.gov or (202) 535-1822.

Deadline for Applications

The deadline for submission is Tuesday, June 26, 2018, at 4:45 p.m. ET.

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FUNDING AVAILABILITY****RFA: #RMO DCCI 060818****DC CLUBHOUSE INITIATIVE
FOR INDIVIDUALS LIVING WITH A MENTAL ILLNESS****Purpose/Description of Project**

The District of Columbia Department of Behavioral Health (DBH) is soliciting applications to award one (1) Clubhouse start-up grant. The purpose of this funding is to provide infrastructure to a prospective DBH-certified Clubhouse Specialty Provider. The funding is intended to support the initial expense of hiring the Clubhouse Clinical Director. Expenses may include recruitment, salary, office space, training, computer/software, office supplies/furniture. The purpose of this grant award is to support individuals living with a mental illness by implementing a Clubhouse model of rehabilitation for the District.

Eligibility

Applicants must:

1. Be an organization located within the District of Columbia planning to assist individuals with behavioral health diagnoses to develop social networking, independent living, budgeting, self-care, and other skills that will assist them to live in the community and to prepare for securing and retaining employment.
2. Have an independent board of directors, or if affiliated with a sponsoring agency have a separate advisory board comprised of individuals to provide financial advice, legal guidance, legislative assistance, employment development, consumer and community support, and advocacy for the Clubhouse.
3. Contribute a cash match of forty thousand dollars (\$40,000.00) to accomplish the purpose of the grant.
4. Agree to hire a full-time Program Director and Clinical Director by September 1, 2018.
5. Participate in DBH-mandated trainings; such as Person Center Treatment Planning Training, Documentation Web course; and Claims Review Committee Training.
6. Become a certified Clubhouse Specialty Provider by Fall 2018 and begin the application process for the Clubhouse International Accreditation as a Clubhouse.
7. Maintain a physical space when applying for DBH certification that is separate from any mental health center or institutional settings, and is impermeable to other programs. The Clubhouse must have its own identity, including its own name, physical mailing address, and telephone number when applying for DBH certification.
8. Enter into a Grant Agreement with DBH and comply with Agreement requirements and conditions including, but not limited to: timetables with respect to hiring Clubhouse staff; participation in required training; and commitment to become a Clubhouse Specialty Provider by Fall 2018.

Length of Award

Grant award will be made for a period of approximately three (3) months from the date of award. Grant recipients will be expected to begin start-up activities by July 8, 2018.

Available Funding

Approximately forty thousand dollars (\$40,000.00) is available to fund one (1) prospective Clubhouse Specialty Provider.

Request for Application (RFA) Release

The RFA will be released Friday, June 8, 2018. The RFA will be posted on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. Please direct any questions to Randall Raybon at randall.raybon@dc.gov.

Deadline for Applications

The deadline for submission is Monday, June 25, 2018 at 4:45 p.m. ET.

CENTER CITY PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

Center City PCS would like to engage one contractor for waste removal services at all six campuses.

To obtain copies of full RFP's, please visit our website: www.centercitypcs.org. The full RFP's contain guidelines for submission, applicable qualifications and deadlines.

Contact person:

Natasha Harrison
nharrison@centercitypcs.org

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

June 2018

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	1	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	20	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	1	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	4	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	21	7:00-pm-8:30 pm
Brittani Strozier	Board of Funeral Directors	7	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	28	9:00 am-1:30 pm
Patrice Richardson	Real Estate Commission	12	8:30 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades	19	1:00pm-3:30 pm
	Asbestos		
	Electrical		
	Elevators		
	Plumbing		
	Refrigeration/Air Conditioning		
	Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture, Interior Design and Landscape Architecture
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**June 1, 2018
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, April 20, 2018
7. Executive Session (Closed to the Public) The Board entered into an executive session at 10:06 am (closed to the public) pursuant to D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-575(b)(13) to deliberate upon a decision in an adjudication action or proceeding and to discuss:
 - a. Applications
 - b. Complaints
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – July 13, 2018, 2018 at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**June 20, 2018
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, May 16, 2018
7. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding)
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – July 18, 2018 at 10:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, June 1, 2018
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – July 6, 2018 – No Meeting

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Barber and Cosmetology
1100 4th Street SW, 3rd floor conference room
Washington, DC 20024**

**Meeting Agenda
Monday, June 4, 2018
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – July 2, 2018

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

**D.C. Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

**MONTHLY PUBLIC MEETING
AGENDA**

**Thursday, June 07, 2018
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Minutes, May 3, 2018
6. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b) (4) (A); D.C. Official Code § 2-575(b) (9) (13) (14) to discuss complaints/legal matters, applications and legal counsel report.
 - A. Applications
 - B. Complaints/Investigation
7. Recommendations
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting –July 5, 2018 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
June 19, 2018**

1. Call to Order – 1:00 p.m.
2. Minutes - Draft, April 17, 2018
3. Comments from the Public
4. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code §2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
5. Recommendations
6. Old Business
7. New Business
8. Adjourn

Next Scheduled Regular Board Meeting, July 17, 2018
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**June 28, 2018 ~ Room 300
10:00 A.M. (Application Review by Board Members)**

11:00 A.M.

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
 - Applications for Licensure
 - Legal Committee Report
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next scheduled meeting – July 26, 2018

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**D.C. Boxing and Wrestling Commission
1100 4th Street SW, Room E200
Washington, DC 20024**

MEETING AGENDA

**June 21, 2018
7:00 PM.**

1. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
2. Call to Order – 7:00 p.m.
3. Members Present
4. Staff Present
5. Comments from the Public
6. Review of Correspondence
7. Approval of Minutes
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – September 20, 2018 at 7:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Real Estate Commission
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**June 12, 2018
10:30 AM**

1. Call to Order – 10:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, May 8, 2018
7. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – July 10, 2018 at 10:30 a.m.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

Vacant Building Enforcement

Address:	Square:	Lot:
218 S Street, NW	3098	0154

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2018**, for the following reasons:

You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, “A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.

(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship.”

DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2.

DC SCHOLARS PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Assessment System, Coaching, and Professional Development**

DC Scholars Public Charter School intends to enter into a sole source contract with The Achievement Network (ANET) for a contracted Assessment system, Coaching, and Professional Development for approximately \$27,650 for the school year 2018-19. The decision to sole source is due to the fact that The Achievement Network provides a high-quality assessment platform and assessment materials with questions aligned to Common Core standards and in a format similar to the PARCC. The Achievement Network also provides training and coaching on teacher-friendly data analysis, creating targeted re-teach plans, and making instructional adjustments based on benchmark data. The Achievement Network previously trained DC Scholars Public Charter School teachers on the assessment platform and assessment materials and it would be most effective to continue these services through The Achievement Network. The Achievement Network has a proven history on creating standard-based assessment questions for informal and interim assessments with the appropriate level of rigor.

The Sole Source Contract will be awarded at the close of business on June 12, 2018, pending successful contract negotiation. 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 **4:00 pm on June 12, 2018**.

DC SCHOLARS PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Drumming Workshops**

DC Scholars Public Charter School intends to enter into a sole source contract with Traditional Expressions for services in contemporary and traditional West African drumming for \$60,000 in school year 2018-19. The decision to sole source is due to the fact that Traditional Expressions has provided these workshops to students at DC Scholars Public Charter School for the last three school years and has a proven history of training students in rhythm and drumming. DC Scholars Public Charter School conducted a Request for Proposals for drumming services in July 2015 and selected Traditional Expressions. Since June 2016, DC Scholars Public Charter School remains satisfied with the level of instruction, service, and professionalism provided.

The Sole Source Contract will be awarded at the close of business on June 12, 2018. 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 **4:00 pm June 12, 2018**.

DC SCHOLARS PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Individualized Reading Intervention Specialists**

DC Scholars Public Charter School intends to enter into a sole source contract with Reading Partners for contracted reading intervention services for approximately \$25,000 for the school year 2018-19. The decision to sole source is due to the fact that Reading Partners provides high-quality one-on-one reading support for qualifying students of DCSPCS four days a week. The Reading Partners volunteers utilize curriculum-based materials aligned to Common Core standards. Reading Partners also provides training and coaching to all volunteer intervention specialists. Reading Partners has a proven history of providing structured, volunteer-based tutoring with positive results for students.

The Sole Source Contract will be awarded at the close of business on June 12, 2018, pending successful contract negotiation. 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 **4:00 pm on June 12, 2018**.

DIGITAL PIONEERS ACADEMY PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Food Service Management Services**

Digital Pioneers Academy is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2018-2019 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Invitation for Bid (IFB) such as; student data, days of service, meal quality, etc. may be obtained beginning on Friday, June 1, 2018 from Nima Farshchi at 301-717-2792 or nfarshchi@digitalpioneersacademy.org.

Proposals will be accepted at 80 M Street, SE, Washington, D.C. 20003 on **June 25, 2018** not later than **12 noon**.

All bids not addressing all areas as outlined in the IFB will not be considered.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY (NOFA)****FISCAL YEAR (FY19)****DC Career Academy Network (DC CAN) Grant****Request for Applications (RFA) Release Date: Monday, June 18, 2018 at 12 p.m.**

The District of Columbia Office of the State Superintendent of Education (OSSE) is soliciting grant applications to increase the number of academies within the DC Career Academy Network (DC CAN) pursuant to Postsecondary and Career Grant-Making Authority Amendment Act of 2017 (D.C. Act 22-0130, Section 4052) (enacted July 31, 2017). The DC CAN vision is to create one cohesive network of career academies within all high schools in the District of Columbia. Its mission is to reshape the District’s workforce by effectively preparing students for college and careers through the use of the NAF educational design. The purpose of this grant is to provide seed money to support the establishment of up to two additional academies within the DC CAN. This year the academy theme options are as follows: engineering, finance, health sciences, and information technology. Before enrolling students, the DC CAN academy must engage in a structured year of planning. The year of planning process involves activities, technical assistance, and supports to align resources and programs prior to implementation. This grant shall be supplemental to federal, local or other funds received by a school for career and technical education.

Eligibility:

The application shall be open to all public and public charter high schools located in the District of Columbia that seek to establish a DC CAN academy within one of the four themes: engineering, finance, health sciences or information technology.

To be eligible, all schools must first be interviewed by NAF and receive a letter indicating that the school meets year-of-planning standards. Each LEA must then apply on a school’s behalf for the DC CAN fund.

The NAF application process for a determination of whether the school meets year of planning standards is as follows:

- School applicants will utilize the NAF Academy Application Center at <http://mis.naf.org/public/applications/>. (there you will: (1) register for a MyNAF account to log in; (2) select “Academy Applications”; and (3) select “Apply” and complete the online application)

- The full application includes an interest survey which must be completed by the school principal and must be accompanied by 3 – 5 letters of support from businesses, higher education, or individuals who are currently engaged in the industry theme.
- NAF staff will review each application and schedule a “Formal Qualified” interview.
- A final determination of whether the school meets year of planning standards will be made within 24 hours of the interview.

Available Funding for Award: The total available funding for this grant is approximately \$360,000 through this RFA. If funding is available, OSSE will award continuation grant funds to support all academies that continue to meet the terms and conditions of the grant. Continuation grant funds may be used to support the staffing positions that were agreed upon under initial award. After two years of funding, any additional continuation funds may only be used to support academy activities. Each LEA, however, must sustain the existing OSSE-sponsored position in the third year and onward as a condition of any continued DC CAN funding.

Award Period: The duration of this grant is for a period from Oct. 1, 2018 through Sept. 30, 2019.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external, neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE will make all final award decisions.

Please note that all interested applicants must submit a letter of intent to apply no later than Friday, June 22 at 12 p.m. at osse.cteif@dc.gov and must participate in a Pre-Application Conference. The RFA and all supporting documents will be available on Monday, June 18 at 12 p.m. at <http://grants.osse.dc.gov>. To receive more information or for a copy of this RFA, please contact:

Simone García
Director of Career Education Development
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor
Telephone: (202) 727-4312
Email: Simone.Garcia@dc.gov

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue a set of five air quality permit (Nos. 7117 through 7120 and 7210) to the United States Government Publishing Office (GPO) to operate the five cold solvent degreasers (cold cleaning machines) listed in the table below at 732 North Capitol Street NW, Washington DC 20401. The contact person for the applicant is James Hodges, Environmental Manager, at (202) 512-1626.

Permit No.	Unit Description	Degreaser Type	Application Receipt Date
7117	Garage Shop B-126 Safety Kleen Sink Parts Washer Model 16, S/N 30201378	Remote Reservoir	5/2/2016
7118	Forklift/Truck Shop C-142 Klamas Kleen Parts Washer (30-gallon)	Remote Reservoir	5/2/2016
7119	Machine Shop C-322 Safety-Kleen Model 81 Agitating Parts Washer (80-gallon), S/N 902236683	Immersion	5/2/2016
7120	Power Shop C-012/Machinist Branch Wel-Bilt Portable Parts Washer (20-gallon), #141226	Remote Reservoir	5/2/2016
7210	Portable degreaser for the bindery area	Immersion	5/17/2018

The proposed overall emission limits for the equipment are as follows:

- a. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- b. No solvents shall be used in the units that contain halogenated hazardous air pollutant (HAP) solvents as follows [20 DCMR 201]:
 1. Methylene chloride;
 2. Perchloroethylene;
 3. Trichloroethylene;
 4. 1,1,1-trichloroethane;
 5. Carbon tetrachloride; or
 6. Chloroform.

It should be noted that emissions are primarily minimized from this type of equipment by operational limitations and procedures set forth in the permit, rather than from explicit emission limits.

Maximum potential emissions from the five units, in aggregate, are expected to be no greater than the following:

Pollutant	Estimated Maximum Annual Emissions (tons/yr)
Volatile Organic Compounds (VOC)	1.65

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

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

Comments on the draft permits and any request for a public hearing should be addressed to:

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

No comments or hearing requests submitted after July 2, 2018 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

HEALTH BENEFIT EXCHANGE AUTHORITY**REQUEST FOR APPLICATIONS****DC Health Link Assister Program**

The District of Columbia Health Benefit Exchange Authority is soliciting applications from qualified entities to serve as Assister organizations in the District of Columbia. Operating since 2013, the Assister Program is aimed at providing outreach, education, and enrollment services to uninsured and hard-to-reach populations to help consumers learn about, apply for, and enroll in health insurance coverage through the District’s health care marketplace, known as DC Health Link. Successful applicants will demonstrate their ties to or ability to reach a particular community or communities and employ innovative strategies for reaching some or all of the Assister Program’s target populations. They will not rely exclusively on potential consumers coming to them; they will have to actively seek and reach out to people where they “live, work, shop, play, and/or pray.” The District of Columbia Assister Program operates under the authority of the federal Affordable Care Act Navigator Program established pursuant to 45 C.F.R. 155.205(d) and 45 C.F.R. 155.210.

Eligibility: Faith-based organizations, community-based health providers, civic organizations, patient and consumer advocacy groups, business and professional associations, and cultural organizations are some examples of groups that are eligible to apply. Not-for-profit, for-profit, and other types of organizations are also eligible. Additional details on eligibility and conflicts of interest will be available in the Request for Applications (RFA).

Length of Award: Assister grants will cover the time period from October 1, 2018 – September 30, 2019. Additional grant option years beyond 2019 may be available, with funding amounts to be determined on an annual basis.

Available Funding for Awards: The total amount available to all grantees for this award period is up to \$650,000.

Anticipated Number of Awards: Grant funds will be available for no more than 10 competitive grant awards.

The RFA will be released Friday, June 1, 2018 and will be available for download at <https://hbx.dc.gov/page/dc-health-link-assister-program>. An optional Notice of Intent to Apply is due on June 6th at 4:00 pm EDT.

The final deadline for application submission is Friday, June 22, 2018 at 2:00 pm EDT.

For additional information regarding this competition, please contact Luis Vasquez, Program Analyst at the Health Benefit Exchange Authority, via email at assister.help@dc.gov.

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF CLOSED MEETING

Homeland Security Commission

June 8, 2018

10:00 a.m.-12:00 p.m.

1350 Pennsylvania Ave., North West

Washington D.C. 20004

Room 527

On June 8, 2018 at 10:00 a.m., the Homeland Security Commission (HSC) will hold a closed meeting pursuant to D.C. Code § 2-575(b), D.C. Code § 7-2271.04, and D.C. Code § 7-2271.05, for the purpose of discussing the annual report.

The meeting will be held at 1350 Pennsylvania Ave., North West Washington D.C. 20004 in room 527.

For additional information, please contact Sarah Case-Herron, Bureau Chief, Policy and Legislative Affairs, by phone at 202-481-3107, or by email at sarah.case-herron@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

ELECTRIC TARIFF 00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its final action taken in the above-captioned proceeding.

2. On February 27, 2018, pursuant to D.C. Code § 10-1141.06,² the Potomac Electric Power Company (Pepco) filed with the Commission an updated Rider Public Space Occupancy Surcharge (PSOS).³ In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia for the rental of public structures in public space. Pepco proposes to amend the following tariff page to reflect a reduction in the PSOS:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Twentieth Revised Page No. R-33**

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District of Columbia for the current year, and 2) the over or under recovery from the prior year.⁴ Pepco proposes a PSOS rate of \$0.00207 per kilowatt-hour delivered to the customer, which is a decrease from the current PSOS rate of \$0.00209 per kilowatt-hour approved in 2017.⁵ The rate is based on a rate of \$0.00204 per kilowatt-hour for estimated 2018 payments and a rate of \$0.00003 per kilowatt-hour for the over/under collection of 2018 payments made by

¹ D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

² D.C. Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *Electric Tariff 00-2, In the Matter of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* ("ET00-2"), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Dennis Jamouneau, Assistant General Counsel, Re: ET00-2 – Rider "PSOS," filed February 27, 2018 ("Surcharge Update").

⁴ ET00-2, Surcharge Update at 1.

⁵ ET00-2, Surcharge Update at 2 and Attachment B.

Pepco in 2017.⁶ Pepco proposed that its Surcharge Update become effective with meter readings on and after March 1, 2018.⁷

4. On March 30, 2018, the Commission published a Notice of Proposed Tariff (NOPT) in the *D.C. Register* inviting public comment on Pepco's Surcharge Update.⁸ In the NOPT, the Commission stated that Pepco has a statutory right to implement the Rider PSOS; but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge rate, Pepco could be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT and the Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on May 23, 2018, took final action approving Pepco's Rider PSOS Surcharge Update tariff filing effective with meter readings on and after March 1, 2018 and officially upon publication of this Notice of Final Tariff in the *D.C. Register*.

⁶ ET00-2, Surcharge Update at 2 and Attachment C.

⁷ ET00-2, Surcharge Update at 1.

⁸ 65 *D.C. Reg.* 003457-003458 (2018).

ST. COLETTA SPECIAL EDUCATION PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

St. Coletta Special Education Public Charter School is seeking proposals from prospective candidates to provide the following services:

1. **Food Services**, including student breakfast and lunch, in accordance with the requirements and specifications detailed in the full RFP.*
2. **Evening Custodial Services**, in accordance with the requirements and specifications detailed in the full RFP. *
3. **Uniformed and Unarmed Security Services**, including 24/7 onsite surveillance, in accordance with the requirements and specifications detailed in the full RFP. *
4. **Landscaping and Grounds Maintenance Services**, in accordance with the requirements and specifications detailed in the full RFP. *
5. **HVAC Planned Maintenance Services**, in accordance with the requirements and specifications detailed in the full RFP. *
6. **IT Consulting Services**, in accordance with the requirements and specifications detailed in the full RFP. *

*To request the full RFP for any of the service needs above, please email chloe.harrell@stcoletta.org. If you do not receive an email reply within 24 hours, please call the phone number below.

The deadline for proposal submission is June 18, 2018. Proposals that do not address all areas outlined in the full RFP or proposals received after the deadline for submission will not be considered.

For additional information contact:

Chloe Harrell
Operations Manager
1901 Independence Ave, SE
Washington, DC 20003
chloe.harrell@stcoletta.org
St. Coletta of Greater Washington, Inc.
202-350-8680 ext. 1045

WASHINGTON LATIN PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Issued: June 1, 2018

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for each of the 8 services listed below.

School services

1. Cleaning services – daily cleaning services after school for school’s 64,000 sf facility and 11,000 sf gymnasium
2. Bus service – daily round trip bus service from up to five DC locations to the school in morning and afternoon; and additional services as needed
3. Tutoring, occupational therapy, – provide services to home-bound student with an individualized educational program
4. Technology consulting – support the school’s technology needs with installation, maintenance, repair, and professional development
5. Accounting services – accounting consulting services
6. Auditing services – DCPCSB approved auditor to perform annual audit and OBM Circular A-133 Audit for the School and its QALICB.
7. International travel lead – expertise in educational student travel for Spring 2019
8. Tutoring, Occupational Therapy, Audiology and Physical Therapy services – provide services to students with an individualized educational program

Questions and proposals may be e-mailed to gizurieta@latinpcs.org with the type of service in the subject line. Deadline for submissions is **COB June 8, 2018**. No phone calls please.

E-mail is the preferred method for responding but you can also mail (must arrive by deadline) proposals and supporting documents to the following address:

Washington Latin Public Charter School
Attn: Finance Office
5200 2nd Street NW
Washington, DC 20011

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND**

Z.C. ORDER NO. 08-060

Z.C. Case No. 08-060

(Text Amendment – 11 DCMR)

**Minor Modification to Z.C. Order 08-06A to Permit Large Format Retail as a Special
Exception Use in the Production, Distribution, and Repair Zones**

April 30, 2018

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION CORRECTED¹ ORDER NO. 10-03B(1)**

Z.C. Case No. 10-03B

Parcel Seven Associates, LLC

(One-Year PUD Time Extension @ Square 912)

January 11, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on January 11, 2016. At the meeting, the Commission approved a request on behalf of Parcel Seven Associates, LLC ("Applicant") for a one-year extension of time in which to start construction of a mixed-use project composed of retail and residential uses, which was approved in Z.C. Order No. 10-03, and extended in Z.C. Order No. 10-03A.

FINDINGS OF FACT

1. On February 25, 2010, the Applicant filed an application seeking preliminary and consolidated approval of a planned unit development ("PUD") for Lot 55 in Square 912 ("Property"). The Property is zoned C-2-B and is located within the H Street Northeast Commercial Overlay District.
2. The Property has a land area of approximately 87,053 square feet and is located in the northeast quadrant of the District. The Property is located on the south side of H Street, N.E., between 8th and 10th Streets, and is improved with the one-story "H Street Connection" strip retail development, which has a gross floor area of approximately 37,992 square feet.
3. The project will be a mixed-use development composed of retail and residential uses. The overall project will have a density of 5.0 floor area ratio ("FAR"), less than the maximum permitted density of 6.0 FAR under the C-2-B PUD requirements, and will include approximately 380,560 square feet of residential uses, comprising 384 units plus or minus 10%, and approximately 51,420 square feet of retail uses. The building will have varying heights and cornice lines and will be constructed to a maximum height of 90 feet with a maximum of eight stories. The project will have an overall lot occupancy of approximately 70%. A total of 405 off-street parking spaces will be provided in a below-grade parking garage, with approximately 340 spaces for residential use and 65 spaces for commercial use. The above-referenced improvements collectively referred to herein as the "Project."
4. Pursuant to Z.C. Order No. 10-03, the Commission granted consolidated PUD approval for the Project. The Order became effective upon publication in the *D.C. Register* on January 14, 2011, and required the Applicant to file a building permit application for the Project no later than January 14, 2013, with construction to begin no later than January 14, 2014.

¹ This Corrected Order makes a correction to Finding of Fact No. 3, to correct the number of units from 284 to 384; no other changes were made.

5. On December 4, 2012, the Applicant filed an application for a two-year extension of the time period in which to file a building permit application for the Project. Pursuant to Z.C. Order No. 10-03A, the Commission granted the two-year extension, which required the Applicant to file a building permit application for the Project no later than January 14, 2015, with construction to begin no later than January 14, 2016.
6. Consistent with Z.C. Order No. 10-03A, the Applicant filed a building permit application for the Project prior to January 14, 2015.
7. On December 8, 2015, the Applicant filed an application for a one-year extension of the time period in which to start construction of the Project, such that construction must begin no later than January 14, 2017.
8. The Office of Planning (“OP”) submitted a report dated December 15, 2015, indicating that the application meets the standards of 11 DCMR §§ 2408.10 and 2408.11. OP thus recommended that the Commission approve the requested one-year PUD extension. (Exhibit [“Ex.”] 5.)
9. Advisory Neighborhood Commission (“ANC”) 6A submitted a letter dated October 9, 2015, indicating that at its regularly scheduled, duly noticed meeting of October 8, 2015, ANC 6A voted to support the requested extension. (Ex. 1C.)
10. As to the merits, the Applicant submitted evidence of factors beyond its reasonable control that rendered the Applicant unable to comply with the time limits of Z.C. Order No. 10-03A. The Applicant filed a raze permit application (Cap ID No. R1500147), and has already been granted raze approvals from the District Department of Transportation (“DDOT”), Rental Accommodation, Zoning Review, Historic Preservation, and DC Water. However, due to the Applicant’s existing retail leasing obligations at the Property, the Applicant is unable to obtain the additional required raze permits that would permit demolition of the existing structures on the Property and facilitate construction of the Project prior to January 14, 2016. The Applicant provided written testimony that it worked diligently with the retailers in operation at the Property to renegotiate their leases that extended beyond 2016 and/or to provide for relocation services in a manner feasible to all parties, such that all existing buildings on the Property would be vacant by December 31, 2015.
11. The Applicant also submitted evidence of the steps that it took to move forward with the Project, including the following:
 - a. In the summer of 2014, the Applicant selected its residential development partner and architect, and commenced the full design process for the PUD;
 - b. The Applicant executed a First Source Employment Agreement with the District’s Department of Employment Services (“DOES”);

- c. On September 22-24, 2014, and September 29 through October 10, 2014, respectively, the Applicant completed extensive environmental and geotechnical due diligence at the Property;
- d. On November 26, 2014, the Applicant submitted an initial service application to Washington Gas regarding utility distribution systems for the Project. The Applicant submitted an updated application on November 11, 2015;
- e. On January 9, 2015, the Applicant submitted a foundation-to-grade permit application to the District Department of Consumer and Regulatory Affairs (“DCRA”) (Permit Tracking No. FD 1500034);
- f. On February 17, 2015, the Applicant submitted an initial service application to Pepco regarding utility distribution systems for the Project. The Applicant submitted an updated application on October 30, 2015;
- g. On April 4, 2015, the Applicant conducted a Preliminary Design Review Meeting (“PDRM”) with DDOT;
- h. On July 2 and October 28, 2015, the Applicant submitted water and sewer plans to DC Water for approval (Tracking No. 15-270844);
- i. On August 5, 2015, the Applicant recorded the required PUD Covenant for the Project (Instrument No. 2015079869);
- j. On September 10, 2015, the Applicant submitted its construction drawings for third-party review, to which it received substantive comments;
- k. On September 15, 2015, the Applicant submitted an application to DDOT for public space improvements for the Project (DDOT Tracking No. 116048);
- l. On September 17, 2015, the Applicant received a No Further Action letter from the Department of Energy and Environment (“DOEE”), following its submission of an Environmental Impact Screening Form (EISF # 15-00616);
- m. On October 6, 2015, the Applicant engaged a general contractor, WCS Construction, LLC, via the issuance of an RFP for Support of Excavation and Dewatering scopes of work;
- n. On October 8, 2015, the Applicant presented the PUD extension request to ANC 6A, which voted unanimously (7-0) to support the application;
- o. On October 16, 2015, the Applicant received approved demolition plans from DC Water;

- p. On October 19 and 28, 2015, the Applicant submitted a response to the initial set of comments from the third-party reviewer;
 - q. On November 5, 2015, the Applicant awarded bids for support of excavation and dewatering via a Notice to Proceed sent to its general contractor, WCS Construction, LLC;
 - r. On November 11, 2015, the Applicant engaged a general contractor, WCS Construction, LLC, via the issuance of an RFP for demolition, environmental abatement associated with demolition, rodent abatement associated with demolition, excavation, wet utility installation, and site fencing;
 - s. On November 12, 2015, the Applicant presented a safety and security plan to ANC 6A and committed to continually work with the community as security and safety issues evolve over the life of the Project;
 - t. On November 12, 2015, the Applicant presented the public space improvements for the Project to ANC 6A, which voted unanimously (6-0) to support the proposed improvements (DDOT Tracking No. 116048); and
 - u. The Applicant presented the Project's public space plan to DDOT's Public Space Committee.
12. The Commission finds that despite the Applicant's diligent, good faith efforts, to move forward with the Project, construction of the Project cannot begin at this time. Given the time and process involved in addressing the retail leases for tenants on the Property, and given that several tenants did not vacate the Property until December 31, 2015, the Commission finds that the Applicant is unable to obtain all required raze permits to demolish the existing structures and begin construction prior to January 14, 2016. Although the Applicant has already been granted raze approvals from DDOT, Rental Accommodation, Zoning Review, Historic Preservation, and DC Water, the outstanding raze approvals cannot be obtained until the existing structures on the Property are entirely vacant. The Commission further finds that even after the structures are vacated, the regulatory process for obtaining a raze permit can still take many months, thus necessitating a one-year extension to begin construction. Therefore, the Commission finds that this extension request satisfies the sole criterion for good cause shown as set forth in 11 DCMR § 2408.11(c).

CONCLUSIONS OF LAW

1. The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided (a) the request is served on all parties to the application by the applicant, and all parties are allowed 30 days to respond; (b) there is no substantial change in any material fact upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) the Applicant demonstrates with substantial

evidence that there is good cause for such extension as provided in 11 DCMR § 2408.11. (See 11 DCMR § 2408.10.) Subsection 2408.11 provides the following criteria for good cause shown: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.

2. The Commission concludes that the application complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
3. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. By letter dated October 9, 2015, ANC 6A indicated that at its regularly scheduled, duly noticed meeting of October 8, 2015, ANC 6A voted to recommend that the Commission grant the one-year extension requested by the Applicant, such that construction must begin no later than January 14, 2017. The Commission carefully considered the ANC's recommendation in its deliberations and has given ANC 6A's recommendation great weight in approving this application.
4. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP submitted a report indicating that the Applicant meets the extension standards of the Zoning Regulations, and therefore recommended that the Commission approve the requested extension. The Commission carefully considered OP's recommendation in its deliberations and has given OP's recommendation great weight in approving this application.
5. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DCMR § 2408.11(c). Specifically, the Applicant has been unable to obtain outstanding raze approvals due to leasing obligations at the Property and the timing of the regulatory permit process, and is therefore unable to comply with the time limits set forth in Z.C. Order No. 10-03A.
6. Subsection 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in 11 DCMR § 2408.11. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in 11 DCMR § 2408.11.

7. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a one-year time extension of the validity of Z.C. Order No. 10-03A, such that construction of the Project must begin no later than January 14, 2017.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. 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 identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On January 11, 2016, upon the motion made by Commissioner Turnbull as seconded by Chairman Hood, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt).

For the purposes of 11 DCMR § 3028, this Corrected Order shall be deemed to have become final and effective upon the publication of the original version of Z.C. Order No. 10-03B in the *D.C. Register* on February 26, 2016.

District of Columbia REGISTER – June 1, 2018 – Vol. 65 - No. 22 005949 – 006122