



District of Columbia

REGISTER

HIGHLIGHTS

- Board of Ethics and Government Accountability establishes procedural rules for informal hearings and updates the ministerial schedule of fines
- Department of Health Care Finance gives notice of intent to utilize a new face-to-face assessment tool to determine eligibility for long term care services and supports
- Department of Housing and Community Development schedules a public hearing on the draft District of Columbia Fiscal Year 2019 Action Plan
- Department of Housing and Community Development announces funding availability for the Small Business Assistance Program
- Office of the Deputy Mayor for Planning and Economic Development solicits real estate developers for four sites
- Department of Small and Local Business Development proposes regulations to expand economic opportunities for small business enterprises and resident owned businesses

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

VICTOR L. REID, ESQ.
ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 22, 2018

To amend, on a temporary 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 Temporary 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.”.

Sec. 3. Fiscal impact statement.


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

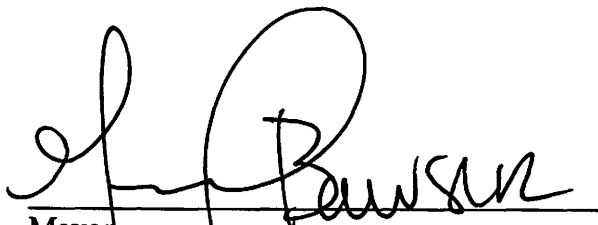
ENROLLED ORIGINAL

Sec. 4. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 22, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 25, 2018

To approve, on an emergency basis, Modification Nos. 1 through 4 to Contract No. DCAM-17-CS-0023 with Winmar, Inc. for design-build services for Bruce-Monroe Elementary School, and to authorize payment in the aggregate amount of \$3,214,637 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. DCAM-17-CS-0023 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. 1 through 4 to Contract No. DCAM-17-CS-0023 with Winmar, Inc. for design-build services for Bruce-Monroe Elementary School, and authorizes payment in the aggregate amount of \$3,214,637 to Winmar, Inc. for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal 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.

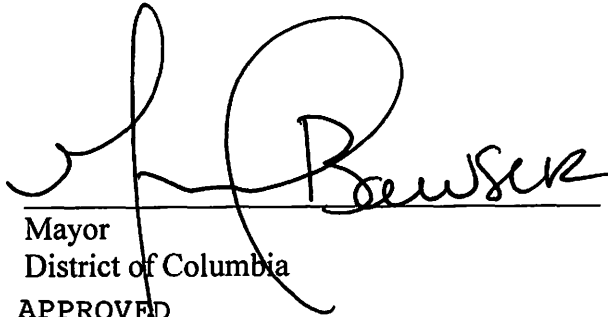
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 25, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-382

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 25, 2018

To approve, on an emergency basis, Change Order Nos. 2 through 5 to Contract No. DCAM-16-CS-0124 with GCS, Inc. for design-build services for Garrison Elementary School, and to authorize payment in the aggregate amount of \$4,534,462.70 for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders to Contract No. DCAM-16-CS-0124 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 Change Order Nos. 2 through 5 to Contract No. DCAM-16-CS-0124 with GCS, Inc. for design-build services for Garrison Elementary School, and authorizes payment in the aggregate amount of \$4,534,462.70 to GCS, Inc. for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal 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
June 25, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-383

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 25, 2018

To approve, on an emergency basis, Purchase Order PO577679 and Task Order No. 1 for Contract No. CW58099 with Cardinal Health 110, LLC to provide pharmaceutical drugs, and to authorize payment in the total not-to-exceed amount of \$20 million for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. CW58099 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 Purchase Order PO577679 and Task Order No. 1 for Contract No. CW58099 with Cardinal Health 110, LLC to provide pharmaceutical drugs, and authorizes payment in the total not-to-exceed amount of \$20 million for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the 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.

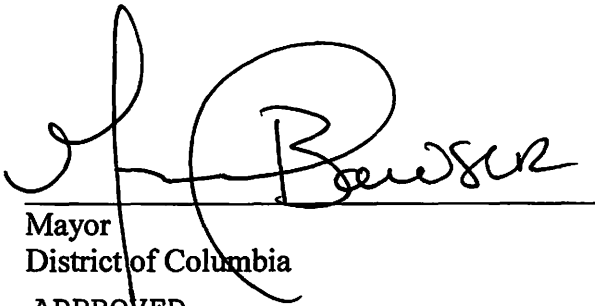
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
June 25, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 25, 2018

To approve, on an emergency basis, Task Order Nos. T-0003, T-0004, and T-0005 for Contract No. DCRL-2015-C-0100 with Deloitte Consulting, LLP for enhancements to the Child and Family Services Agency’s Statewide Automated Child Welfare System, and to authorize payment in the amount of \$1,222,485 for the services received and to be received under the task orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Task Orders for Contract No. DCRL-2015-C-0100 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 Task Orders No. T-0003, T-0004, and T-0005 for Contract No. DCRL-2015-C-0100 with Deloitte Consulting, LLP for enhancements to the Child and Family Services Agency’s Statewide Automated Child Welfare Information System, and authorizes payment in the amount of \$1,222,485 for the services received and to be received under the task orders.

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
June 25, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 25, 2018

To approve, on an emergency basis, Modification Nos. 17, 18, 19, 20, 22, 23, 24, and 25 to Contract No. RM-15-RFP-SRR-102-CCI-BY4-SC with Community Connections Inc. to provide supported rehabilitative residence services, and to authorize payment in the not-to-exceed amount of \$3 million 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. RM-15-RFP-SRR-102-CCI-BY4-SC 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. 17, 18, 19, 20, 22, 23, 24, and 25 to Contract No. RM-15-RFP-SRR-102-CCI-BY4-SC with Community Connections Inc. to provide supported rehabilitative residence services, and authorizes payment in the not-to-exceed amount of \$3 million 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.

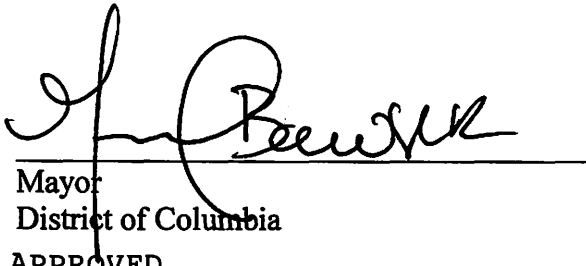
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
June 25, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 25, 2018

To approve, on an emergency basis, Change Order Nos. 1 through 4 to Contract No. DCAM-17-CS-0020 with 5th Street Partners, LLC for construction services for the Ward 4 Short Term Family Housing Facility, and to authorize payment in the aggregate amount of \$1,001,643.09 for the goods and services received and to be received under the change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Change Orders to Contract No. DCAM-17-CS-0020 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 Change Order Nos. 1 through 4 to Contract No. DCAM-17-CS-0020 with 5th Street Partners, LLC for construction services for the Ward 4 Short Term Family Housing Facility, and authorizes payment in the aggregate amount of \$1,001,643.09 for the goods and services received and to be received under the change orders.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal 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.

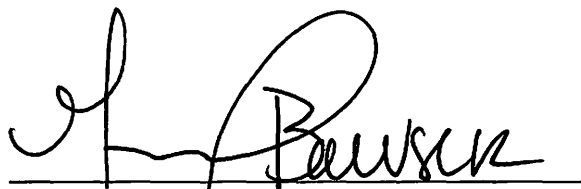
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
June 25, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 22, 2018

To amend, on an emergency basis, the District of Columbia Traffic Act, 1925 to clarify the definition of all-terrain vehicle or ATV.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “All-Terrain Vehicle Clarification Emergency Amendment Act of 2018”.

Sec. 2. Section 2(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(2)), is amended by striking the phrase “with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed” and inserting the phrase “with 3 or more tires that is designed” in its place.

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.

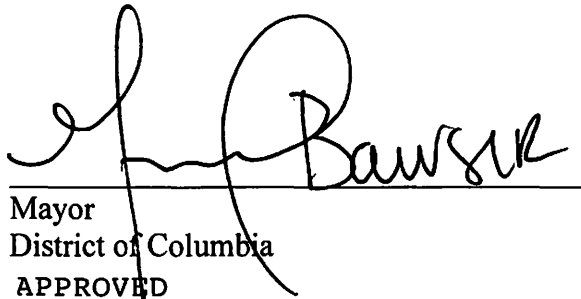
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
June 22, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 22, 2018

To amend, on an emergency basis, the Anacostia River Toxics Remediation Act of 2014 to extend the deadline, from June 30, 2018, to December 31, 2019, by which the Department of Energy and Environment must adopt and publish a record of decision in the District of Columbia Register choosing the remedy for remediation of contaminated sediment in the Anacostia River.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Anacostia River Toxics Remediation Emergency Amendment Act of 2018”.

Sec. 2. Section 6092 of the Anacostia River Toxics Remediation Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 8-104.31), is amended by striking the phrase “June 30, 2018” and inserting the phrase “December 31, 2019” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 22, 2018

To require, on an emergency basis, the Mayor to establish a time-limited, geographically defined area surrounding Nationals Park within which vendors must hold a Stadium Special Events Permit to engage in vending.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “MLB All-Star Game Stadium Special Events Zone Emergency Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “MLB All-Star Game” means the 2018 Major League Baseball All-Star Game to be played on July 17, 2018, at Nationals Park.

(2) “Stadium Special Events Permit” means a time-limited vending site permit to engage in authorized vending activities in the Stadium Special Events Zone.

(3) “Stadium Special Events Zone” means the area of land consisting of approximately 19 acres, bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and First Street, S.E., including the rights-of-way within the area, established pursuant to section 3(a).

Sec. 3. Stadium Special Events Zone.

(a) The Mayor shall establish a Stadium Special Events Zone, for a period of no more than 7 days, including the MLB All-Star Game, within which only a vendor who holds a Stadium Special Events Permit may engage in vending.

(b) Only a vendor who holds a license issued pursuant to 24 DCMR § 503.1 may apply for a Stadium Special Events Permit.

(c) The resale of tickets in public space shall be prohibited in the Stadium Special Events Zone, pursuant to 24 DCMR § 573.8.

Sec. 4. Rules.

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


ENROLLED ORIGINAL

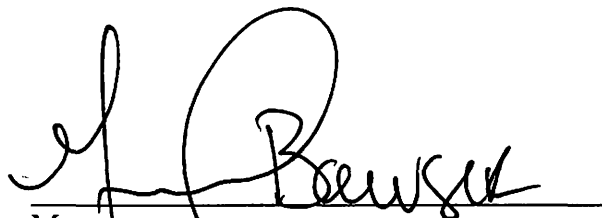
Sec. 5. Fiscal impact statement.

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. 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), 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
June 22, 2018

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****PROPOSED RESOLUTIONS**

- | | |
|----------|---|
| PR22-906 | Local Rent Supplement Program Contract No. 2017-LRSP-01A Approval Resolution of 2018

Intro. 6-18-18 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization |
| <hr/> | |
| PR22-907 | Local Rent Supplement Program Contract No. 2017-LRSP-02A Approval Resolution of 2018

Intro. 6-18-18 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization |
| <hr/> | |
| PR22-908 | Food Policy Council Joelle Robinson Confirmation Resolution of 2018

Intro. 6-18-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment |
-

- PR22-909 Food Policy Council Alexander Moore Confirmation Resolution of 2018
Intro. 6-18-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR22-913 919 47th Place NE Disposition Approval Resolution of 2018
Intro. 6-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
-
- PR22-918 560-562 Foxhall Place SE Disposition Approval Resolution of 2018
Intro. 6-20-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
-
- PR22-919 Compensation and Working Conditions Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and Teamsters Local 639 Approval Resolution of 2018
Intro. 6-20-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
-
- PR22-922 Food Policy Council Paula Reichel Confirmation Resolution of 2018
Intro. 6-21-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR22-923 Food Policy Council Tambra Raye Stevenson Confirmation Resolution of 2018
Intro. 6-21-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR22-926 Public Charter School Board Iyon Rosario Confirmation Resolution of 2018
Intro. 6-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-

- PR22-927 District of Columbia Housing Finance Agency Board of Directors Stephen Green Confirmation Resolution of 2018
Intro. 6-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
-
- PR22-928 Public Charter School Board Lea Crusey Confirmation Resolution of 2018
Intro. 6-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-
- PR22-929 Board of Library Trustees Monte Monash Confirmation Resolution of 2018
Intro. 6-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-
- PR22-933 5034 Bass Place, SE Disposition Approval Resolution of 2018
Intro. 6-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
-
- PR22-934 523 Kennedy Street NW Disposition Approval Resolution of 2018
Intro. 6-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
-
- PR22-935 Truancy, Reporting, and Graduation Status of Students Approval Resolution of 2018
Intro. 6-25-18 by Chairman Mendelson at the request of the Mayor and referred sequentially to the Committee on Education and the Committee of the Whole
-

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED & ABBREVIATED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-573, Slumlord Deterrence Amendment Act of 2017

Bill 22-596, Housing Rehabilitation Incentives Regulation Amendment Act of 2017

Bill 22-615, Housing Code Enforcement Integrity Amendment Act of 2017

on

Tuesday, July 3, 2018

9:30 a.m., Council Chamber, John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-573**, the “Slumlord Deterrence Amendment Act of 2017,” **Bill 22-596**, the “Housing Rehabilitation Incentives Regulation Amendment Act of 2017,” and **Bill 22-615**, the “Housing Code Enforcement Integrity Amendment Act of 2017.” The hearing will be held at 9:30 a.m. on Tuesday, July 3, 2018 in **Council Chamber (Room 500)**, of the John A. Wilson Building. **This notice has been revised to reflect the updated hearing room pursuant to Council Rule 421(c)(1).**

The stated purpose of **Bill 22-573** is to authorize the Department of Consumer and Regulatory Affairs to deny basic business licenses and building permits to rental property owners who neglect their properties. The stated purpose of **Bill 22-596** is to amend the Construction Codes Approval and Amendments Act of 1986 to dedicate certain housing fines to a Housing Condition Abatement Fund to provide for the summary correction of housing regulation violations, to reimburse impacted tenants, and to reimburse inspection and re-inspection fees for compliant properties; to amend Section 105 of Title 14 of the District of Columbia Municipal Regulations to mandate referrals of repeated housing violations to the Office of the Attorney General and to limit the enforcement discretion of the Department of Consumer and Regulatory Affairs for repeat or unabated housing code violations; and to amend Title 16 of the District of Columbia Municipal Regulations to require the issuance of a Notice of Abatement to property owners who have corrected housing regulation violations and to provide for housing regulation violations to be treated with increasing severity if they are unabated for 6 months or more. The stated purpose of **Bill 22-615** is to amend the Rental Housing Act of 1985 to provide for expedited hearings for appeals of housing code violations; to require the Mayor to articulate and maintain a public record of the basis for each deadline extension granted to property owners that are required to correct housing code violations; and to require the Mayor correct, and assess to the property owner via a real property tax lien the cost of correction, conditions that caused an infraction that has not been corrected within 6 months.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Randi Powell at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, June 29, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 29, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours before the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on July 17, 2018.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED & ABBREVIATED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-683, Substandard Construction Relief Amendment Act of 2018

Bill 22-684, Blighted Property Redevelopment Amendment Act of 2018

on

Thursday, July 12, 2018

**9:30 a.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-683**, the “Substandard Construction Relief Amendment Act of 2018” and **Bill 22-684**, the “Blighted Property Redevelopment Amendment Act of 2018.” The hearing will be held at 9:30 a.m. on Thursday, July 12, 2018 in the **Council Chambers (Room 500)**, of the John A. Wilson Building. **This notice has been revised to reflect the updated hearing room pursuant to Council Rule 421(c)(1).**

The stated purpose of **Bill 22-683** is to amend section 7 of the Construction Codes Approval and Amendments Act of 1986 to require that Code violators who damage adjoining or abutting property be ordered to repair the damage or pay restitution to the property owner. The stated purpose of **Bill 22-684** is to authorize the Mayor to reclassify Blighted Vacant Properties as Vacant Properties when provided with evidence that a property owner will meet the Vacant Property definition prior to final inspection.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Randi Powell at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, July 10, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on July 10, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours before the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on July 26, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE**

ANNOUNCES A PUBLIC ROUNDTABLE

on

**In Re: Change Order Nos. 1-4 to Contract No. GF-2015-C-0035 Approval and Payment
Authorization Emergency Act of 2018**

on

**Tuesday, July 3, 2018
8:30 a.m., Council Chambers, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable of the Committee of the Whole in regard to **Bill 22-513**, “Change Order Nos. 1-4 to Contract No. GF-2015-C-0035 Approval and Payment Authorization Emergency Act of 2018.” The roundtable will be held at 8:30 a.m. on Tuesday, July 3, 2018 in Hearing Room 500, the Council Chambers, of the John A. Wilson Building.

The stated purpose of Bill 22-813 is to approve a retroactive contract, in the amount of \$2,882,464.04, between the University of the District of Columbia (UDC) and Motir Services, Inc. for janitorial services at all of UDC’s campuses. The base year of the contract, which ran from November 2016 to November 2017, was over \$2.6 million dollars and was approved by the Council in October 2016. Bill 22-813 would approve option year one of the contract and would cover a period of performance from November 2017 to November 2018. Because the total amount of option year one is over a million dollars, the Council must approve the contract. Given the retroactivity of the contract, UDC will be asked to explain the reason for the retroactivity, the need for the contract, and the steps UDC is taking to ensure that the Council will receive contracts prior to their start date.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow at (202) 724-4865, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, June 29, 2018. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on June 29, 2018, the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lms.dccouncil.us>. Roundtable materials, including a draft witness list, can be accessed 24 hours in advance of the roundtable at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington D.C. 20004. The record will close at 5:00 p.m. on July 9, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-860, Credit Protection Fee Waiver Temporary Amendment Act of 2018, **B22-863**, Campaign Finance Reform and Transparency Temporary Amendment Act of 2018, **B22-865**, Eviction Reform Temporary Amendment Act of 2018, **B22-867**, At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2018, **B22-869**, Southwest Waterfront Park Bus Prohibition Temporary Act of 2018, and **B22-871**, Southwest Waterfront Parking Enforcement Temporary Act of 2018 were adopted on first reading on June 26, 2018. A final reading on these measures will occur on July 10, 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. 22-133

Request to reprogram \$928,035 of Fiscal Year 2018 Special Purpose Revenue funds budget authority within the Office of the Chief Technology Officer (OCTO) was filed in the Office of the Secretary on June 21, 2018. This reprogramming ensures that OCTO can cover the cost of data support, software maintenance, and contractual services support for mission-critical programs.

RECEIVED: 14 day review begins June 22, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 29, 2018
Protest Petition Deadline: August 13, 2018
Roll Call Hearing Date: August 27, 2018

License No.: ABRA-106119
Licensee: Ft Del Mar DC LLC
Trade Name: Del Mar
License Class: Retailer’s Class “C” Restaurant
Address: 791 Wharf Street, S.W.
Contact: Stephen O’Brien: (202) 625-7700

WARD 6 ANC 6D SMD 6D04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on August 27, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date

NATURE OF SUBSTANTIAL CHANGE

The applicant requests to add a third Summer Garden on 2nd floor with 48 seats.

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

Monday through Friday 11:30am – 2am, Saturday and Sunday 10:30am – 2am

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR EXISTING GROUND FLOOR LEVEL SUMMER GARDENS

Sunday 10:30am – 1am, Monday-Thursday 11:30am – 1am, Friday 11:30am – 2am, Saturday 10:30am – 2am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR NEW 2ND FLOOR SUMMER GARDEN

Sunday 10:30am – 1am, Monday-Thursday 11:30am – 1am, Friday 11:30am – 2am, Saturday 10:30am – 2am

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

Placard Posting Date: June 29, 2018
Protest Petition Deadline: August 13, 2018
Roll Call Hearing Date: August 27, 2018

License No.: ABRA-108190
Licensee: BANPH, LLC
Trade Name: Players Club
License Class: Retailer’s Class “C” Tavern
Address: 1400 14th Street, N.W.
Contact: Candace Fitch, Agent: (202) 258-8634

WARD 2

ANC 2F

SMD 2F02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 27, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Summer Garden Endorsement with 80 seats and a Total Occupancy Load of 95.

CURRENT HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday – Thursday 11am – 1:45am
Friday – Saturday 11am – 2:45am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SUMMER GARDEN)

Sunday – Thursday 11am – 12am
Friday – Saturday 11am – 1:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 29, 2018
 Protest Petition Deadline: August 13, 2018
 Roll Call Hearing Date: August 27, 2018
 Protest Hearing Date: October 24, 2018

License No.: ABRA-110478
 Licensee: PKB Enterprise, LLC
 Trade Name: The Lady Pearly
 License Class: Retailer Class “IA” (Internet Only)
 Address: 4221 Connecticut Avenue, N.W., Unit #O14
 Contact: Kevin A. Brown: (240) 993-6461

WARD 3

ANC 3F

SMD 3F02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 27, 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 October 24, 2018 at 4:30 p.m.**

NATURE OF OPERATION

New Class IA Retailer selling beer, wine, and spirits online only for off-premise consumption.

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday – Saturday 9am – 10pm

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

Placard Posting Date: June 29, 2018
Protest Petition Deadline: August 13, 2018
Roll Call Hearing Date: August 27, 2018
Protest Hearing Date: October 24, 2018

License No.: ABRA-110495
Licensee: Alley Bar, LLC
Trade Name: The Little Grand
License Class: Retailer's Class "C" Tavern
Address: 808 7th Street, N.E.
Contact: Rosemarie Salguero: (202) 331-3100

WARD 6

ANC 6C

SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on August 27, 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 October 24, 2018 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Tavern serving neighborhood craft beer, cocktails, fine wine and high-quality pizza. The Tavern will have 50 seats and a Total Occupancy Load of 90. Licensee is requesting a Sidewalk Café endorsement with 15 seats. The Licensee is requesting an Entertainment Endorsement, to include Live Entertainment inside the premises only.

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES)

Sunday – Thursday 10am – 2am
Friday – Saturday 10am – 3am

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SIDEWALK CAFÉ)

Sunday – Saturday 10am – 12am

PROPOSED HOURS OF LIVE ENTERTAINMENT (INSIDE ONLY)

Sunday – Thursday 10am – 1am
Friday – Saturday 10am – 2am

**DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

NOTICE OF PUBLIC HEARING

Polly Donaldson, Director of the Department of Housing and Community Development, and the Department's senior staff will host a "Needs Assessment" Hearing.

Thursday, July 12, 2018 ~ 6:30 pm

The Offices of Greater Washington Urban League (GWUL)
2901 14th St NW, Washington, DC

The hearing will help form a basis for developing the District's draft "*District of Columbia Fiscal Year 2019 Action Plan*" and the spending priorities utilizing federal entitlement funds.

Residents and stakeholders are strongly encouraged to come out and participate in the development of policies and programs in the following areas: **1)** affordable housing; **2)** special needs housing; **3)** homelessness; **4)** homeownership; and **5)** community development and public service activities. The Department is also interested in receiving community feedback on innovative strategies to enhance community participation during this planning process.

District of Columbia residents who would like to present oral testimony are encouraged to register in advance either by email at dhcd.events@dc.gov or by calling Tilla Hall (202) 442-7239. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter will be provided upon request by calling Tilla Hall (202) 442-7239 five days prior to the hearing date.

Residents who require language interpretation should specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Interpretation services will be provided to pre-registered persons only. Deadline for requesting services of an interpreter is five days prior to the hearing date. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted for the record at the hearing, or until close of business, Friday, August 3, 2018. Mail written statements to: Polly Donaldson, Director, DHCD, 1800 Martin Luther King Jr., Avenue, SE, Washington, DC 20020

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Breakthrough Montessori Public Charter School’s (Breakthrough Montessori PCS) request to increase its enrollment ceiling.

Beginning in school year (SY) 2018-2019, the school has been approved to operate a second facility in that same ward. For this amendment, the school seeks a “de minimus” enrollment ceiling increase of 6 additional students to serve more students off its waitlist. This enrollment ceiling increase will help Breakthrough Montessori PCS afford the additional cost of increasing its staff by adding a second teacher to each early learning classroom. If approved, this amendment will be effective for school year 2018-2019 and beyond.

A public hearing will be held on July 23, 2018 at 6:30 p.m.; a vote will be held on September 17, 2018. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on July 23, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on July 23, 2018 to public.comment@dcpsb.org no later than 4 p.m. on Thursday, July 19, 2018. Each person testifying is given two minutes to present testimony.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of IDEA Public Charter School's (IDEA PCS) request to adopt the most recent Performance Management Framework as its measure for goals and academic achievement and amend its business rules to include NWEA MAP growth data as part of its accountability measures.

A public hearing will be held on **July 23, 2018** at 6:30 p.m.; a vote will be held on September 17, 2018 at 6:30 p.m. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on July 23, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpcsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on July 23, 2018 to public.comment@dcpcsb.org no later than 4 p.m. on July 20, 2018. Each person testifying is given two minutes to present testimony.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Latin American Youth Center Career Academy Public Charter School (LAYC Career Academy PCS) request to lock in its current accountability measures and business rules for the AE PMF to keep them the same for SY 2018-2019 and beyond, despite any changes that DC PCSB makes to the AE PMF next school year.

A public hearing will be held on **July 23, 2018** at 6:30 p.m.; a vote will be held on September 17, 2018 at 6:30 p.m. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on July 23, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpcsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on July 23, 2018 to public.comment@dcpcsb.org no later than 4 p.m. on July 20, 2017. Each person testifying is given two minutes to present testimony.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FINAL RULEMAKING**

The Office of the State Superintendent of Education (“State Superintendent”), pursuant to authority set forth in Section 7a of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036 (2012 Repl. & 2017 Supp.)) (“Facilities Act”); Mayor’s Order 2009-130, dated July 16, 2009; the Child Care and Development Block Grant Act of 2014 (“CCDBG Act”), approved November 19, 2014 (Pub.L. 113-186; 42 USC §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby adopts the following amendments to Chapter 1 (Child Development Facilities: Licensing) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of the rulemaking is to extend the deadline for staff members to comply with specific credential requirements for teachers, assistant teachers, and child development home caregivers. On December 2, 2016, the Office of the State Superintendent of Education (OSSE) published a Final Rulemaking setting forth an updated framework for obtaining and maintaining a license to operate a child development facility. The Final Rulemaking required that center directors, teachers, assistant teachers, home caregivers, associate caregivers, and expanded home caregivers to earn progressively higher education credentials over time based on their roles. Since promulgation, OSSE has determined that in addition to resources, some staff in child development facilities will need more time to reach the minimum education requirements deadline. Therefore, through this rulemaking, the OSSE seeks to address stakeholders’ concerns that the amount of time provided in the original final rulemaking was not sufficient to meet the new minimum credential requirement.

On November 17, 2017, a Notice of Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period at 64 DCR 11929. The public comment period for the Notice of Proposed Rulemaking closed on December 18, 2017, with the State Superintendent having received comments from various interested parties, including individual stakeholders, parents, child development facilities, and non-profit organizations throughout the District. OSSE has reviewed and thoroughly considered all comments received on the proposed rulemaking.

The comments could be categorized into two main topics: (1) comments that opposed the credential requirements completely, and (2) comments that either requested and/or supported the extension. Commenters that opposed the new minimum credential requirement raised concerns regarding language barriers, increased costs for parents, supply and demand issues, and other barriers for the workforce. While OSSE appreciates the comments, the proposed rulemaking did not make any changes to the actual credential requirements. Rather, the limited purpose of the proposed rulemaking was to extend the timelines for compliance. However, in an attempt to ensure there was not confusion around which requirements were receiving what extensions, OSSE included the full text of the credential requirements with the amended timelines. OSSE recognizes that this may have lead to further confusion about what areas of the regulations OSSE was proposing amendments to. Therefore to ensure clarity, in this final rulemaking, OSSE has

made changes to the bold amending language that precedes each subsection to clearly state what changes are taking place.

Commenters that opposed the new minimum credential requirement requested that OSSE completely repeal those provisions. As noted above, OSSE has not made any further changes to the credential requirements beyond extending the time frame for compliance. OSSE's work is grounded in sustaining, accelerating, and deepening the progress being made in education to ensure all residents in D.C. - from infants and toddlers to adult learners - have access to a high-quality and equitable education. Notwithstanding the amendments to the timelines, OSSE will maintain the credential requirements. Based on the "high level of complex knowledge and competencies indicated by the science of child development," research has concluded that "higher teacher qualifications are significantly positively correlated with higher quality in early childhood education and care."¹ The quality of children's earliest experiences sets them on the path for positive language, cognitive and social-emotional development and builds essential groundwork for them to excel in school.

Mayor Bowser and OSSE remain committed to supporting D.C.'s community of child development providers to ensure stability and sustainability during the transition to new staffing requirements. To support implementation of these new minimum credential requirements, OSSE, with the support of Mayor Bowser and the Council, expanded funding and resources for scholarships to ensure our current and prospective early childhood workforce have the funding and supports to meet these new minimum educational requirements. Child development staff, including center directors, teachers, assistant teachers, home caregivers, associate home caregivers, and expanded home caregivers can access information about the new early childhood education requirements and find resources to support their educational needs at <https://osse.dc.gov/eceresources>.

As a final note, one commenter noted that the expanded home caregiver was required to obtain an Associate's degree, at minimum, but not provided with the same waiver provided to teachers or center directors. OSSE greatly appreciates this comment and has added § 170.2(c) to this final rulemaking in response to this comment. This non-substantive amendment maintains OSSE's intent that this specific waiver also applied to expanded home caregivers who have served as a caregiver continuously for ten (10) years; however, that was omitted in the December 2016 final rulemaking due to a drafting error. Therefore, the comments received did not compel the State Superintendent to make any substantive changes to the Notice of Proposed Rulemaking, and the State Superintendent is therefore issuing these regulations without further request for comment.

The Child Development Facilities: Licensing Approval Resolution of 2017 (PR22-626) was deemed approved on January 12, 2018 by the Council of the District of Columbia, pursuant to Section 7(a) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036(a) (2012 Repl. & 2017 Supp.)).

¹ [Institute of Medicine and National Research Council. 2015. Transforming the Workforce for Children Birth Through Age 8: A Unifying Foundation.](#)

The rule was adopted as final on June 20, 2018 and will become effective upon publication in the *D.C. Register*.

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

Subsection 165.1 of Section 165, CHILD DEVELOPMENT CENTER: TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended striking the phrase “within four (4) years of the effective date of these regulations” wherever it appears and inserting “by December 2, 2023” in its place, to read as follows:

- 165.1 A Teacher in a Child Development Center shall be at least eighteen (18) years of age and shall either:
- (a) Have earned an associate’s or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, child and family studies, or a closely related field;
 - (b) Have earned an associate’s or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in a field other than early childhood education, early childhood development, or child and family studies, earned at least twenty-four (24) semester credit hours, or its recognized equivalent, from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation in early childhood education, early childhood development, child and family studies, or a closely related field, and have at least one (1) year of supervised occupational experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction;
 - (c) Have earned at least forty-eight (48) semester credit hours, or its recognized equivalent, from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, of which fifteen (15) semester hours, or its recognized equivalent, shall be in early childhood education, early childhood development, or child and family studies, and has at least two (2) years of supervised occupational experience working with children in a licensed District of Columbia Child Development Center or its equivalent in another jurisdiction; provided that he or she earns an associate’s degree as described in (a) or (b) **by December 2, 2023**;
 - (d) Have earned a high school diploma or its equivalent and a current Child Development Associate (CDA) credential, which specifies that the

individual is qualified for the assigned age classification; provided that he or she earns an associate’s degree in compliance with (a) or (b) **by December 2, 2023**; or

- (e) For a Montessori school teacher, have earned an associate’s degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, and a Montessori certificate issued by the National Center for Montessori Education, American Montessori Society, or the Association Montessori International, or a program accredited by the Montessori Accreditation Commission for Teacher Education.

Subsection 166.1 of Section 166, CHILD DEVELOPMENT CENTER: ASSISTANT TEACHER QUALIFICATIONS AND RESPONSIBILITIES, is amended by striking the phrase “within two (2) years of the effective date of these regulations” wherever it appears and inserting “by December 2, 2019” in its place, to read as follows:

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

Subsection 168.1 of Section 168, CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended by striking the phrase “within two (2) years of the effective date of these regulations” and inserting “by December 2, 2019” in its place, to read as follows:

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

Subsection 170.2 in Section 170, EXPANDED CHILD DEVELOPMENT HOME: CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended by striking the phrase “within four (4) years of the effective date of these regulations” and inserting “by December 2, 2023” in its place; and by adding a new subparagraph (c):

- 170.2 An Expanded Home Caregiver shall be at least eighteen (18) years of age and shall:
- (a) Have earned at least one of the following:
 - (1) An associate’s or more advanced degree from an institution accredited by an agency recognized by the U.S. Secretary of Education or the Council for Higher Education Accreditation, with a major in early childhood education, early childhood development, child and family studies or a closely related field; or
 - (2) A high school diploma or its equivalent, and a current Child Development Associate (CDA) credential; provided that he or she earns an associate’s or more advanced degree as described in Subsection 170.2(a)(1) **by December 2, 2023**.
 - (b) Have successfully completed one of the following:
 - (1) At least one (1) year of operating as the Caregiver in a licensed District of Columbia Child Development Home or its equivalent in another jurisdiction; or
 - (2) At least one (1) year of supervised occupational experience in a

licensed Child Development Center, or its equivalent in another jurisdiction, as a Center Director or Teacher.

- (c) **Any person who is employed as a qualified Expanded Home Caregiver in a licensed Expanded Child Development Home in the District of Columbia as of December 2, 2016, and who has continuously served as a Home Caregiver for the past ten (10) years, may submit an application to OSSE for a waiver of the qualification requirements in Subsection 164.1, in accordance with the waiver process in Section 106 (Waiver). OSSE may deny a waiver for any reason consistent with Section 106.**

Subsection 171.1 in Section 171, EXPANDED CHILD DEVELOPMENT HOME: ASSOCIATE CAREGIVER QUALIFICATIONS AND RESPONSIBILITIES, is amended by striking the phrase “within two (2) years of the effective date of these regulations” and inserting “by December 2, 2019” in its place, to read as follows:

- 171.1 An Associate Caregiver in an Expanded Home shall be at least eighteen (18) years of age and shall:
- (a) Have earned a high school diploma or its equivalent, and a current CDA credential, except that an Associate Caregiver currently working in a licensed expanded home on the effective date of these regulations shall obtain the CDA credential by **December 2, 2019**; and
 - (b) Have successfully completed at least one of the following:
 - (1) At least one (1) year of operating as the Caregiver in a District of Columbia licensed Child Development Home, or its equivalent in another jurisdiction; or
 - (2) At least one year of supervised occupational experience in a District of Columbia licensed Child Development Center, or its equivalent in another jurisdiction, as a Center Director, Teacher, or Assistant Teacher.

**DISTRICT OF COLUMBIA BOARD OF ETHICS
AND GOVERNMENT ACCOUNTABILITY**

NOTICE OF FINAL RULEMAKING

The Board of Ethics and Government Accountability (Board), pursuant to the authority set forth in Section 209 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.09 (2016 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 55 (Board of Ethics and Government Accountability: Hearing Procedures) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will establish the procedural rules for informal hearings, and revises the ministerial schedule of fines authorized under D.C. Official Code § 1-1162.21(a)(3).

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 13, 2018 at 65 DCR 3941. A technical change was made to renumber Subsection 5535.2 to remove a duplicate paragraph; no substantive changes have been made. The Board adopted these rules as final at a regular meeting on May 11, 2018 and they will become effective immediately upon publication in the *D.C. Register*.

Chapter 55, BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY: HEARING PROCEDURES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

A new Section 5530 is added to read as follows:

5530 INFORMAL HEARING FOR ALLEGED VIOLATIONS OF THE CODE OF CONDUCT

5530.1 The Director may institute or conduct an informal hearing, including an order to show cause, on alleged violations of the financial reporting and disclosure requirements, or any other violation of the Code of Conduct.

5530.2 Notice of an informal hearing shall be issued in writing at least ten (10) days prior to the hearing; provided that the ten (10)-day period may be waived for good cause shown as long as the party is given a sufficient opportunity to prepare for the hearing.

5530.3 In the notice, an alleged violator of the financial reporting and disclosure requirements or of the Code of Conduct shall be informed of:

- (a) The nature of the alleged violation;
- (b) The authority on which the hearing is based;

- (c) The time and place of the hearing;
 - (d) The right to be represented by any other person duly authorized in person to do so;
 - (e) The fact that the alleged violator’s failure to appear may be considered an admission of the allegation; and
 - (f) The fact that service of process shall be by electronic or regular mail.
- 5530.4 The Director shall regulate the course of the informal hearing and the conduct of the parties and their counsel.
- 5530.5 The respondent, or his or her counsel, may present the respondent’s case and evidence to the Director, either in person or in writing.
- 5530.6 The Director may wait a reasonable period of time for the respondent to appear before beginning the informal hearing.
- 5530.7 If the respondent fails to appear after a reasonable period of time, the Director may elect to reschedule the informal hearing, issuing notice of the same and serving the respondent both by certified and regular mail. However, the Director is not obligated to reschedule the informal hearing if the respondent fails to appear after a reasonable period of time, and may elect to proceed with the informal hearing by making a record of the proceeding.
- 5530.8 Following the conduct of each informal hearing, the Director shall:
- (a) Determine whether a violation has occurred; and
 - (b) Issue a written order with findings of facts and conclusions of law.
- 5530.9 Any party adversely affected by any order of the Director may obtain review of the order by filing, with the Ethics Board, a request for a hearing in accordance with D.C. Official Code § 1-1162.21(a)(3).
- 5530.10 The request for a hearing pursuant to § 5530.9 shall be filed within fifteen (15) days from the Director’s issuance of an order.

A new Section 5535 is added to read as follows:

5535 SCHEDULE OF FINES

5535.1 Upon a determination, pursuant to § 5530.8, that a violation has occurred, the Director may ministerially impose a fine upon the respondent with each allegation constituting a separate violation.

5535.2 Fines shall be imposed as follows:

- (a) Failure to follow the process for accepting gifts and donations established in D.C. Official Code § 1-329.01: not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per violation;
- (b) Participating personally and substantially in a particular matter that could affect the employee's own financial interests, in violation of D.C. Official Code § 1-1162.23 (a): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (c) Participating personally and substantially in a particular matter that could affect the financial interests of the employee's spouse or registered domestic partner, in violation of D.C. Official Code § 1-1162.23(a): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (d) Participating personally and substantially in a particular matter that could affect the financial interests of the employee's dependent children, in violation of D.C. Official Code § 1-1162.23(a): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (e) Participating personally and substantially in a particular matter that could affect the financial interests of any entity or organization in which the employee serves as an officer, director, trustee, general partner, or employee, in violation of D.C. Official Code § 1-1162.23(a): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (f) Participating personally and substantially in a particular matter that could affect the financial interests of anyone with whom the employee is negotiating or has any arrangement concerning prospective employment, in violation of D.C. Official Code § 1-1162.23(a): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (g) Working on a matter that involves a nongovernmental organization in which the employee or a family member has a financial interest, in violation of D.C. Official Code § 1-1162.23(a): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;

- (h) Using his or her official position or title in a manner that the employee knows is likely to have a direct and predictable effect on the employee's own financial interests, in violation of D.C. Official Code § 1-1162.23(a): not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (i) Using his or her official position or title in a manner that the employee knows is likely to have a direct and predictable effect on the financial interests of a person or entity that is closely affiliated with the employee, in violation of D.C. Official Code § 1-1162.23 (a): not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (j) Using his or her official position or title to personally and substantially participate in any particular matter that the employee knows is likely to have a direct and predictable effect on the employee's own financial interests, in violation of D.C. Official Code § 1-1162.23(a): not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (k) Using his or her official position or title to personally and substantially participate in any particular matter that the employee knows is likely to have a direct and predictable effect on the financial interests of a person or entity that is closely affiliated with the employee, in violation of D.C. Official Code § 1-1162.23(a): not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (l) Performing an official duty, as a District government employee, if the employee or a member of the employee's household has real property, stocks, bonds, commodities, or other property that could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities, in violation of D.C. Official Code § 1-1162.23(a) and § 1-1162.23(d)(2)(A): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (m) Member(s) of an employee's household acquiring stocks, bonds, commodities, real estate, or other property, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities, in violation of D.C. Official Code § 1-1162.23(d)(2)(A): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (n) Acquiring an outside business or business interest that is related directly to the employee's official duties, official action, recommendation, or which is related to matters over which the employee could wield any influence, official or otherwise, in violation of D.C. Official Code § 1-1162.23 (d)(2)(B): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;

- (o) Member(s) of an employee’s household acquiring an outside business or business interest that is related directly to the employee's official duties, official action, or recommendation, or which is related to matters over which the employee could wield any influence, official or otherwise, in violation of D.C. Official Code § 1-1162.23(d)(2)(B): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (p) Acquiring stocks, bonds, commodities, real estate, or other property, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities, in violation of D.C. Official Code § 1-1162.23 (d)(2)(A): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (q) Using official authority or influence for the purpose of interfering with or affecting the result of an election, in violation of D.C. Official Code § 1-1171.02(a)(1): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (r) Knowingly soliciting, accepting, or receiving a political contribution from any person, in violation of D.C. Official Code § 1-1171.02(a)(2): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (s) Filing as a candidate for election to a partisan political office in a District-regulated election, in violation of D.C. Official Code § 1-1171.02(a)(3): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (t) Knowingly directing, or authorizing anyone else to direct, any subordinate to participate in an election campaign or requesting a subordinate to make a political contribution, in violation of D.C. Official Code § 1-1171.02 (a)(4): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (u) Knowingly directing, or authorizing anyone else to direct, that any subordinate participate in an election campaign or requesting a subordinate to make a political contribution, in violation of D.C. Official Code § 1-1171.02(a)(4): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (v) Working on any political campaign or engaging in any other type of political activity while at work or otherwise on duty, in violation of D.C. Official Code § 1-1171.03(a)(1): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (w) Engaging in any political activity during work hours, in violation of D.C. Official Code § 1-1171.03(a)(1): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;

- (x) Engaging in political activity in a D.C. government building as prohibited by D.C. Official Code § 1-1171.03(a)(2): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (y) Engaging in political activity while in a District government uniform or official insignia, in violation of D.C. Official Code § 1-1171.03(a)(3): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (z) Engaging in political activity in a D.C. government vehicle, in violation of D.C. Official Code §§ 1-1171.03(a)(4): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (aa) Using District government resources to coerce, explicitly or implicitly, any subordinate employee to engage in political activity, in violation of D.C. Official Code § 1-1171.03(b): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (bb) Serving as an officer or director of an outside entity when there is a reasonable likelihood that such entity might be involved in the employee's District work, in violation of District Personnel Manual (DPM) § 1807.1 (d): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (cc) Serving as an officer or director of an outside entity or organization when there is a reasonable likelihood that such entity will be involved in an official government action or decision that the employee would take or recommend, in violation of DPM § 1807.1(d): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (dd) Using information that is not available to the public for personal benefit, in violation of DPM § 1800.3(c): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (ee) Using information that is not available to the public for any non-governmental purpose, in violation of DPM § 1800.3(c): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (ff) Permitting others to use information that is not available to the public for personal benefit, in violation of DPM § 1800.3(c): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;
- (gg) Permitting others to use information that is not available to the public for any non-governmental purpose, in violation of DPM § 1800.3(c): not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) per violation;

- (hh) Engaging in outside activities that conflict with the employee’s official government duties and responsibilities, in violation of DPM § 1800.3(j): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (ii) Failure to report waste, fraud, abuse of authority, violations of law, or threats to public health or safety, in violation of DPM § 1801.1: not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (jj) Being employed by the District government and failing to report credible violations of the District Code of Conduct, in violation of DPM § 1801.1: not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (kk) Interfering with or obstructing any investigation conducted by a District or federal agency, in violation of DPM § 1801.2: not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (ll) Failure to fully cooperate with any investigation, enforcement action, or other official function of the Office of Government Ethics, in violation of DPM § 1801.3: not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (mm) Taking coercive, harassing, or retaliatory action against any employee acting in good faith, in violation of DPM § 1801.4: not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (nn) Coercing, harassing, or retaliating against any employee who reasonably believes there has been a violation or misuse of resources and discloses that to a supervisor or a public body, in violation of DPM § 1801.4: not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per violation;
- (oo) Accepting a gift from a prohibited source, in violation of DPM § 1803.2 (a): not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (pp) Soliciting a gift from a prohibited source, in violation of DPM § 1803.2 (a): not less than two thousand dollars (\$2,000) nor more than four thousand dollars (\$4,000) per violation;
- (qq) Soliciting or coercing the offering of a gift, in violation of DPM § 1803.2 (b): not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000) per violation;
- (rr) Accepting a gift in return for being influenced in the performance or nonperformance of an official act, in violation of DPM § 1803.3 (a): not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000) per violation;

- (ss) Taking any action to pressure or coerce other District government employees into contributing monetarily to a private cause, in violation of DPM § 1803.3 (b): not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation;
- (tt) Accepting a salary or anything of monetary value from a private source as compensation for services to the government, in violation of DPM § 1803.8: not less than one thousand five hundred dollars (\$1,500) nor more than three thousand five hundred dollars (\$3,500) per violation;
- (uu) Soliciting a salary or anything of monetary value from a private source as compensation for services to the government, in violation of DPM § 1803.8: not less than two thousand dollars (\$2,000) nor more than four thousand dollars (\$4,000) per violation;
- (vv) Accepting, directly or indirectly, a gift from a District employee who earns a lower salary, in violation of DPM § 1804.3: not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per violation;
- (ww) Coercing a gift from a District employee with a lower salary, in violation of DPM § 1804.4: not less than five hundred dollars (\$500) nor more than one thousand five hundred dollars (\$1,500) per violation;
- (xx) Acquiring any stocks, bonds, commodities, real estate, or other property, the possession of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities, in violation of DPM § 1805.8(a): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (yy) Acquisition by members of the employee's household of any stocks, bonds, commodities, real estate, or other property, the possession of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities, in violation of DPM § 1805.8(a): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (zz) Acquiring an interest in or operating any business which is in any way related to the employee's official duties, official action, recommendation, or which is in any way related to matters over which the employee could wield any influence, official or otherwise, in violation of DPM § 1805.8 (b): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (aaa) Acquisition by members of an employee's household of an interest in or operating any business which is in any way related to the employee's official duties, official action, recommendation, or which is in any way related to matters over which the employee could wield any influence, official or otherwise, in violation of DPM § 1805.8(b): not less than five

hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;

- (bbb) Directly or indirectly making a hiring decision regarding a position within his or her own agency with respect to a relative, in violation of DPM § 1806.3: not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (ccc) Taking any action to appoint, employ, promote, evaluate, interview, or advance any individual who is a relative, in violation of DPM § 1806.3: not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (ddd) Engaging in any outside employment, private business activity, or other interest that is reasonably likely to interfere with the employee's ability to perform his or her job, or which may impair the efficient operation of the District government, in violation of DPM § 1807.1(a): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (eee) Gambling while on duty and while on District government owned or leased property (other than as permitted), in violation of DPM § 1807.1(b): not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) per violation;
- (fff) Using District government time to raise money for a private cause, in violation of DPM § 1807.1(b): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (ggg) Using District government property to raise money for a private cause, in violation of DPM § 1807.1(b): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (hhh) Ordering, directing, or requesting subordinate officers or employees to perform during regular working hours any personal services not related to official District government functions and activities, in violation of DPM § 1807.1(c): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (iii) Maintaining financial or economic interest in or serving as an officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee, in violation of DPM § 1807.1(d): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (jjj) Engaging in outside employment, private business activity, or other interest which permits an employee to capitalize on his or her official title or position, in violation of DPM § 1807.1(e): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;

- (kkk) Engaging in outside employment, private business activity, or other interest which permits others to capitalize on his or her official title or position, in violation of DPM § 1807.1(e): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (lll) Divulging any official government information to any unauthorized person or in advance of its authorized issuance, or making use of or permitting others to make use of information not available to the general public, in violation of DPM § 1807.1(f): not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (mmm) Engaging in any outside employment, private business activity, or other interest which might impair an employee's mental or physical capacity that he can no longer carry out his duties and responsibilities in a proper and efficient manner, in violation of DPM § 1807.1(g): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (nnn) Serving in a representative capacity, agent, or attorney for any outside entity involving any matter before the District government, in violation of DPM § 1807.1(h): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (ooo) Contracting through an organization that the employee controls or substantially owns with the District government, in violation of DPM § 1807.1(h): not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation;
- (ppp) Engaging in any outside employment, private business activity, or other interest which is in violation of federal or District law, in violation of DPM § 1807.1(i): not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation;
- (qqq) Misusing District government property for other than authorized purposes, in violation of DPM § 1808.1: not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) per violation;
- (rrr) Permitting others to misuse District government property for other than authorized purposes, in violation of DPM § 1808.1: not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) per violation;
- (sss) Failure to comply with all applicable Financial Disclosure Statement filing requirements, in violation of DPM § 1810.4 (e) or Council Code of Conduct XI (c): not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) per violation;
- (ttt) Knowingly acting as an attorney, agent, or representative, at any time after leaving District employment, in any formal or informal appearance before an agency as to a particular matter involving a specific party or parties in which the employee personally and substantially worked on while a

District government employee, in violation of DPM § 1811.3: not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation;

- (uuu) Making any oral or written communication to an agency, at any time after leaving District employment, with the intent to influence that agency on behalf of another person as to a particular matter involving a specific party or parties on which the employee personally and substantially participated while a District government employee, in violation of DPM § 1811.4: not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation;
- (vvv) Knowingly acting as an attorney, agent, or representative, within two years of leaving District employment, in any formal or informal matter before an agency if he or she previously had official responsibility for that matter during the last year the employee worked for the District, in violation of DPM § 1811.5: not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation; and
- (www) Knowingly representing or aiding, counseling, advising, consulting, or assisting in representing any other person, within two years of leaving District employment, by personal appearance before an agency as to a particular government matter involving a specific party if the former employee participated personally and substantially in that matter during the last year the employee worked for the District, in violation of DPM § 1811.8: not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation.
- (xxx) Failing to act impartially and giving preferential treatment to any private organization or individual in violation of DPM § 1800.3(h): not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) per violation.

5535.3 The aggregate set of the penalties imposed against each person under the Director's authority pursuant to §§ 5535.1 and 5535.2 may not exceed **five thousand dollars (\$5,000)**.

5535.4 Any fine imposed by the Director, pursuant to §§ 5535.1 and 5535.2, shall become effective on the sixteenth (16th) day following the issuance of a decision and order; provided, that, the respondent does not request a hearing pursuant to § 5530.11.

5535.5 The Director may modify, rescind, dismiss, or suspend any fine imposed, pursuant to §§ 5535.1 and 5535.2, for good cause shown.

5535.6 Fines imposed pursuant to this chapter shall be paid within ten (10) days of the effective date of the issuance of an Order of the Director. Payment by check or money order shall be payable to the D.C. Treasurer, and directed to the Board of Ethics and Government Accountability, 441 4th Street N.W., Suite 830 South, Washington, D.C. 20001.

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia, (CPO) pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06) (2016 Repl.) (Act), hereby gives notice of the intent to amend Chapter 16 (Procurement by Competitive Sealed Proposals), of Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the payments that the Department of Human Services (DHS) shall make to the District of Columbia's providers of employment services (Providers) in support of the District's Temporary Assistance to Needy Families (TANF) Employment Program (TEP). DHS has redesigned TEP to enhance the ability of the TANF customer to build his or her skills and abilities while meeting his or her work participation requirements, increase his or her earnings, and transition from welfare assistance to self-sufficiency. Effective on October 1, 2018, DHS will be engaging new Providers and has revised the Provider compensation and customer incentives structure to drive improved outcomes.

The CPO gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication in the *D.C. Register*.

Chapter 16, PROCUREMENT BY COMPETITIVE SEALED PROPOSALS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 1610, PRICES FOR SERVICES PROVIDED UNDER THE DISTRICT'S TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM, is amended to read as follows:

1610 PRICES FOR SERVICES PROVIDED UNDER THE DISTRICT'S TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) PROGRAM

1610.1 Notwithstanding the requirements of § 1612.1, effective on October 1, 2018, the Director sets the following prices to be paid to providers of services provided under the District's Temporary Assistance to Needy Families (TANF) Program, implementing the Self-sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-205.54).

(a) Educational and Occupational Training Services

- (1) Base compensation** – The District shall make the monthly base payments set out in the table below depending on the provider's number of not-enrolled Point-In-Time (PIT) caseload:

Not-enrolled PIT	Monthly Base Compensation
150	\$ 95,469
300	\$ 147,621
450	\$ 199,842
600	\$ 257,596

(2) **Outcome-based compensation** – The District shall pay the outcome-based compensation set out in the following table based on the provider’s achievement of specific outcomes for which the provider can provide documentation:

Outcomes	Performance Standard	Incentive										
<i>Outcome # 1: Education and Occupational Training Enrollment Payment</i>	<p>The provider is rewarded for ensuring that customers enroll in education and occupational training (EOT) program(s) leading to an industry-recognized credential.</p> <p>The provider can receive a maximum of <u>one (1)</u> approved EOT enrollment payment per customer per EOT enrollment.</p> <p>The provider can receive a maximum of <u>five (5)</u> approved EOT enrollment payments per customer per twelve (12)-month period</p> <p>The provider can receive a maximum of <u>two (2)</u> approved EOT enrollment payments of the same category per customer per twelve (12)-month period</p> <p>If a customer is enrolled in multiple EOT programs running concurrently, the provider can receive a maximum of <u>two (2)</u> approved EOT enrollment payments based on which enrollments started first.</p>	<p>The District shall pay the provider the following for each customer who meets the enrollment requirements as specified in the performance standard, depending on the duration of the program:</p> <table border="0"> <tr> <td>Category 1</td> <td>\$ 500/7–11 months</td> </tr> <tr> <td>Category 2</td> <td>\$ 400/4–6 months</td> </tr> <tr> <td>Category 3</td> <td>\$ 300/1–3 months</td> </tr> <tr> <td>Category 4</td> <td>\$ 200/30 days</td> </tr> <tr> <td>Category 5</td> <td>\$ 50/1 day</td> </tr> </table>	Category 1	\$ 500/7–11 months	Category 2	\$ 400/4–6 months	Category 3	\$ 300/1–3 months	Category 4	\$ 200/30 days	Category 5	\$ 50/1 day
Category 1	\$ 500/7–11 months											
Category 2	\$ 400/4–6 months											
Category 3	\$ 300/1–3 months											
Category 4	\$ 200/30 days											
Category 5	\$ 50/1 day											

Outcomes	Performance Standard	Incentive
<p><i>Outcome #2: Education and Training Maintenance Payment</i></p>	<p>The provider is rewarded for ensuring that customers enrolled in EOT program(s) remain enrolled and participating, meeting their hours requirements.</p> <p>The customer must meet the required work participation hours in a given month. Fifty percent (50%) of these work participation hours must derive from EOT program(s) and the remaining fifty percent (50%) may be any combination of core and non-core hours.</p> <p>Fifty percent (50%) of hours referenced above must be sourced from one or more of the following EOT skills development activities:</p> <ul style="list-style-type: none"> • Training • Work experience • Community service • Vocational educational training • Job skills training directly related to employment • Education directly related to employment • Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence. 	<p>Two hundred dollars (\$200) per month per customer who maintains enrollment in EOT until successful completion.</p>

<p><i>Outcome #3: EOT Program Completion Payment</i></p>	<p>Customer completes the EOT program(s) specified in the customer’s Individual Responsibility Plan (IRP). Upon verification of the successful completion of the EOT program(s), the provider deems the customer employable and eligible to receive Job Placement Services.</p> <p>The provider can receive a maximum of <u>one (1)</u> approved EOT completion payment per customer per EOT enrollment.</p> <p>The provider can receive a maximum of <u>five (5)</u> approved EOT completion payments per customer per twelve (12) month period.</p> <p>The provider can receive a maximum of <u>two (2)</u> approved EOT completion payments of the same category per customer per twelve (12)-month period.</p>	<p>The District shall pay the provider the following for each customer who completes the performance standard of outcome #3, based upon the duration of the program.</p> <table border="0"> <tr> <td>Category 1</td> <td>\$ 1000/7–11 months</td> </tr> <tr> <td>Category 2</td> <td>\$ 600/4–6 months</td> </tr> <tr> <td>Category 3</td> <td>\$ 400/1–3 months</td> </tr> <tr> <td>Category 4</td> <td>\$ 200/30 days</td> </tr> <tr> <td>Category 5</td> <td>\$ 50/1 day</td> </tr> </table> <p>The District shall pay the provider a maximum of <u>one (1)</u> EOT program completion payment per customer who meets the performance standard per twelve (12)-month period.</p>	Category 1	\$ 1000/7–11 months	Category 2	\$ 600/4–6 months	Category 3	\$ 400/1–3 months	Category 4	\$ 200/30 days	Category 5	\$ 50/1 day
Category 1	\$ 1000/7–11 months											
Category 2	\$ 600/4–6 months											
Category 3	\$ 400/1–3 months											
Category 4	\$ 200/30 days											
Category 5	\$ 50/1 day											

- (3) **Reimbursable costs** – The District shall reimburse the provider the following amounts for allowable incentives, stipends, and discrete work-related expenses for which the provider provides appropriate documentation:
 - (A) **Completion of a Category 1 Level Course: One thousand dollars (\$1,000)** per customer who completes a Category 1 level course which has a duration of between seven (7) and eleven (11) months.
 - (B) **Completion of a Category 2 Level Course: Six hundred dollars (\$600)** per customer who completes a Category 2 level course which has a duration of between four (4) and six (6) months.
 - (C) **Completion of a Category 3 Level Course: Four hundred dollars (\$400)** per customer who completes a Category 3

level course which has a duration of between one (1) and three (3) months.

- (D) **Completion of a Category 4 Level Course: Two hundred (\$200)** per customer who completes a Category 4 level course which has a duration of thirty (30) days.
- (E) **Completion of a Category 5 Level Course: Fifty dollars (\$50)** per customer who completes a Category 5 level course which can be competed in one (1) day.
- (F) **Stipends: Fifteen dollars (\$15)** per day per customer who participates in approved core and non-core TANF activities for at least four (4) hours per day. Stipends shall not be reimbursed for customers once he or she enters unsubsidized employment and has received his or her first paycheck.
- (G) **Discrete work-related expenses:** No more than **two hundred fifty (\$250)** per customer for actual allowable costs to enable the customer to defray significant, discrete customer work-related expenses such as obtaining a medical test not covered by Medicaid or purchasing uniforms for customers who have a firm job offer. The total discrete work-related expense shall not exceed two hundred fifty dollars (\$250) per customer per twelve (12)-month calendar period, unless pre-approved in writing by DHS.

(b) **Job and Placement Services**

- (1) **Base compensation** – The District shall make the monthly base payments set out in the table below depending on the provider’s not-employed PIT:

Not-employed PIT	Monthly Base Compensation
150	\$ 72,162.04
300	\$ 91,173.57
450	\$ 110,343.26
600	\$ 135,370.92

- (2) **Outcome-based compensation** – The District shall pay the outcome-based compensation set out in following table based on the provider’s achievement of specific outcomes for which the provider can provide documentation:

Outcomes	Performance Standard	Incentive
<p><i>Outcome #1: Participation payment</i></p>	<p>A not-employed customer meets his or her full monthly participation requirements, through a combination of approved core and non-core TANF activities.</p> <p>Hours of participation will be reported by the provider through CATCH</p>	<p>Two hundred dollars (\$200) per month per customer who meets the performance standard for outcome #1.</p>
<p><i>Outcome #2: Work placement payment</i></p>	<p>The provider places a customer in unsubsidized employment.</p> <p>Payment shall be made to the provider when the customer successfully completes two weeks of work and has fully met work participation requirements solely through unsubsidized employment.</p> <p>Participation weeks do not have to be consecutive.</p> <p>Participation hours must be sourced from a single (Primary) employment slot.</p>	<p>Three hundred dollars (\$300) per customer who meets the performance standard.</p> <p>The provider can receive a maximum of <u>two (2)</u> work placement payments per customer per twelve (12)-month calendar period.</p>
<p><i>Outcome #3: Job Promotion Payment</i></p>	<p>Promotion on the job is defined as movement from one position to another that has a higher base salary range and a higher job title or higher level job responsibilities.</p>	<p>Limit two (2) Promotion payments per Customer per twelve (12)-month period.</p> <p>The District shall pay the Provider a job Promotion payment of five hundred dollars (\$500).</p>
<p><i>Outcome #4: Higher wage payment</i></p>	<p>The provider places a customer in unsubsidized employment, where the customer’s wages equal or exceed the current Living Wage rate and the customer successfully completes two (2) weeks of work and has fully met work participation requirements. Participation weeks need not be consecutive.</p>	<p>Four hundred dollars (\$400) per customer who meets the performance standard for outcome # 4.</p> <p>The District shall pay the provider a maximum of two (2) higher wage payments per customer per twelve (12)-month calendar period.</p>

<p><i>Outcome #5: Case closure due to earnings</i></p>	<p>A customer’s case is closed in DCAS due to earnings and the customer has not reapplied for or been approved for TANF.</p>	<p>One thousand dollars (\$1,000) per customer who meets performance standard for <i>Outcome #5</i>.</p> <p>The District shall pay the provider a maximum of one case closure payment per customer.</p>
<p><i>Outcome #6: Employment retention payment (months 1–12)</i></p>	<p>A customer who is placed in unsubsidized employment by the provider is employed continuously and meeting his or her monthly required participation hours solely through unsubsidized employment.</p> <p>Participation hours may be sourced through multiple part time and fulltime employment slots. (Seasonal and temporary employment do not count towards employment retention incentives).</p> <p>Participation months do not have to be consecutive.</p> <p>Employment retention payments follow the customer, <i>i.e.</i>, if a customer is assigned to another provider during this period, each provider will receive its proportionate share of the incentive based on the time the customer is assigned to it during this period. If a provider receives a Month 12 payment for a customer, and the customer remains on TANF (Open Case), the employment retention sequence restarts at Month 1 (The first eleven (11) months at two hundred dollars (\$200.00) and the twelfth (12th) month at five hundred dollars (\$500.00)).</p>	<p>Two hundred dollars (\$200) per month up to a maximum of eleven (11) payments per customer who meets the performance standard.</p> <p>Five hundred dollars (\$500) per customer who meets the performance standard for month twelve (12).</p> <p>The District shall pay the provider a maximum of two (2) job promotion payments per customer per twelve (12)-month period.</p>

	<p>A promotion is defined as movement from one position to another that has a higher base salary range and a higher job title or higher level job responsibilities. A higher base salary must source from an increase in the absolute value of the employment hourly wage and not from an increase in hours.</p>	
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(3) **Reimbursable costs** – The District shall reimburse the provider the following amounts for allowable incentives, stipends, and discrete work-related expenses for which the provider can provide documentation:

(A) **Employment retention incentives:** The District shall reimburse the provider for employment retention incentive payments made to customers for which the provider can document that the customer achieved the incentive points described below. The provider shall pay each customer who enters an unsubsidized employment, and retains the unsubsidized job for twelve (12) months, the employment retention incentives calculated as follows:

(i) Two (2)-week employment retention incentive: **one hundred fifty dollars (\$150)** when the customer enters an unsubsidized job and works for at least two (2) weeks and has met his or her full work participation requirements over these two (2) weeks. Participation weeks do not have to be consecutive.

(ii) One (1)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for one (1) month.

(iii) Two (2)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for two (2) months. Participation months do not have to be consecutive.

- (iv) Three (3)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for three (3) months. Participation months do not have to be consecutive.
- (v) Four (4)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for four (4) months. Participation months do not have to be consecutive.
- (vi) Five (5)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for five (5) months. Participation months do not have to be consecutive.
- (vii) Six (6)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for six (6) months. Participation months do not have to be consecutive.
- (viii) Seven (7)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for seven (7) months. Participation months do not have to be consecutive.
- (ix) Eight (8)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for eight (8) months. Participation months do not have to be consecutive.
- (x) Nine (9)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the

customer retains the unsubsidized job and has met his or her full work participation requirements for nine (9) months. Participation months do not have to be consecutive.

(xi) Ten (10)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for ten (10) months. Participation months do not have to be consecutive.

(xii) Eleven (11)-month employment retention incentive: **one hundred fifty dollars (\$150)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for eleven (11) months. Participation months do not have to be consecutive.

(xiii) Twelve (12)-month employment retention incentive: **five hundred dollars (\$500)** when the customer retains the unsubsidized job and has met his or her full work participation requirements for twelve (12) months. Participation months do not have to be consecutive.

(B) **Stipends: fifteen dollars (\$15)** per day per customer who participates in approved core and non-core TANF activities for at least four (4) hours per day. Stipends shall not be reimbursed for customers once he or she enters unsubsidized employment and has received his or her first paycheck.

(C) **Discrete work-related expenses:** No more than **two hundred fifty (\$250)** per customer for actual allowable costs to enable the customer to defray significant, discrete customer work-related expenses such as obtaining a medical test not covered by Medicaid or purchasing uniforms for customers who have a firm job offer. The total discrete work-related expense shall not exceed two hundred fifty dollars (\$250) per customer per twelve (12)-month calendar period, unless pre-approved in writing by DHS.

(D) **Job Promotion Incentive:** Job Promotion Incentive of four hundred dollars (\$400) to the Customer after Customer submits proof of successful Promotion to the Provider (limited to two (2) payments per Customer per twelve (12)-

month period).

- (E) **TANF Case Closure Due to Earnings Incentive:** TANF Case Closure Due to Earnings Incentive of five hundred dollars (\$500) to the Customer for a successful case closure and for remaining off the TANF rolls for a minimum of four (4) months.

Section 1699, DEFINITIONS, is amended as follows:

1699 DEFINITIONS

1699.1 When used in this chapter, the following words and terms shall have the meanings ascribed:

Alternate technical concept – a proposed change to a District-supplied base design configuration, project scope, design criterion, or construction criterion that the District determines is equal to or better than a requirement in a request for proposals.

Base compensation – a fixed monthly payment that the District pays the providers of employment services in support of the District’s TANF Employment Program for performing specific duties and delivering specific services. Base compensation varies depending on the size of the provider’s not-employed PIT.

Clarification – communication with an offeror for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the proposal. It is achieved by explanation or substantiation, either in response to District inquiry or as initiated by the offeror.

Customer – a recipient of human care services.

Deficiency – a material failure of a proposal to meet a District requirement or a combination of significant weaknesses in a proposal that increase the risk of unsuccessful contract performance to an unacceptable level.

Director – the Director of the Office of Contracting and Procurement (OCP) or the District of Columbia Chief Procurement Officer (CPO).

Discussion – any oral or written communication between the District and an offeror (other than communications conducted for the purpose of minor clarification) whether or not initiated by the District, that involves information essential for determining the acceptability of a proposal, or provides the offeror an opportunity to revise or modify its proposal.

Individual Responsibility Plans (IRP) – a written agreement developed jointly by a TANF customer and the providers of employment services in support of the District’s TANF Employment Program that acts as the customer’s roadmap to securing employment and becoming self-sufficient. The IRP outlines specific steps that the customer agrees and commits to take in order to address and remove barriers, and find and retain employment.

Outcome-based compensation – a variable monthly payment that the District pays the providers of employment services in support of the District’s TANF Employment Program for achieving outcomes defined by the District.

Point-In-Time caseload (PIT) –the number of TANF customers (or cases) that the provider of employment services in support of the District’s TANF Employment Program is serving in a given period or at a given time.

Pre-qualification – the process by which the contracting officer determines whether a prospective service provider under a human care agreement is responsible.

Price – cost plus any fee or profit applicable to the contract type.

Solicitation – request for proposals (RFP), except as provided otherwise in § 1601 of this chapter.

Technical analysis – the examination and evaluation by personnel having specialized knowledge, skills, experience, or capability in factors set forth in a proposal.

Unsolicited proposal – a written proposal that is submitted to an agency on the initiative of the submitter for the purpose of obtaining a contract with the District that is not in response to a solicitation.

Voucher – a written authorization, to a service provider who has been awarded a human care agreement, to provide the services authorized in the agreement and described in the voucher directly to a customer identified in writing.

Visual quality concept – an offeror’s description of its approach to meeting the project design appearance goals set forth in the RFP.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments to the Chief Procurement Officer, 441 4th Street N.W., 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov, by postal mail or hand delivery to the address above, or by calling (202) 727-0252. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be requested at the same address, e-mail, or telephone number as above.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Small and Local Business Development (“Director”), pursuant to the authority set forth in Sections 2342 and 2372 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005, as amended (D.C. Law 20-0108; D.C. Official Code §§ 2-218.42 and 2-218.72 (2016 Repl.)) (“Act”), and Mayor’s Order 2018-011, dated January 10, 2018, hereby gives notice of her intent to adopt the following amendment to Chapter 8 (Local, Small, and Disadvantaged Business Enterprises Contracting) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“DCMR”), in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

The commitment to expanding opportunities for certified business enterprises (“CBE”) and, in particular, small business enterprises (“SBE”) and resident owned businesses (“ROB”) is to assist these businesses in overcoming the economic challenges of operating a business in the District of Columbia and to allow these businesses to compete fairly with businesses based outside the District of Columbia. The expansion of opportunities for, and business conducted by CBEs and, in particular, SBEs and ROBs, is important to the District of Columbia because it supports a robust and diverse economy and because revenues generated by these businesses and their employees are more likely to contribute to the expansion of the District of Columbia’s tax base.

This rulemaking will address these issues and expand economic opportunities for SBEs and ROBs by determining whether there is sufficient SBE/ROB capacity in a particular market segment and promoting SBE/ROB participation in such segments. Specifically, the rulemaking will require that the Department of General Services (“DGS”) and the Office of the Chief Technology Officer (OCTO) set aside certain contracts for SBEs and ROBs in an effort to promote SBE and ROB contracting, enhance District economic activity, and increase the District’s tax base and associated fiscal benefits. In addition, the rulemaking will establish a process for waiving the set-aside requirement under certain circumstances.

Small and Resident Owned Businesses are Underrepresented in District of Columbia Contracting

Under the CBE program operated pursuant to the Act, SBEs and ROBs are underrepresented in District contracting. A review of District spending with prime contractors through the first three quarters of FY2017 indicates that while ROBs make up 56% of the CBE firms registered with DSLBD and ROBs represent 52% of the firms that received payment from the District during this period, these ROBs accounted for only 30% of the dollars spent during that period. This phenomenon is even more pronounced at the higher spending levels where only two ROBs representing 20% of the dollars spent were in the top ten (10) earning firms during this period.

With respect to DGS specifically, a review of twenty-five (25) service contracts awarded via SBE set aside in FY2017 included nineteen (19) awarded to non-ROB SBEs. These contracts were awarded across industrial sectors. In certain sectors there was little ROB participation

relative to the ROB capacity while in others, participation rates were higher. This rulemaking will provide for set asides in sectors with adequate SBE/ROB capacity.

Contracting Challenges for Small and Resident Owned Businesses

Support for providing assistance to small and resident-owned businesses to overcome certain inherent challenges in competing with large, non-resident owned firms in order for them to participate in District contracting opportunities has been well established at the public hearings related to the adoption of CBE program legislation.

In particular, at the October 27, 2009 hearing in connection with B18-332, the “Department of Small and Local Business Development Act of 2009,” a number of witnesses testified to the challenges that small and District-based businesses face in competing with large, non-District-based firms. At the January 24, 2013 hearing in connection with B20-181, the “Small and Certified Business Enterprise Development and Assistance Act of 2014,” a number of witnesses testified in support of revisions to the statute intended to protect and enhance opportunities for District-based businesses.

Small and Resident Owned Businesses Contribute to the District’s Economy and Tax Base

While it has long been believed that contracting with local businesses stimulates the local economy and enhances the District’s tax base, in 2013, the Federal Reserve Bank of Atlanta presented a Community Economic Development and Discussion Paper (*Locally Owned: Do Local Business Ownership and Size Matter for Local Economic Well-being?* Anil Rupasingha, PhD; Federal Reserve Bank of Atlanta Community and Economic Development Department, August 2013) that analyzed whether local-business ownership impacted the economic development and economic well-being of a particular jurisdiction. The study was intended to analyze the relationship between local business ownership and local economic well-being. The study concluded that local ownership enhances local economic performance and that smaller firms have a greater impact on local economic performance. Further, the study found that the increased employment provided by resident or locally-owned businesses has a significant positive impact on local income and employment growth.

This study suggests that promoting locally-owned and resident-owned businesses has a positive impact on the economic performance of a particular jurisdiction. Increased economic performance translates into a number of benefits to the District, including enhanced tax revenues and reduced demands for certain government services.

Council Review

The rules will be submitted to the Council of the District of Columbia for a forty-five (45)-day period of review, pursuant to Section 2372 of the Act (D.C. Official Code § 2-218.72), and final rulemaking action will not be taken until completion of the forty-five (45)-day review period or Council approval of the rules by resolution before the end of the review period.

Chapter 8, LOCAL, SMALL, AND DISADVANTAGED BUSINESS ENTERPRISES CONTRACTING, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is proposed to be amended by adding new Sections 836 and 837 to read as follows:

836 ADDITIONAL SET-ASIDE PROGRAMS

836.1 The following contracts and procurements shall be set aside for qualified businesses that are certified by DSLBD as both small business enterprises and resident-owned businesses (“SBE-ROBs”):

- (a) Department of General Services (“DGS”) construction contracts with an estimated value of less than fifteen million dollars (\$15,000,000); and
- (b) DGS contracts or procurements of more than two hundred and fifty thousand dollars (\$250,000) but less than five million dollars (\$5,000,000) that are primarily for services.
- (c) Office of the Chief Technology Officer (“OCTO”) contracts or procurements of more than two hundred and fifty thousand dollars (\$250,000) but less than one million dollars (\$1,000,000) which are primarily for services.

836.2 Neither DGS nor OCTO shall be required to set aside a contract described in Subsections 836.1(a), (b) or (c), if:

- (a) A determination has been made by the applicable Contracting Officer in consultation with the Local Business Utilization (“LBU”) Specialist that there are not at least two (2) qualified SBE-ROBs that can provide the services, or that the price for the contract or procurement that would otherwise be set aside for the SBE-ROBs is believed to be twelve percent (12%) or more above the likely price on the open market; or
- (b) If the LBU Specialist disagrees with the Contracting Officer’s decision not to set aside a contract, the LBU Specialist may, after consultation with the Deputy Mayor for Greater Economic Opportunity (DMGEO), refer the matter to the Chief Procurement Officer (“CPO”) for review of the Contracting Officer’s decision. In the event of such a referral, the CPO, after consultation with the City Administrator and DMGEO, shall determine whether the contract shall be set aside.

836.3 If a determination is made pursuant to Subsection 836.2 that a contract will not be set aside for SBE-ROBs, the contract shall be set aside for SBEs unless:

- (a) A determination has been made by the applicable Contracting Officer in consultation with the Local Business Utilization (“LBU”) Specialist that there are not at least two (2) qualified SBE-ROBs that can provide the

services, or that the price for the contract or procurement that would otherwise be set aside for the SBE-ROBs is believed to be twelve percent (12%) or more above the likely price on the open market; or

- (b) If the LBU Specialist disagrees with the Contracting Officer’s decision not to set aside a contract, the LBU Specialist may, after consultation with the Deputy Mayor for Greater Economic Opportunity (DMGEO), refer the matter to the Chief Procurement Officer (“CPO”) for review of the Contracting Officer’s decision. In the event of such a referral, the CPO, after consultation with the City Administrator and DMGEO, shall determine whether the contract shall be set aside.

836.4 For the purposes of this section, the term Chief Procurement Officer, or CPO, means the Chief Procurement Officer of the Office of Contracting and Procurement (“CPO-OCP”), for agencies subject to the procurement authority of the CPO-OCP. If an agency exercises procurement authority independently of the CPO-OCP, the term Chief Procurement, or CPO, shall mean the chief procurement official of that agency.

837 ADDITIONAL CBE UTILIZATION PROGRAM

837.1 DGS shall include as a requirement of each lease of office space by the District that any tenant improvements required as part of the lease shall be treated as a construction project subject to the small business enterprise and certified business enterprise utilization requirements of Sections 2346(a) and (b-1) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 20-0108; D.C. Official Code § 2-218.46(a) and (b-1)).

837.2 The Office of Contracting and Procurement (OCP) may set aside D.C. Power Line Undergrounding contracts and procurements for qualified businesses that are certified by DSLBD as both small business enterprises and resident-owned businesses (“SBE-ROBs”), if OCP determines, for the particular contract or procurement to be set aside, that there are likely to be at least two (2) qualified SBE-ROBs that can provide the goods or services, and that the price for the contract or procurement to be set aside is not likely to be twelve percent (12%) or more above the likely price on the open market.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit written comments to General Counsel, Department of Small and Local Business Development, Government of the District of Columbia, 441 4th Street, N.W., Suite 850N, Washington, D.C. 20001, or by email at Dslbd.legislation@dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Questions or requests for a copy of this proposed rulemaking may be directed to Dslbd.legislation@dc.gov or 202-545-3061.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 17-18

(Office of Planning –Text Amendments to Subtitles A, B, D, E, F, J, and K regarding the Measurement of Height and Floor Area Ratio)

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 Rep1.), hereby gives notice of its intent to amend Subtitles A (Authority and Applicability), B (Definitions, Rules of Measurement, and Use Categories), D (Residential House (R) Zones), E (Residential Flat (RF) Zones), F (Residential Apartment (RA) Zones), J (Production, Distribution, and Repair (PDR) Zones), and K (Special Purpose Zones), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules amend Subtitle B to revise the definitions in Chapter 1 and the rules of measurement in Chapter 3 pertaining to building height and floor area ratio (FAR). Among other things, the amendments revise the definitions of “basement” and “cellar” to change the measuring surface from ceiling to the “finished floor of the ground floor.” This change will help avoid the use of artificially dropped ceilings. A similar change is made to §§ 304.4 and 304.5, which respectively identify when the “perimeter wall” method or the “grade plane” method is used to calculate the FAR of a partially below-grade building. Certain window wells and areaways are identified as exceptions to finished grade and natural grade through a new definition. Conforming amendments are proposed for Subtitles D, E, F, J, and K.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Title 11-A DCMR, AUTHORITY AND APPLICABILITY, is amended as follows:

Section 301, BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, is amended by adding a new § 301.15 to read as follows:

301.15 **Notwithstanding Subtitle A § 301.4, any building permit application, including a foundation-to-grade permit application, (the Permit Application) shall be processed, and any work authorized by the permit may be carried to completion pursuant to the rules for measuring floor area ratio and height as existed on [THE EFFECTIVE DATE OF THIS AMENDMENT] if the Permit Application was legally filed with, and accepted as complete by the Department of Consumer and Regulatory Affairs on or before that date.**

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

Areaway: A subsurface space adjacent to a building open at the top or protected at the top by a grating or guard ~~that includes window wells~~ and passageways accessing basement/cellar doors.

...

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

...

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

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

...

Building, Height of: ~~In other than R, RF, RA, RC-1, CG-1, and D-1 zones, the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district; in Residential (R) zones the vertical distance measured at the existing grade at the midpoint of the building façade of the principal building that is closest to a street lot line to a point designated in the~~

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.

zone district. Berms or other forms of artificial landscaping shall not be included in measuring building height.

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

Building Height Measuring Point (BHMP): The point used to measure building heights in R, RF, and RA zones. **The point used in measuring building heights in a zone in accordance with §§ 307 or 308 of this subtitle except as may be stated elsewhere in this title, as applicable, and subject to limitations in the regulations.**

...

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

...

Floor Area Ratio (FAR): The ratio of the total gross floor area of a building to the area of its lot **measured in accordance with § 303 of this subtitle, except as may be stated elsewhere in this title.** determined by dividing the gross floor area of all buildings on a lot by the area of that lot. See Also: Subtitle B §§ 304 and 305

...

Grade, Exceptions to: The following are exceptions to “Finished Grade” and “Natural Grade” as those terms are defined below:

- (a) **A window well that projects no more than four feet (4 ft.) from the building face; and**
- (b) **An areaway that provides direct access to an entrance and projects no more than five feet (5 ft.) from the building face; excluding associated stairs or ramps.**

Grade, Finished: The elevation of the ground directly abutting the perimeter of a building or structure **or directly abutting an exception to finished grade.** **Exceptions to Finished Grade are set forth in the definition of “Grade, Exceptions to.”**

Grade, Natural: The undisturbed elevation of the ground of a lot prior to human intervention; or where there are existing improvements on a lot, the established elevation of the ground, exclusive of the improvements or adjustments to the grade made in the ~~two (2)~~ **five (5)** years prior to applying for a building permit; ~~natural grade may not include manually constructed berms or other forms of artificial landscaping.~~ **Exceptions to Natural Grade are set forth in the definition of “Grade, Exceptions to.”**

...

Gross Floor Area (GFA): **Unless otherwise specified, The the** sum of the gross horizontal areas of ~~the several~~ **all** floors of all buildings on a lot, measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings **as measured in accordance with § 304 of this subtitle, except as may be stated elsewhere in this title.** See Also: Subtitle B §§ 304 and 305

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

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

...

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

...

Story: The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling or underside of the roof framing **as measured in accordance with § 310 of this subtitle**. The number of stories shall be counted at the point from which the height of the building is measured.

For the purpose of determining the maximum number of permitted stories, the term "story" shall not include cellars or penthouses.

...

Window well: **A subsurface space adjacent to a building open at the top or protected by a grating or guard that affords access, air, light, or emergency egress to a window.**

...

Chapter 3, GENERAL RULES OF MEASUREMENT, is amended as follows:

Subsections 304.4 and 304.5 of § 304, RULES OF MEASUREMENT FOR GROSS FLOOR AREA (GFA), are amended and new Subsections 304.6, 304.7, and 304.8 are added as follows:

...

304.4 For a building entirely detached from any other building, calculation of GFA for the portion of a story located **below the finished floor of the ground floor and partly above adjacent natural or finished grade shall be calculated by the perimeter-wall method, which is** as follows:

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

304.5 For a building attached at any point to a neighboring building **semi-detached or attached building**, GFA of **for** the portion of a story **below the finished floor of the ground floor** located partially below **and partly above adjacent natural** or

finished grade shall be calculated by the grade-plane method, which is as follows:

- (a) For the purposes of this measurement, a building’s “front façade” is the façade facing the nearest street and a building’s “opposite face” is the portion of the building that faces the opposite direction of the front façade;
- (b) ~~Establish a line between the midpoint of a building façade facing the nearest street at finished grade and the midpoint of the opposite building façade at finished grade;~~ Establish a line between the midpoint of a building’s front façade at the adjacent natural or finished grade, whichever is the lower elevation, and the midpoint of the building’s opposite face at the adjacent natural or finished grade, whichever is the lower in elevation, subject to paragraph (c);
- (c) If excavations project from the building’s front façade or opposite face that are not an exception to grade, as defined at 11-B DCMR § 100.2, the elevation of the midpoint of the building front façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way;
- (d) Determine the portion of this line that is five feet (5 ft.) or more below where the distance between it, and the ground the finished floor of the ground floor of the story directly above, is greater than or equal to six (6) feet;
- (e) Project a perpendicular line from the point along the line described in paragraph (d) to the exterior walls of the building; and
- (f) Measure the floor area that is between the projected perpendicular line and the other portions of the story five feet (5 ft.) or more below the finished floor of the ground floor with a height greater than or equal to six (6) feet when measured from the perpendicular line to the ground floor of the story above.

...

...

304.7

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

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

Subsections 307.1, 307.2, and 307.4 of § 307, RULES OF MEASUREMENT FOR BUILDING HEIGHT: NON-RESIDENTIAL ZONES, are amended and a new § 307.8 is added as follows:

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

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

...

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

...

307.7 **The term “curb” shall refer to a curb at grade.** When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, **the BHMP shall be established** ~~height of a building shall be measured~~ using the first of the following four (4) methods that is applicable to the site:

- (a) An elevation or means of determination established for a specific zone elsewhere in this title;

- (b) An elevation for the site that was determined prior to the effective date of this section by the Zoning Administrator, or the Redevelopment Land Agency, its predecessors or successors;
- (c) A street frontage of the building not affected by the artificial elevation; or
- (d) A level determined by the Zoning Administrator to represent the logical continuation of the surrounding street grid where height is not affected by the discontinuation of the natural elevation.

The title of Section 308, **RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, RA, RC-1, CG-1, AND D-1 ZONES**, is amended to read as follows:

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

Subsections 308.1 and 308.2 are amended to read as follows:

- 308.1 The height of buildings, not including a penthouse, in ~~R, RF, RA, RC-1, CG-1, and D-1~~ **residential zones, as defined in Subtitle A § 101.9**, shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.
- 308.2 The building height measuring point (BHMP) shall be established at the ~~existing~~ **adjacent natural or finished grade, whichever is the lower in elevation**, at the mid-point of the building façade of the principal building that is closest to a street lot line. **For any excavations projecting from the building's façade other than an exception to grade as defined at 11-B DCMR § 100.2 the elevation of the midpoint of a building façade shall be the equivalent of the lowest such elevation; excluding existing driveways adjacent to the midpoint(s) directly connecting a garage and public right of way.**

Section 310, **RULES OF MEASUREMENT FOR NUMBER OF STORIES**, is amended by adding new Subsections 310.5 and 310.6 as follows:

- 310.5** **Where there are multiple elevations for the finished floor of the ground floor, the height used for counting the number of stories shall be determined by the highest elevation of the finished floor.**
- 310.6** **For a building where the finished floor of the ground floor is removed or altered in height in association with a renovation where a raze of the building has not occurred, the higher of the previously existing or new finished floor of the ground floor shall be used for counting the number of stories.**

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Subsection 207.4 of § 207, HEIGHT, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended as follows:

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

Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

Subsection 303.5 of § 303, HEIGHT, of Chapter 3, RESIDENTIAL FLAT ZONE-RF-1, is amended as follows:

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

Subsection 403.5 of § 403, HEIGHT, of Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE-RF-2, is amended as follows:

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

Subsection 603.4 of § 603, HEIGHT of Chapter 6, RESIDENTIAL FLAT ZONE-RF-4 AND RF-5, is amended as follows:

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

Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Subsection 203.4 of § 203, HEIGHT, of Chapter 2, GENERAL DEVELOPMENT STANDARDS (RA), is amended as follows:

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

Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:

Subsection 203.3 of § 203, HEIGHT, of Chapter 2, DEVELOPMENT STANDARDS, is amended as follows:

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

Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

Subsection 305.2 of § 305, HEIGHT (USN), of Chapter 3, UNION STATION NORTH ZONE-USN, is amended as follows:

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

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. Case No. 18-01****Community Three Development****(Zoning Map Amendment @ Square 361, Lot 827 – 1925 Vermont Avenue, N.W.)**

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, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its intent to rezone Square 361, Lot 827 from the RF-1 zone to the ARTS-2 zone.

The Property that is the subject of this petition consists of approximately 37,927 square feet of land area. The Property is generally bounded by residential properties and a public alley on the north, residential properties and a public alley to the south, a public alley (known as 9½ Street) to the east, and Vermont Avenue to the west. The Property is located in the RF-1 zone and is designated as Mixed-Use Moderate Density Residential/Moderate Density Commercial on the Future Land Use Map (“FLUM”) of the District of Columbia Comprehensive Plan. The petition proposes to rezone the Property to the ARTS-2 zone to make it consistent with the Property’s mixed-use designation on the FLUM. The ARTS-2 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development.

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed:

The Zoning Map of the District of Columbia is amended to rezone Square 361, Lot 827 from RF-1 to ARTS-2.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2016 Repl.)), and Mayor's Order 2007-186, dated August 10, 2007, hereby gives notice of emergency and proposed rulemaking action to amend Chapter 21 (Attendance and Transfers) and Chapter 22 (Grades, Promotion, and Graduation) of Title 5 (Education), Subtitle E (Original Title 5), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rulemaking is to update existing regulations to clarify key requirements related to grading and attendance, and to establish procedural activities and timelines to enable implementation of these requirements. The rulemaking updates key areas, including clarifying and streamlining the grade appeals process, and clarifying when a grade of Incomplete (I) converts to a failing grade (F). It is imperative that this rulemaking receive Council approval forthwith so that all requirements can be communicated to DCPS students, parents, and stakeholders in a timely manner and the changes to be effective at the start of the 2018-2019 school year.

Emergency rulemakings are necessary for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to D. C. Official Code § 2-505(c) (2016 Repl.). This emergency rulemaking enhances the well-being of District students and the delivery of a meaningful education. This revision enables DCPS to substantially improve the ability for students who are off track for promotion and graduation to receive appropriate interventions to get back on track, ensures equity by removing punitive consequences for highly mobile students, and allows critical policy improvements identified by community stakeholders to be implemented at the beginning of the 2018- 2019 school year. This emergency action is required to ensure equitable access to an excellent education and a meaningful diploma for all DCPS students.

The emergency rules were adopted on June 19, 2018 and took effect at that time. The rules will remain in effect for up to one hundred twenty (120) days, expiring on October 17, 2018, unless earlier superseded by a notice of final rulemaking.

The rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor of the District of Columbia Public Schools also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register* and after approval by the Council of the District of Columbia, as specified in Section 103(c)(2) of the Act (D.C. Official Code § 38-172(c)(2)).

Chapter 21, ATTENDANCE AND TRANSFERS, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2103, TRUANCY, is repealed in its entirety, and new Section 2103, TRUANCY, is substituted to read as follows:

2103 TRUANCY

- 2103.1 District of Columbia Public Schools (DCPS) elementary and secondary students who have one unexcused absence from homeroom where attendance has been taken for purposes of the Compulsory School Attendance Act shall receive appropriate absenteeism protocol interventions initiated by classroom or homeroom teachers, pursuant to the Act.
- 2103.2 Half-day schedules for students attending DCPS are governed by the following requirements:
- (a) Half day schedules are permitted for employed students aged seventeen (17) or older whose hours of employment fall within the regular school day;
 - (b) Half day schedules are permitted for secondary students attending one of the local colleges or universities;
 - (c) In order for a half-day schedule to be approved, the student's employment and work hours or college schedule must be verified by the local school. Students who are not employed or attending one of the local colleges or universities will have a full course schedule, as will those whose employment begins after regular school hours.
- 2103.3 DCPS students accumulating thirty (30) or more unexcused absences within a full school year shall only be promoted if they meet an exception set forth in D.C. Official Code §§ 38-781.02(c) or 38-781.05.
- 2103.4 DCPS secondary students with ten (10) or more unexcused absences in any class during a single advisory shall receive an initial written notice that accumulating thirty (30) or more unexcused absences in any subject is awarded, unless an exception applies.
- 2103.5 DCPS secondary students with fifteen (15) or more unexcused absences in any class during a single advisory shall receive an additional written warning that they are at risk of receiving a grade of “FA” (failure due to absences) in that subject upon accumulating thirty (30) or more unexcused absences.

- 2103.6 DCPS secondary students accumulating thirty (30) unexcused absences in a course within a full school year shall receive a failing final grade in that course with a resulting loss of course credit.
- 2103.7 A written appeal may be filed by a parent or student on behalf of any student receiving a failing grade(s) due to unexcused absences.
- 2103.8 An appeal filed pursuant to § 2103.7 shall be submitted to the principal of the school attended or to a designee of the Chancellor within ten (10) school days after receipt of the failing grade(s).
- 2103.9 Upon receipt of an appeal, filed pursuant to § 2103.7, the principal or Chancellor's designee shall appoint an Appeals Panel and shall forward all written appeal requests to the panel chairperson within three (3) school days.
- 2103.10 The Appeals Panel referenced in § 2103.9 shall consist of not less than three (3) members to be selected from the following, one of which shall be from category (a):
- (a) A person designated by the principal or Chancellor's designee, who shall be the panel chairperson;
 - (b) A guidance counselor;
 - (c) A department chairperson;
 - (d) A teacher, other than the one involved in the matter being appealed;
 - (e) An attendance staff person; or
 - (f) A representative from DCPS central office administration.
- 2103.11 Substitutions of no more than two (2) members of the Appeals Panel described in § 2103.10 may be made when necessary.
- 2103.12 The Appeals Panel shall hold a hearing within ten (10) school days after its appointment by the principal or Chancellor's designee.
- 2103.13 The student, his or her parent, guardian or duly authorized representative shall appear at the hearing to represent the student. One of these individuals shall be given the opportunity to present the student's case and, upon request, to question the involved teacher and to be duly informed of the panel's recommendations.
- 2103.14 Each appeals panelist, including the chair, shall have an equal vote; however, two (2) voting members can render a decision.

- 2103.15 In the case of a tie vote, the initial grade is deemed to be upheld by the Appeals Panel.
- 2103.16 The Appeals Panel's recommendation shall be forwarded immediately to the principal or Chancellor's designee who shall issue the Panel's decision within ten (10) school days after the hearing.
- 2103.17 The student, his or her parent or guardian, may appeal the decision of the Appeals Panel by writing to the Chancellor's official grade appeal designee within ten (10) school days after receipt of the decision.
- 2103.18 When an appeal is filed pursuant to § 2103.17, the Chancellor's official grade appeal designee shall review all documentation submitted and issue the final administrative decision in the matter.
- 2103.19 The following procedural guidelines shall apply to appeals reviewed pursuant to § 2103.18:
- (a) The burden to show why the grade(s) in question should be changed shall be on the student or his or her parent or guardian;
 - (b) Strict rules of evidence shall not apply; and
 - (c) A written determination shall be issued within five (5) school days of the review and consideration of all submitted evidence.

Chapter 22, GRADES, PROMOTION, AND GRADUATION, is amended as follows:

Section 2200, REPORTING, is repealed in its entirety and a new Section 2200, REPORTING, is substituted to read as follows:

2200 REPORTING

- 2200.1 The District of Columbia Public Schools (DCPS) marking or grading system shall be designed to report fairly and accurately student progress and student achievement.
- 2200.2 The Chancellor shall establish and implement all DCPS policies on marks (grades) and student progress reporting.
- 2200.3 The Chancellor shall establish the form(s) for the reporting of marks (grades) and student progress.
- 2200.4 Teachers shall have primary responsibility for evaluating the work of the student.

2200.5 All students shall receive instructions leading to the achievement of DCPS content standards as follows

- (a) English Language Learners (ELL) shall receive specialized instruction leading to the development of English language skills and the mastery of academic content. A student's mark (grade) in the content area shall not reflect the student's acquisition of English language skills but rather achievement of the content standards.
- (b) Students with disabilities shall receive instruction consistent with the DCPS standards. Individualized Education Plan (IEP) teams or student support teams in the case of 504 eligible students shall determine appropriate accommodations and curricular modifications where necessary. A student's mark (grade) shall not reflect that accommodations have been made.

2200.6 At the elementary level; pre-kindergarten through fifth (5th) grade; marks (grades) of 1 through 4 shall be assigned by the teacher to indicate the degree of achievement of a student of the standards in each content area as follows:

- 4 = exceeds the standard (Advanced);
- 3 = meets the standard (Proficient);
- 2 = approaches the standard (Basic); and
- 1 = does not meet the standard (Below Basic).

For skills or/expectations within subject areas, sub-marks shall be given as follows:

- s = secure;
- d = developing;
- b = beginning; and
- n = not introduced.

2200.7 At the Secondary level; sixth (6th) grade through twelfth (12th) grade; marks (grades) of A through F shall be assigned by the teacher to indicate the degree of achievement by a student of the content standards in each course. Results of the end of course exam will count for no more than twenty percent (20%) of the final grade. Marks (grades) shall be as follows:

- A = 93 to 100,
- A- = 90 to 92;
- B+ = 87 to 89;
- B = 83 to 86;
- B- = 80 to 82;
- C+ = 79 to 77;
- C = 73 to 76;
- C- = 70 to 72;

D+ = 67 to 69;
 D = 64 to 66; and
 F = 63 and below.

	Credit	GPA	On	Honors*	AP* or IB*	
A (93%to 100%)	Yes	Yes	4.0	4.5	5.0	
A- (90% to 92%)	Yes	Yes	3.7	4.2	4.7	
B+(87%to 89%)	Yes	Yes	3.3	3.8	4.3	
B (83% to 86%)	Yes	Yes	3.0	3.5	4.0	
B-(80% to 82%)	Yes	Yes	2.7	3.2	3.7	
C+(77%to 79%)	Yes	Yes	2.3	2.8	3.3	
C (73% to 76%)	Yes	Yes	2.0	2.5	3.0	
C-(70% to 72%)	Yes	Yes	1.7	2.2	2.7	
D+(67%to 69%)	Yes	Yes	1.0	1.5	2.0	
D (64% to 66%)	Yes	Yes	1.0	1.5	2.0	
F 63% & below	No	Yes				
W	No	No				
L (late entry)	No	No				Converts to AUD (audit) at end of following advisory if coursework is not completed
I (incomplete.)	No	No				Converts to F (63%) if coursework is not completed
M (medical)	No	No				
P (pass)	Yes	No				
AUD (audit)	No	No				
S - satisfactory	No	No				For use in homeroom or other non-academic time
U-unsatisfactory	No	No				

*Honors: Intense courses which cover more content in greater depth than general courses of same subject;

*Advanced Placement: College level courses following The College Board guidelines and testing system;

*International Baccalaureate: Intense program of study following requirements of the International Baccalaureate Organization.

2200.8 Marks (grades) in courses failed and retaken for credit in grades kindergarten through twelve (12) shall not replace previously earned marks (grades) for any given course, but are included in the student's cumulative Grade Point Average (GPA). Marks (grades) earned in extended education programs such as Summer School, STAY School and Evening Credit Recovery courses have the same credit and GPA value as standard year courses.

2200.9 Mid and end of advisory reporting on student progress: Parents and students will be informed in writing on a regular basis of the progress made toward achieving the content standards. Toward that end, principals are responsible for effectively implementing the following process:

- (a) Parents must be notified, by the end of September, of the name and contact information for the school staff member they should call about concerns impacting their child's academic progress (academic, social or behavioral).
- (b) If, by the mid-point of an advisory, a teacher considers a student at risk of failing to meet the standards, the teacher shall notify the parent, in writing, and if appropriate refer the student to the student support team.

When a student has been identified as at risk of failing to meet the content standards, the principal, teacher(s) (bilingual/English as a Second Language (ESL) special education teacher where appropriate) and other designated staff shall work with the parents and the student to identify appropriate interventions. They may consider a variety of options including but not limited to:

- (1) Examining and altering current instructional strategies or materials;
- (2) Tutoring (during or after school);
- (3) A change in schedule;
- (4) Referral to other support, social service or health-related services;
- (5) Problem-solving with other students or individuals who may have an impact on the student's achievement;
- (6) A change in teacher; and
- (7) Targeted instruction.

- (c) At least ninety (90) calendar days before to the end of the school year, provide parents of students at risk for retention with:
 - (1) Notice of the student’s status, which shall include a statement of the student’s academic deficiencies and the possible consequences if the student does not meet the applicable promotion criteria; and
 - (2) Information to assist the parents in helping their child meet the promotion criteria.
- (d) If, by the close of the advisory, the problem persists and the student receives a mark (grade) of two (2) or one (1) at the elementary level or D or F at the secondary level in any of the core subjects, additional options will be considered, including:
 - (1) Referral to additional researched-based support options or alternative programs for more intensive services (pre-referral documentation must provide evidence that other interventions have been attempted);
 - (2) Access to additional instructional time (during the day, extended day or summer school); and
 - (3) Referral to student support team.
- (e) If, by the end of the academic year, the student fails to meet the content standards, an intervention plan will be developed by the current teacher and implemented during the summer and the following academic year.
- (f) Parents will be engaged in the consideration of additional researched based intervention strategies and will be informed, in writing, of any decisions resulting from the researched based intervention strategies.

2200.10 Teachers shall provide marks (grades) for each student and the school system shall issue report cards after the end of each advisory or/marketing period documenting the student's progress toward achieving the content standards. Report cards shall be distributed no later than twelve (12) school days after the end of the advisory.

2200.11 Any student who has not met the standards in a course or in a grade shall be notified no later than the last day of school in order to ensure timely enrollment in Summer School.

Section 2204, GRADUATION STATUS OF STUDENTS, is repealed in its entirety, and substituted with new Section 2204, GRADUATION STATUS OF STUDENTS, which reads as follows:

2204 GRADUATION STATUS OF STUDENTS

2204.1 Each adult student, or the parent or guardian of a student who is a minor, shall be informed in writing not later than twelve (12) school days after the close of the third (3rd) advisory period of the student’s graduation status.

2204.2 The notice required by this section shall include a warning that the student may not be eligible for graduation in June, if applicable.

Comments on this rulemaking should be submitted, in writing, to Eboni J. Govan, DCPS, 1200 First Street, N.E., 10th Floor, Washington, D.C. 20002 or online at dcpsregs@dc.gov, or <http://bit.ly/dcpsfeedback> no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Questions may be directed to the address above or to (202) 535-2647. Additional copies of this rule are available from the above address and DCPS’ website at www.dcps.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2018-051
June 27, 2018

SUBJECT: Delegation of Authority to the Director of the Department of General Services


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.), and pursuant to section 1 (j-1)(1) of An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944, 58 Stat. 819; D.C. Official Code §1-301.01 (2016 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (“**Director**”) is delegated the Mayor’s authority to contract with the Washington Metropolitan Area Transit Authority for the construction of a cellular tower on property owned by the District of Columbia and located at 2700 Martin Luther King Jr. Boulevard, SE, known for tax and assessment purposes as Square 5868S, Lot 0805. The Director may delegate this authority to her designees as she deems appropriate.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**DC MAYOR'S COMMISSION ON ASIAN AND
PACIFIC ISLANDER AFFAIRS**

**DC Commission on Asian and Pacific Islander Affairs Monthly Meeting
Wednesday, June 20, 2018 from 6:30 – 7:30 pm**

Meeting Location: 441 4th St NW, Room 721 North Washington, DC

MEETING AGENDA

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of April 2018 Meeting Minutes

Mayor's Office of Talent and Appointments: Swearing In of New Commissioners

1. Rebecca Lee
2. Bhavna Ghia
3. Bruce Leal (will attend July meeting)

Executive Reports and Business Items

1. Director's Report presented by MOAPIA Director David Do
2. Staff Report and Chinatown Park by Phuong Nguyen, MOAPIA
3. MPD and Community Relations, Commissioner Martha Watanabe
4. DCAPIA Health, Commissioner Kishan Putta

DC Commission on Arts and Humanities (DCCAH)

1. Chinatown Friendship Archway, Alfred Liu, Architect, alfredhliu@gmail.com
202.822.8320

State of Chinatown

1. Crime and Safety.
2. ABRA-109920, Arosto Pizza, 705 7th St NW, seating 40, Summer Garden seating 20.
Hours: Sunday-Thursday 10 am- 2 am, Friday & Saturday 10 am 3 am; Summer Garden
hours: Sunday- Thursday 10 am – 11 pm, Friday & Saturday 10 am – 12 midnight.

3. ABRA-Stipulated Penny Whisky Bar, 618 H Street NW, 2nd fl, Hours: Sunday-Thursday 10:30 am- 2 am, Friday & Saturday 10:30 am- 3 am. No Summer Garden.
4. DDOT Lime Bike at Downtown
5. DDOT Proposed Plan to Improve 7th St NW, between I Street and Pennsylvania Ave NW.
6. ANC2C's Letter of Support for 1882 Foundation

Meeting Adjournment

Next Meeting:

Wednesday, July 18, 2018, 6:30 pm
441 4th Street NW, Room 721 North
Washington, DC 20001

Questions:

John Tinpe Chairman, John.Tinpe@dcbc.dc.gov
Ben Takai, Vice Chair & Secretary, BenTakai@dcbc.dc.gov
Phuong Nguyen, Phuong.nguyen2@dc.gov

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 is interested in expanding our Global Ambassadors After School Program. As such, we are looking for a company to plan all details of the trip. The trip is scheduled for June 9, 2019. Trip planning must be complete by July 13, 2018. Considered locations are Puerto Rico, Dominican Republic, Mexico, Jamaica and New Orleans.

To obtain copies of full RFPs, please visit our website: www.centercitypcs.org/contact/request-for-proposal. The full RFPs contain guidelines for submission, applicable qualifications, and deadlines.

Contact Person:

Allison Jones

ajones@centercitypcs.org

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

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

July 2018

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	RECESS	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	18	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	13	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	2	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00-pm-8:30 pm
Brittani Strozier	Board of Funeral Directors	16	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	26	9:00 am-1:30 pm
Patrice Richardson	Real Estate Commission	10	8:30 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades	17	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

**July 13, 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, June 1, 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 – September 14, 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

**July 18, 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, June 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 – September 19, 2018 at 10:00 a.m.

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

NOTICE OF PUBLIC MEETING

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

**Meeting Agenda
Monday, July 2, 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 – August Recess

**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**

**Monday, July 16, 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 –August 2, 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
July 17, 2018**

1. Call to Order – 1:00 p.m.
2. Minutes - Draft, June 19, 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, September 18, 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

**July 26, 2018 ~ Room 300
9:30 A.M. (Application Review by Board Members)**

10:00 A.M.

- 1) Call to Order – 10:00 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

**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

**July 10, 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, June 12, 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 – September 11, 2018 at 10:00 a.m.

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

Vacant Building Enforcement

Address:	Square:	Lot:
2205 Evarts Street, NE	4254	0024

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 **FY 2017**, 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) 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.

D.C. PREPARATORY ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

D.C. Preparatory Academy, in accordance with section 2204(c)(XV)(A) of the District of Columbia School Reform Act of 1995, hereby solicits proposals to provide:

- Accounting services
- Advertising and marketing services
- Advisory and consulting services
- Architectural and engineering services
- Assessment and instructional data support and services
- Business insurance
- Classroom furniture, fixtures, and equipment
- Computer hardware and software
- Construction/general contractor services
- Copy machine services
- Curriculum materials
- Employee medical benefits
- Facility management services
- Financial audit services
- Food services
- Instructional support services
- IT management services
- Janitorial services and supplies
- Legal services
- Mechanical services (boiler, HVAC, etc.)
- Office furniture, fixtures, and equipment
- Office supplies
- Payroll and HR information systems
- Playground furniture, fixtures, and equipment, and installation services
- Professional development and consulting services
- Project management and consulting services
- Security services
- Special education services
- Student data management systems
- Student transportation services
- Talent recruitment and development services
- Temporary staffing services
- Waste management services

Please email bids@dcprep.org for more details about requirements.

Bids are DUE BY JULY 9, 2018.

DEMOCRACY PREP CONGRESS HEIGHTS PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Food Service Management Services**

Democracy Prep Congress Heights Public Charter School 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 **June 29, 2018** from **Tiffany Green at (202) 561-0860 or tiffany.green@democracyprep.org**.

Proposals will be accepted at 3100 Martin Luther King, Jr. Avenue, SE, Washington, DC 20032 not later than **12 noon on July 23, 2018**.

All bids not addressing all areas as outlined in the IFB will not be considered.

BOARD OF ELECTIONS**NOTICE OF PUBLICATION**

The Board of Elections, at a Regular Meeting held on Wednesday, June 6, 2018, formulated the short title, summary statement, and legislative text of the “DC Bike Life Access and Use of Non-Traditional Vehicles Act of 2018.” A Notice of Publication containing the Board’s formulations was published in the *D.C. Register* at 65 DCR 6641 but did not include the proper legislative text that was filed by the Measure’s proposer on January 26, 2018. Accordingly, pursuant to D.C. Code § 1-1001.16 (2016 Repl.), the Board hereby publishes the aforementioned formulations as follows:

INITIATIVE MEASURE

NO. 78

SHORT TITLE

District of Columbia Non-Traditional Vehicles Act of 2018

SUMMARY STATEMENT

If enacted, this Initiative will:

- Allow individuals with valid driver licenses to operate alternative vehicles on public roadways with posted speed limits of 45 mph or lower and on shoulder lanes of highways in the District of Columbia;
- Allow persons to register alternative vehicles with the Department of Motor Vehicles;
- Establish a civil fine of \$100 for unauthorized use; and
- Prohibit individuals from parking alternative vehicles on District roadways.

Under the Initiative, individuals operating alternative vehicles on public roadways and highways in the District shall not be required to obtain a motorcycle endorsement on their driver licenses.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia Non-Traditional Vehicles Act of 2018.”

Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code *passim*), is amended as follows:

(a) Section 9b (D.C. Official Code § 50-2201.04b) is amended to read as follows:

“Sec. 9b. All-terrain vehicles and dirt bikes.

“(a) Persons licensed to operate motor vehicles pursuant to D.C. Official Code §§ 50-1401.01 *et seq.*, shall be permitted to:

“(1) Operate at any time an all-terrain vehicle, dirt bike or UTV/MOHUV (multipurpose off-highway utility vehicle):

“(A) On public roads with posted speed limits of 45 mph and lower; or

“(B) On the ‘shoulder’ lane when operated on highways in the District.

“(2) Park at any time an all-terrain vehicle or dirt bike on private property, including public garage parking.

“(3) Register their all-terrain vehicle, dirt bike or UTV/MOHUV (multipurpose off-highway utility vehicle) with the Department of Motor Vehicles in the District.

“(b) Persons operating dirt bikes and ATVs at speeds lower than 45 mph shall not be required to possess an ‘M’ endorsement on their Driving Permit.

“(c) A person violating section (a)(1) of this section shall upon conviction be fined no more than \$100 as set forth in D.C. Official Code § 22-3571.01..

“(d) A person who is convicted of violating subsection (a)(1)(A) or (a)(1)(B) of this section shall, upon a second or subsequent conviction for violating subsection (a)(1)(A) or (a)(1)(B) of this section, have his or her driver's license, or privilege to operate a motor vehicle in the District, suspended for six months from the date of conviction.

“(e) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute violations of this section, in the name of the District of Columbia.

“(f) An all-terrain vehicle, dirt bike or UTV/MOHUV parked in violation of section (a)(2) shall be subject to impoundment pursuant to the standards and procedures set forth by D.C. Official Code § 50–2421.07.

Sec. 3. Effective date.

This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1971 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).

DEPARTMENT OF FORENSIC SCIENCES**NOTICE OF PUBLIC MEETING****Science Advisory Board Meeting****Friday, July 20, 2018****9:00 a.m.****Draft Agenda**

On Friday, July 20, 2018, the Department of Forensic Sciences will be hosting the Science Advisory Board Meeting at the Consolidated Forensic Laboratory, 401 E Street SW, Washington, DC 20024 in Room 1224. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202-727-8267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

Roll Call, Review of Minutes from last meeting, Approval of Minutes

Quality Update – Brittany Graham

Public Health Lab Update – Dr. Anthony Tran

Old Business, New Business

Future meeting dates and locations

Closing and adjournment

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS**

Questions can be addressed to: ProcurementInquiry@friendshipschools.org.

Administrative Tech Licenses/ Maintenance and Training

Friendship Public Charter School intends to enter into a sole source contract with PowerSchool for administrative tech licenses/maintenance and training. The estimated yearly cost is approximately \$100,000 yearly. The decision to sole source is due to the fact that this vendor is the exclusive provider of these licences.

Friendship Public Charter School intends to enter into a sole source contract with Coupa for procurement tech licenses/ maintenance and training. The estimated yearly cost is approximately \$60,000. The decision to sole source is due to the fact that these vendor is the exclusive provider of these licenses.

International Baccalaureate North America Inc.

Friendship Public Charter School intends to enter into a sole source contract with International Baccalaureate North America for Fees, Training, Instructional materials and related services for the International Baccalaureate program. The annual cost of these contracts will be approximately \$50,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to the materials and training. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Resident Teacher Placement

Friendship Public Charter School intends to enter into sole source contracts with Urban Teacher Center (UTC) for teacher placement services and ongoing developmental support. The estimated yearly cost is approximately \$100,000. The decision to sole source is due to the fact that Urban Teacher Center has a proven data driven instrument specifically developed to determine the likelihood of success for teacher applicants at FPCS. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Capital Teaching Residency

Friendship Public Charter School intends to enter into sole source contracts with Capital Teaching Residency (CTR) for teacher training and ongoing developmental support. The estimated yearly cost is approximately \$50,000. The decision to sole source is due to the fact that Capital Teaching Residency is has a proven training program designed to train highly effective teachers at FPCS. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

AVID

Friendship Public Charter School intends to enter into sole source contract with AVID for AVID College Readiness System and related AVID curriculum and promotional materials. The estimated yearly cost is approximately \$60,000. The decision to sole source is due to the fact that AVID is the exclusive providers of the AVID College Readiness System and related AVID curriculum and promotional materials. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Project Lead the Way

Friendship Public Charter School intends to enter into sole source contracts with Project Lead The Way (PLTW) a leading provider of rigorous and innovative Science, Technology, Engineering, and Mathematics (STEM) education curricular programs used in middle and high schools across the U.S. The estimated yearly cost is approximately \$80,000. The decision to sole source is due to the fact that vendors are the exclusive providers of the services and PLTW provider the curricula for the engineering academies. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Wilson language

Friendship Public Charter School intends to enter into sole source contracts with Wilson Language professional learning and research-based reading and spelling curricula. Its multisensory, structured curricula—the **WILSON Reading System**[®], **WILSON Foundations**[®], **WILSON Just Words**[®], and **WILSON Fluency**[®]—have proven to be highly effective remedying reading deficits. The estimated yearly cost is approximately \$40,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to this material. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Teaching Strategies

Friendship Public Charter School intends to enter into sole source contracts with The Teaching Strategies System for Pre-K; and The Creative Curriculum System for Preschool and all products and components associated with this and any professional development related to the curriculum; *Teaching Strategies GOLD* assessment system and the components, training, curriculum materials, and methodologies for licenses, curriculum materials, support and ongoing access to student information. The estimated yearly cost is approximately \$60,000. The decision to sole source is due to the fact that the vendor is the publisher and holds the copyrights to this materials and training. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

TEACH FOR AMERICA

Friendship Public Charter School intends to enter into sole source contracts with Teach for America for corps members to be placed with Friendship Public Charter School. These teachers are committed to closing the achievement gap by serving as effective classrooms teachers specifically equipped to enhance student achievement. This contract will help to defray expenses Teach for America incurred in recruiting, selecting, providing service training and continuing professional development services to these teachers. The cost of the contracts will be approximately \$40,000 for Teach for America. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE LONG TERM CARE SERVICES AND SUPPORTS ASSESSMENT TOOL**

The Director of the Department of Health Care Finance (DHCF), pursuant to authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02) (2012 Repl. & 2015 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2012 Repl.)), hereby gives notice of the intent to utilize a new face-to-face assessment tool to determine eligibility for long term care services and supports. The tool will be used to determine the level of need for beneficiaries who receive Long Term Care Services and Supports (LTCSS), with the exception of Intermediate Care Facilities for Individuals with Intellectual and Developmental Disabilities services, and Home and Community-Based Waiver Services for Individuals with Intellectual and Developmental Disabilities (IDD Waiver). This includes nursing facility services, services offered through the Home and Community-Based Services (HCBS) Waiver for the Elderly and Persons with Physical Disabilities (EPD Waiver), the Personal Care Aide (PCA) services available under the District's Medicaid State Plan, Adult Day Health Program (ADHP) services offered under the 1915 (i) Home and Community-Based State Plan Option, and other LTCSS not intended to serve individuals with intellectual and developmental disabilities.

Effective July 16, 2018, DHCF will utilize the InterRAI Home Care (HC) Assessment tool to determine a person's level of need for LTCSS.

The InterRAI HC Assessment tool is a screening tool that is based upon the Minimum Data Set (MDS). It is currently used internationally in 87 countries, and in 24 states, including Maryland, New Jersey, and Illinois. The InterRAI HC Assessment tool is an objective assessment with established inter-rater reliability and research-informed decision support tools. It is also user friendly, and person-centered.

The District's InterRAI HC Assessment tool uses the same scoring tool and algorithm as the current LTCSS assessment tool. This means that persons will need to obtain the same scores as outlined in the District's Long Term Care Services and Supports Assessment Process rulemaking (Section 989 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations) to qualify for Medicaid LTCSS. For example, to qualify for PCA services under the Medicaid State Plan, a person will still require a score of four or higher. However, by focusing on the person's strengths, and social supports in addition to the person's weaknesses, the use of the new InterRAI HC assessment tool will enable the District to provide a more accurate reflection of the person's needs for LTCSS.

Additionally, because the InterRAI HC Assessment tool assesses multiple key areas or domains including health, function, social support, and service use and identifies the person’s strengths and assets, it is specifically designed to inform and support the person-centered care planning process. Similar to the MDS, the InterRAI HC Assessment tool identifies persons who could benefit from further evaluation of specific problems such as risks of functional decline. These problems or “triggers” link the InterRAI HC Assessment tool to a series of problem-oriented Clinical Assessment Protocols (CAPs). The CAPs provide the assessor with general guidelines for further assessment and facilitates the creation of a more individualized, person-centered care plan.

DHCF shall hold a public meeting for interested stakeholders to learn more about the InterRAI HC Assessment tool, how it will be used to determine the level of need for LTCSS and to inform the person-centered care planning process. The meeting will be held at 9:00 am on Monday, July 9, 2018 at 441 4th Street, N.W., 10th Floor North.

If you have comments regarding the proposed assessment tool after the public meeting, they shall be submitted to Ieisha Gray, Director, Long Term Care Administration, D.C. Department of Health Care Finance, 441 Fourth Street NW, 10th Floor South, Washington, DC 20001, or via e-mail at dhcfpubliccomments@dc.gov within thirty (30) days of the public meeting.

For further information, please contact Sheverly Nail, RN, Program Manager, Long Term Care Administration, D.C. Department of Health Care Finance, (202) 478-9304 or Sheverly.Nail@dc.gov.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

Wednesday, July 18, 2018, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, August 15, 2018, the Board will not have a regularly scheduled Board meeting.

Wednesday, September 19, 2018, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY**

Polly R. Donaldson, Director, DC Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) which includes funding under the Community Development Block Grant (CDBG) program, and some local funds. This NOFA is being issued pursuant to the FY 2019 Consolidated Action Plan prepared for submission to the U.S. Department of Housing and Urban Development (HUD). **Small Business Technical Assistance will be funded under this NOFA.**

The Department will provide grant funding to qualified non-profit organizations for DHCD's Small Business Assistance Program to provide small business support services in targeted commercial areas of the District. The business support services provided through this program are intended to empower start-up and established businesses for the purpose of revitalizing low and moderate income communities. Applicants responding to this NOFA will have the opportunity to present their organizational capacity and experience. Applicants will be asked to provide a dedicated marketing and outreach plan for providing business support services. Applicants should propose high-impact, innovative methods of service delivery, and activities which collaborate with, and enhance, other revitalization efforts in the District.

The Request for Applications (RFA) associated with this NOFA will be released on July 16, 2018. The RFA package, including all application materials will be available in CD format and can be obtained at DHCD, 1800 Martin Luther King Jr. Avenue, S.E., Washington, D.C. 20020, 1st floor reception desk daily from 8:15 am until 4:45 pm. This material will also be available from the DHCD website, www.dhcd.dc.gov, no later than July 16, 2018.

Completed applications for Small Business Assistance (RCS) must be delivered on or before 4:00 p.m., Eastern Time, August 13, 2018, to DHCD, 1800 Martin Luther King Jr. Avenue, S.E., 1st floor reception desk, Washington, D.C., 20020.

No applications will be accepted after the submission deadline

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:
SOLICITATION FOR DEVELOPMENT
FOR THE 2 PATTERSON RFP**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is requesting responses through a Request for Proposals (“RFP”) from qualified real estate development teams (“Developers”) for the disposition and development of the following site:

- **2 Patterson** (Square 0672, Lot 0245)
 - Solicitation format: RFP
 - Issuance Date: June 22, 2018

DMPED invites Developers to respond to this RFP for the redevelopment of the 2 Patterson site in the Northwest One redevelopment area of Northeast, Washington, D.C. There will be a Pre-Response Conference and Site Visit held at the Site as described in the final RFP. More information will be available in the RFP publication, which is available at <https://dmped.dc.gov/node/461732>.

For more information and project updates, please visit www.dmped.dc.gov.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:
SOLICITATION FOR DEVELOPMENT
FOR THE EDEN PLACE PHASE 2 RFP**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is requesting responses through a Request for Proposals (“RFP”) from qualified real estate development teams (“Developers”) for the disposition and development of the following site:

Eden Place Phase 2 (Square 5260, Lots 0840, 0841, 0842, 0843, 0844, 0845, 0846, 0847, 0848, 0849, 0850, 0851, 0852, 0853, 0854, 0855, 0856)

- Solicitation format: RFP
- Issuance Date: June 22, 2018

DMPED invites Developers to respond to this RFP for the redevelopment of the Eden Place Phase 2 site in the Deanwood neighborhood of Northeast, Washington, D.C. There will be a Pre-Response Conference and Site Visit held at the Site as described in the final RFP. More information will be available in the RFP publication, which is available at <https://dmped.dc.gov/node/461732>.

For more information and project updates, please visit www.dmped.dc.gov.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:
SOLICITATION FOR DEVELOPMENT
FOR THE HOWARD ROAD PROPERTY RFP**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is requesting responses through a Request for Proposals (“RFP”) from qualified real estate development teams (“Developers”) for the disposition and development of the following site:

Howard Road Property (1004-1018 Howard Road & Shannon Place, SE; Square 5860, Lots 0948, 0906, 1035, 0839, 1034, 0952, 0897, and 0908)

- Solicitation format: RFP
- Issuance Date: June 22, 2018

DMPED invites Developers to respond to this RFP for the redevelopment of the Howard Road Property site in the Anacostia neighborhood of Southeast, Washington, D.C. There will be a Pre-Response Conference and Site Visit held at the Site as described in the final RFP. More information will be available in the RFP publication, which is available at <https://dmped.dc.gov/node/461732>.

For more information and project updates, please visit www.dmped.dc.gov.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLICATION:
SOLICITATION FOR DEVELOPMENT
FOR THE ST. ELIZABETHS EAST – PARCEL 15 RFP**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is requesting responses through a Request for Proposals (“RFP”) from qualified real estate development teams (“Developers”) for the disposition and development of the following site:

- **St. Elizabeths East – Parcel 15 (Square 5868, Lot 0802);**
 - Solicitation format: RFP
 - Issuance Date: June 22, 2018

DMPED invites Developers to respond to this RFP for the redevelopment of the St. Elizabeths East – Parcel 15 site in Southeast, Washington, D.C. There will be a Pre-Response Conference and Site Visit held at the Site as described in the final RFP. More information will be available in the RFP publication, which is available at <https://dmped.dc.gov/node/461732>.

For more information and project updates, please visit www.dmped.dc.gov.

Government of the District of Columbia
Public Employee Relations Board

<hr/>)	
In the Matter of:)	
)	
Monica Brokenborough)	
)	
Complainant)	PERB Case No. 18-U-10
)	
v.)	Opinion No. 1666
)	
District of Columbia Public Schools)	
)	
Respondent)	
<hr/>)	

DECISION AND ORDER

I. Introduction

On December 26, 2017, the Complainant, Monica Brokenborough, *pro se*, filed this unfair labor practice complaint (“Complaint”). The Complaint alleges that District of Columbia Public Schools (“Respondent”) violated section 1-617.04(a)(1), (3), and (4) of the D.C. Official Code by delaying its response to the grievance filed on her behalf by the Washington Teachers’ Union (“WTU”). The Complaint also alleges that the Respondent violated the parties’ collective bargaining agreement, the District of Columbia Municipal Regulations, and the District of Columbia Whistleblower Protections Act by terminating the Complainant in retaliation for her union activity. In an answer filed on January 31, 2018, the Respondent denies that it violated section 1-617.04(a)(1), (3), and (4) of the D.C. Official Code and moves to dismiss the Complaint. The Respondent further asserts that the Complaint does not allege violations of the Comprehensive Merit Personnel Act (“CMPA”) and that the allegations should be addressed through the parties’ grievance and arbitration process.

Decision and Order
PERB Case No. 18-U-10
Page 2

II. Facts

The material facts are undisputed by the parties. From August 2015, until her termination in June 2017, the Complainant was employed by the Respondent as a teacher.¹ On August 28, 2017, WTU filed a Step 1, Stage 3 grievance on the Complainant's behalf.² The collective bargaining agreement between WTU and the Respondent provides that the Respondent shall meet with a teacher and/or a WTU representative within 10 school days after a grievance reaches Step 1, Stage 3.³ The Respondent failed to meet with a WTU representative to resolve the Complainant's Step 1, Stage 3 grievance within this time frame.⁴ The Respondent also failed to respond to WTU's emails of October 11, 2017 and October 31, 2017, requesting a response to its Step 1, Stage 3 grievance.⁵ Based on the aforementioned facts, the Board finds that only legal issues remain, and the alleged violations can be appropriately decided on the pleadings pursuant to Board Rule 520.10.

For the reasons explained herein, the Board finds that the Complainant has not alleged timely violations of the CMPA and has failed to state a claim under section 1-617.04(a)(1), (3), and (4) of the D.C. Official Code. Therefore, the Complaint is dismissed.

III. Analysis

Generally, a complainant must assert allegations that, if proven, would establish the alleged statutory violations made in the complaint.⁶ Under Board Rule 520.11, "the party asserting a violation of the CMPA shall have the burden of proving the allegations of the complaint by a preponderance of the evidence."⁷ Section 1-617.04(a)(1), (3), and (4) of the D.C. Official Code prohibits the District, its agents, and representatives from:

- (1) Interfering with, restraining, or coercing any employee in the exercise of the rights guaranteed by this subchapter;
- (3) Discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization, except as otherwise provided in this chapter; and
- (4) Discharging or otherwise taking reprisal against an employee because she has signed an affidavit, petition, or complaint or give any information or testimony under this subchapter.⁸

The Board finds, with respect to the Respondent's alleged refusal to respond to the Step 1, Stage 3 grievance filed by WTU, that the Complainant does not allege a violation of any of the

¹ Complaint at 2, 5; Answer at 2; Answer Exhibit 4.

² Complaint at 3; Complaint Exhibit 2.

³ Complaint at 3; Complaint Exhibit 3 at 38.

⁴ Complaint at 4; Complaint Exhibits 4 and 5.

⁵ Complainant's Exhibits 4 and 5.

⁶ *Washington Teachers' Union, Local 6, Am. Fed'n of Teachers v. D.C. Pub. Sch.*, 64 D.C. Reg. 4885, Slip Op. 1611 at 1, PERB Case No. 16-U-32 (2017).

⁷ *Id.*

⁸ D.C. Official Code § 1-617.04(a)(1), (3), and (4).

Decision and Order
PERB Case No. 18-U-10
Page 3

rights proscribed under section 1-617.04(a) of the D.C. Official Code. The Respondent's obligation to meet with a WTU representative during various stages of the grievance procedure is dictated by the parties' collective bargaining agreement and not by the CMPA.

The Board has long held that it lacks the authority to interpret the terms of collective bargaining agreements to determine the merits of a cause of action.⁹ Therefore, the Board lacks jurisdiction to resolve the Respondent's alleged refusal to respond to the Complainant's grievance.

The Board further finds that the remaining allegations in the Complaint are untimely. Board Rule 520.4 requires that an unfair labor practice complaint be filed no later than 120 days after the date on which the alleged violation occurred.¹⁰ Accordingly, the Complainant's allegations that the Respondent: (1) terminated the Complainant in June 2017 due to her union activity;¹¹ (2) did not provide the Complainant with a copy of her excess justification in June 2017;¹² (3) unlawfully deducted the Complainant's paycheck in September 2016;¹³ (4) humiliated the Complainant in front of the Ballou High School staff in March 2017;¹⁴ (5) "communicated to the Complainant via a raised voice tone in the presence of students, alumni, parents, and colleagues" in May 2017;¹⁵ terminated the Complainant for reporting various "abuse[s] of authority" to DCPS and state officials during the 2016-2016 school year;¹⁶ and terminated the Complainant for being quoted in the Washington Post in December 2016 and May 2017 are untimely.¹⁷ The complaint in this case was filed on December 26, 2017; more than 120 days after the Complainant knew or should have known of the acts giving rise to the Complaint. Therefore, the foregoing allegations are untimely under Board Rule 520.4.

IV. Conclusion

In view of the fact that the Complainant has not alleged timely violations of the CMPA and has failed to state a claim under section 1-617.04(a)(1), (3), and (4) of the D.C. Official Code, the Complaint is dismissed.

⁹ See *Am. Fed'n of Gov't Emp., Local 3721 v. D.C. Fire Dep't*, 39 D.C. Reg. 8599, Slip Op. No. 287, PERB Case No. 90-U-11 (1991).

¹⁰ Pub. Emp. Relations Bd. Rule 520.4

¹¹ Complaint at 6-7.

¹² Complaint at 7.

¹³ Complaint at 8.

¹⁴ Complaint at 8.

¹⁵ Complaint at 9.

¹⁶ Complaint at 9.

¹⁷ Complaint at 9.

Decision and Order
PERB Case No. 18-U-10
Page 4

ORDER

IT IS HEREBY ORDERED THAT:

1. Monica Brokenborough’s Complaint is dismissed with prejudice; and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

April 26, 2018

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 18-U-10, Op. No. 1666 was sent by File and ServeXpress to the following parties on this the 8th day of May, 2018.

Monica Brokenborough
13307 Littlepage Place
Bowie, MD 20715

Michael Levy, Esq.
Office of Labor Relations and
Collective Bargaining
441 4th Street, N.W., Suite 820 North
Washington, D.C. 20001

/s/ Alexis Anderson
PERB Staff Attorney

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after August 1, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on June 29, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: August 1, 2018

Page 2

Alexander	Brian B.	The Justin Company 5980 Sligo Mill Road, NE	20011
Andresen	Allison	Venturehouse Group 509 7th Street, NW, 3rd Floor	20004
Arrington	Sharon V.	US Department of Veterans Affairs 810 Vermont Avenue, NW	20420
Askerov	Maksat	Self 1749 18th Street, NW, Apartment 1/2	20009
Assefa	Melat	M & T Bank 2620 Connecticut Avenue, NW	20008
Avallone	Beverly	World Wildlife Fund 1250 24th Street, NW	20037
Barclift	Letita E.	US Department of Education 400 Maryland Avenue, SW	20202
Berkley	Bettie L.	Department of Human Services 64 New York Avenue, NE	20002
Blackmon-Frazier	Takuanda	Ballard Spahr, LLP 1909 K Street, NW, 12th Floor	20006
Blum	David	Boys Town Washington DC, Inc. 4801 Sargent Road, NE	20017
Boatright	Grace	Government Affairs Industry Network 1616 H Street, NW	20006
Brangman	Janet L.	Charter Communications 601 Massachusetts Avenue, NW, Suite 400W	20001
Brown	Charlotte L.	Berkeley Research Group, LLC 1800 M Street, NW, 2nd Floor	20036
Burke	Bryan	Velocity Condo 1025 First Street, SE	20003

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: August 1, 2018

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Butler	Felecia M.	Department of Justice, Tax Division 601 D Street, NW	20579
Cala	Socrates A.	Self (Dual) 4326 4th Street, NW	20011
Card	Carole G.	Self 201 Massachusetts Avenue, NE, #304	20002
Carney	Geneva	Self 1804 Branch Avenue, SE	20020
Carrillo	Trisha Viecco	International Budget Partnership 820 1st Street, NE, Suite 460	20002
Chicas	Andres	Citibank 5250 MacArthur Boulevard, NW	20016
Chrisney	Debra	National Association of Mutual Insurance Companies 20 F Street, NW, Suite 510	20001
Clemsic	Arlene	Kelly IP, LLC 1919 M Street, NW, Suite 610	20036
Cook	Bethany	Museum of the Bible 400 Fourth Street, SW	20024
Cummings	Jasmine	Goldblatt Martin Pozen, LLP 1625 K Street, NW, Suite 700	20006
DeVico	Barbara	Oleander Reporting 1100 Connecticut Avenue, NW, Suite 810	20036
Dill	Katherine	The Cypress Group 1028 33rd Street, NW, Suite 200	20007
Dixon	Alexandria	Vedder Price 1401 I Street, NW	20005
Domorad	Robert	American Councils for International Education 1828 L Street, NW, Suite 1200	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: August 1, 2018
Page 4**

Dorsey	Christopher	Wilson-Epes Printing, Co., Inc. 775 H Street, NE	20002
Eggleston	Cheryl R.	Gibson Dunn & Crutcher, LLP 1050 Connecticut Avenue, NW	20036
Elam	Solomon	The UPS Store 455 Massachusetts Avenue, NW	20001
Fisher	Courtney E.	Cooley, LLP 1299 Pennsylvania Avenue, NW, Suite 700	20004
Foard	Yuliya	TDI 1155 Connecticut Avenue, NW, 11th Floor	20036
Fowler	Cheryl Angela	Self (Dual) 2801 Quebec Street, NW, Apartment 310	20008
Fraser	Antoinette	Lincoln Property Company 1325 G Street, NW, Suite 110	20005
Freeland	Jacqueline	Surgical Anesthesia Associates, LLC 5255 Loughboro Road, NW	20016
Gibbons	Layla M.	Tishman Speyer 1875 Eye Street, NW, Suite 1200	20006
Graham	Rachel	Fitch Even Tabin & Flannery 1250 23rd Street, NW, Suite 400	20037
Hackley	Margaret A.	Martinez & Johnson Architecture, PC 1001 G Street, NW, Suite 250 W	20001
Hagen	Jacqueline	Epiq Court Reporting 1875 I Street, NW, Suite 802	20006
Hamilton	David Vayo	Self 1380 Quincy Street, NW, Unit 5D	20011
Hill	David A.	One Source Process, Inc 1133 13th Street, NW, Unit C-4	20005

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: August 1, 2018
Page 5**

Huber	Dawn	Great Minds 55 M Street, SE, Suite 340	20003
Jackson	Nancy M.	Advanced Medical Technology Association 701 Pennsylvania Avenue, NW, Suite 800	20004
Jenkins	Charlotte S.	Congressional Budget Office 2nd & D Street, SW	20515
Johnson	Amy E.	Kalijarvi, Chuzi, Newman & Fitch, PC 818 Connecticut Avenue, NW	20006
Johnson	Deborah L.	White & Case, LLP 701 Thirteenth Street, NW	20005
Johnson	Jill Elizabeth	The Mandy and David Team, LLC 1313 14th Street, NW	20005
Jones	Kendall S.	The George Washington University Law School, Jacob Burns Community Legal Clinic 2000 G Street, NW	20052
Jorgenson	Karen Lynn	Ace-Federal Reporters 1625 I Street, NW, #790	20006
Kago	Loise	Department of Youth Rehabilitation Services 450 H Street, NW	20001
Kefas	Fosen	Signal Financial Federal Credit Union 1101 New York Avenue, NW	20005
Kruzich	Maria Brenda	Bank of America 3500 Georgia Avenue, NW	20010
Lane	Jonathan David	JD Lane Law 1629 K Street, NW, Suite 300	20006
Lee-Tidball	Lerkia L.	Morgan, Lewis & Bockius, LLP 1111 Pennsylvania Avenue, NW	20004
Lestmann	Kalani	Museum of the Bible 400 Fourth Street, SW	20024

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: August 1, 2018

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Madrid Romero	Alma D.	JPN Masonry, LLC 2607 24th Street, NW	20008
Marble	Mollie Jean	Paragon Title & Escrow 1410 Q Street, NW	20009
McKenzie	Leslie A.	Allied Title & Escrow, LLC 611 2nd Street, NE	20007
McNeal	Alicia M.	Department of Youth Rehabilitation Services 450 H Street, NW	20001
Melvin	Sheri	National Endowment for Democracy 1025 F Street, NW	20004
Middleton	Terri	Kozusko Harris Duncan 1666 K Street, NW, Suite 400	20006
Mostrowski	Stephen	Signal Financial Federal Credit Union 1101 New York Avenue, NW	20005
Nelson-Warren	Simone	Council for Advancement and Support of Education (CASE) 1307 New York Avenue, NW, Suite 1000	20005
O'Brien	Daniel Anthony John	Environmental and Energy Study Institute 1020 19th Street, NW, Suite 650	20036
Olenick	Katherine	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Pena	Herick	Bank of America 1000 Vermont Avenue, NW	20005
Penn	Coletha	Ameren Services 1331 Pennsylvania Avenue, NW, Suite 550S	20004
Prentice	Crystal C.	Self (Dual) 1829 4th Street, NW	20001

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: August 1, 2018
Page 7**

Regan	Kevin P.	Regan Associates Chartered 1003 K Street, NW, 3rd Floor	20001
Registre	Sarah	TD Bank 901 7th Street, NW	20001
Riera	Pilar S.	Clifford Chance US, LLP 2001 K Street, NW	20006
Robinson	Desiree	Raymond James & Associates 1717 Pennsylvania Avenue, NW, Suite 1050	20006
Romero	Jennifer A.	National Park Foundation 1110 Vermont Avenue, NW, Suite 200	20005
Rothbart	Brian Matthew	The Folger Shakespeare Library 201 East Capitol Street, SE	20003
Saintelus	Kimberly	Capital One 4860 Massachusetts Avenue, NW	20016
Short	Rebecca E.	Capitol Process Services, Inc. 1827 18th Street, NW	20009
Smith	De Carol	US Department of Veterans Affairs 810 Vermont Avenue, NW	20420
Sparrow	Sydney D.G.	Quadel Management, LLC 1200 G Street, NW, Suite 700	20005
Stone	Alexandra	Self 1555 Fort Dupont Street, SE	20020
Sweetland	Leslye	One Source Process, Inc 1133 13th Street, NW, Unit C-4	20005
Tapp	Lisa	Metropolitan Police Department 6 DC Village Lane, SW, Building 1A, Suite A101	20032
Taubman	Holly	Page Southerland Page, Inc 1615 M Street, NW, Suite 700	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: August 1, 2018****Page 8**

Taylor	Victoria	Offit Kurman 1313 F Street, NW	20004
Truscott	Jeannette Navarro	Craighill, Mayfield, Fenwick & Cromelin, LLP 4910 Massachusetts Avenue, NW, Suite 215	20016
Van Hatten	Jacqueline	Kaplan, Kirsch and Rockwell, LLP 1001 Connecticut Avenue, NW, Suite 800	20036
Vera	Paulina Nicole	The George Washington University Law School- Immigration Clinic 2000 G Street, NW	20052
Watson	Denise	Department of Energy and Environment 1200 1st Street, NE, 5th Floor	20002
Williams	Price Andre	McGuinness Yager and Bartl 1100 13th Street, NW, Suite 850	20005
Xuan	Weina	City National Bank 2001 M Street, NW	20036

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Mental Health Services**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks a contractor to partner with the school to support expanded mental health services for all students. Goals of the services are to: reduce and prevent incidences of behavioral health challenges for students; increase time of academic engagement by improving social-emotional culture; increase staff knowledge, efficacy, and effectiveness in supporting mental wellness of students; and enhance collaboration between the school and community-based mental health providers. The school believes this will have an overall positive impact on student academic performance.

Prospective vendors should provide details, including itemized cost, for the following menu of services (details appear in the full RFP):

- Clinical Psychology (Direct Services)
- Clinical Psychology (Consultation and Support)
- Clinical Psychiatrist (Consultation)
- Clinical Counselling

Full RFP & Further Information:

- The full RFP is available on the **Employment Opportunities page under the About tab of www.thurgoodmarshallacademy.org**.
- Alternatively, e-mail a request for the full RFP to nmoore@tmapchs.org no later than 3 pm Washington, DC, time on Friday, July 6, 2018.
- For further information, no later than 3 pm on Friday, July 6, 2018, contact Nora Moore at nmoore@tmapchs.org or 202-607-0204.
- Amendments to or extension of the RFP, if any, will be posted exclusively on the web page described above.
- Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission: Submit bids responsive to the full RFP via email to nmoore@tmapchs.org no later than **Wednesday, July 11, 2018**. Bids should be no more than 5MB total and no more than 10 pages (excluding contracts).

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**REQUEST FOR PROPOSALS****Temporary Staffing Agency for Substitutes & Aides**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks additional temporary staffing agencies to provide substitute teachers and/or special education aides.

Non-Exclusive Agreement:

- Bids must be for non-exclusive agreement to provide substitutes and aides—Thurgood Marshall Academy maintains agreements with several temporary staffing agencies.
- This Request For Proposals does not alter or cancel any existing agreement—vendors with a current contract with Thurgood Marshall Academy need not respond to the bid.

Full RFP & Further Information:

- The full RFP is available on the **Employment Opportunities page under the About tab of www.thurgoodmarshallacademy.org**.
- Alternatively, e-mail a request for the full RFP to nmoore@tmapchs.org no later than 3 pm Washington, DC, time on Friday, July 6, 2018.
- For further information, no later than 3 pm on Friday, July 6, 2018, contact Nora Moore at nmoore@tmapchs.org or 202-607-0204.
- Amendments to or extension of the RFP, if any, will be posted exclusively on the web page described above.
- Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission: Submit bids responsive to the full RFP via email to nmoore@tmapchs.org no later than **Wednesday, July 11, 2018**. Bids should be no more than 5MB total and no more than 10 pages (excluding contracts).

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, July 11, 2018 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Emerging Issues | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, July 11, 2018 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dewater.com.

DRAFT AGENDA

- | | |
|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Other Business | Committee Chairperson |
| 3. Executive Session | Committee Chairperson |
| 4. Adjournment | Committee Chairperson |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19759 of Christopher Cassimus, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle E §§ 206.2 and 5203 from the upper floor addition requirements of Subtitle E § 206.1, to construct a third-story and a two-story rear addition to an existing flat in the RF-1 Zone at premises 1307 S Street N.W. (Square 238, Lot 803).

HEARING DATE: June 13, 2018

DECISION DATE: June 13, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 6 (original) and 14 (corrected).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commissions ("ANC") 1B and 2F (adjacent ANC), and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a timely report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on June 7, 2018, at which a quorum was present, the ANC voted 10-0-0 in support of the application. (Exhibit 42.) ANC 2F, the adjacent ANC, did not submit a report.

The Office of Planning ("OP") submitted a timely report, recommending approval of the application. (Exhibit 39.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with one condition. (Exhibit 37.)

A letter of support from the adjacent neighbor was submitted to the record. (Exhibit 34.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle E §§ 206.2 and 5203 from the upper floor

addition requirements of Subtitle E § 206.1, to construct a third-story and a two-story rear addition to an existing flat in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 205.4, 205.5, 206.1, 206.2, 5201, and 5203, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter G. May to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 15, 2018

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 19769 of MR 1700 Columbia Retail, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use requirements of Subtitle U § 513.1(1)¹, to permit a veterinary hospital in the MU-5A Zone at premises 1700 Columbia Road N.W. (Square 2562, Lot 52).

HEARING DATE: June 13, 2018

DECISION DATE: June 13, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C, which is automatically a party to this application. Commissioner Ted Guthrie testified that the ANC voted unanimously to recommend approval of the application. Pursuant to Subtitle Y § 406.4 and by leave of the Board, the ANC submitted a written report after the public hearing to ratify the Commissioner's testimony in order to receive great weight. The ANC report indicated that at a duly noticed and scheduled public meeting on June 6, 2018, at which a quorum was present, the ANC voted 5-0-0 in support of the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report, recommending approval of the application. (Exhibit 29.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with one condition. (Exhibit 30.)

A letter in support from a resident of Ontario 17 in the unit located above the proposed use was submitted to the record. (Exhibit 23.)

¹ The text amendment (Z.C. Case No. 18-02) under which BZA relief is sought in this case is now effective as it was approved by the Zoning Commission on an emergency basis.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the use requirements of Subtitle U § 513.1(l), to permit a veterinary hospital in the MU-5A Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 513.1(l), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 27A.**

VOTE: **5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 18, 2018

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING

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THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-23A
Z.C. Case No. 15-23A
AG/MR SQ700 Residential Owner, LLC
(Minor Modification @ Square 700, Lots 878, 7001, & 7003)
February 12, 2018

SUMMARY ORDER

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on February 12, 2018. At the meeting, the Commission approved an application of AG/MR SQ700 Residential Owner, LLC (“Applicant”) for a minor modification to a project approved pursuant to the Capitol Gateway Overlay District (“CG Overlay”) design review provisions set forth in §§ 1605 and 1610 of the 1958 Zoning Regulations of the District of Columbia (“1958 Zoning Regulations”), Title 11 of the District of Columbia Municipal Regulations (“DCMR”), for property consisting of Lots 878, 7001, and 7003 (portions of Record Lot 48 in Square 700 (“Property”). The Commission determined that the application was properly before it under the provisions of Subtitle Z § 703 and Subtitle C § 1504.3 of the 2016 Zoning Regulations of the District of Columbia (“2016 Zoning Regulations”). Because the modification was deemed minor, a public hearing was not conducted. Pursuant to the vesting provisions of Subtitle A § 102.4 of the 2016 Zoning Regulations, this minor modification proposed in this application must conform to the provisions of the 1958 Zoning Regulations as they existed on September 5, 2016. References herein to procedural requirements and authorities are made to the 2016 Zoning Regulations (Title 11 DCMR).

By Z.C. Order No. 15-23, dated December 14, 2015, and published January 15, 2016, the Commission approved the request of predecessor owner and related entity, SQ700 Trust, LLC, for review and approval of the design of a 13-story apartment house on the Property. By letter dated January 5, 2018 (Exhibit [“Ex.”] 2), the Applicant requested a minor modification to the architectural drawings approved in Z.C. Order No. 15-23. The requested modifications will add approximately 2,280 square feet of penthouse habitable space to the approved residential building and refinement of the materials palette for the penthouse.

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6D and to owners of property within 200 feet of the Property. The Property is located within the boundaries of ANC 6D, which is automatically a party to this proceeding. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give “great weight” to the issues and concerns contained in the written report of an affected ANC. In this case, ANC 6D submitted a report stating its unanimous vote in support of the application on the condition the creation of an on-property dog walk of sufficient size (850-1,000 square feet) and design to accommodate the Applicant’s residents’ pets. (Ex. 4.) The Applicant addressed and resolved the condition placed by ANC 6D through its submission into the record of revised architectural drawing. (Ex. 6A.) The Commission found the ANC’s advice to be persuasive and revised Condition No. 2 of Z.C. Order 15-23 to include a reference to Exhibit 6A.

Pursuant to Subtitle Z § 703 of the 2016 Zoning Regulations, the Commission is authorized to approve minor modifications to approved final orders and plans through a consent calendar procedure without a public hearing. Pursuant to Subtitle Z § 703.2, minor modifications are those modifications that do not change the material facts upon which the Commission based its original approval. In addition, Subtitle C § 1504.3 of the 2016 Zoning Regulations provides that a request to add penthouse habitable space to a building approved by the Commission may be filed as a minor modification for placement on the Commission’s consent calendar, provided that (a) the item shall not be placed on a consent calendar for a period of 30 days minimum following the filing of the application; and (b) the Office of Planning (“OP”) shall submit a report with recommendations a minimum of seven days in advance of the meeting.

By report dated February 2, 2018, OP indicated no objection to the overall proposed set of changes, but recommended that the dog salon be located immediately adjacent to the dog walk in the lower level. OP further noted that the proposed modifications would be in keeping with the design direction of the previous approval and the Zoning Regulations, that the revised material palette for the penthouse would be more in keeping with the character of the rest of the building than the original palette, and the sustainability measures for the project. As shown in the revised architectural plans, the Applicant relocated the dog salon per OP’s recommendation.

The Commission concludes that the modifications described herein do not change the material facts upon which the Commission based its original approval, and that the proposed modifications are to add penthouse habitable space to a building previously approved pursuant to CG Overlay review. Therefore, the Commission finds that the request falls within the scope of a minor modification made pursuant to Subtitle Z § 703 and Subtitle C § 1504.3 of the 2016 Zoning Regulations.

Accordingly, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to add penthouse habitable space to the residential building to be constructed on the Property and to allow refinements to the materials palette for the penthouse, all as shown in the revised architectural drawings included at Exhibit 6A.

Condition No. 2 of Z.C. Order No. 15-23 is revised to read as follows:

2. The project shall be built in accordance with the architectural drawings, dated December 3, 2015, as modified by the guidelines, conditions, and standards below—(Ex. 23A), **and as modified by Exhibit 6A in Z.C. Case No. 15-23A.**

On February 12, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of Subtitle Z § 604.9 of the 2016 Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is on June 29, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 18-08
(BSREP II Dupont Circle, LLC – Map Amendment @ Square 72, Lot 74)
June 19, 2018

THIS CASE IS OF INTEREST TO ANC 2A

On June 12, 2018, the Office of Zoning received an application from BSREP II Dupont Circle, LLC (the “Applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 74 in Square 72 in northwest Washington, D.C. (Ward 2), on property located at 1143 New Hampshire Avenue, N.W. The property is currently zoned RA-5. The Applicant is proposing a map amendment to rezone the property to the MU-10 zone.

The RA-5 zone provides for areas developed with predominately high-density residential. The RA-5 zone is intended to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these zones; and permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive zones. It allows a maximum height of 90 feet; maximum lot occupancy of 75%; and maximum density of 5.0 floor area ratio (“FAR”) (6.0 FAR for an apartment house or hotel).

The MU-10 zone provides for mixed-use developments that permit a broad range of commercial, institutional, and multiple dwelling unit residential development. The MU-10 zone is intended to: permit medium- to high-density mixed-use development with a balance of uses; be applied to areas where a mixture of uses and building densities is intended to carry out the Comprehensive Plan; require a level of public space at the ground level; and allow residential and non-residential bulk to be apportioned between two or more lots in the same square. The MU-10 zone allows a maximum height of 90 feet (100 feet for Inclusionary Zoning [“IZ”]); maximum lot occupancy of 75% (100% for IZ); and 6.0 FAR (7.2 for IZ and 3.0 for non-residential).

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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