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# District of Columbia REGISTER

## HIGHLIGHTS

- D.C. Council enacts Act 22-442, Fiscal Year 2019 Budget Support Act of 2018
- D.C. Council schedules a public hearing on the "The State of Literacy Efforts"
- D.C. Council schedules a public oversight roundtable on the "Implementation of Law 21-264, The Universal Paid Leave Act"
- D.C. Commission on the Arts and Humanities announces funding availability for the FY 2019 Budget Enhancement Grants
- Department of Behavioral Health announces funding availability for organizations to establish hospital emergency departments for persons experiencing an opioid overdose or withdrawal
- Department of Human Services announces funding availability for the Project Reconnect Diversion / Rapid Exit program to assist unaccompanied individuals experiencing homelessness
- D.C. Public Schools clarifies the rules for implementing the requirements for grading and attendance

# 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 §§2-50l et *seq.* (2012 Repl.).

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**DISTRICT OF COLUMBIA**
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**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-437**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To declare, on an emergency basis, that the District-owned real property located at the rear of 3212 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0105 in Square 2892, is no longer required for public purposes and to authorize the disposition of the property to ZP Georgia, LLC for the purpose of developing and providing open space or parking on the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Square 2892, Lot 0105 Surplus Property Declaration and Disposition Authorization Emergency Act of 2018".

Sec. 2. (a) Notwithstanding any other provision of law, including An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Council declares that the real property located at the rear of 3212 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0105 in Square 2892 ("Property") is no longer required for public purposes and authorizes the disposition of the Property to ZP Georgia, LLC ("Buyer"), a Delaware limited liability company, through a negotiated purchase and sale agreement for the purpose of developing and providing open space or parking on the Property (the "Project").

(b) The purchase and sale agreement shall include the following terms:

(1) The fee simple interest in the Property shall be transferred by quitclaim deed.

(2) Buyer shall enter into a CBE Agreement with the Department of Small and Local Business Development in accordance with the requirements of section 2346 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.46) ("Act"), regarding the use of small business enterprises and certified business enterprises, as those terms are defined in section 2302 of the Act, for the Project.

(3) The Buyer shall enter into a First Source Agreement with the Department of Employment Services for the work associated with the Project.

**ENROLLED ORIGINAL**

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
September 5,2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-438**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To establish a new system of recordkeeping for vital records; to repeal the Vital Records Act of 1981; to amend the District of Columbia Administrative Procedure Act of 1976, the Child Fatality Review Committee Establishment Act of 2001, and Title 16 of the District of Columbia Official Code to make conforming amendments; to amend the District of Columbia Health Occupations Revision Act of 1985 to increase the number of members of the Board of Dietetics and Nutrition and to alter its composition; to amend the Animal Control Act of 1979 to allow the importation, possession, display, and trade of captive-bred species of common cage birds, including chickens, and to allow goats and sheep to be temporarily imported into the District and possessed for the purposes of eating grass, milking, and other activities; to amend the Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to harmonize references to contraceptives and to allow high-deductible health plans to charge a co-payment or require cost sharing for the coverage of male contraceptive services; and to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that any public school currently receiving school nurse services above 20 hours per week as of October 25, 2016, continue at that existing level of service, or the level recommended by the Department of Health's risk-based assessment, whichever is greater, for school year 2018-2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vital Records Modernization Amendment Act of 2018".

TITLE I. VITAL RECORDS

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Amendment" means a change to a certification item on a vital record after a vital record has been filed.

(2) "Applicant" means an individual who files information necessary to create a vital record, seeks to amend an existing vital record, or seeks to obtain a copy of, or information from, a vital record.

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(3) "Application" means a formal request to an authority for access to vital records, vital event data, and other related documentation. The application requirements for services to be obtained from the Vital Records Division shall be defined by rules issued pursuant to section 129.

(4) "Attending physician" means the physician who was in charge of the decedent's treatment during the decedent's hospitalization at the time of death.

(5) "Certificate" means the document, paper, or electronically formatted vital record, issued by the Registrar that contains all or a part of the information on the original vital record, that, when issued by the Registrar, has the full force and effect of the original vital record. (6) "Certification" means an attestation to the accuracy of information contained in a vital record or on a vital event report.

(7) "Certificate item" means any item of information that appears on a certificate that is issued to an applicant.

(8) "Certifier" means an individual required to attest to the accuracy of the information submitted in a vital record or on a vital event report.

(9) "Correction" means a change to a non-certification item on a vital record.

(10) "Court" means the Superior Court of the District of Columbia or an equivalent court from another jurisdiction.

(11) "Day" means a calendar day.

(12) "Dead body" means a human body or the parts of a human body that have been pronounced deceased.

(13) "Death certifier" means either the physician providing treatment at the time of death or the medical examiner investigating the cause and manner of death.

(14) "Department" means the Department of Health.

(15) "Designated representative" means an agent identified in a written and witnessed statement signed by the registrant or a qualified applicant to act on the registrant's or applicant's behalf.

(16) "Disclose" or "disclosure" means to make available or make known personally identifiable information contained in a vital record, by any means of communication.

(17) "Disinter" or "disinterment" means the act of removing a dead body from the place of interment.

(18) "Domestic partner" means an individual who has registered either in accordance with section 3(a) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(a)) ("Act"), or in another jurisdiction that recognizes a substantially similar relationship pursuant to section 3(i) of the Act . The term "domestic partner" shall not include a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

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(19) "Domestic partnership" means a relationship between 2 domestic partners as defined in paragraph (18) of this section.

(20) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by an individual with the intent to attest to the accuracy of the facts in the contract or record.

(21) "Expected death" means a death from a previously diagnosed illness after a prognosis of death in less than 6 months.

(22) "Facts of live birth" means a child's name, date of live birth, place of live birth, and sex, as well as the name or names of no more than 2 parents appearing on the record of live birth.

(23) "Fetal death" means death before the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy. Fetal death is indicated when, after the expulsion or extraction, a fetus does not breathe or show any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. The term "fetal death" shall not include an induced termination of pregnancy.

(24) "File" means a presentation to the Registrar of a vital event report, whether by electronic or other means, for registration in the system of vital records.

(25) "Final disposition" means a burial, interment, cremation, removal from the District, or other authorized disposition of a dead body or fetus.

(26) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

(27) "Funeral director" means an individual licensed by the District to perform the practice of funeral directing or acting under the authority of such an individual, including morticians, undertakers, and embalmers who perform duties included in the practice of funeral directing for which licensure is required in the District.

(28) "Gender identity or expression" means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(29) "Health research" means a systematic study conforming to or conducted in accordance with generally accepted scientific standards or principles to gain information and understanding about health with the goal of finding ways to improve human health.

(30) "Human remains" means a dead body, or any part of the body of a deceased human being. The term "human remains" shall not include human ashes recovered after cremation.

(31) "Individual" means a natural person.

(32) "Induced termination of pregnancy" means a purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant, and that does not result in a live birth.

(33) "Informant" means an individual authorized by relationship to the registrant to provide information to complete vital event registration.

(34) "Institution" means any establishment, public or private, that provides in-patient or out-patient medical, surgical, diagnostic care or treatment, nursing, custodial, or domiciliary care, or to which individuals are committed by law.

(35) "Inter-jurisdictional exchange" means a process pursuant to which registration areas agree to exchange vital records, vital events, or vital statistics with the Registrars of other states, territories, and neighboring countries.

(36) "Inter" or "Interment" means the final disposition of human remains by entombment or burial.

(37) "Legal representative" means a licensed attorney representing a registrant or an applicant.

(38) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy, that, after expulsion or extraction, breathes, or shows any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut or the placenta is attached.

(39) "Mother" means either a woman who gives live birth to a child in the District or a woman who experiences a pregnancy that results in fetal death.

(40) "Non-certificate item" means any item of information that does not appear on a certificate that is issued to an applicant.

(41) "Order" or "order of the court" means a directive to the Register, signed by a judge of the court, to establish or amend a vital record or produce information contained in a vital record, including a subpoena submitted in accordance with D.C. Official Code § 13-443.

(42) "Personally identifiable information" means data or other information that, alone, or in combination with other data, can be used to distinguish or trace an individual's identity, including a Social Security number, biometric records, address, place of birth, or mother's maiden name.

(43) "Physician" means an individual authorized to practice medicine or osteopathy in the District.

(44) "Record" means a report of information related to a vital event that the Registrar has accepted for registration.

(45) "Registrant" means an individual to whom a vital record relates.

(46) "Registrar" means the individual appointed by the Director of the Department to administer the system of vital records for the District government.

(47) "Registration" or "register" means the process the Registrar adopts for accepting reports of vital events and incorporating the information into the official records of the Vital Records Division.

(48) "Report" means a document, paper or electronic file, record, or data transmission, containing information related to a vital event submitted by an individual or entity required to submit the information to the Registrar for the purpose of registering a vital event.

(49) "Reportable vital event" means a live birth, death, fetal death, or induced termination of pregnancy.

(50) "Resomation" means a process for the disposal of human remains that produces less carbon dioxide and pollutants than cremation.

(51) "Sealed record" means the original record of a reportable vital event and the evidence submitted to support a change by the Registrar for the purpose of the administration of vital records, that shall not be subject to inspection except upon order of the court or as provided by rules issued pursuant to section 129.

(52) "Second parent" means a father or same-sex parent that has acknowledged parentage pursuant to section 16-909.01(a) of the District of Columbia Official Code, or whose parentage has otherwise been determined pursuant to section 16-909.01(d) of the District of Columbia Official Code.

(53) "Security paper" means paper authorized by the Registrar for the issuance of a vital record to authenticate a document or deter manipulation or copying that contains special characteristics including dithered patterns, special inks, watermarks, metallized threads, phosphorescent fibers, holographic images, or microprinting.

(54) "System of vital statistics" or "vital statistics system" means the collection, registration, preservation, amendment, certification, verification, and maintenance of the security and integrity of vital records, vital event data, the collection of other required reports, and related activities, electronic or otherwise, including tabulation, analysis, publication, and dissemination of vital statistics.

(55) "Verification" means a confirmation of information on a vital record based on the facts included in a report.

(56) "Vital event" means either a live birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment.

(57) "Vital record" means a report of live birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment, and data related thereto that have been accepted for registration and incorporated into the official records of the Vital Records Division.

(58) "Vital Records Division" means the Division of the Department or any successor agency that is responsible for the vital statistics system.

(59) "Vital statistics" means the data derived from the records and reports of live birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment and supporting documentation, and related reports.

Sec. 102. Vital statistics system; Vital Records Division.

(a) The Mayor shall establish a vital statistics system for the reporting, maintenance, issuance, security, and confidentiality of vital records and the data derived from such records.

(b) The Vital Records Division shall be the sole source of certified copies of all vital records.

Sec. 103. Appointment and duties of Registrar of Vital Records Division.

(a) The Director of the Department shall appoint the Registrar.

(b) The Registrar shall:

(1) Administer and enforce the provisions of this act and any implementing rules issued pursuant to section 129;

(2) Provide instructions for the efficient administration of the vital statistics system;

(3) Direct and supervise the vital statistics system and the Vital Records Division and serve as custodian of its records;

(4) Administer and maintain the confidentiality and security of the vital statistics system;

(5) Direct, supervise, and control the activities of each individual engaged in the activities of the Vital Records Division;

(6) Develop and conduct training programs to promote uniformity of policy and procedures pertaining to the vital statistics system;

(7) Develop and distribute all forms as will accomplish the purpose of complete, accurate, and timely reporting and registration;

(7) Prepare and publish reports of vital statistics of the District;

(8) Provide information derived from vital records and vital reports required under this act that are necessary for Department programs and health planning activities, which shall remain the property of the Vital Records Division, and under the Registrar's control; and

(9)(A) Prepare a plan to provide for the continuity of operations of the system of vital statistics in the event of an emergency that:

(i) To the extent practicable, anticipates natural and man-made events that interrupt normal activities of the vital statistics system, identifies essential vital statistics services, and provides guidance for maintaining services; and

(ii) Includes:

(I) Alternative locations for operations;

(II) An identification of essential equipment, document needs, and where to obtain them; and

(III) An identification of essential staff and a mechanism for communication with such individuals in an emergency.

(B) The plan shall be confidential and shall not be subject to compelled disclosure; provided, that the Registrar may authorize disclosure of all or part of the plan as the Registrar deems necessary to implement the plan.

(c) The Registrar may establish or eliminate offices to aid in the efficient administration of the system of vital statistics.

(d) The Registrar may delegate functions and duties to employees of the Vital Records Division and to employees of any office established pursuant to subsection (c) of this section.

Sec. 104. Security of vital statistics system.

To ensure the security of the vital statistics system, the Registrar shall:

(1) Take measures to deter the fraudulent use of vital records;

(2) Administer and maintain the security of personnel, physical environments, electronic systems, and preservation methods;

(3) Perform data assurance and record matching activities to protect the confidentiality and security of vital records and prevent their fraudulent use;

(4) Apply the responsibilities of this section to any authorized partner with access to the vital statistics system;

(5) Authenticate each user of the vital statistics system or its components, and verify that the user requires access based on the user's official duties;

(6) Authorize an authenticated user of the vital statistics system to access specific components of the vital statistics systems necessary for the user's official roles and duties;

(7) Establish separation of duties between staff roles that may be susceptible to fraud or misuse and routinely perform audits of staff work to identify fraud or misuse within the vital statistics system;

(8) Require each authenticated and authorized user to maintain a specified level of training related to security and provide a written acknowledgment of security policies, procedures, and penalties;

(9) Validate data provided in reports submitted for registration through site visits or with independent sources outside the registration system at a frequency specified by the Registrar to maximize the integrity of collected data;

(10) Require each authenticated user to protect personally identifiable information and adhere to protocols that provide for audits of use and protocols for breach identification and notification;

(11) Receive reports of death if the decedent was born in the District, or from the U.S. Department of Defense or the U.S. Department of State if the decedent was a United States citizen, a resident of the District, and the death occurred outside the United States;

(12) Provide secure workplace, storage, and technology environments with limited role-based access; and

(13) Administer and maintain overt, covert, and forensic security measures for certifications, verifications, and automated systems that are part of the vital statistics system.

Sec. 105. Individuals required to keep records.

(a) Each individual in charge of an institution, or his delegate, shall keep a record of personal data concerning each individual admitted or confined to the institution. This record shall:

(1) Include the information required for a reportable vital event; and

(2)(A) Be created at the time of admission from information obtained from the individual admitted or confined.

(B) If the individual admitted or confined cannot provide the information, the institution shall obtain the information from relatives or another individual acquainted with the facts, and shall include the name, address, and relationship of the individual providing the information in the record.

(b) A licensed health care provider shall keep a record of personal data concerning each individual under the provider's care for a condition that results in a reportable vital event when the documentation is not maintained by an institution pursuant to subsection (a) of this section. This record shall:

(1) Include information required for the provider to submit a report of live birth, death, fetal death, or induced termination of pregnancy; and

(2) Contain information provided by the individual being treated. If the individual being treated cannot provide the information, then the licensed health care provider shall obtain the information from a relative or another individual acquainted with the facts, and shall include the name, address, and relationship of the individual providing the information in the record.

(c)(1) When a dead body or fetus is released by an institution, the individual in charge of the institution, or his delegate, shall keep a record identifying the name of the decedent, date of death, name and address of the individual to whom the body or fetus is released, and the date of removal from the institution.

(2) When final disposition of a dead body or fetus is made by an institution, the individual in charge of the institution, or his delegate, shall record the date, place, and manner of final disposition.

(d) A funeral director or other authorized individual who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any required record or report, shall keep a record that identifies the body and the information pertaining to the receipt, removal, delivery, burial, or cremation of the body as required in accordance with rules issued pursuant to section 129.

(e) Records created pursuant to this section shall be retained for no less than 5 years and shall be made available for inspection by the Registrar upon request.

Sec. 106. Duties to furnish information.

(a) An individual with knowledge of the facts related to a reportable vital event shall furnish any information that he or she may possess to the Registrar within 5 days of a request by the Registrar.

(b) No later than the 10th day of each month, the individual in charge of each institution, or his delegate, shall send to the Vital Records Division a list showing each live birth, death, fetal death, or induced termination of pregnancy that occurred at that institution during the preceding month. The list shall be in a format prescribed by the Registrar in rules issued pursuant to section 129.

(c) No later than the 10th day of each month, each funeral director shall send to the Registrar a list showing each dead body received, embalmed, prepared for final disposition, or finally disposed of in the preceding month. The list shall be in a format prescribed by the Registrar in rules issued pursuant to section 129 and shall also include a record of the date, place, and manner of final disposition of each dead body, if applicable.

(d) Within 5 days of receipt of any autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the physician or medical examiner required to report the death shall send to the Registrar a delayed diagnosis report of the cause of death to amend the record.

Sec. 107. Content of vital records and vital reports.

(a) To promote and maintain nationwide uniformity in systems of vital statistics, the forms for a vital record or a required vital report shall include, at a minimum, the items recommended by the federal agency responsible for national vital statistics.

(b) Information required in a report may be filed and registered by photographic, electronic, or other means as prescribed by the Registrar in rules issued pursuant to section 129.

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Sec. 108. Live birth registration.

(a) A report of each live birth that occurs in the District shall be filed with the Registrar within 5 days after the birth.

(b)(1) An institution or physician shall submit live birth information electronically, and the Registrar shall register the live birth when the information is complete and electronically filed.

(2) An individual may submit live birth information in writing on a form approved by the Registrar for a live birth that occurs outside an institution. The Registrar shall establish the required information for live birth filing through rules issued pursuant to section 129.

(c) Not less than 30 days before the expected delivery date, the physician, institution, or other individual providing prenatal care shall provide the prenatal care information required for the report to the institution where the delivery is expected to occur.

(d)(1) When a live birth occurs in, or en route to, an institution, the individual in charge of the institution, or his designee, shall collect the personal data, prepare the electronic form, secure the required signature, and electronically file the information.

(2)(A) The physician or other individual in attendance at or immediately following the live birth shall provide the medical information required in a live birth report and verify the facts of live birth within 72 hours after the live birth.

(B) If the physician, or other individual in attendance at or immediately following the live birth, does not verify the facts of live birth in the 72-hour period, the individual in charge of the institution, or his designee, shall verify the facts of live birth and complete the form to report the live birth by an approved electronic process.

(e)(1) In obtaining the information required for the report, an institution shall use information gathering procedures, including worksheets, provided or approved by the Registrar.

(2) An institution may establish procedures to transfer information, electronically or otherwise, required for the report from other systems; provided, that the Registrar shall review and approve the procedures before implementation to ensure that the information transferred is the same required for the report.

(f) When a live birth occurs in the District outside an institution, the report of live birth shall be prepared by and electronically filed in the following order of priority:

(1) By the physician in attendance at the live birth, or who examines the mother and the child, within 5 days after the live birth;

(2) By the medical facility at which the mother and child are examined, within 5 days after the live birth;

(3) By any other licensed or certified health care practitioner in attendance at the live birth, or who examines the mother and the child, within 5 days after the live birth.

(4) The mother;

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(5) The second parent or the spouse or the domestic partner of the mother if such individual is in attendance at the live birth; or

(6) The individual in charge of the premises where the live birth occurred.

(g) The Registrar shall determine the evidence that shall be required to establish the facts of live birth by rules issued pursuant to section 129.

(h) The Registrar shall not register a report for a live birth that took place outside of an institution if the report does not include-the minimum acceptable required documentation as required by rules issued pursuant to section 129, or the Registrar has cause to question the validity or adequacy of the documentary evidence, and the deficiencies are not corrected. The Registrar shall advise the registrant's mother, second parent, spouse, or domestic partner of the mother of the reason for this action, and shall advise the individual of his or her right to appeal the Registrar's decision in court.

(i) When a live birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in the District, the live birth shall be electronically registered in the District, and the place where the child is first removed shall be considered the place of live birth.

(j) When a live birth occurs on a moving conveyance while in international waters or air space, or in a foreign country or its air space, and the child is first removed from the conveyance in the District, the live birth shall be electronically registered in the District; provided, that the record shall identify the actual place of live birth if it can be determined.

(k) The information required by the report of live birth shall be that of the mother and the information shall be reported to and registered by the Vital Records Division.

(l) For the purposes of live birth registration:

(1) The record shall include the name of the mother of the child;

(2) No more than 2 parents may be named on a live birth record including the mother;

(3) If the mother was married at the time of either conception or live birth, or between conception and live birth, or a child is born within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by the court, only the name of the spouse during those times may be entered on the record as the second parent of the child, unless parentage by a different individual has been determined otherwise pursuant to section 16-909.01 of the District of Columbia Official Code;

(4) If the mother was in a domestic partnership at the time of either conception or live birth, or between conception and live birth, or a child is born within 300 days after the termination of the domestic partnership pursuant to section 3(d) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(a)), only the name of the domestic partner shall be entered on the record as the second parent

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of the child, unless parentage has been determined otherwise pursuant to D.C. Official Code § 16-909.01;

(5) If the mother was not married or in a domestic partnership at the time of either conception or live birth, or between conception and live birth, the name of a second parent shall only be entered on the record if:

(A) The mother and the father have signed a voluntary acknowledgment of paternity pursuant to D.C. Official Code § 16-909.01(a)(1) or pursuant to the laws and procedures of another state in which the voluntary acknowledgment was signed;

(B) The mother and the second parent have signed a consent to parent a child born by artificial insemination pursuant to D.C. Official Code § 16-909.01(e); or

(C) Parentage of the second parent has otherwise been established pursuant to D.C. Official Code § 16-909.01;

(6) The consent to parent a child born by artificial insemination pursuant to D.C. Official Code § 16-909.01(e) shall be on a form prescribed and furnished by the Registrar that:

(A) Acknowledges the mother and intended parent's consent to the artificial insemination and the intended parent's intent to be a parent of the child;

(B) Is signed and sworn by oath under penalty of perjury;

(C) Includes written notice of the legal consequences, rights, and responsibilities as a parent that arise from signing the consent; and

(D) Contains the full names, Social Security numbers of the mother and intended parent, the birthplace of the child, if applicable, and a statement indicating that both parents understand the rights, responsibilities, and consequences of signing the affidavit;

(7) If a male or female parent, other than the mother, is not named on the record of live birth, no other information about the male or female parent may be entered on the record;

(8) The surname of the child shall be the surname of the mother or the second parent, or the surnames of both parents recorded in any order in a hyphenated or unhyphenated form, or any surname to which either parent has a familial connection; and

(9) If the chosen surname is not that of a parent, or the surnames of both parents recorded in any order, whether hyphenated or unhyphenated, both parents shall provide an affidavit signed under penalty of perjury stating that the chosen surname was or is the surname of a past or current relative or has another clearly stated familial connection.

(m)(1) The mother of the child, the second parent of the child, or other informant shall verify the accuracy of the personal data to be entered on the report for submission within 5 days after the date of live birth.

(2) A report of live birth submitted after 5 days, but within one year from the date of live birth shall be registered in the standard format of live birth reports in the manner prescribed in this section. The report shall not be marked or flagged as "delayed".

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Sec. 109. Social Security numbers.

(a) An individual required to prepare and file a report of live birth shall include in the report the Social Security number or numbers of each parent, if the parent has more than one Social Security number. The Social Security numbers shall not appear on the record of live birth.

(b) The parent's Social Security number shall be collected during the birth registration process by the Registrar and made available to the IV-D agency for the establishment, modification, and enforcement of a support order. The Registrar shall not disclose a Social Security number collected during the birth registration process for any other purpose.

Sec. 110. Infants of unknown parentage.

(a) An individual who assumes legal custody of a live born infant of unknown parentage shall file with the Registrar a report of live birth that establishes the facts of live birth. The report shall be submitted to the Registrar within 5 days after the individual obtains custody and shall include the following information:

(1) The date and place the child was found;

(2) The sex and approximate birth date of the child;

(3) The name and address of the individual or institution with whom the child has been placed for care;

(4) The name and address of the individual or institution submitting the report;

(5) The name given to the child by the custodian of the child; and

(6) Any other data required by the Registrar.

(b) The place where the child was found shall be entered as the place of live birth.

(c) Information submitted pursuant to subsection (a) of this section shall constitute the report of live birth for the child.

(d) If the child is identified and a live birth registration is found or obtained, the report submitted pursuant to subsection (a) of this section and any live birth registration resulting from that report shall be voided and placed in a sealed file and shall not be subject to inspection except upon order of the court or as provided by rules issued pursuant to section 129.

Sec. 111. Delayed registration of live birth.

(a) An individual may submit a delayed report of live birth of an individual born in the District one year or more after the live birth in a manner to be prescribed by rules issued pursuant to section 129. A delayed report of live birth shall not be registered until evidence to substantiate the facts of live birth in the District has been supplied to the Registrar.

(b) A live birth registered one year or more after the date of live birth shall be marked "delayed" and display the date of the delayed registration on the face of the certificate.

(c) The Registrar shall prepare a written summary of the evidence submitted in support of the delayed registration, which shall be included in the record. The applicant shall sign the report under oath and this signature shall be notarized.

(d)(1) If an applicant does not submit the minimum documentation required to file a delayed report, or the Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn notarized statement or the documentary evidence, and the deficiencies are not corrected, the Registrar shall not register the live birth.

(2) The Registrar shall state in writing to the applicant the reason for not registering the live birth and shall advise the applicant in writing of the right to bring an action in court to establish the date, place of live birth, and parentage of the person whose live birth is to be registered.

(e) The Registrar may reject a delayed report of live birth that is incomplete or insufficient pursuant to subsection (d) of this section if the applicant does not correct the deficiencies within 30 days of the initial filing of the report.

(f) No delayed report of live birth shall be registered for a deceased individual.

Sec. 112. Death registration.

(a) The funeral director who first assumes custody of a dead body shall electronically submit a report of death to the Registrar within 5 days after date of death and before the final disposition of the body. The report of death shall be registered if it has been electronically completed and filed in accordance with this act. The Registrar may require a written filing or signed attestation. If the report of death cannot be submitted to the Registrar within 5 days after the date of death, the funeral director shall give the Registrar notice of the reason for the delay. The Registrar shall issue rules pursuant to section 129 to implement this provision.

(b) The funeral director shall obtain the medical certification from the death certifier, and the personal data needed for the report, including the decedent's gender identity or expression, from any individual with the right to control the disposition of the remains of the decedent, the location and conditions of interment, and arrangements for funeral goods and services pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

(c) The funeral director shall not be liable for any damages or costs arising from claims related to the report of the decedent's gender identity or expression on the report of death unless the claims were the result of an error made by the funeral director.

(d) The Registrar shall establish a procedure pursuant to which an individual may pre-designate a gender identity or expression as an individual wishes it to be reported on his or her report of death. The pre-designation shall be filed with the Registrar. The Registrar shall check the gender designation of each report of death and amend the report if there is a pre-designated gender identity or expression that differs from the reported gender designation.

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(e) If a decedent did not pre-designate a gender identity or expression with the Registrar pursuant to subsection (d) of this section, any individual may challenge the gender identity or expression reported to the funeral director within 10 days after the report of death has been registered, by filing a petition in court seeking an order to determine the gender identity or expression to be recorded for the decedent.

(f) Within 48 hours after death, the physician in charge of a patient's care for the condition which resulted in death shall complete, sign, and return the medical certification portion of the certificate of death to the funeral director, except when inquiry is required by the Office of the Chief Medical Examiner. In the absence or inability of the death certifier, or with his or her approval, the medical certification may be completed by the death certifier's associate physician, the chief medical officer of the institution in which the death occurred, or the physician who performed an autopsy upon the decedent, if the death is due to natural causes. The person completing the medical certification shall attest to its accuracy through an electronic process approved by the Registrar.

(g) When death occurs in an institution and the death is not under the jurisdiction of the Office of the Chief Medical Examiner, the individual in charge of the institution, or his designee, shall provide the funeral director with a partially completed report of death, including the completed medical certification, within 48 hours of the death.

(h) When death occurs in an institution or outside of an institution, the death certifier, the individual in charge of the institution, or his designee, shall ensure that the following information is included on the partially completed report of death:

(1) The name of the decedent;

(2) The sex of the decedent;

(3) The time and date of death;

(4) The medical certification of death; and

(5) The electronic signature of the death certifier.

(i) If a death is natural, the death certifier shall use his or her best medical judgment to certify a reasonable cause of death. With the authorization of the decedent's next of kin, an autopsy may be performed by any hospital or private pathologist to identify and document the disease processes associated with a natural death.

(j) A manner of death that is believed to be other than by natural causes is subject to investigation and shall be reported to the Office of the Chief Medical Examiner ("Medical Examiner") pursuant to section 2907(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1406(b)). Upon notification of death, the Medical Examiner may take charge of the body and conduct an investigation or decline jurisdiction.

(k)(1) If an investigation is conducted by the Medical Examiner, the Medical Examiner shall determine the cause and manner of death, electronically sign, and return the medical

certification portion of the death report to the funeral director within 48 hours after taking jurisdiction over the case.

(2) If the Medical Examiner cannot determine the cause and manner of death, electronically sign, and return the medical certification portion of the death report to the funeral director within 48 hours after taking jurisdiction over the case, the Medical Examiner shall report the cause and manner of death as "pending." Upon the conclusion of the investigation, the Medical Examiner may submit a Delayed Diagnosis Report to amend the cause and manner of death.

(l) If the cause of death cannot be determined within 48 hours after death, the physician completing the medical certification, or the Medical Examiner shall provide the funeral director and the Registrar notice of the reason for the delay. Final disposition of the body shall not be made until authorized by the physician completing the medical certification or the Medical Examiner.

(m) When a death is presumed to have occurred in the District pursuant to section 14-701 of the District of Columbia Official Code, the Registrar shall register the death upon receipt of an order of the court. The court order shall include such findings of fact as necessary for completion of the death record. The death record shall be marked "presumptive," display on its face the date of registration, identify the court, and include the date of the decree.

(n) If the place of death is unknown but the dead body is found in the District, the report of death shall be completed and filed in the District. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

(o) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the District, the death shall be registered in the District and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space, or in a foreign country or its air space and the body is first removed from the conveyance in the District, the death shall be registered in the District, but the report shall show the actual place of death if it can be determined.

(p) In all other cases, the place where death is pronounced shall be considered the place where death occurred. If the date of death is unknown, the death certifier shall determine the date by approximation. If the date cannot be determined by approximation, the date found shall be entered and identified as the date of death.

(q) Each report of death shall contain sections concerning the pronouncement of death, disposition of the body, medical certification of the cause of death, and the Social Security number of the deceased. The section of the report of death that contains the pronouncement of death shall include all facts required to be reported in such section, except for those facts relating to the medical cause or causes of death.

(r) In the case of an expected death at a decedent's place of residence, attended by a treating physician or a registered nurse working in general collaboration with the treating physician, the attending registered nurse may sign the pronouncement of death section of the report of death.

(s) When death occurs in an institution and the attending physician is not available to pronounce death, another physician at the institution or the attending registered nurse who views the body may pronounce death, attest to the pronouncement by an approved electronic process, and, with the permission of the individual responsible for the medical certification, release the body to the funeral director.

(t) Within 5 days of receipt of autopsy results or other information that would change the information in the cause of death section of the report of death from that originally reported, the death certifier shall submit a supplemental report to the Registrar to amend the report of death.

(u) An institution may establish procedures to transfer, electronically or otherwise, information required for the report of death from other systems. The institution shall not implement such a procedure without review and approval by the Registrar.

Sec. 113. Delayed registration of death.

(a) When a death that occurs in the District has not been registered one year or more after the date of death, a delayed report of death may be filed by the funeral director who first took possession of the dead body in accordance with rules issued pursuant to section 129 by the Registrar. To substantiate the alleged facts of death, any delayed report of death shall be registered subject to evidentiary requirements the Registrar shall prescribe in accordance with rules issued pursuant to section 129.

(b) A report of death registered one year or more after the date of death shall be marked "delayed" and shall display on its face the date of the delayed registration.

Sec. 114. Fetal death registration.

(a)(1) An institution shall report electronically each death of a fetus that occurs in the District within 5 days after delivery; provided, that the fetus either:

(A) Has completed 20 weeks gestation or more, as calculated from the date that the last normal menstrual period began to the date of delivery; or

(B) Has a weight of 350 grams or more.

(2) The Registrar shall register a report of fetal death when the information is complete. An induced termination of pregnancy shall not be reported as a fetal death. For the purposes of preparing and filing a fetal death report, the following rules shall apply:

(A) When a fetus is delivered in an institution or en route thereto, the individual in charge of the institution, or his delegate, shall obtain all data required by the Registrar to prepare and submit the report;

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(B) In obtaining the information required by the fetal death report, an institution shall use information gathering procedures and worksheets provided or approved by the Registrar;

(C) An institution may establish procedures to transfer, electronically or otherwise, information required by the fetal death report from other systems. The institution shall not implement such a procedure without review and approval by the Registrar;

(D) When a fetus is delivered outside an institution, the physician in attendance at or immediately following delivery shall prepare, electronically sign, and file the report;

(E) When a fetal death required to be reported by this section occurs without medical attendance immediately after the delivery, the Office of the Chief Medical Examiner shall prepare and file the fetal death report; and

(F) When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in the District, or when a fetus is found in the District and the place of fetal death is unknown, the fetal death shall be reported in the District. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

(b) The name of the mother and second parent shall be entered on each fetal death report in accordance with rules issued by the Registrar pursuant to section 129. The second parent shall be the father or same-sex parent that has acknowledged parentage or whose parentage has otherwise been determined pursuant to D.C. Official Code § 16-909.01. If the cause of fetal death is unknown or pending investigation, this shall be noted on the report.

Sec. 115. Reports of induced termination of pregnancy.

(a) Each induced termination of pregnancy that occurs in the District, regardless of the length of gestation, shall be electronically reported to the Registrar within 5 days by the individual in charge of the institution in which the induced termination of pregnancy was performed. This individual shall electronically sign the report.

(b) Reports of induced termination of pregnancy are statistical reports that shall be used only for public health purposes. The Registrar may establish and retain for such time as the Registrar deems necessary a data file containing such reports to preserve their availability for future research .

Sec. 116. Judicial proceedings to register a vital record.

(a) Entitled individuals may submit an application to register an out-of-institution birth, delayed birth, or delayed death. If an application to register a record is denied, the applicant may file a complaint with the court for an order to register the record. The court shall provide notice

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of the proceeding to the Registrar. A petition filed under this section shall be governed by the Rules of the court.

(b) A petition for the registration of a live birth or the delayed registration of a live birth shall allege:

(1) That the individual for whom a registration of live birth is sought was born in the District;

(2) That no record of live birth of the individual can be found in the vital statistics system or the archives of the Vital Records Division;

(3) That the petitioner has made diligent efforts to obtain documentary evidence as required by statute and regulations and as detailed by the Registrar;

(4) That the Registrar has refused to register a report of live birth; and

(5) Any other information needed to establish the facts of live birth.

(c) A petition for the registration of a death or the delayed registration of a death shall allege:

(1) That the individual for whom a registration of death is sought died in the District;

(2) That no record of death of the individual can be found in the vital statistics system or the archives of the Vital Records Division;

(3) That the petitioner has made diligent efforts to obtain documentary evidence as required by statute and regulations and as detailed by the Registrar;

(4) That the Registrar has refused to register the report of death; and

(5) Any other information needed to establish a death.

(d) The petition for the registration of a live birth or a death shall be accompanied by a statement of the Registrar denying the application as well as all documentary evidence the petitioner used to support the application submitted to the Registrar.

(e) Before issuing findings, the court shall order the petitioner to undergo a criminal background check to be provided to the court at the petitioner's expense. The criminal background check shall be for the purpose of revealing any aliases, the petitioner's citizenship status, and criminal records related to identity theft or document fraud by the petitioner.

(f) If the court finds that a person was born in the District, the court shall issue an order to register the live birth. The court's order shall make findings as to the place and date of live birth, parentage, and other findings to substantiate the facts of live birth in the District. The order shall include the live birth data to be registered, a description of the evidence presented, the court's findings of fact, and the date of the court's action.

(g) If the court finds that an individual died in the District, the court shall issue an order to register the death. The court's order shall make findings as to the decedent's legal name, date of death, place of death, place of live birth, race, ethnicity, sex, Social Security number, marital status at time of death, address at time of death, parents' names prior to first marriage, name

prior to marriage, and the information necessary to complete the medical certification, including cause and manner of death. If the death occurred from an injury, the order shall include information on how and when the injury occurred. The order shall also indicate whether any of the required information is unknown.

(h) The court shall forward a certified copy of the order to register the live birth or death to the Registrar no later than the 10th day following the month in which the order was entered. The certified copy of the order shall direct the Registrar to execute the registration.

Sec. 117. Final disposition of dead body or fetus.

(a) The funeral director who first assumes custody of a dead body shall obtain the following before disposing of the body:

(1) An authorization for final disposition of the body from the individual with rights to control the final disposition pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413) ("Act");

(2) A permit from the Registrar authorizing final disposition;

(3) A filed death certificate on security paper; and

(4) If final disposition is to be by cremation, resomation, or burial at sea, additional authorization from the Office of the Chief Medical Examiner in a format to be prescribed by the Registrar.

(b) Before final disposition of a dead fetus, regardless of the duration of pregnancy, the funeral director, the individual in charge of the institution, or other individual responsible for final disposition of the fetus, shall obtain authorization from the individual with rights to control the final disposition pursuant to section 14 of the Act.

(c) A dead body may be removed from the place of death for the purpose of preparation for final disposition under the following conditions:

(1) Upon the consent of the Office of the Chief Medical Examiner;

(2) In the case of an expected death at a decedent's place of residence, at the time of death upon the consent of a treating physician or a registered nurse working in general collaboration with the treating physician who signs the pronouncement of death section of the report of death; or

(3) In the case of an unexpected death at a decedent's place of residence, at the time of death upon the consent of the individual signing the pronouncement of death section on the report of death.

(d) An authorization for final disposition of a dead body or fetus brought into the District, issued by another state and accompanying the dead body or fetus, shall constitute sufficient authority for final disposition in the District.

(e) An individual in charge of a place for interment or other disposition of dead bodies shall neither inter nor allow interment or other disposition of a dead body or fetus unless it is accompanied by an authorization for final disposition.

(f) Each individual in charge of a place of final disposition shall include the date and place of disposition in the permit for final disposition and shall sign and return the permit to the funeral director in a manner prescribed by the Registrar within 10 days after the date of disposition. When there is no individual in charge of the place of final disposition, the funeral director shall complete the authorization.

(g) Authorization for disinterment and re-interment shall be required before human remains are disinterred. The authorization shall be issued by the Registrar to a licensed funeral director and shall include a sworn statement under penalty of perjury stating the grounds for disinterment in a format prescribed by the Registrar. If disinterment is deemed to be a public health threat, the Director of the Department shall be notified prior to the authorization.

(h) A funeral director or his or her designee shall obtain a letter of non-contagious disease certified by the Registrar when transporting a body outside of the United States.

Sec. 118. Marriage, divorce, and annulment reporting.

The court shall complete and forward to the Registrar on or before the 20th day of each month in an electronic format prescribed by the Registrar a report of completed applications and licenses for marriage returned to the court during the preceding month, and a record of each divorce or annulment decree granted during the preceding month.

Sec. 119. Adoption forms.

(a) The court shall prepare an adoption form for each adoption decreed by the court. The form shall:

(1) State facts necessary to locate and identify the original record of live birth of the adoptee;

(2) Provide the information necessary to establish a new record of live birth for the adoptee;

(3) Identify the adoption order; and

(4) Be issued under seal by the court.

(b) The petitioner for adoption or his or her attorney shall supply the information necessary to prepare the adoption form. The social service agency or any individual with knowledge of the facts shall supply the court with any additional information necessary to complete the adoption form. The court shall require such individuals to provide the information prior to issuing a final decree in the matter.

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(c) The court shall prepare an adoption form whenever an adoption decree is amended or annulled which shall include the facts necessary to identify the original adoption form and the facts amended in the adoption decree necessary to properly amend the record of live birth.

(d) No later than the final day of each calendar month, the court shall forward to the Registrar adoption forms concerning decrees of adoption, annulments, and amendments of decrees of adoption that were entered in the preceding month, together with any related reports the Registrar may require.

(e)(1) The Registrar shall forward to the Registrar in the state of the adoptee's birth an adoption form and a certified copy of any court decree that annuls or amends a decree of adoption for an individual born outside the District.

(2) When the court annuls or amends a decree of adoption relating to an individual born in a foreign country, the Registrar shall return the adoption form and decree to the attorney or social service agency handling the adoption for submission to the appropriate federal agency.

(f)(1) If an adoptee was born in a foreign country and was not a citizen of the United States at the time of birth, the Registrar shall prepare a "Record of Foreign Live Birth". The Registrar shall also send a copy of the adoption form, report of annulment of adoption, or amendment of a decree of adoption to the appropriate registration authority.

(2) If the adoptee was born in a foreign country and through parentage is a citizen of the United States, the Registrar shall not prepare a "Record of Foreign Live Birth" but shall notify the adoptive parents of the procedures for obtaining a revised live birth record for their child through the U.S. Department of State.

Sec. 120. Amendments and corrections.

(a) The Registrar shall issue rules pursuant to section 129 governing the amendment of vital records that protect the integrity and accuracy of the vital records.

(b) A record or report registered under this act may be amended only in accordance with this act and implementing rules.

(c)(1) Except as provided in this section, a record or report amended under this section shall be marked "amended". The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The Registrar shall issue rules in accordance with subsection (a) of this section that prescribe the conditions under which additions or minor corrections may be made to records or reports, without the record or report being marked "amended".

(2) The Registrar shall not amend a vital record if an applicant does not submit the minimum documentation required pursuant to subsection (a) of this section for amending a vital record or when the Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement given under the penalty of perjury or the documentary evidence,

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and the deficiencies are not corrected. The Registrar shall state in writing the reason for this action and shall further advise the applicant of the right of appeal to the court.

(d) Upon receipt of a certified copy of an order of the court changing the name of an individual born in the District, and upon the request of the individual, his or her legal representative, or in the case of a minor, his or her parents or legal guardian, the Registrar shall amend the record of live birth to show the new name. The record shall be marked "amended".

(e)(1) Pursuant to section 112(e) upon receipt of a certified copy of an order of the court changing the gender identity or expression of an individual who died in the District, the Registrar shall amend the death record to reflect the decedent's gender identity or expression designation. The record shall not be marked "amended".

(2) In determining the gender identity or expression to be recorded on a decedent's certificate of death, the court may consider testimony, documentation that memorializes the decedent's gender transition, or any other evidence of the decedent's gender identity or expression.

(3) The court shall resolve a petition to amend the designation of gender entered on a decedent's death record within 10 days. The petition shall include:

(A) A statement, signed under oath by a licensed healthcare provider who has treated or evaluated the individual, stating that:

(i) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

(ii) The individual has an intersex condition, and that in the healthcare provider's professional opinion, the individual's gender designation should be changed; or

(B) Documentation that otherwise memorializes the decedent's gender transition, including:

(i) Written instructions from the decedent;

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

(iii) Documentation of a change to the gender marker on a live birth certificate, driver's license or state identification card, Social Security record, or passport.

(4) The original record of death, including the gender as reported by the death certifier, along with any documents submitted pursuant to this subsection, shall be sealed and made available only by an order of the court.

(5) Death records amended for the purpose of memorializing gender designation shall not be marked "amended".

(6) Death records amended for the purpose of memorializing gender designation shall be substituted for the original death record, and prior issuances shall be voided.

(f) The Registrar shall issue rules pursuant to section 129 establishing requirements to amend a vital record to correct an institutional error on a certificate item. When certificate items are corrected according to this subsection:

(1) Except as provided by rules issued pursuant to section 129, certificates of vital record shall be marked as "amended";

(2) Except as provided by rules issued pursuant to section 129, the original record shall be sealed and made available only upon order of the court; and

(3) The institution that reported the data in error shall be responsible for any associated fees and penalties.

Sec. 121. New records of live birth for adoption and determination of parentage.

(a) The Registrar shall establish a new record of live birth upon receipt of one the following documents:

(1) An adoption form prepared in accordance with section 119;

(2) An adoption form prepared and filed according to the laws of a state or foreign country;

(3) A certified copy of an order issued by the court determining the parentage of such an individual; or

(4) A voluntary acknowledgment of parentage by an individual in accordance with D.C. Official Code § 16-2345.

(b) The Registrar shall establish a new record of live birth for an adoptee born outside of the United States upon receipt of a request of the adoptive parent or the adoptee, if the adoptee is 18 years of age or older, and either:

(1) An adoption form prepared in accordance with section 119; or

(2) A copy of the foreign adoption decree that includes a certified translation of the decree.

(c) If birth information is not already included in the foreign adoption decree, the Registrar may rely on the following evidence to determine the child's birth date and birthplace:

(1) An original live birth certificate;

(2) Evidence of IR-3 immigrant visa status, or successor immigrant visa status for the child, issued by the U.S. Citizenship and Immigration Services;

(3) A post-adoption live birth certificate issued by the foreign jurisdiction, including a certified copy, extract, or translation; or

(4) An equivalent document, such as a record of the U.S. Citizenship and Immigration Services or the U.S. Department of State.

(d) The Registrar shall return all adoption documents issued by the foreign jurisdiction to the adoptive parent or adoptee, whichever is applicable.

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(e) The Registrar shall not establish a new record of live birth if so requested by the adoptive parents pursuant to D.C. Official Code § 16-314(a).

(f) If the individual's name has been changed subsequent to adoption or determination of parentage, the order shall include the name that currently appears on the live birth record and the new name to be designated on the replacement record of live birth. The new name of the individual shall be shown on the replacement live birth record.

(g) The actual place and date of live birth shall be displayed on the new record of live birth. The new record shall be substituted for the original record of live birth in the files of the Vital Records Division. The new record shall not designate that parentage has been established by judicial process or by acknowledgement.

(h) A replacement record of live birth shall be substituted for the original record of live birth. The original record of live birth and the evidence of adoption, parentage determination, or parentage acknowledgement submitted shall be placed under seal and not be subject to inspection, except by the Registrar for the purpose of properly administering the system of vital statistics, upon an order of the court, or in accordance with rules issued pursuant to section 129.

(i) If no record of live birth is on file for the individual for whom a new live birth record is to be established pursuant to this section, and the date and place of live birth have not been determined in the adoption or parentage proceedings, the Registrar shall file a delayed report of live birth before issuing a new record of live birth. The new live birth record shall be prepared in accordance with section 111.

(j) Upon receipt of a report of an amended decree of adoption, the Registrar shall amend the record of live birth.

(k) Upon receipt of a report or decree of annulment of adoption, the Registrar shall restore the original record of live birth. The annulled record of live birth and its associated evidence shall not be subject to inspection, except upon order of the court or as authorized by rules issued pursuant to section 129.

(l) The Registrar shall not create a replacement record if the date and place of live birth have not been determined in the adoption or paternity proceedings or if a delayed registration of live birth has not been completed in accordance with section 111.

(m) When a replacement record of live birth is issued by the Registrar, any agency that possesses a certificate of live birth from the original record shall return the certificate to the Registrar upon request.

Sec. 122. New records of live birth for change of gender designation.

(a) The Registrar shall establish a new record of live birth that reflects the new gender designation and, if applicable, the new name of an individual born in the District upon receipt of the following documents:

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(1) A written request, signed under oath or affirmation, for a new record of live birth with a gender designation that differs from the gender designated on the original record of live birth, from the individual or, if the individual is a minor, the individual's:

(A) Parent;

(B) Guardian; or

(C) Legal representative;

(2) A statement, signed under oath or affirmation, by a licensed healthcare provider who has treated or evaluated the individual, stating that:

(A) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

(B) The individual has an intersex condition, and that in the healthcare provider's professional opinion, the individual's gender designation should be changed; and

(3) If a change of name listed on the certificate is also being requested, an original or certified copy of the order of the court granting the change of name.

(b) The Registrar shall also establish, upon request, a new record of live birth reflecting the new gender designation, new name, or name as previously amended, in the following circumstances:

(1) When an individual holds an amended certificate of live birth issued before November 5, 2013, that reflects a previous name change and seeks a change of gender designation;

(2) When an individual requesting a change of name holds a certificate of live birth that reflects a change in gender; or

(3) When an individual holds an amended certificate of live birth issued before November 5, 2013, that reflects a previous change in gender designation.

(c) A new record of live birth shall:

(1) Be substituted for the original record of live birth; and

(2) Not be marked "amended" or on its face indicate that:

(A) A change in gender has been made; or

(B) A change in name has been made.

(d) The original record of live birth, along with any documents submitted pursuant to this section, shall be sealed and made available only upon the demand of the individual to whom the new certificate of live birth was issued or by an order of the court.

Sec. 123. Preservation of vital records.

(a) The Registrar shall develop and implement a preservation management program to preserve vital record documents and information that meets generally accepted standards for permanent preservation.

(b) The Registrar may prepare typewritten, photographic, electronic, or other reproductions of certificates or reports to preserve these vital records. The reproductions shall be accepted as the original record when certified by the Registrar.

(c) The Registrar shall provide for the continued availability and integrity of vital event information through methods including the maintenance of redundant copies of information in multiple locations and formats such as microfilm/microfiche, imaging, and electronic databases.

(d) The preservation management program shall provide for the continued availability of historic vital record documents and information for research and related purposes.

Sec. 124. Confidentiality and disclosure of information from vital records or vital reports.

(a) Vital records, vital reports, indices, related documents, and data or information contained therein shall be confidential and shall not be subject to disclosure under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

(b) Except as authorized by this act, rules issued pursuant to and consistent with this act, or by an order of the court, it shall be unlawful for any individual to permit inspection of, or to disclose data or information contained in a vital record, a vital report, or related documents, or to copy or issue a copy of all or part of any such record or report. Rules implementing this section shall provide for adequate standards of security and confidentiality of the vital statistics system.

(c) Unless otherwise provided by this act, personally identifiable information that may identify any individual named in any vital record or report may be disclosed for health research purposes only after:

(1) Submission of a written request for information by a researcher;

(2) Approval of the Registrar through the execution of a written research agreement that describes the research project;

(3) Documented applicable Institutional Review Board approval pursuant to section 491(a) of the Health Research Extension Act of 1985, approved November 20, 1985 (99 Stat. 820; 42 U.S.C. § 289(a));

(4) Provision of documented procedures to protect the confidentiality and security of the information; and

(5) Provision of documented procedures for data storage and the data destruction method to be used for the information provided.

(d) Except as authorized by the Registrar, any agreement pursuant to which personally identifiable information contained in a vital record or report is disclosed shall:

(1) Prohibit the re-release by the researcher of any personally identifiable information without explicit permission from the Registrar;

(2) Require that the information shall be used solely for research or administrative purposes;

(3) Require that the information shall be used only for the project described in the application;

(4) Prohibit the use of the information as a basis for legal, administrative, or any other action that directly affects any individual or institution identifiable from the data;

(5) Set forth the payment, if any, to be provided by the researcher to the Registrar for the specified research project; and

(6) Require that ownership of vital records data provided under the agreement shall remain with the Registrar, not the researcher or the research project.

(e) The Registrar may disclose de-identified statistical data from vital records that do not identify or enable the identification of any individual to federal, District, state, or other public or private agencies that request the data for statistical or administrative purposes in accordance with standards established by rules issued pursuant to section 129.

(f)(1) The Registrar may authorize the release of vital event verification copies of records or data from the system of vital statistics to a government entity, including federal, state, local and tribal agencies, upon written request, provided that the copies or data shall be used solely in the conduct of the government agency's official duties.

(2) The Registrar, in deciding whether to approve a government agency request submitted pursuant to paragraph (1) of this subsection, shall consider the agency's or other entity's proposed use, frequency of need, security after receipt, and other relevant criteria. The Registrar shall base authorization for the request on:

(A) Written data sharing agreements that clearly specify the intended uses and protect the confidentiality and security of the information provided, and are executed before the Registrar prior to the release of personally identifiable information for government agency official use. Such agreements shall:

(i) Prohibit the re-release by the government agency of any personally identifiable information other than re-release that may be provided for in the agreement;

(ii) Set forth the payment, if any, to be provided by the government agency to the Registrar for the specified purpose; and

(iii) Specify that ownership of vital records data provided under such agreements shall remain solely with the Registrar, not the government agency authorized by the agreement to use the data;

(B) Receipt of an application from an applicant entitled to receive the certified copy of a vital record and authorization by the applicant l to release the information to the agency or other entity;

(C) An order of the court requiring the release of the information to the agency or other entity; or

(D) A demonstration of administrative need by the agency or other entity.

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(g)(1) The Registrar may furnish to the National Center for Health Statistics ("NCHS") or its successor agency, copies of data, records, or reports from the system of vital statistics as it may require for national statistics; provided, that the NCHS or its successor agency share in the cost of collecting, processing, and transmitting the data; provided further, that the data shall not be used for other than statistical purposes by the NCHS or its successor agency unless so authorized by the Registrar in writing.

(2) To obtain data, records, or reports from the Registrar, the NCHS or its successor agency shall enter into an agreement with the Registrar indicating the statistical purposes for which the data, records, or reports may be used. The agreement shall prohibit the re-release of data, records, or reports by the NCHS or its successor agency without express written permission from the Registrar. Ownership of vital records data provided under such agreements shall remain solely with the Registrar, not the NCHS or its successor agency.

(h)(1) The Registrar may, according to terms defined by an inter-jurisdictional exchange agreement ("Agreement"), transmit vital records data, or copies of records and other reports to:

(A) The offices of vital statistics in other states or U.S. jurisdictions outside of the District; or

(B) Foreign countries when the data, records, or other reports relate to residents of those states, U.S. jurisdictions, or foreign countries or to individuals who are born or die in those states, U.S. jurisdictions, or foreign countries.

(2) The Agreement shall specify the purposes for which the data, records, or reports may be used by each state, U.S. jurisdiction, or foreign country, and shall provide instructions for the proper retention and disposition of the data, records, or reports.

(3) Any vital records data or copies of records or reports received by the Registrar from another state, U.S. jurisdiction, or foreign country as a result of an Agreement shall be confidential and the state, U.S. jurisdiction, or foreign country where the event occurred shall retain ownership of the data, records, or reports.

(4) Data, records, or reports may be used by the recipient state, U.S. jurisdiction, or foreign country only for the purposes specified in the Agreement, and the Agreement shall prohibit the recipient state, U.S. jurisdiction, or foreign country from otherwise disclosing any of the District's data, records, or reports.

(i)(1) A live birth record shall be considered open when 125 years have elapsed from the date of birth.

(2) A death record shall be considered open when 75 years have elapsed from the date of death or fetal death.

(3) A marriage record shall be considered open when 100 years have elapsed from the date of marriage, divorce, dissolution of marriage, or annulment.

(j)(1) Supporting documents, including corrections and acknowledgments of paternity for open vital records shall also be public. Sealed records shall not be classified as public unless

unsealed by the court. Vital records made public after the prescribed time may be transferred to the District of Columbia Archives ("Archives") in accordance with archival procedures that provide for the continued safekeeping of such vital records.

(2) Before the transfer of live birth and death records to the Archives, the Registrar shall redact any information identified in the NCHS' U.S. Standard Certificates of live birth and death, and reports of fetal death or reports of induced termination of pregnancy, or as identified by the District by rules issued pursuant to section 129 as medical or for health use only.

(3) The Registrar shall be the only individual authorized to issue certified copies of live birth and death records in the District.

(k) The Vital Records Division shall remain the legal custodian of live birth, death and fetal death, domestic partnership, and dissolution of domestic partnership records and related statistical reports until these records are transferred to the Archives. Only the Registrar may certify issuances of District live birth, death and fetal death records. The Archives may provide non-certified copies of vital records made public pursuant to subsection (j) of this section in accordance with the procedures of the Archives for making non-certified copies.

(l) The Registrar shall disclose information contained in vital records, or copies of vital records, to the IV-D agency upon request, for purposes directly related to paternity establishment or the establishment, modification, or enforcement of a support order.

(m) The Registrar may approve or deny a request for inspection or disclosure of data. A decision by the Registrar regarding the inspection or disclosure of data or information contained in a vital record or vital report shall constitute a final agency determination.

(n) Notwithstanding the provisions of this section, the Registrar shall provide reports of homicides or suicides, as that term is defined in section 3042(e) of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), to the Violence Fatality Review Committee established pursuant to section 3042 of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).

Sec. 125. Certification from the system of vital statistics

(a)(1) A certificate of live birth, a death, fetal death, domestic partnership or dissolution of domestic partnership, or any part thereof, issued in accordance with this section, shall be considered for all purposes the same as the original record and shall be prima facie evidence of the information it contains.

(2) The evidentiary value of a record submitted to the Registrar more than one year after the vital event, a vital record that has been amended, or a record of foreign live birth shall be determined by the judicial or administrative body or official before whom the record is offered as evidence.

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(b)(1) The Registrar shall require an applicant applying for a certified copy of a vital record to submit a signed application, proof of identity, and evidence of entitlement under this section.

(2) Upon receipt and approval of an application, the Registrar shall issue a certified copy of a vital record in the form of a physical image or abstract to the applicant. Only the Registrar may issue the certified image or abstract.

(3) All certifications of vital records registered in the system shall be issued from the District's vital statistics system.

(c) The Registrar shall specify through rules issued pursuant to section 129 the forms of identification an applicant may provide in support of an application for a certified copy of a vital record; provided, that for applications received pursuant to subsection (b) of this section from inmates incarcerated by the Federal Bureau of Prisons, if the Registrar requires an applicant to provide identification when requesting a certified copy of all or part of a vital record, the Registrar shall accept identifying information provided by the Federal Bureau of Prisons as one permissible form of identification.

(d) An applicant for a certified copy of a vital record shall be at least 18 years of age, or any age if the applicant is an emancipated minor.

(e)(1) The Registrar shall review the evidence of entitlement the applicant provides to support a request for a certified copy of a vital record. Such evidence shall consist of copies of vital records, court documents, or alternative methods identified and considered acceptable by the Registrar through rules issued pursuant to section 129. Evidence of entitlement shall demonstrate that the applicant is authorized to receive a certified copy of a vital record.

(2) The only applicants entitled to receive a certified copy of a live birth record are the registrant, his or her child, parent, sibling, grandparent, legal guardian, or legal representative.

(3)(A) The only applicants entitled to receive a certified copy of a death record are the informant, the decedent's spouse, domestic partner, child, parent, next of kin as specified by probate or other law, sibling, grandparent, grandchild, the individual with rights to control the final disposition of the decedent's body, the decedent's legal guardian immediately prior to death, the decedent's legal representative.

(B) A funeral director from the funeral establishment named on the death record is entitled to receive a certified copy of the death record for 30 days after the date of filing of the death record.

(C) An applicant may also obtain a certified copy of a death record by demonstrating that the record is needed for determining or protecting any individual or property rights.

(4) The only applicants entitled to receive a certified copy of a fetal death record are the parent, sibling, grandparent, legal guardian of a parent, or legal representative of the

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fetus. A funeral director from the funeral home named on the fetal death record is entitled to receive a certified copy of a fetal death record for 30 days from the date of filing of the record.

(5) The only applicants entitled to receive a certified copy of a record of a domestic partnership or the dissolution of a domestic partnership are the registrants, a registrant's child, parent, sibling, grandparent, grandchild, legal guardian, or legal representative.

(f) The Registrar may verify with originating agencies the identity documents and evidence of entitlement submitted in support of a request for a certified copy.

(g) The Registrar, in deciding whether to approve the request of a government agency or other entity for receipt of certified copies of vital records or verifications in electronic format shall consider the agency's or other entity's proposed use of the certified record, the frequency of need, security after receipt, and other relevant criteria.

(h) The Registrar shall establish the minimum information to be included in a certificate. No certificate shall be issued without the minimum information necessary; provided, that live birth records without a first name for the registrant may be issued to authorized government agencies for adoption or custody purposes.

(i) A death certificate that includes the manner or cause of death shall be issued with a denotation of such information unless the decedent's spouse, domestic partner, child, parent, next of kin as specified by probate or other law, the individual in charge of disposition of the decedent's remains, or the legal representative of any of these individuals, requests the omission of this information.

(j) Each death certificate issued for a record shall include the date of registration. Except as provided by rules issued pursuant to section 129, each certificate issued from a record marked or flagged as "amended" shall be similarly marked or flagged and shall indicate the effective date of the amendment. A certificate issued from a record marked or flagged as "delayed" shall be similarly marked or flagged and shall include the date of registration and a description of the evidence used to establish the delayed record. A certificate issued from a record of foreign live birth shall indicate this fact , display the actual place of live birth, and state that the certificate is not proof of United States citizenship. A certificate issued from a live birth record that has been matched to a death record shall be marked or flagged as "deceased".

(k) Information identified in the U.S. Standard Certificates of Live Birth, Death, and Report of Fetal Death, or identified as for medical or health use only in any vital record through rules issued pursuant to section 129 shall not be subject to subpoena or court order and shall not be admissible before any court, tribunal, or judicial body. Information identified as for administrative, statistical, medical, or health use only shall not be included in a certificate issued for the vital record.

(l) If the Registrar conducts a search for a vital record on behalf of an applicant, and this search does not identify a record that matches the requested criteria, the Registrar shall issue a document indicating that no matching record was identified. The document shall state the

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specific information used in the attempt to identify the record, including the type of event, the name of the registrant, the alleged date or range of dates of the event, and any other criteria used to identify the record.

(m) The Registrar may verify the facts contained in a vital record at the request of any authorized government agency in the conduct of its official duties.

(n) Each certificate issued from the vital statistics system containing a live signature shall meet the requirements for apostille, authentication, and exemplification by the District's designated competent authority to facilitate use of the certificate outside of the United States.

(o) All forms and procedures used to issue certificates of vital records in the District shall be uniform and provided or approved by the Registrar. Each certificate issued shall include security features that deter altering, counterfeiting, or duplicating the certification.

(p) The Registrar shall maintain a searchable file, either physical or electronic, of all accepted applications for a minimum of 3 years.

(q) No individual shall prepare or issue any paper or electronic document that purports to be an original vital record, a certification or a verification of a vital record, or a copy of a vital record except as authorized by this act or rules promulgated pursuant to section 129.

(r) An application and any supporting documentation submitted to obtain a certificate of a vital record shall be confidential and shall not be disclosed except upon the order of the court.

Sec. 126. Fraud or misrepresentation.

(a)(1) When the Registrar receives information that a vital event report or record may have been registered, corrected, or amended through fraud or misrepresentation, the Registrar may withhold issuance of any certificate or amendment of that certificate pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(2) If, upon conclusion of the inquiry conducted pursuant to paragraph (1) of this subsection, no fraud or misrepresentation is found, the Registrar shall resume processing requests for a certificate or a modification of the record.

(b) When the Registrar receives information that an application for a vital record service may have been submitted for the purpose of fraud or misrepresentation, the Registrar may withhold performance of that service pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(c) If, upon conclusion of the inquiry, there is reasonable cause to suspect fraud or misrepresentation, the Registrar shall provide copies of the application, report, or record and any other evidence to the appropriate authorities for further investigation.

(d) If, upon conclusion of this investigation, fraud or misrepresentation is found, the Registrar may suspend further action regarding the record, or void or seal the record. The Registrar shall provide a written statement of these actions, including references to all the

investigative findings and evidence that form the basis for the actions, to the registrant or the registrant's legal representative.

(e) The Registrar shall retain all voided or sealed records and evidence, including the application, but such records and evidence shall not be subject to inspection or copying except upon order of the court or by the Registrar for purposes of administering the vital records system.

(f) The Registrar shall periodically test and audit the vital records systems for the purpose of detecting fraud. If fraud is detected, the Registrar shall provide copies of the evidence to the proper authorities for further investigation. The results of the tests and audits shall be retained but shall not be subject to inspection or copying except by the Registrar for the purpose of administering the vital records system.

Sec. 127. Fees.

(a) The Registrar shall prescribe by rules issued pursuant to section 129 the fees to be paid for the following services:

(1) Processing an application to amend a vital record;

(2) Certifying records, whether paper or electronic, or searching the files when no certificate is issued;

(3) Providing copies of or information contained on live birth, death, and fetal death records for health research, statistical, or administrative purposes, or in response to subpoena or court order;

(4) Verifying information contained on live birth, death, fetal death, and domestic partnership records when the information is provided. Verification of vital events may only be provided to government agencies authorized by the Registrar;

(5) Processing an application to register a delayed report of a vital event;

(6) Replacing a live birth record subsequent to adoption, establishment of parentage, paternity acknowledgment, change in gender designation, or court order;

(7) Providing personally identifiable information from vital records data to a health researcher or an authorized government agency;

(8) Providing programming and analytic services in response to statistical data requests;

(9) Issuing a permit for final disposition or a permit to disinter human remains, or as otherwise required by law;

(10) Providing genealogical search services; and

(11) Providing any other service as determined by the Registrar.

(b) Notwithstanding subsection (a) of this section, a pilot program for Fiscal Year 2019 shall be established to waive the fee for a certificate of birth for:

(1) An individual released from the custody of the Federal Bureau of Prisons ("BOP"), for one year after the individual is released from the custody of the BOP; and

(2) An individual in the custody of the BOP at a halfway house in the District.

Sec. 128. Penalties.

(a) A fine of not more than $12,500, or imprisonment of not more than 2 years, or both, for each occurrence shall be imposed on:

(1) Any individual who willfully and knowingly makes a false statement to the Registrar or the Registrar's designee when submitting information required by this act, in connection with:

(A) A report;

(B) A request to amend or correct a vital record, including any associated evidence;

(C) A request for a certified copy or verification of a vital record;

(D) A request for access to information in vital records; or

(E) A request for creation of a vital record, including delayed records.

(2) Any individual who without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any record, report, application or supporting documentation submitted or created pursuant to this act, or any certification or verification of a vital record, or security paper;

(3) Any individual who willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish a physical or electronic vital record document, including security paper, records, reports, or information in a vital record, that has been counterfeited, altered, unlawfully amended, or mutilated, or that is false in whole or in part, for purposes other than those specified in this act;

(4) Any individual who without lawful authority possesses any stolen or otherwise unlawfully obtained record, security paper, certified copy, or report or application submitted or created pursuant to this act; or

(5) Any individual who willfully and knowingly furnishes data, security paper, certifications or verifications with the knowledge or intention that they will be used for purposes other than those specified in this act.

(b) A fine of not more than $2,500, or imprisonment of not more than one year, or both, for each occurrence, shall be imposed on:

(1) Any individual who willfully and knowingly refuses to provide information required by this act or rules promulgated pursuant to section 129 to implement this act;

(2) Any individual who willfully and knowingly transports or accepts for transportation, interment, or other disposition human remains without an accompanying permit as provided in this act; or

(3) Any individual who willfully and knowingly violates any of the provisions of this act or the rules promulgated pursuant to section 129 to implement this act, or who willfully and knowingly refuses to perform any of the duties required by this act.

(c) The fine set forth in this section shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01 *et seq.*).

(d) For each violation set forth in this section, as an alternative to the sanctions set forth in subsections (a) and (b) of this section, a civil penalty of not more than $10,000 may be imposed on any individual who violates any of the provisions of this act or the rules issued pursuant to section 129, or who willfully and knowingly fails to perform any of the duties required by this act or by the rules.

Sec. 129. Rules.

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

Sec. 130. Repealer; savings clause.

The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-201 *et seq.*)("Act"), is repealed. The existing rules implementing the Act shall remain in effect until superseded by rules promulgated under the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250).

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 204(d) of the District of Columbia Administrative Procedure Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(d)), is amended to read as follows:

"(d) The provisions of this title shall not apply to vital records covered by the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 434; D.C. Official Code 7-201 *et seq.*) or the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250).".

Sec. 202. Section 4606(a)(4) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4–1371.06(a)(4)), is amended by striking the phrase "section 20 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-219)" and inserting the phrase "section 124 of

the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

Sec. 203. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-309(b)(4) is amended by striking the phrase "section 10 of the Vital Records Act of 1981" and inserting the phrase "section 119 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

(b) Section 16-314 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Vital Records Act of 1981" both times it appears and inserting the phrase "the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

(2) Subsection (b) is amended by striking the phrase "section 11 of the Vital Records Act of 1981" both times it appears and inserting the phrase "section 121 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

(3) Subsection (c-1) is amended by striking the phrase "section 11 of the Vital Records Act of 1981" and inserting the phrase "section 121 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

(c) Section 16-1054(a)(4) is amended by striking the phrase "7-219" and inserting the phrase "section 124 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

(d) Section 16-2345(a) is amended by striking the phrase "pursuant to section 16-909(e)(1)(A) and section 7-205(e)(3A))" and inserting the phrase "pursuant to section 16-909(e)(1)(A) and section 108(l)(6) of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

(e) Section 16-2503 is amended by striking the phrase "as described in section 7-210.01(a)(2)" both times it appears and inserting the phrase "as described in section 122(a)(2) of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)" in its place.

TITLE III. NON-GERMANE AMENDMENTS

Sec. 301. Section 202 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.02), is amended as follows:

(a) Subsection (a) is amended by striking the number "3" and inserting the number "5" in its place.

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

"(c) Of the members of the Board, 4 shall be licensed dieticians or licensed nutritionists and one shall be a consumer member who is not licensed as a dietician or nutritionist.".

Sec. 302. Section 9(j) of the Animal Control Act of 1979, effective October 18, 2979 (D.C. Law 3-30; D.C. Official Code § 8–1808(j)), is amended as follows:

(a) Paragraph (1)(D) is amended to read as follows:

"(D) Captive-bred species of common cage birds, including chickens;".

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

"(5) The Mayor shall allow goats and sheep to be temporarily imported into the District and possessed for the purposes of eating grass, milking and shearing demonstrations, participating in yoga or similar activities, being on display in temporary pettings zoos for the enjoyment and education of District youth, and any other activities approved by the Department of Health through regulation. The Department of Health may issue rules to protect the safety of the goats and sheep.".

Sec. 303. The Women's Health and Cancer Rights Federal Law Conformity Act of 2000, effective April 3, 2001 (D.C. Law 13-254; D.C. Official Code § 31-3831 *et seq.*), is amended as follows:

(a) Section 5b(b) (D.C. Official Code § 31-3834.02(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase "for women for contraceptives, including over-the-counter contraceptives and contraceptives prescribed and dispensed by a pharmacist" and inserting the phrase "for women for contraceptive drugs, devices, products, and services, including those obtained over-the-counter and those prescribed and dispensed by a pharmacist" in its place.

(2) Paragraph (2) is amended by striking the phrase "Any additional contraceptive drug products" and inserting the phrase "Any additional contraceptive drugs, devices, products and services" in its place.

(b) Section 5c (D.C. Official Code § 31-3834.03) is amended as follows:

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

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

(i) Subparagraph (A) is amended by striking the phrase "contraceptive products" and inserting the phrase "contraceptive drugs, devices, products and services" in its place.

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(ii) Subparagraph (B) is amended by striking the phrase "contraceptive drug, device, or product" both times it appears and inserting the phrase "contraceptive drug, device, product, or service" in its place.

(iii) Subparagraph (C) is amended by striking the phrase "contraceptive drug, device, or product" both times it appears and inserting the phrase "contraceptive drug, device, product, or service" in its place.

(iv) Subparagraph (D) is amended as follows:

(I) The lead-in language is amended by striking the phrase "contraceptive services" and inserting the phrase "contraceptive drugs, devices, products, or services" in its place.

(II) Sub-subparagraph (i) is amended by striking the phrase "contraceptive drug" and inserting the phrase "contraceptive drug, device, product, or service" in its place.

(III) Sub-subparagraph (ii) is amended by striking the phrase "contraceptive drug" and inserting the phrase "contraceptive drug, device, product, or service" in its place.

(B) Paragraph (3) is amended by striking the phrase "contraception" and inserting the phrase "contraceptive drugs, devices, products, or services" in its place.

(C) Paragraph (4) is amended by striking the phrase "procedures" and inserting the phrase "services" in its place.

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

"(b) Beginning on January 1, 2019, or the next date when carrier forms are approved, whichever is earlier, an individual health plan or group health plan shall also provide coverage for and shall not impose any cost-sharing requirements for all drugs, devices, products, and services listed in subsection (a) of this section; provided, that an individual health plan or group health plan subject to this subsection may require a co-payment or cost sharing for coverage of male contraceptive products for an enrollee covered by a high deductible health plan, as defined in section 1201(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, approved December 8, 2003 (117 Stat. 2066; 26 U.S.C. § 223(c)(2)).".

(c) Section 5d (D.C. Official Code § 31-3834.04) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "may be exempt from any requirement to cover contraceptive products and services under section 5a and section 5b" and inserting the phrase "may be exempt from any requirement to cover contraceptive drugs, devices, products, and services under sections 5a, 5b, and 5c" in its place.

(B) Paragraph (2) is amended by striking the phrase "contraceptive products and services" and inserting the phrase "contraceptive drugs, devices, products, and services" in its place.

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

(i) Strike the phrase "contraceptive supplies" and insert the phrase "contraceptive drugs, devices, products, and service" in its place.

(ii) Strike the phrase "contraception that is" and insert the phrase "contraceptive drugs, devices, products, and services that are" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "contraceptive products or services" and inserting the phrase "contraceptive drugs, devices, products, and services" in its place.

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

(i) Strike the phrase "contraceptive supplies" and insert the phrase "contraceptive drugs, devices, products, and services" in its place.

(ii) Strike the phrase "contraception that is" and insert the phrase "contraceptive drugs, devices, products, and services that are" in its place.

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

(A) The lead-in language is amended by striking the phrase "section 5a or 5b" and inserting the phrase "sections 5a, 5b, or 5c" in its place.

(B) Paragraph (1) is amended by striking the phrase "contraceptive services" and inserting the phrase "contraceptive drugs, devices, products, or services" in its place.

(C) Paragraph (2) is amended by striking the phrase "contraceptive services" and inserting the phrase "contraceptive drugs, devices, products, or services" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "contraceptive" and inserting the phrase "contraceptive drugs, devices, products, or services" in its place.

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

(i) Strike the phrase "contraceptive products or services" and insert the phrase "contraceptive drugs, devices, products, or services" in its place.

(ii) Strike the phrase "sections 5a and 5b" and insert the phrase "5a, 5b, or 5c" in its place.

(iii) Strike the phrase "of beneficiaries" and insert the phrase "or beneficiaries" in its place.

(d) Section 5e (D.C. Official Code § 31-3834.05) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "section 5a or section 5b" and inserting the phrase "sections 5a, 5b, or 5c" in its place.

(B) Paragraph (1) is amended by striking the phrase "contraceptive services" and inserting the phrase "contraceptive drugs, devices, products, and services" in its place.

(C) Paragraph (2) is amended by striking the phrase "services, drugs, devices, products, and procedures described in sections 5a and 5b" and inserting the phrase "drugs, devices, products, and services described in sections 5a, 5b, and 5c" in its place.

(D) Paragraph (3) is amended by striking the phrase "contraception" and inserting the phrase "self-administered hormonal contraceptives" in its place.

(2) Subsection (c) is amended by striking the phrase "services, drugs, devices, products, and procedures described in sections 5a and 5b" and inserting the phrase "drugs, devices, products, and services described in sections 5a, 5b, and 5c" in its place.

Sec. 304. Section 2 of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621), is amended as follows:

(a) Subsection (c) is repealed.

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

"(c-1) Any school that, on October 25, 2016, received school nursing services pursuant to this section that exceeded the hours per week prescribed by subsection (b) of this section shall continue the level of service existing on that date, or the level recommended by the Department of Health's risk-based assessment, whichever is greater, for school year 2018-2019.".

TITLE IV. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 401. Applicability.

Sections 124(n), 125(c), and 127(b) shall apply as of October 1, 2018.

Sec. 402. Fiscal impact statement.

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

Sec. 403. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
September 5,2018

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AN ACT

**D.C. ACT 22-439**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To amend Title 25 of the District of Columbia Official Code to make amendments to the law regulating the sale, transportation, and consumption of alcoholic beverages, including to clarify that pub crawl licenses and farmer's market licenses shall be valid for less than 3 years and that licensees holding a manufacturer license may deliver the alcoholic beverages that it produces to consumers, to allow a holder of a manufacturer's license, class B, to sell beer brewed in collaboration with another brewery in growlers for off-premises consumption, to allow a holder of a manufacturer's license, class A or B that owns 2 or more breweries, wineries, or distilleries to transport alcoholic beverages manufactured at one location to another, to require off-premises retailers with security cameras to upon request provide copies of footage to Alcoholic Beverage Regulation Administration investigators or a member of the Metropolitan Police Department, to allow off-premises retailer licenses, class A and B, to sell growlers and crowlers, to allow off-premises retailer licenses, class B, to sell growlers, to allow an off-premises retailer's license, class A or B, and manufacturer licenses, class A, B, or C, to apply for a one-day substantial change permit, to allow hotel license holders to permit consumers to remove partially consumed alcoholic beverages from the licensed establishment, to allow bed and breakfast license holders to apply for summer garden and sidewalk café endorsements, to clarify that brew pub permit holders may only sell beer brewed at the location to consumers for off-premises consumption, to establish the hours in which a manufacturer's license, class C, Wholesaler's license, or private collector with a tasting permit can conduct tastings, to allow brew pub permit holders, wine pub permit holders, and distillery pub permit holders to deliver alcoholic beverages manufactured at the licensed premises directly to consumers for off-premises consumption, to allow breweries, wineries, and distilleries that possess an on-site sales and consumption permit to sell and serve the alcoholic beverages produced in collaboration with another brewery, winery, or distillery for off-premises consumption, to clarify that a farmer's market license is valid for one year, to provide the Alcoholic Beverage Control Board with the discretion to hold closed meetings when conducting a hearing regarding the criminal background of an applicant for a solicitor's license or manager's license, to clarify that the Alcoholic Beverage Control Board shall make records available within 5 business days of receiving a request, to allow the Alcoholic Beverage Control Board the discretion to approve a solicitor's license or manager's license for an applicant who has been

convicted of a felony within 5 years of applying for the license, to allow a manufacturer licensee to possess another manufacturer's license of a similar or different class, to exempt festival licenses, pub crawl licenses, and farmer's market licenses from appropriateness standards, to create an exception to the 400-foot restriction for on-premises retailer licenses, class CT, DT, CX, and DX, and off-premises retailer licenses, class A and B, located in the Southwest Waterfront's Mixed Use-12 Zone, Square 473 and for on-premises retailer licenses, class CR, DR, CH, DH, CT, DT, CX, or DX located on a college or university campus, to create an exception for a retailer's license located in a residential zone if it existed at the same location within the previous 2 years, to clarify when an applicant for a license is prohibited from submitting successive applications to the Alcoholic Beverage Control Board, to repeal an expired provision providing for the exemption for nude dancing establishments located in certain areas, to clarify the requirement for a tasting permit, to establish the requirements for the Alcoholic Beverage Control Board's qualifications hearings, to clarify which license applications are not subject to the Alcoholic Beverage Control Board's notice requirements, to require applicants to take pictures of the posted notice of application and upon request provide copies of the pictures to the Alcoholic Beverage Control Board, to establish the responsibilities of the Alcoholic Beverage Control Board's agent , to provide that the Alcoholic Beverage Control Board has the discretion to hear from persons who are not a party to a proceeding, to authorize the Alcoholic Beverage Control Board to approve offers-in-compromise in show cause status hearings and show cause hearings, to clarify that the presence of the owner or manager approved by the Alcoholic Beverage Control Board is required during a licensed establishment's hours of sale, service, and consumption, that an establishment's owner or manager approved by the Alcoholic Beverage Control Board is prohibited from being under the influence during the establishment's hours of operation, to allow manufacturer license holders to apply for extended hours, to amend the hours of operation for manufacturer licenses, class A, B, or C, holding on-site sales and consumption permits, to repeal the extended hours of operation, sale, service, and consumption for daylight savings time, to authorize manufacturer's, off-premises retailer's, and pub permit holders to sell gift bags, gift boxes, and gift wrapping and to wrap alcoholic beverages for off-premises consumption, to amend the penalty for sale to minor violations and failure to check identification, to clarify that persons under 18 years of age may enter licensed establishments between the hours of 8:00 a.m. and 3:00 p.m. when District public schools are in session if they are accompanied by a parent or guardian, that persons 18 years of age or older may pour alcoholic beverages, to authorize holders of an on-premises retailer's license or manufacturer's license, class A, B, or C, with an on-site consumption permit to allow third parties to utilize the licensed establishment for a specific event under certain conditions, to prohibit a licensee or the licensee's designee from bribing an Alcoholic Beverage Regulation Administration investigator, and to allow for the production of bottled mixed drinks.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Alcoholic Beverage Regulation Amendment Act of 2018".

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

(a) Chapter 1 is amended as follows:

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

(A) Paragraph (2A) is repealed.

(B) A new paragraph (16A) is added to read as follows:

"(16A) "Crowler" means a recyclable container that is capable of holding up to 64 ounces of beer or wine and is designed to be filled and sealed on premises for consumption off premises.".

(C) A new paragraph (44A) is added to read as follows:

"(44A) "Roll call hearing" means the proceeding specified in a placard posted at an applicant's premises at which the applicant and the protestant are introduced to each other and the grounds for objection to the license application are read to the public.".

(D) Designate existing paragraph (32A) as paragraph (32B).

(E) A new paragraph (32A) is added to read as follows:

"(32A) "Mediation" means a meeting between the applicant and the protestant held for the purposes of discussing and resolving, where possible, the concerns raised by the protestant.".

(F) Paragraph (52) is amended as follows:

(i) The lead-in text is amended by striking the phrase "in a building which" and inserting the word "that" in its place.

(ii) Subparagraph (A) is amended by striking the word "are" and inserting the phrase "may be" in its place.

(2) Section 25-104(b) is amended by striking the phrase "festival license or a temporary license" and inserting the phrase "festival license, temporary license, farmer's market license, or pub crawl license" in its place.

(3) Section 25-110 is amended as follows:

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

(i) Paragraph (1)(A)(ii) is amended as follows:

(I) Strike the word "Sell" and insert the phrase "Sell and deliver" in its place.

(II) Strike the word "sell" and insert the phrase "sell and deliver" in its place.

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

(I) Subparagraph (B) is amended by striking the phrase "to sell" and inserting the phrase "to sell and deliver" in its place.

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

"(C)(i) A holder of a manufacturer's license, Class B, that collaborates with another brewery, regardless of jurisdiction, to use the beer brewed at the licensed premises or the licensee's beer recipe to produce a new beer at another location may sell and deliver the

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new beer to a consumer in growlers for off-premises consumption; provided, that the growlers shall not be opened after sale or the contents consumed on the premises sold.

"(ii) For the purposes of sub-subparagraph (i) of this subparagraph, the container containing the beer produced by the holder of a manufacturer's license, Class B, in collaboration with another brewery, shall contain the names of both breweries.".

(B) New subsections (c) and (d) are added to read as follows:

"(c) A holder of a manufacturer's license, class A or B, that owns 2 or more breweries, wineries, or distilleries in the District shall be permitted to transport alcoholic beverages manufactured at one brewery, winery, or distillery to the other brewery, winery, or distillery.

"(d)(1) A holder of a manufacturer's license, class A, B, or C, may file for a one-day substantial change permit, as defined by regulation, with the Board seeking permission to allow for the on-premises consumption of alcoholic beverages as part of a specific event.

"(2) Subject to paragraph (3) of this subsection, the Board, in its discretion, may grant the one-day substantial change permit request unless it determines that the activities sought by the licensee are otherwise prohibited by its license or a Board-approved settlement agreement.

"(3) The Board shall not grant a substantial change permit request made pursuant to this subsection to a licensee more than 12 times in a calendar year.".

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

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

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

"(a-1)(1) An off-premises retailer's licensee, class A or B, may also sell beer or wine in crowlers unless prohibited by one of the single sale moratoria contained in subchapter IV of Chapter 3.".

(C) Subsection (b) is amended by striking the phrase "except for the sale of growlers" and inserting the phrase "except for the sale of growlers or crowlers" in its place.

(D) Subsection (d)(1) is amended as follows:

(i) Subparagraph (C) is amended by striking the phrase "class IA" and inserting the phrase "class AI" in its place.

(ii) Subparagraph (D) is amended by striking the phrase "class IB" and inserting the phrase "class BI" in its place.

(E) New subsections (f) and (g) are added to read as follows:

"(f) A holder of an off-premises retailer's license, class A or B, that has security cameras installed on the licensed premises, whether at the direction of the Board or in accordance with the establishment's security plan or settlement agreement, shall:

"(1) Ensure the cameras utilized by the establishment are operational;

"(2) Maintain any footage of a crime of violence or a crime involving a gun for a minimum of 30 days;

"(3) Make the security footage available within 48 hours upon the request of an ABRA investigator or any member of the Metropolitan Police Department; and

"(4) Ensure that the establishment and security cameras meet such other technological and operational standards, such as resolution, frame per second, storage, retention,

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and image quality standards, that the Board may establish by regulation.

"(g)(1) A licensee of an off-premises retailer's license, class A or B, may file for a one-day substantial change permit, as defined by regulation, with the Board seeking permission to allow for the on-premises consumption of alcoholic beverages as part of a specific event.

"(2) Subject to paragraph (3) of this subsection, the Board, in its discretion, may grant the one-day substantial change request unless it determines that the activities sought by the licensee are otherwise prohibited by its license or a Board-approved settlement agreement.

"(3) The Board shall not grant a one-day substantial change permit request made pursuant to this subsection to a licensee more than 6 times in a calendar year.".

(5) Section 25-113(e) is amended by adding a new paragraph (7) to read as follows:

"(7)(A) Notwithstanding any other provision of this subchapter, a hotel license (H) issued under this section shall authorize the licensee to permit a patron to remove one partially consumed bottle of wine for consumption off-premises.

"(B) A partially consumed bottle of wine that is to be removed from the premises shall be securely resealed by the licensee, or its employee, before removal from the premises.

"(C) The partially consumed bottle shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or that someone has tampered with the container.

"(D) The licensee, or its employee, shall provide a dated receipt for the bottle of wine, which shall be attached to the container.".

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

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

(i) Strike the phrase "consumption permit or a" and insert the phrase "consumption permit or a retailer's" in its place.

(ii) Strike the phrase "C/T, and D/T" and insert the phrase "C/T, D/T, C/B, and D/B" in its place.

(B) Subsection (c) is amended by striking the phrase "C/X, and D/X" and inserting the phrase "C/X, D/X, C/B, and D/B" in its place.

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

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

"(a-1) If a licensee has submitted a completed application for or received a brew pub permit on or after February 7, 2018, the establishment shall only be permitted to sell beer brewed at the licensed location to patrons in growlers for off-premises consumption.".

(B) A new subsection (a-2) is added to read as follows:

"(a-2)(1) If a licensee possesses or has submitted a completed brew pub application before February 7, 2018, the establishment may sell beer to patrons in growlers for off-premises consumption if:

"(A) Within 60 days of receiving the beer pub permit, the licensee, at all times, makes beer manufactured at the licensed premises available and offers it for sale to patrons or has beer that is in the process of being manufactured and currently undergoing the

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production process on the licensed premises; and

"(B) The holder of the beer pub permit has beer manufactured at the licensed premises available and offers it for sale to patrons on the licensed premises for at least 90 days in a calendar year;

"(2)(A) The holder of the beer pub permit shall maintain upon the licensed premises, either physically or electronically, books and records that reflect the days in which beer manufactured on the licensed premises was available and offered for sale to patrons.

"(B) The holder of the beer pub permit shall allow any ABRA investigator or any member of the Metropolitan Police Department a full opportunity to examine its records at any time during its business hours.

"(3) It shall be a violation for the holder of a beer pub permit issued pursuant to paragraph (1) of this subsection to not have manufacturing equipment on the licensed premises or to not be in compliance with subsection (a-1) of this section within 60 days of the issuance of the beer pub permit.

"(4) In accordance with § 25-823, the Board may fine, as set forth in the schedule of civil penalties established under § 25-830, and revoke or suspend a beer pub permit if the holder of a beer pub permit fails to comply with the terms of this subsection.

"(5) A beer pub permit issued pursuant to this subsection shall expire upon the revocation, cancellation, or transfer of the license.".

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

"(f) A licensee holding a brew pub permit shall be authorized to sell and deliver beer directly to a consumer for off-premises consumption if the beer is:

"(1) Manufactured at the brew pub facility;

"(2) Manufactured by the holder of the brew pub permit or an entity, regardless of jurisdiction, with a shared ownership interest of 5% or more in the location where the beer pub permit is located; or

"(3) Manufactured by the holder of the brew pub permit as part of a collaboration with another manufacturer, regardless of jurisdiction.".

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

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

"(e) The holder of a manufacturer's license, class A, may utilize a portion of the licensed premises for the sampling of wine and spirits, the holder of a manufacturer's license, class B, may utilize a portion of the licensed premises for the sampling of beer, and the holder of a manufacturer's license, class C, may utilize a portion of the licensed premises for the sampling of alcohol-infused confectionary food products between the hours of 8:00 a.m. and 12:00 a.m., 7 days a week.".

(B) Subsection (f)(1) is amended by striking the phrase ", during its approved hours of operation" and inserting the phrase "between the hours of 8:00 a.m. and 12:00 a.m., 7 days a week" in its place.

(C) Subsection (g) is amended by striking the word "tenant" and inserting the phrase "tenant between the hours of 8:00 a.m. and 12:00 a.m., 7 days a week" in its place.

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(9) Section 25-124 is amended as follows:

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

"(d) If a licensee has submitted a completed application for or received a wine pub permit on or after February 7, 2018, the establishment shall only be permitted to sell wine to patrons in sealed bottles or other closed containers for off-premises consumption if the wine is:

"(1) Manufactured at the wine pub permit holder's licensed location;

"(2) Manufactured by the holder of the wine pub permit or an entity, regardless of jurisdiction, with a shared ownership interest of 5% or more in the location where the wine pub permit is located; or

"(3) Manufactured by the holder of the wine pub permit as a part of a collaboration with another wine manufacturer, regardless of jurisdiction.".

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

"(d-1)(1) If a licensee possesses or has submitted a completed application for a wine pub permit before February 7, 2018, the establishment may sell wine to patrons in sealed bottles or other closed containers for off-premises consumption if the licensee:

"(A) Maintains an Alcohol and Tobacco Tax and Trade Bureau permit on the licensed premises and provides it to any ABRA Investigator upon request during business hours;

"(B) Possesses operational wine manufacturing equipment on the licensed premises; and

"(C) Produces or makes reasonable efforts, as determined by the Board, to produce at least one type of wine on the licensed premises per calendar year.

"(2) A licensee under this subsection shall, on or before January 15th of each calendar year, furnish to the Board on a form to be prescribed by the Board a statement under oath listing the type of wine the licensee produced or made reasonable efforts to produce on the licensed premises and the name and title of the vintner, or other person, who produced or made reasonable efforts to produce the wine.

"(3) In accordance with § 25-823, the Board may fine, as set forth in the schedule of civil penalties established under § 25-830, and revoke or suspend a wine pub permit if the holder of a wine pub permit fails to comply with the terms of this subsection.

"(4) A wine pub permit issued pursuant to this subsection shall expire upon the revocation, cancellation, or transfer of the license.".

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

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

(10) Section 25-125 is amended as follows:

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

"(d)(1) If a licensee has submitted a completed application for or received a distillery pub permit on or after February 7, 2018, the establishment shall only be permitted to sell distilled spirits to patrons in sealed bottles or other closed containers for off-premises consumption if the spirits are:

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"(A) Manufactured at the distillery pub permit holder's licensed location;

"(B) Manufactured by the holder of the distillery pub permit or an entity with a shared ownership interest of 5% or more in the location where the distillery pub permit is located, regardless of jurisdiction; or

"(C) Manufactured by the holder of the distillery pub permit as a part of a collaboration with another distilled spirits manufacturer, regardless of jurisdiction.

"(2) Sales of distilled spirits in accordance with this subsection shall be limited to the hours of 7:00 a.m. to 12:00 a.m., 7 days a week.".

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

"(d-1)(1) If a licensee possesses or has submitted a completed application for a distillery pub permit before February 7, 2018, the establishment may sell distilled spirits to patrons in sealed bottles or other closed containers for off-premises consumption if:

"(A) Within 60 days of receiving the distillery pub permit, the licensee, at all times, makes distilled spirits manufactured at the licensed premises available to and offers it for sale to patrons or has distilled spirits that is in the process of being manufactured and currently undergoing the production process on the licensed premises; and

"(B) The holder of the distillery pub permit has distilled spirits manufactured at the licensed premises available and offered for sale to patrons on the licensed premises for at least 90 days in a calendar year.

"(2) The holder of the distillery pub permit shall maintain upon the licensed premises, either physically or electronically, books and records that reflect the days in which distilled spirits manufactured on the licensed premises were available and offered for sale to patrons. The holder of the distillery pub permit shall allow any ABRA investigator or any member of the Metropolitan Police Department a full opportunity to examine its records at any time during its business hours.

"(3) It shall be a violation for the holder of a distillery pub permit issued pursuant to paragraph (1) of this subsection to not have manufacturing equipment on the licensed premises or to not be in compliance with paragraph (1)(A) of this subsection.

"(4) In accordance with § 25-823, the Board may fine, as set forth in the schedule of civil penalties established under § 25-830, and revoke or suspend a distillery pub permit if the holder of the distillery pub permit fails to comply with the terms of this subsection.

"(5) A distillery pub permit issued pursuant to this subsection shall expire upon the revocation, cancellation, or transfer of the license.".

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

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

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

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

"(a-1)(1) A holder of a manufacturer's license, class B, that possesses an on-site sales and consumption permit and collaborates with another brewery, regardless of jurisdiction, to use beer brewed on the licensed premises or the licensee's beer recipe to produce a new beer at another

location, may sell and serve the new beer for on-premises consumption; provided, that the label or the container for the beer bears the names of both breweries.

"(2) A holder of a manufacturer's license, class A, that possesses an on-site sales and consumption permit and collaborates with another winery, regardless of jurisdiction, to use wine manufactured at the licensed premises or the licensee's wine recipe to produce a new wine at another location, may sell and serve the new wine for on-premises consumption; provided, that the label or the container for the wine bears the names of both wineries.

"(3) A holder of a manufacturer's license, class A, that possesses an on-site sales and consumption permit and collaborates with another distillery, regardless of jurisdiction, to use spirits manufactured at the licensed premises or the licensee's spirits recipe to produce a new alcoholic beverage at another location, may sell and serve the new alcoholic beverage for on-premises consumption; provided, that the label or the container for the alcoholic beverage bears the names of both distilleries.

"(4) A manufacturer's license, class A or B, that possesses an on-site sales and consumption permit and collaborates with another brewery, winery, or distillery, whichever is applicable, pursuant to this subsection shall:

"(A) Enter into a written collaboration agreement with the other brewery, winery, or distillery in accordance with paragraph (1), (2), or (3) of this subsection, whichever is applicable;

"(B) Maintain a copy of the collaboration agreement on the licensed premises; and

"(C) Upon request, provide the collaboration agreement to an ABRA investigator during business hours.".

(B) Subsection (b) is repealed.

(12) Section 25-128 is amended as follows:

(A) Subsection (c) is amended by striking the phrase "6 months" and inserting the phrase "one year" in its place.

(B) Subsection (d)(3) is amended by striking the phrase "6-month period," and inserting the phrase "one-year period," in its place.

(b) Chapter 2 is amended as follows:

(1) Section 25-204.01(c)(2) is amended as follows:

(A) Subparagraph (F) is amended by striking the word "or".

(B) Subparagraph (G) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(H) To receive testimony, discuss, or deliberate upon the criminal background of an applicant for a solicitor's license or manager's license.".

(2) Section 25-205(b) is amended as follows:

(A) Designate the existing text as paragraph (1).

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

"(2)(A) Requests to obtain copies of or to inspect records maintained by the Board shall be submitted in writing or orally to the Director, or designee.

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"(B) The Board shall make the records available as soon as practicable, but no later than 3 business days from the date that the request was made.".

(c) Chapter 3 is amended as follows:

(1) Section 25-301 is amended to read as follows:

(A) Subsection (a)(3) is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B) of this paragraph, the applicant has not been convicted of a felony in the 10 years before filing the application.

"(B) An applicant for a solicitor's license or manager's license has not been convicted of a felony in the 5 years before filing the application.".

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

"(c-1) The Board, in its discretion, may approve an application for a solicitor's license or manager's license for an applicant who has been convicted of a felony within 5 years of applying for the solicitor's or manager's license if the Board determines that the offense does not have a bearing on the applicant's fitness for licensure.".

(C) Subsection (d) is amended by striking the phrase "this objective" and inserting the phrase "the objectives of subsections (c) and (c-1) of this section" in its place.

(2) Section 25-303(a) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "manufacturer's or".

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

"(1A) No holder of a manufacturer's license shall hold a license of any other kind; provided, that a licensee under a manufacturer's license shall be permitted to hold another manufacturer's license of the same or a different class.".

(3) Section 25-313(c)(1) is amended by striking the phrase "solicitor's license or a temporary license." and inserting the phrase "solicitor's license, temporary license, festival license, pub crawl license, or farmer's market license." in its place.

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

(A) Paragraph (1) is amended by striking the phrase "paragraphs (2) through (5) of this subsection." and inserting the phrase "paragraphs (2) through (9) of this subsection." in its place.

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

(i) Designate the existing text as subparagraph (A).

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

"(B) The exception to the 400-foot restriction in subparagraph (A) of this paragraph shall not apply if the currently operating establishment holding a license of the same class is exempt from the 400-foot restriction under paragraph (8) of this subsection.".

(C) New paragraphs (8) and (9) are added to read as follows:

"(8) The 400-foot restriction shall not apply to an application for an on-premises retailer's license, class CT, DT, CX, or DX, or an off-premises retailer's license, class A or B, located in the Mixed Use-12 Zone, Square 473 according to the official atlases of the Zoning Commission of the District of Columbia.

"(9) The 400-foot restriction shall not apply to an application for an on-premises retailer's license, CR, DR, CH, DH, CT, DT, CX, or DX, where the establishment will be located

entirely on a college or university campus and will not have direct public access to the street or the outside of the college's or university's main entrance.".

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

(A) Subsection (e) is amended by striking the phrase "IA" and inserting the phrase "AI" in its place.

(B) Subsection (f) is amended by striking the phrase "IB" and inserting the phrase "BI" in its place.

(C) Subsection (g) is amended by striking the phrase "class IA or IB" and inserting the phrase "class AI or BI" in its place.

(6) Section 25-336 is amended as follows:

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

(i) Paragraph (2) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(ii) Paragraph (3) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(4) An on-premises Retailer's License, class CR, DR, CH, DH, CT, DT, CX, or DX that is located entirely on a college or university campus and will not have direct public access to the street or the outside of the college's or university's main entrance.".

(B) Subsection (f) is amended by striking the phrase "an off-premises retailer's" both times it appears and inserting the phrase "a retailer's" in its place.

(7) Section 25-338 is amended as follows:

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

(i) Strike the phrase "the same class" and insert the phrase "any class" in its place.

(ii) Strike the phrase "for the same person or persons" and insert the phrase "for the same location and submitted by the same applicant" in its place.

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

(i) Strike the phrase "the timely filing of a protest" and insert the phrase "the roll call hearing" in its place.

(ii) Strike the phrase "premises may be made at any time." and insert the phrase "location, the restriction set forth in subsection (a) of this section shall not apply." in its place.

(8) Section 25-374 (b), (c), and (d) are repealed.

(d) Chapter 4 is amended as follows:

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

(A) Section designation 25-408 is amended by striking the phrase "for a class A licensee".

(B) A new section designation 25-412 is added to read as follows:

"25-412. Qualifications hearing.".

(C) Section designation 25-445 is amended to read as follows:

"25-445. Mediation.".

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(D) A new section designation 25-448 is added to read as follows:

"25-448. Offer-in-compromise.".

(2) Section 25-408 is amended to read as follows:

"§ 25-408. Application for a tasting permit.

"The application for a new or the renewal of a tasting permit issued in accordance with § 25-118 shall include a diagram of the premises indicating the areas where sampling is to occur and the hours and days during which the tasting is to occur.".

(3) A new section 25-412 is added to read as follows:

"§ 25-412. Qualifications hearing.

"(a) The Board may hold a qualifications hearing before issuing, transferring, or renewing a license or permit to determine if the applicant, licensee, or permittee meets the criterion set forth in § 25-301.

"(b) A qualifications hearing shall be considered a contested hearing pursuant to § 2-509.

"(c) The Board shall give notice to the applicant, licensee, or permittee, by personal service or certified mail, requiring the applicant to appear before the Board within 15 calendar days after receipt of the notice to provide evidence establishing that the applicant, licensee, or permittee meets the criterion set forth in § 25-301.

"(d) The hearing notice required by subsection (c) of this section shall include:

"(1) The criterion, as set forth in § 25-301, about which the Board is requesting information;

"(2) The evidence to be considered by the Board at the hearing, including documentation, exhibits, investigative reports, or electronic or digitally stored information; and

"(3) The conditions, if any, that the Board is considering imposing on the applicant pursuant to § 25-104.

"(e) If after notice has been provided, as required by subsection (c) of the section, the applicant refuses or otherwise fails to appear at the hearing, the Board may hold the hearing ex parte pursuant to § 25-447(e).

"(f)(1) The Board shall deny the issuance, transfer, or renewal of a license or permit application if it determines that the applicant does not meet the criterion set forth in § 25-301.

"(2) In issuing or renewing a license, approving a transfer, or granting a permit, the Board may require that certain conditions be met, consistent with the requirements set forth in § 25-104.".

(4) Section 25-421 is amended as follows:

(A) Subsection (d) is amended by striking the phrase "administrative review" and inserting the phrase "roll call hearing" in its place.

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

"(h) The requirements of this section shall apply to an applicant for:

"(1) A manufacturer's license, class A, B, or C, whose hours of sales or service or hours of operation to the public are after 12:00 a.m. pursuant to § 25-721(c);

"(2) An off-premises retailer's license, class A or B;

"(3) An on-premises retailer's license, class CR, DR, CT, DT, CN, DN, CH, DH, CX, DX, CB, DB, Club licenses C or D, or Common carrier licenses C or D; and

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"(4) An Internet license, class AI and BI.".

(5) Section 25-423 is amended as follows:

(A) Subsection (b)(3) is amended by striking the phrase "administrative review" and inserting the phrase "roll call hearing" in its place.

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

"(e) If the Board determines that the notices posted at an applicant's establishment have not remained visible to the public for the duration of the 45-day protest period, the Board shall require the reposting of the notices and shall reschedule the roll call hearing for a date at least 45 days after the originally scheduled hearing, unless the applicant has fully performed all other notice requirements and the Board determines that it is in the best interest of the parties to proceed at an earlier date.".

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

"(i) The applicant for a new or renewal license, substantial change in operation as determined by the Board under § 25-404, or for the transfer of a license to a new location shall take a picture of the posted placards within 2 calendar days of the date the placards were posted, and upon request of the Board provide a copy of the picture, or pictures, of the posted placards that includes the date and time that the pictures were taken.".

(6) Section 25-431 is amended as follows:

(A) Subsections (f) and (g) are amended by striking the phrase "administrative review" wherever it appears and inserting the phrase "roll call hearing" in its place.

(B) Subsection (h) is amended as follows:

(i) Designate the existing text as paragraph (1).

(ii) The newly designated paragraph (1) is amended as follows:

(I) Strike the phrase "administrative review" and insert the phrase "roll call hearing" in its place.

(II) Strike the phrase "held by the Board" and insert the phrase "conducted by the Board's agent" in its place.

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

"(2) For the purposes of this subsection, the term "Board's agent" means an employee at or above the Grade 12 level in the Office of the General Counsel within ABRA, excluding the ABRA General Counsel, who shall have the authority to:

"(A) Regulate the course of the hearing;

"(B) Request the persons appearing at the hearing to identify themselves, and to provide contact information, including e-mail addresses;

"(C) Request or accept written documentation from the parties, including letters of representation;

"(D) Identify the parties with standing and the filed protest issues;

"(E) Schedule mediation;

"(F) Adjourn a hearing and establish the date when the hearing will be continued; and

"(G) Take any other action considered necessary by the Board.".

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(7) Section 25-442(b) is amended by striking the word "shall" and inserting the word "may" in its place.

(8) Section 25-444(b) is amended by striking the phrase "administrative review" and inserting the phrase "roll call hearing" in its place.

(9) Section 25-445 is amended as follows:

(A) The heading is amended to read as follows:

"§ 25-445. Mediation.".

(B) Subsection (a) is amended by striking the phrase "settlement conference" and inserting the word "mediation" in its place.

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

"(b) Mediation, which may be arranged at a roll call hearing or any other time, shall be set on a mutually convenient date before the scheduled protest status hearing or the protest hearing.".

(D) Subsection (c) is repealed.

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

(i) Strike the word "protestant" and insert the word "party" in its place.

(ii) Strike the phrase "settlement conference" and insert the word "mediation" in its place.

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

"(e) If a party refuses to make himself or herself available to attend mediation, the Board shall consider the application withdrawn, unless the party can show good cause for refusing to be available.".

(G) Subsection (f) is amended by striking the phrase "settlement conference" and inserting the word "mediation" in its place.

(H) Subsection (g) is amended by striking the phrase "protest hearing" and inserting the phrase "protest status hearing" in its place.

(I) Subsection (h) is amended by striking the phrase "settlement conference" and inserting the word "mediation" in its place.

(10) A new section 25-448 is added to read as follows:

"§ 25-448. Offer-in-compromise.

"(a) The Board may, in its discretion, accept from the licensee and the Office of the Attorney General for the District of Columbia an offer-in-compromise to resolve the charges brought by the District of Columbia against the licensee.

"(b) An offer-in-compromise may be presented to the Board at the show cause status hearing or show cause hearing.

"(c) The offer-in-compromise shall be consistent with the range of fines set forth in this title.".

(e) Chapter 5 is amended as follows:

(1) Section 25-501(d) is amended to read as follows:

"(d) The Board may establish license periods at intervals necessary to facilitate efficient processing of applications. If the Board changes a license period, the licensee or the holder of a

wine pub permit, distillery pub permit, or brew pub permit shall pay the proportionate amount of the annual license fee. If the Board issues a license or wine pub permit, distillery pub permit, or brew pub permit for less than one year, the licensee shall pay a fee reduced by the proportionate amount of the fee.".

(2) Section 25-503 is amended as follows:

(A) Strike the phrase "class IA" and insert the phrase "class AI" in its place.

(B) Strike the phrase "class IB" and insert the phrase "class BI" in its place.

(f) Chapter 7 is amended as follows:

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

"25-737. Gift bags and gift wrapping.".

(2) Section 25-701 is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) Except as provided in paragraph (2) of this subsection, an establishment's owner or Board-approved manager shall be present on the premises at all times during the establishment's hours of sale, service, and consumption of alcoholic beverages.

"(2) The presence of an establishment's owner or Board-approved manager shall not be required when:

"(A) There are not any alcoholic beverages on the premises;

"(B) The establishment is not open to the public;

"(C) Alcoholic beverages are secure and not accessible to the public for sale, service, or consumption; or

"(D) The license is in safekeeping pursuant to § 25-791.".

(3) Section 25-703 is amended by striking the word "sale" and inserting the word "operation" in its place.

(4) Section 25-721 is amended as follows:

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

"(c) A manufacturer's license, class A, B, or C, holding an on-site sales and consumption permit may sell and serve alcoholic beverages on any day and time except between the following hours:

"(1) 2:00 a.m. and 8:00 a.m., Monday through Friday; and

"(2) 3:00 a.m. and 8:00 a.m. on Saturday and Sunday.".

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

"(d) A manufacturer's license, class A, B, or C, may deliver alcoholic beverages manufactured at the licensed premises to wholesalers, retailers, and the homes of District of Columbia residents between the hours of 7:00 a.m. and midnight, 7 days a week.".

(5) Section 25-723 is amended as follows:

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

(i) Strike the phrase "subsections (c), (d), and (e)" and insert the phrase "subsections (c), (d), and (g)" in its place.

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(ii) Strike the phrase "under a on-premises retailer's license or" and insert the phrase "under an on-premises retailer's, a manufacturer's license that holds an on-site sales and consumption permit, or" in its place.

(iii) Strike the phrase "sell or serve" and insert the phrase "sell, serve, or consume" in its place.

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

(i) Paragraph (1) is amended by striking the phrase "on-premises retailer's license or a temporary license may sell or serve alcoholic" and inserting the phrase "on-premises retailer's license, a manufacturer's license that holds an on-site sales and consumption permit, or a temporary license may sell, serve, or consume alcoholic" in its place.

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

(I) Strike the phrase "on-premises retailer's license" and insert the phrase "on-premises retailer's license or a manufacturer's license that holds an on-site sales and consumption permit" in its place.

(II) Strike the phrase "sell or serve" and insert the phrase "sell, serve, or consume" in its place.

(C) Subsection (d) is repealed.

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

(i) Paragraph (1) is amended as follows:

(I) Strike the phrase "on-premises retailer's license" and insert the phrase "on premises retailer's license, a manufacturer's license," in its place.

(II) Strike the phrase "sell or serve" and insert the phrase "sell, serve, or consume" in its place.

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

(aa) Sub-subparagraph (ii) is amended by striking the word "and".

(bb) Sub-subparagraph (iii) is amended to read as follows:

"(iii) $100 for manufacturer's licenses, class A, B, or C; and".

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

"(iv) $50 for any other licensee.".

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

(I) Strike the phrase "on-premises retailer's license" and insert the phrase "on-premises retailer's license or a manufacturer's license" in its place.

(II) Strike the phrase "sell or serve" and insert the phrase "sell, serve, or consume" in its place.

(E) Subsection (f) is repealed.

(6) A new section 25-737 is added to read as follows:

"§ 25-737. Gift bags and gift wrapping.

"Holders of a manufacturer's license or an off-premises license, or licenses holding a brew pub permit, wine pub permit, or a distillery pub permit shall be authorized to sell gift bags,

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gift boxes, and wrapping for alcoholic beverages, and to wrap the alcoholic beverages at the licensed establishment for off-premises consumption.".

(7) Section 25-781(f) is amended as follows:

(A) The lead-in text is amended by striking the phrase "in the preceding 4 years".

(B) Paragraph (2) is amended by striking the phrase "2nd violation" and inserting the phrase "2nd violation in 2 years" in its place.

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

(i) Strike the phrase "3rd violation" and insert the phrase "3rd violation in 3 years" in its place.

(ii) Strike the word "and" at the end.

(D) Paragraph (4) is amended to read as follows:

"(4) Upon the 4th violation in 4 years, the Board may revoke the license or impose a fine of no less than $30,000; and".

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

"(5) Upon the 5th or subsequent violation in 4 years, the Board shall revoke the license.".

(8) Section 25-782(a) is amended as follows:

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the word "The" and inserting the phrase "Except as provided in paragraph (2) of this subsection, the" in its place.

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

"(2) A licensee under an off-premises retailer's license, class A, may allow a person under 18 years of age who is accompanied by a parent or guardian to enter the licensed establishment between the hours of 8:00 a.m. and 3:00 p.m. on any day in which the public schools of the District are in session during the regular school year.".

(9) Section 25-783(c) is amended to read as follows:

"(c) A violation of subsection (a) or (b) of this section shall be punishable as a primary tier violation.".

(10) Section 25-784(b) is amended by striking the phrase "serve, or deliver" and inserting the phrase "serve, deliver, or pour" in its place.

(11) Section 25-797(a) is amended by striking the phrase "The holder of an on-premises retailer's license" and inserting the phrase "The holder of an on-premises retailer's license or a manufacturer's license, class A, B, or C, possessing an on-site sales and consumption permit" in its place.

(g) Chapter 8 is amended as follows:

(1) Section 25-823(a) is amended as follows:

(A) Paragraph (7) is amended by striking the word "or".

(B) Paragraph (8) is amended by striking the period and inserting the phrase "; or" in its place.

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

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"(9) The licensee, directly or indirectly gives, offers, or promises anything of value to an ABRA investigator, or offers or promises any ABRA investigator to give anything of value to any other person or entity, with the intent to:

"(A) Influence any official act or investigation;

"(B) Influence an ABRA investigator to commit, or aid in committing, collude in, or allow any fraud on the Board; or

"(C) Induce an ABRA investigator to do or omit to do any act in violation of the lawful duty of the ABRA investigator.".

(2) Section 25-830(d)(1) is amended as follows:

(A) Subparagraph (E) is amended by striking the phrase "fifth violation" and inserting the phrase "fifth violation or subsequent" in its place.

(B) Subparagraph (F) is repealed.

(3) Section 25-833 is amended as follows:

(A) Designate the existing text as subsection (a).

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

"(b) Subsection (a)(3) of this section shall not apply to the refilling or the partly refilling of any bottle, container, or pitcher of an alcoholic beverage for purposes of making mixed cocktail drinks, such as sangria or margaritas, offered for sale.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
September 5, 2018

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AN ACT

**D.C. ACT 22-440**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To amend section 47-4640 of the District of Columbia Official Code to require the owner of the real property known as Center Leg Freeway (Interstate 395) PILOT Area to provide no fewer than 50 affordable housing units on that real property if it is ever developed for residential use; and to amend the Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010 to mandate that the developer construct 100 affordable residential units on the real property located at 1530 First Street, S.W., or other comparable property as approved by the Mayor, contingent on the Zoning Commission approving an amendment to the existing planned unit development for the Center Leg Freeway (Interstate 395) PILOT Area to allow for non-residential use, within 5 years of such approval by the Zoning Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Redevelopment of the Center Leg Freeway (Interstate 395) Amendment Act of 2018".

Sec. 2. Section 47-4640(d) of the District of Columbia Official Code is amended by striking the phrase "Owner agreeing to provide no less than 50 affordable housing units and" and inserting the phrase "Owner agreeing to provide no fewer than 50 affordable housing units on the Center Leg Freeway (Interstate 395) PILOT Area if the Center Leg Freeway (Interstate 395) PILOT Area is ever developed for residential use and" in its place.

Sec. 3. Section 3(a)(2) of the Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010, effective October 26, 2010 (D.C. Law 18-257; 57 DCR 8144), is amended as follows:

(a) The existing text is designated as subparagraph (A).

(b) The newly designated subparagraph (A) is amended by striking the phrase "The Purchaser" and inserting the phrase "Except as provided in subparagraph (B) of this paragraph, the Purchaser" in its place.

(c) A new subparagraph (B) is added to read as follows:

"(B)(i) If the PUD approved by the Zoning Commission pursuant to this section is amended to allow the Purchaser to use the Property for a non-residential use, the Purchaser shall, in lieu of the requirement set forth in subparagraph (A) of this paragraph,

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construct and develop, at its sole cost and expense, approximately 100 affordable residential units on real property located at 1530 First Street, S.W., or on other comparable real property approved by the Mayor, that shall be sold or rented to households earning 50% or less of the AMI; provided, that some units are at 30% or less of the AMI; provided further, that if the Property is at any time converted from a non-residential use to a residential use, the owner shall build 50 affordable residential units as described in subparagraph (A) of this paragraph.

"(ii) Construction of the 100 units, as described in sub-subparagraph (i) of this subparagraph, shall begin within 5 years of the date of the PUD approval.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-441**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To amend the Homeless Shelter Replacement Act of 2016 to revise the location of the Ward 1 temporary shelter site for families experiencing homelessness, enhance the capacity of the shelter, and authorize the use of the site for the location of permanent supportive housing for seniors and the Rita Bright Recreation Center.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Homeless Shelter Replacement Amendment Act of 2018".

Sec. 2. Section 3(a)(1) of the Homeless Shelter Replacement Act of 2016, effective July 29, 2016 (D.C. Law 21-141; 63 DCR 11132), is amended to read as follows:

"(1) The Mayor is authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 35 2- and 3-bedroom apartment-style units on District-owned land at 2500 14th Street, N.W., Square 2662, Lot 205; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services; provided further, that the site may also be used to locate 15 units of permanent supportive housing, as defined in section 2(28) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(28)), for seniors and the Rita Bright Recreation Center;".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

**ENROLLED ORIGINAL**

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-442**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To enact and amend provisions of law necessary to support the Fiscal Year 2019 budget.

**TABLE OF CONTENTS**

ENROLLED ORIGINAL

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2019 Budget Support Act of 2018".

## TITLE I. GOVERNMENT DIRECTION AND SUPPORT

### SUBTITLE A. FAIR ELECTIONS IMPLEMENTATION

Sec. 1001. Short title.

This subtitle may be cited as the "Fair Elections Implementation Amendment Act of 2018".

Sec. 1002. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 101(22A) (D.C. Official Code § 1-1161.01(22A)) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase "per calendar year" and inserting the phrase "per election cycle" in its place.

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

(A) Sub-subparagraph (i) is amended by striking the phrase "per calendar year" and inserting the phrase "per election cycle" in its place.

(B) Sub-subparagraph (ii) is amended by striking the phrase "per calendar year" and inserting the phrase "per election cycle" in its place.

(b) Section 310a (D.C. Official Code § 1-1163.10a) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase "Except as provided in section 332h, within" and inserting the word "Within" in its place.

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

"(b) This section shall not apply to subtitle C-i.".

(c) Section 332b(c) (D.C. Official Code § 1-1163.32b(c)) is amended by striking the phrase "per seat per covered office" and inserting the phrase "per candidate" in its place.

(d) Section 332f (D.C. Official Code § 1-1163.32f) is amended as follows:

(1) Subsection (b) is amended by striking the phrase "each election cycle" and inserting the phrase "each election cycle, excluding election cycles for special elections," in its place.

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

(A) Paragraph (1)(C)(ii) is amended to read as follows:

"(ii) The election is an uncontested election, subtracts the total amount of the expended contributions, up to the base amount to which the participating candidate would have been eligible under section 332d if the election were a contested election, from the matching payments to which the candidate would be eligible under section 332e.".

(B) Paragraph (2) is amended by striking the phrase "to which the candidate would be eligible under section 332d" and inserting the phrase "to which a candidate for the seat for that covered office would be eligible under section 332d if the election were a contested election" in its place.

(e) Section 332i(e)(1) (D.C. Official Code § 1-1163.32i(e)(1)) is amended as follows:

(1) Subparagraph (A) is amended by striking the semicolon and inserting the phrase "; and" in its place.

(2) Subparagraph (B) is amended by striking the semicolon and inserting a period in its place.

(3) Subparagraph (C) is repealed.

(4) Subparagraph (D) is repealed.

(f) Section 332j (D.C. Official Code § 1-1163.32j) is amended as follows:

(1) The section heading is amended by striking the phrase "by the Director of Campaign Finance." and inserting a period in its place.

(2) The existing text is designated as subsection (a).

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

"(b) No later than December 31, 2021, the District of Columbia Auditor shall prepare and submit to the Mayor and Council a report on the Fair Elections Program's operations during the election cycle beginning on November 7, 2018, and ending on November 3, 2020. The report shall include:

"(1) An evaluation of the extent to which the Fair Elections Program and participating candidates met the requirements of the Fair Elections Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-94; 65 DCR 2847);

"(2) A financial audit of the Fair Elections Program; and

"(3) Recommendations for improving the Fair Elections Program.".

(g) Section 332k (D.C. Official Code § 1-1163.32k) is repealed.

Sec. 1003. Section 3 of the Fair Elections Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-94; 65 DCR 2847), is amended to read as follows:

"Sec. 3. Applicability.

"This act shall apply as of November 7, 2018.".

**SUBTITLE B. CONTINUATION OF CERTAIN PPRA EXEMPTIONS**

Sec. 1011. Short title.

This subtitle may be cited as the "Procurement Practices Reform Exemption Amendment Act of 2018".

Sec. 1012. Section 3 of the Procurement Practices Reform Exemption Amendment Act of 2014, effective March 14, 2014 (D.C. Law 20-94; 61 DCR 963), is amended by striking the phrase "at the end of fiscal year 2018" and inserting the phrase "on September 30, 2023" in its place.

**SUBTITLE C. PROJECT LABOR AGREEMENT PROCUREMENT FUNDING**

Sec. 1021. Short title.

This subtitle may be cited as the "Project Labor Agreements in Construction Procurement Amendment Act of 2018".

Sec. 1022. Section 47-339.01(a) of the District of Columbia Official Code is amended by adding a new paragraph (3) to read follows:

"(3)(A) For a capital project meeting the requirements of § 2-356.06(a)(3), the estimated fully funded cost information provided pursuant to paragraph (1)(C) of this subsection shall account for the cost of compliance with the requirements of § 2-356.06 in an amount equal to 10% of the total estimated cost of the project or some other amount determined to be sufficient by the Mayor.

"(B) This paragraph shall apply to capital projects for which construction costs will be incurred beginning in or after Fiscal Year 2020.".

Sec. 1023. Section 606 of the Procurement Practices Reform Act of 2010, effective October 8, 2016 (D.C. Law 21-158; D.C. Official Code § 2-356.06), is amended as follows:

(a) Subsection (a)(3) is amended by striking the phrase "total cost, not including ongoing" and inserting the phrase "total construction costs, not including planning or ongoing" in its place.

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

"(d) This section shall not apply to a capital project that includes multiple public betterments or improvements pursuant to D.C. Official Code § 47-339.01(a)(2)(A); provided, that it shall apply to any public betterment or improvement that independently meets the requirements of subsection (a) of this section.".

Sec. 1024. Section 5 of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-158; 63 DCR 10752), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Amendatory sections 205(c)(3) and 606 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e) and (m), respectively, each" and inserting the phrase "Amendatory section 205(c)(3) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e)" in its place.

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

(1) Strike the phrase "fiscal effect for each provision specified in subsection (a) of this section" and insert the phrase "fiscal effect" in its place.

(2) Strike the phrase "each certification" and insert the phrase "the certification" in its place.

(c) Subsection (c) is amended by striking the phrase "of each certification" both times it appears and inserting the phrase "of the certification" in its place.

**SUBTITLE D. OTHER POST-EMPLOYMENT BENEFITS FUND**

Sec. 1031. Short title.

This subtitle may be cited as the "Other Post-Employment Benefits Fund Administrative Costs Amendment Act of 2018".

Sec. 1032. Beginning in Fiscal Year 2019, the Chief Financial Officer shall assign an individual agency-level code for Other Post-Employment Benefits Trust Administration in the District's financial system. The agency-level code shall be used to track the operating budget for the administrative expenses of the District's Other Post-Employment Benefits Fund for purposes of section 2109(d-3) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-621.09(d-3)).

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Sec. 1033. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 2109 (D.C. Official Code § 1-621.09) is amended as follows:

(1) Subsection (c) is amended by striking the phrase "other fund of the District." and inserting the phrase "other fund of the District and, subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation." in its place.

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

"(d-3) All expenses incurred by the Chief Financial Officer in administering the Fund, including hiring staff for the Office of the Chief Financial Officer, shall be paid out of the Fund, subject to appropriation. The budget prepared and submitted by the Mayor pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), shall include recommended expenditures at a reasonable level for the forthcoming fiscal year for the administrative expenses of the Fund. The budget enacted pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.46), may designate the portion of the Fund to be allocated for the administrative expenses of the Fund; provided, that it shall not specify the specific manner in which, or the specific purposes for which, the Chief Financial Officer may expend such portion of the Fund.".

(b) Section 2109a (D.C. Official Code § 1-621.09a) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "enrolled actuary," and inserting the phrase "enrolled actuary, to be paid for out of the Fund," in its place.

(2) Subsection (b)(1) is amended by striking the phrase "February 1st" and inserting the phrase "March 1st" in its place.

(3) Subsection (c)(1) is amended by striking the phrase "shall engage and pay for an enrolled actuary" and inserting the phrase "shall engage an enrolled actuary" in its place.

(c) Section 2109d(2) (D.C. Official Code § 1-621.09d(2)) is amended by striking the phrase "Rebid its contract with an enrolled actuary" and inserting the phrase "Rebid the contract for the enrolled actuary" in its place.

(d) Section 2109e (D.C. Official Code § 1-621.09e) is amended by striking the phrase "auditing standards." and inserting the phrase "auditing standards. The annual audit of the Fund shall be conducted by a contracted auditor as part of the Comprehensive Annual Financial Report. The cost of the financial statement preparation shall be paid for out of the Fund." in its place.

(e) Section 2116 (D.C. Official Code § 1-621.16) is repealed.

(f) Section 2153(a)(1)(F) (D.C. Official Code § 1-621.53(a)(1)(F)) is amended by striking the phrase "Selection of other" and inserting the phrase "Review the selection of other" in its place.

**SUBTITLE E. STREET HARASSMENT PREVENTION**

Sec. 1041. Short title.

This subtitle may be cited as the "Street Harassment Prevention Act of 2018".

Sec. 1042. Definitions.

For the purposes of this subtitle, the term:

(1) "ACSH" means the Advisory Committee on Street Harassment established by section 1043.

(2) "High-risk area" means:

(A) The enclosed area within any Metrorail car, Metrobus, MetroAccess vehicle, DC Circulator bus, DC Streetcar, or any other commercial vehicle capable of carrying more than 6 passengers;

(B) The area within 25 feet of any Metrorail station, Metrobus stop, DC Circulator stop, DC streetcar stop, or a location designated for the loading and unloading of a commercial vehicle capable of carrying more than 6 passengers;

(C) The enclosed area within any private vehicle-for-hire, as that term is defined in section 4(16A) of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1985 (D.C. Law 6-97; D.C. Official Code § 50–301.03(16A)), or public vehicle-for-hire, as that term is defined in section 4(17) of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1985 (D.C. Law 6-97; D.C. Official Code § 50–301.03(17));

(D) A food service entity, as that term is defined in section 401(4) of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8–1531(4)), hotel, as that term is defined in D.C. Official Code § 25-101(25), nightclub, as that term is defined in D.C. Official Code § 25-101(33), tavern, as that term is defined in D.C. Official Code § 25-101(52), and any other establishment that serves food or alcohol;

(E) Any school, library, or other building primarily used for the instruction of students, including a day care center, nursery, elementary school, secondary school, college, and university;

(F) Any bank, health care facility, laundromat, retail store, shopping mall, sports arena, music venue, and theater;

(G) All the publicly owned property between property lines shown on the records of the District, including any roadway, sidewalk, or parking between such property lines; and

(H) All buildings or land that are owned, leased, or occupied by the District government.

(3) "OHR" means the Office of Human Rights established by section 202 of the Office of Human Rights Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.01).

(4) "Street harassment" means disrespectful, offensive, or threatening statements, gestures, or other conduct directed at an individual in a high-risk area without the individual's consent and based on the individual's actual or perceived ethnicity or housing status, or a protected trait identified in the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*).

Sec. 1043. Advisory Committee on Street Harassment.

(a) There is established an Advisory Committee on Street Harassment, which shall be composed of 17 members as follows:

(1) The Director of OHR, or the Director's designee;

(2) The Director of the Office of Victim Services and Justice Grants, or the Director's designee;

(3) The Director of the Mayor's Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs, or the Director's designee;

(4) The Director of the District Department of Transportation, or the Director's designee;

(5) The Chief of the Metropolitan Police Department, or the Chief's designee;

(6) The Chairman of the Council, or the Chairman's designee;

(7) The General Manager of the Washington Metropolitan Area Transit Authority, or the General Manager's designee;

(8) The Director of the Alcoholic Beverage Regulation Administration, or the Director's designee; and

(9) Nine community representatives, appointed by the Mayor pursuant to section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), who are District residents or members of organizations that engage in policy, advocacy, or direct service within the District related to:

(A) Street harassment;

(B) Gender-based violence;

(C) Gender equity;

(D) LGBTQ rights;

(E) Racial equity;

(F) Religious tolerance;

(G) Poverty or homelessness; or

(H) Immigrant rights.

(b) The Director of OHR, or the Director's designee, shall serve as the ACSH's chairperson.

(c) One community representative shall be selected by a majority vote of the community representatives of the ACSH to serve as vice-chairperson.

(d) The ACSH shall meet at least on a quarterly basis, at times to be determined by the chairperson at the ACSH's first meeting.

(e) Meetings of the ACSH shall be subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

Sec. 1044. Survey.

No later than April 1, 2019, OHR, in consultation with the ACSH, shall conduct a survey regarding the incidence of street harassment in the District. The specific data elements to be collected in the study shall be determined by the ACSH.

Sec. 1045. Street harassment prevention report; model policies; public information campaign.

(a) No later than September 30, 2019, the ACSH shall submit a report to the Mayor and Council that:

(1) Identifies categories of District employees and District residents most at risk of street harassment;

(2) Proposes model policies and training materials to be adopted by District agencies for preventing and responding to street harassment, including model policies and training materials for public-facing employees;

(3) Proposes strategies to improve public awareness and understanding of street harassment;

(4) Discusses the need, if any, for a process by which victims and witnesses of street harassment can report instances of street harassment to District agencies; and

(5) Summarizes any actions taken by the ACSH after the effective date of this subtitle.

(b) No later than April 1, 2020, all District agencies shall:

(1) Implement the model policies developed pursuant to subsection (a) of this section; and

(2) Integrate training materials developed pursuant to subsection (a) of this section into the training of District employees.

(c) OHR shall:

(1) Monitor District agencies' implementation of the model policies developed pursuant to subsection (a) of this section; and

(2) No later than September 30, 2019, conduct a public information campaign about street harassment and resources available in the District for victims of street harassment.

Sec. 1046. Implementation report.

No later than September 30, 2020, the ACSH shall submit a report to the Mayor and Council that:

(1) Summarizes the work of the ACSH after the effective date of this subtitle;

(2) Discusses District agencies' implementation of model policies developed pursuant to section 1045(a); and

(3) Summarizes elements of OHR's public information campaign, required by section 1045(c)(2).

Sec. 1047. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended by adding a new paragraph (64) to read as follows:

"(64) The Advisory Committee on Street Harassment, established by section 1043 of the Street Harassment Prevention Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).".

Sec. 1048. Sunset.

This subtitle shall expire on October 1, 2020.

**SUBTITLE F. VOTER REGISTRATION AGENCY**

Sec. 1051. Short title.

This subtitle may be cited as the "Voter Registration Agency Amendment Act of 2018".

Sec. 1052. Section 7(d) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.07(d)), is amended as follows:

(a) Paragraph (1)(B) is amended by striking the phrase "and the Office of Aging shall be designated as voter registration agencies" and inserting the phrase "the Office on Aging, the District of Columbia Public Library, and the District of Columbia Public Schools shall be designated as voter registration agencies; provided, that access to voter registration services at District of Columbia Public Schools shall be restricted to District of Columbia Public Schools students and employees" in its place.

(b) A new paragraph (15) is added to read as follows:

"(15) The Board shall transmit an annual report to the Mayor and Council providing the number of voter registration applications received and the number of voter registration applications approved at each voter registration agency.".

**SUBTITLE G. ADVISORY NEIGHBORHOOD COMMISSIONS TRAVEL REIMBURSEMENT CLARIFICATION**

Sec. 1061. Short title.

This subtitle may be cited as the "Advisory Neighborhood Commissions Travel Reimbursement Clarification Amendment Act of 2018".

Sec. 1062. Section 16(l-1) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(l-1)), is amended by adding a new paragraph (4) to read as follows:

"(4) Notwithstanding this subsection, the OANC may approve Commission reimbursements to Commissioners for local transportation expenses, other than qualifying travel expenses, pursuant to subsection (l)(1) of this section.".

**SUBTITLE H. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION CLARIFICATION**

Sec. 1071. Short title.

This subtitle may be cited as the "Office of Administrative Hearings Jurisdiction Clarification Amendment Act of 2018".

Sec. 1072. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 2-1831.01) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase ""Commission"" and inserting the phrase ""COST"" in its place.

(2) Paragraph (8) is amended by striking the phrase "the Commission" and inserting the phrase "COST" in its place.

(b) Section 6 (D.C. Official Code § 2-1831.03) is amended as follows:

(1) The lead-in language of subsection (c) is amended to read as follows:

"(c) Any agency, board, or commission not referenced in this section may:".

(2) Subsection (h) is amended by striking the phrase "covered in subsections (a), (b), (b-1), (b-2), or (b-3) of" and inserting the phrase "referenced in" in its place.

(c) Section 8(b)(6) (D.C. Official Code § 2-1831.05(b)(6)) is amended by striking the phrase "the Commission" and inserting the phrase "COST" in its place.

(d) Section 9 (D.C. Official Code § 2-1831.06) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "The Commission's" and inserting the phrase "COST's" in its place.

(2) Subsection (b) is amended by striking the phrase "The Commission" and inserting the phrase "COST" in its place.

(3) Subsection (c) is amended by striking the phrase "the Commission" both times it appears and inserting the phrase "COST" in its place.

(4) Subsection (d) is amended by striking the word "Commission" and inserting the phrase "COST" in its place.

(e) Section 10 (D.C. Official Code § 2-1831.07) is amended as follows:

(1) The section heading is amended by striking the word "Commission" and inserting the phrase "COST" in its place.

(2) Strike the phrase "the Commission" wherever it appears and insert the phrase "COST" in its place.

(3) Subsection (a) is amended by striking the phrase "The Commission" and inserting the phrase "COST" in its place.

(4) Subsection (b) is amended by striking the phrase "the Commission's" and inserting the phrase "COST's" in its place.

(f) Section 11 (D.C. Official Code § 2-1831.08) is amended by striking the phrase "the Commission" wherever it appears and inserting the phrase "COST" in its place.

(g) Section 13 (D.C. Official Code § 2-1831.10) is amended by striking the phrase "the Commission" wherever it appears and inserting the phrase "COST" in its place.

(h) Section 14(b) (D.C. Official Code § 2-1831.11(b)) is amended as follows:

(1) Strike the phrase "the Commission" both times it appears and insert the phrase "COST" in its place.

(2) Strike the phrase "The Commission" and insert the phrase "COST" in its place.

**SUBTITLE I. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY**

Sec. 1081. Short title.

This subtitle may be cited as the "Board of Ethics and Government Accountability Amendment Act of 2018".

Sec. 1082. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

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

(1) Paragraph (13) is amended by striking the phrase "Board of Elections and Ethics" and inserting the phrase "Board of Elections, Board of Ethics and Government Accountability" in its place.

(2) Paragraph (14A)(I) is amended by striking the phrase "Ethics Board" and inserting the phrase "Board of Ethics and Government Accountability" in its place.

(b) Section 404(g) (D.C. Official Code § 1-604.04(g)) is amended by striking the phrase "Board of Elections and Ethics" and inserting the phrase "Board of Elections" in its place.

(c) Section 406(b) (D.C. Official Code § 1-604.06(b)) is amended by adding a new paragraph (4A) to read as follows:

"(4A) For employees of the Board of Ethics and Government Accountability, the personnel authority is the Board of Ethics and Government Accountability.".

(d) Section 908(3) (D.C. Official Code § 1-609.08(3)) is amended by striking the phrase "Board of Elections and Ethics" and inserting the phrase "Board of Elections" in its place.

(e) Section 1108(c)(5) (D.C. Official Code § 1-611.08(c)(5)) is amended by striking the phrase "District of Columbia Board" and inserting the word "Board" in its place.

(f) Section 1801(a-2)(2) (D.C. Official Code § 1-618.01(a-2)(2)) is amended by striking the phrase "District of Columbia Board" both times it appears and inserting the word "Board" in its place.

Sec. 1083. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

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

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

"(1) "Administrative decision" means any activity directly related to action by an executive agency or official in the executive branch to:

"(A) Make any contract, grant, reprogramming, or procurement of goods or services;

"(B) Issue a Mayor's order;

"(C) Cause to be undertaken a rulemaking proceeding (which does not include a formal public hearing) under the Administrative Procedure Act; or

"(D) Propose legislation or make nominations to the Council, the President, or Congress.".

(2) Paragraph (3A) is redesignated as paragraph (3B).

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

"(3A) "Board" means the Board of Ethics and Government Accountability established by section 202.".

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

"(13A) "Director of Open Government" means the Director of Open Government created by section 206.".

(5) Paragraph (19) is repealed.

(6) Paragraph (21)(B) is amended by striking the phrase "Ethics Board" and inserting the phrase "the Board of Ethics and Government Accountability" in its place.

(7) Paragraph (31) is amended by striking the phrase "any legislation in the Council." and inserting the phrase "any legislation in the Council, including measures that review or consider any contract, grant, reprogramming, or procurement decision." in its place.

(8) Paragraph (39) is repealed.

(9) Paragraph (47)(I) is amended by striking the phrase "Ethics Board" and inserting the phrase "Board of Ethics and Government Accountability" in its place.

(b) Section 202 (D.C. Official Code § 1-1162.02) is amended as follows:

(1) The section heading is amended by striking the phrase "District of Columbia Board" and inserting the word "Board" in its place.

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

(A) The lead-in language is amended by striking the phrase "established a District of Columbia Board of Ethics and Government Accountability" and inserting the phrase

"established, as an independent agency of the District government, a Board of Ethics and Government Accountability" in its place.

(B) Paragraph (2) is amended by striking the phrase "Director of the Open Government Office" and inserting the phrase "Director of Open Government" in its place.

(C) Paragraph (3) is amended by striking the phrase "Director of the Ethics Board;" and inserting the phrase "Director of Government Ethics;" in its place.

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

"(b) By December 31 of each year, the Board shall submit a report to the Mayor and Council with recommendations on improving the District's government ethics and open government and transparency laws, including:

"(1) An assessment of ethical guidelines and requirements for employees and public officials;

"(2) A review of national and state best practices in open government and transparency; and

"(3) Amendments to the Code of Conduct, the Open Meetings Act, and the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).".

(c) Section 203 (D.C. Official Code § 1-1162.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (2) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(3) Subsection (c) is amended by striking the phrase "Chairperson of the Ethics Board" and inserting the phrase "Board's Chairperson" in its place.

(4) Subsection (d) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

"(g)(1) When appointing and confirming a member of the Board, the Mayor and Council shall consider whether the individual:

"(A) Possesses demonstrated integrity, independence, and public credibility; and

"(B) Has particular knowledge, training, or experience in government ethics or in open government and transparency.

"(2) At least one member of the Board shall have particular experience in open government and transparency.".

(6) Subsection (h) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

(A) The lead-in language is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (5) is amended by striking the phrase "Ethics Board's" and inserting the word "Board's" in its place.

(C) Paragraph (6) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(8) Subsection (j) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(d) Section 204 (D.C. Official Code § 1-1162.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" wherever it appears and inserting the word "Board' in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(e) Section 205 (D.C. Official Code § 1-1162.05) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board' in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(f) New sections 205a, 205b, and 205c are added to read as follows:

"Sec. 205a. Establishment of the Office of Government Ethics.

"There is established within the Board an Office of Government Ethics. The Office of Government Ethics shall be headed by the Director of Government Ethics, who shall report directly to the Board.

"Sec. 205b. Establishment of the Office of Open Government.

"There is established within the Board an Office of Open Government to promote open governance in the District. The Office of Open Government shall be headed by the Director of Open Government, who shall report directly to the Board.

"Sec. 205c. Director of Open Government.

"(a) The Director of Open Government shall:

"(1) Issue advisory opinions pursuant to section 409(g) of the Open Meetings Act;

"(2) Provide training related to the Open Meetings Act pursuant to section 410 of the Open Meetings Act; and

"(3) Pursuant to Title I of the Administrative Procedure Act, issue rules to implement the provisions of the Open Meetings Act.

"(b) The Office of Open Government may bring suit to enforce the Open Meetings Act pursuant to section 409 of the Open Meetings Act.

"(c)(1) If an advisory opinion regarding the Open Meetings Act is issued by the Director of Open Government pursuant to a request for an advisory opinion, the requesting employee or public official may appeal the opinion for consideration by the Board.

"(2) If the Director of Open Government issues an advisory opinion regarding the Open Meetings Act on his or her own initiative, any person aggrieved by the opinion may appeal the opinion for consideration by the Board.

"(d) The Office of Open Government may issue advisory opinions on the implementation of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).".

(g) Section 206 (D.C. Official Code § 1-1162.06) is amended as follows:

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

"(a)(1) The Board shall select, employ, and fix the compensation for a Director of Government Ethics, a Director of Open Government, and such staff as the Board considers necessary, subject to the pay limitations of section 1117 of the Merit Personnel Act. The Director of Government Ethics and the Director of Open Government shall serve at the pleasure of the Board.

"(2) Notwithstanding any other law, an employee assigned to:

"(A) The Office of Government Ethics shall be under the Director of Government Ethics' direction and control and may not be transferred to the Office of Open Government without the concurrence of the Director of Government Ethics; and

"(B) The Office of Open Government shall be under the Director of Open Government's direction and control and may not be transferred to the Office of Government Ethics without the concurrence of the Director of Open Government.".

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

"(b) The Director of Government Ethics and the Director of Open Government shall be District residents throughout their term and failure to maintain District residency shall result in forfeiture of the position.".

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

(A) Strike the phrase "the Ethics Board" both times it appears and insert the phrase "the Board" in its place.

(B) Strike the phrase "an Ethics Board" and insert the phrase "a Board" in its place.

(h) Section 207 (D.C. Official Code § 1-1162.07) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(i) Section 208 (D.C. Official Code § 1-1162.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Two members of the Ethics Board" and inserting the phrase "A majority of the sitting members of the Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(j) Section 209 (D.C. Official Code § 1-1162.09) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (2) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(k) Section 210 (D.C. Official Code § 1-1162.10) is amended to read as follows:

"Sec. 210. Ethics Fund.

"(a) There is established as a special fund the Ethics Fund ("Fund"), which shall be administered by the Board in accordance with this section.

"(b) Revenue from all fines collected under section 221 and Subtitle E of Title II shall be deposited into the Fund.

"(c) Money in the Fund shall be used for the operations and personnel of the Office of Government Ethics.

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

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

(l) A new section 210a is added to read as follows:

"Sec. 210a. Open Government Fund.

"(a) There is established as a special fund the Open Government Fund ("Fund"), which shall be administered by the Board in accordance with this section.

"(b) Revenue from all fines collected pursuant to section 409 of the Open Meetings Act shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the operations and personnel of the Office of Open Government.

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

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

(m) Section 211 (D.C. Official Code § 1-1162.11) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

(A) Strike the phrase "Ethics Board's" and insert the word "Board's" in its place.

(B) Strike the phrase "Ethics Board" and insert the word "Board" in its place.

(n) Section 212 (D.C. Official Code § 1-1162.12) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (3) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(3) Subsection (c) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(4) Subsection (d) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(o) Section 213 (D.C. Official Code § 1-1162.13) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (e) is amended by striking the phrase "Ethics Board" wherever it appears and inserting the word "Board" in its place.

(p) Section 214(a) (D.C. Official Code § 1-1162.14(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Paragraph (2) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(q) Section 215 (D.C. Official Code § 1-1162.15) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(r) Section 216 (D.C. Official Code § 1-1162.16) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(s) Section 217 (D.C. Official Code § 1-1162.17) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(t) Section 218 (D.C. Official Code § 1-1162.18) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(u) Section 219 (D.C. Official Code § 1-1162.19) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (a-1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

(A) Paragraph (1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (2) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(v) Section 220(a) (D.C. Official Code § 1-1162.20(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Paragraph (3) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(3) Paragraph (4) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(w) Section 221 (D.C. Official Code § 1-1162.21) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(B) Paragraph (2) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(C) Paragraph (3) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

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

(i) Subparagraph (A) is amended as follows:

(I) Sub-subparagraph (ii) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(II) Sub-subparagraph (iv) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(III) Sub-subparagraph (v) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(ii) Subparagraph (B) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(E) Paragraph (5) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

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

(I) Strike the phrase "Ethics Board" both times it appears and insert the word "Board" in its place.

(II) Strike the phrase "Ethics Board's" and insert the word "Board's" in its place.

(2) Subsection (b)(2)(B) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(3) Subsection (d) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(x) Section 222 (D.C. Official Code § 1-1162.22) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(y) Section 223 (D.C. Official Code § 1-1162.23) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (3) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

(A) Paragraph (1)(B) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (2)(C) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

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

(A) Paragraph (1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(B) Paragraph (2) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(3) Subsection (c-1) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(4) Subsection (d) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(5) Subsection (e) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(6) Subsection (g) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(7) Subsection (i) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

**ENROLLED ORIGINAL**

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

(1) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (c) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(bb) Section 227(c) (D.C. Official Code § 1-1162.27(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(2) Paragraph (2) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(cc) Section 229(c) (D.C. Official Code § 1-1162.29(c)) is amended by striking the phrase "Ethics Board's" and inserting the word "Board's" in its place.

(dd) Section 230 (D.C. Official Code § 1-1162.30) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "Each registrant shall file with the Director of Government Ethics between the 1st and 10th day of July and January of each year a report signed under oath concerning the registrant's lobbying activities during the previous 6-month period." and inserting the phrase "Each registrant shall file with the Director of Government Ethics between the 1st and 15th day of January, April, July, and October of each year a report signed under oath concerning the registrant's lobbying activities during the previous quarter." in its place.

(B) Paragraph (5) is amended to read as follows:

"(5) The name, position, and agency or office of each official in the executive or legislative branch and member of the official's staff with whom the registrant has had written or oral communications during the reporting period related to lobbying activities conducted by the registrant;".

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

"(5A) A precise description of the subject matter, including the title of any bill, proposed resolution, contract, reprogramming, or other legislation, of all written or oral communications related to lobbying activities conducted by the registrant with any official in the executive or legislative branch or member of the official's staff during the reporting period;".

(D) Paragraph (7) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

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

"(d) The Board shall make the information reported under this section available to the public on its website and sortable by various fields, including by:

"(1) Reporting period;

"(2) Registrant name;

"(3) Name of each person who lobbies on the registrant's behalf;

"(4) Name of each official lobbied;

"(5) The agency or office of each official lobbied;

"(6) The subject of the communications (such as a specific administrative decision, bill, proposed resolution, contract, reprogramming, or other legislative action); and

"(7) A listing of each political expenditure, loan, gift, honorarium, or contribution of $50 or more required to be reported by subsection (a)(3) of this section.".

(ee) Section 232 (D.C. Official Code § 1-1162.32) is amended as follows:

(1) Subsection (c) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (d) is amended by striking the phrase "Ethics Board" both times it appears and inserting the word "Board" in its place.

(ff) Section 601 (D.C. Official Code § 1-1164.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

(2) Subsection (b) is amended by striking the phrase "Ethics Board" and inserting the word "Board" in its place.

Sec. 1084. The District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*), is amended as follows:

(a) Section 208 (D.C. Official Code § 2-538) is amended by adding a new subsection (e) to read as follows:

"(e) A public body may seek an advisory opinion from the Office of Open Government regarding compliance with this title.".

(b) Section 404(2) (D.C. Official Code § 2-574(2)) is amended to read as follows:

"(2) "Office of Open Government" means the Office of Open Government established by section 205b of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).".

(c) Section 409 (D.C. Official Code § 2-579) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Open Government Office" and inserting the phrase "Office of Open Government" in its place.

(2) Subsection (g) is amended by striking the phrase "Open Government Office" and inserting the phrase "Office of Open Government" in its place.

(d) Section 410 (D.C. Official Code § 2-580) is amended by striking the phrase "The Office of Boards and Commissions, established December 19, 2001 (Mayor's Order 2001-189), in coordination with the Open Government Office, shall" and inserting the phrase "The Mayor, in coordination with the Office of Open Government, shall" in its place.

(e) Title V (D.C. Official Code § 2-591 *et seq.*) is repealed.

Sec. 1085. Section 2(1) of the Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code §

1-1171.01(1)), is amended by striking the phrase "District of Columbia Board" and inserting the word "Board" in its place.

Sec. 1086. Applicability.

(a) Section 1083(i)(1) shall apply as of August 30, 2018.

(b) Amendatory section 230(a)(5) and (5A) contained within section 1083(dd)(1)(B) and (C) shall apply as of January 1, 2019.

**SUBTITLE J. USE OF PUBLIC SCHOOL BUILDING BY CIVIC ASSOCIATION**

Sec. 1091. Short title.

This subtitle may be cited as the "Use of a Public School Building by a Civic Association Act of 2018".

Sec. 1092. Use of a public school building by a civic association.

(a) Notwithstanding any other provision of law, a civic association may enter into a use agreement to use a District of Columbia Public Schools school building for a regularly scheduled meeting at no charge; provided, that:

(1) The use of the school building does not impose a cost on the District, except for the costs of custodial and security services; and

(2) A civic association shall not enter into a use agreement to use a District of Columbia Public Schools school building for more than 12 regularly scheduled meetings in a calendar year.

(b) The Department of General Services shall reimburse a civic association for the costs of obtaining the liability insurance required under its use agreement if that insurance is purchased through a District-approved insurance partnership program.

(c) For the purposes of this section, the term "civic association" means:

(1) A nonprofit association, corporation, or other organization that is:

(A) Comprised primarily of residents of the community within which the school to be used is located;

(B) Operated for the promotion of social welfare and general neighborhood improvement and enhancement; and

(C) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3), (4)), or a member of the D.C. Federation of Civic Associations or the Federation of Citizens Associations of the District of Columbia; or

(2) A nonprofit association, corporation, or other organization that is:

(A) Comprised primarily of residents of a contiguous community that is defined by specific geographic boundaries, within which the school to be used is located; and

(B) Operated for the promotion of the welfare, improvement, and enhancement of that community.

Sec. 1093. Section 3504.5(b)(1) of Title 5-E of the District of Columbia Municipal Regulations (5-E DCMR § 3504.5(b)(1)) is amended to read as follows:

"(b)(1) Notwithstanding any other provision of law, a civic association may enter into a use agreement to use a District of Columbia Public Schools school building for a regularly scheduled meeting at no charge; provided, that:

"(A) The use of the school building does not impose a cost on the District, except for the costs of custodial and security services; and

"(B) A civic association shall not enter into a use agreement to use a District of Columbia Public Schools school building for more than 12 regularly scheduled meetings in a calendar year.".

**SUBTITLE K. LENGTH OF TERM FOR CERTAIN INTERIM POSITIONS**

Sec. 1101. Short title.

This subtitle may be cited as the "Interim Terms of the Deputy Mayor for Education, Chancellor, Chief Technology Officer, and Director of the Department of Employment Services Amendment Act of 2018".

Sec. 1102. Section 2(a)(1) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)(1)), shall not apply to individuals serving in an interim capacity as the Deputy Mayor for Education, the Chancellor of the District of Columbia Public Schools, the Chief Technology Officer of the Office of the Chief Technology Officer, or the Director of the Department of Employment Services on or between June 12, 2018, and January 31, 2019.

Sec. 1103. Applicability.

This subtitle shall apply as of June 12, 2018.

Sec. 1104. Sunset.

This subtitle shall expire on February 1, 2019.

**SUBTITLE L. EASTERN MARKET ENTERPRISE FUND**

Sec. 1111. Short title.

This subtitle may be cited as the "Eastern Market Enterprise Fund Amendment Act of 2018".

Sec. 1112. Section 4 of the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-103), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "an interest-bearing account,".

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

"(b) The CPMO shall deposit into the Fund all revenues, proceeds, and moneys from whatever source derived that are collected or received by the CPMO on behalf of Eastern Market.".

(c) New subsections (d), (e), and (f) are added to read as follows:

"(d) Money in the Fund shall be used for the following purposes:

"(1) To fund all expenses related to the management and maintenance of the Eastern Market Special Use Area; and

"(2) Up to $5,000 per fiscal year to fund the operating expenses of the Eastern Market Community Advisory Committee, including the creation and preservation of meeting records, printing, copying, and other direct expenses related to their duties.

"(e) Money in the Fund may not be used to fund capital expenditures for Eastern Market and the Eastern Market Special Use Area.

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

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

## TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

### SUBTITLE A. SUPERMARKET TAX INCENTIVE

Sec. 2001. Short title.

This subtitle may be cited as the "Supermarket Tax Incentive Technical Amendment Act of 2018".

Sec. 2002. Section 47-3802 of the District of Columbia Official Code is amended by adding a new subsection (d) to read as follows:

"(d) A qualified supermarket certified by the Mayor pursuant to this section shall be eligible for the tax exemptions provided by subsection (a)(1) through (3) of this section throughout the 10-year tax abatement period even if, during the 10-year period, the boundary of the eligible area in which the qualified supermarket was located at the time of certification changes and, as a result of the boundary change, the supermarket is no longer located in an eligible area.".

### SUBTITLE B. NEIGHBORHOOD PROSPERITY INITIATIVE

Sec. 2011. Short title.

This subtitle may be cited as the "Neighborhood Prosperity Initiative Act of 2018".

Sec. 2012. Establishment of the Neighborhood Prosperity Initiative.

(a) There is established the Neighborhood Prosperity Initiative ("Initiative"), which shall be administered by the Mayor and under which the Mayor may provide, on a competitive basis, grants for commercial, non-residential components of a qualifying project to applicants that:

(1) Propose a qualifying project;

(2) Have a deficit in funding for a commercial, non-residential component of the qualifying project;

(3) Agree to commence construction on the qualifying project within 18 months of the award of an Initiative grant, or within such other time period as may be established by the Mayor;

(4) Agree to enter into a First Source agreement, if applicable, and a Certified Business Enterprise agreement; and

(5) Agree to use a grant provided under the Initiative only for the commercial, non-residential components of the project for which the grant is provided.

(b) For the purposes of this subtitle, the term:

(1) "Certified Business Enterprise agreement" means an agreement with the Department of Small and Local Business Development pursuant to the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(2) "First Source agreement" means an agreement with the Department of Employment Services governing certain obligations of the developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the property.

(3) "Qualifying project" means a mixed-use or retail real estate development project that is in a low-income community, as that term is defined in section 45D of the Internal Revenue Code of 1986, approved December 21, 2000 (114 Stat. 2763; 26 U.S.C. § 45D).

**SUBTITLE C. DMPED GRANT-MAKING AUTHORITY.**

Sec. 2021. Short title.

This subtitle may be cited as the "Deputy Mayor for Planning and Economic Development Grant-Making Authority Amendment Act of 2018".

Sec. 2022. Section 2032(a) of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04(a)), is amended as follows:

(a) Paragraph (2) is amended by striking the word "and".

(b) Paragraph (4) is amended by striking the period at the end and inserting a semicolon in its place.

(c) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) Funds in support of the Retail Priority Areas (Great Streets Initiative) pursuant to the Retail Incentive Act of 2004, effective September 6, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*).

"(6) Funds in support of the redevelopment of the St. Elizabeths East Campus Redevelopment Site, as defined in section 2042(e)(3) of the St. Elizabeths East Campus Redevelopment Fund Establishment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 1-325.361); and

"(7) Funds in support of the redevelopment of the Walter Reed Redevelopment Site, as defined in section 2(17) of the Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; D.C. Official Code § 2-1227.01(17)).".

**SUBTITLE D. WALTER REED GRANT-MAKING AUTHORITY**

Sec. 2031. Short title.

This subtitle may be cited as the "Walter Reed Grant-Making Authority Amendment Act of 2018".

Sec. 2032. Section 7(d) of the Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; D.C. Official Code § 2-1227.06(d)), is amended by striking the phrase "from the Fund to the Developer" and inserting the phrase "from the Fund" in its place.

**SUBTITLE E. ADMINISTRATION OF THE DISTRICT OF COLUMBIA JOBS TRUST FUND**

Sec. 2041. Short title.

This subtitle may be cited as the "Administration of the District of Columbia Jobs Trust Fund Amendment Act of 2018".

Sec. 2042. Section 5c(a) of the First Source Employment Agreement Act of 1984, effective February 24, 2012 (D.C. Law 19-84; D.C. Official Code § 2-219.04c(a)), is amended by striking the phrase "Deputy Mayor for Planning and Economic Development" and inserting the phrase "Department of Employment Services" in its place.

**SUBTITLE F. EXTENDED HOURS OF ALCOHOLIC BEVERAGE SALES ON CERTAIN HOLIDAYS**

Sec. 2051. Short title.

This subtitle may be cited as the "Extended Hours for On-Premises Alcoholic Beverage Sales on Certain Holiday Weekends Amendment Act of 2018".

Sec. 2052. Section 25-723(c)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (B) is amended by striking the phrase "Memorial Day and Labor Day, as set forth in § 1-612.02(a)); and" and inserting the phrase "Martin Luther King, Jr.'s Birthday, Washington's Birthday, Memorial Day, Labor Day, and Columbus Day, as set forth in § 1-612.02(a));" in its place.

(b) Subparagraph (C) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(D) The Friday, Saturday, and Sunday following Thanksgiving Day, as set forth in § 1-612.02(a)(9).".

**SUBTITLE G. EXPEDITED BUILDING PERMIT REVIEW PROGRAM FUND**

Sec. 2061. Short title.

This subtitle may be cited as the "Expedited Building Permit Review Program Fund Amendment Act of 2018".

Sec. 2062. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended by adding a new section 6e to read as follows:

"Sec. 6e. Expedited Building Permit Review Program Fund.

"(a) There is established as a special fund the Expedited Building Permit Review Program Fund ("Fund"), which shall be administered by the Director of the Department in accordance with subsection (c) of this section.

"(b) Revenue from fees imposed by the Department for the expedited review of building permit applications shall be deposited in the Fund.

"(c) Money in the Fund shall be used to administer the expedited building permit review program at the Department. After all operational and administrative expenses of the expedited building permit review program are met, as certified by the Chief Financial Officer in the year-end close, the remaining balance shall revert to the General Fund.".

**SUBTITLE H. ARTS AND HUMANITIES LICENSE PLATES**

Sec. 2071. Short title.

This subtitle may be cited as the "Arts and Humanities License Plates Amendment Act of 2018".

Sec. 2072. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

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

"Sec. 2e. Issuance of arts and humanities motor-vehicle identification tags.

"(a) The Mayor may make available for issue one or more arts and humanities motor-vehicle identification tags to enhance the public's awareness of the District's arts and humanities communities, works, and programming. At the request of the Mayor, the Commission on Arts and Humanities ("Commission") shall provide to the Mayor proposed designs of the arts and humanities motor-vehicle identification tags, which the Commission may solicit from District residents.

"(b) A resident ordering an arts and humanities motor-vehicle identification tag designed and issued pursuant to subsection (a) of this section shall pay a one-time application fee and a display fee each year thereafter, in amounts to be determined by the Mayor by rule.

"(c) Application fees and annual display fees collected pursuant to subsection (b) of this section shall be deposited into the Arts and Humanities Enterprise Fund, established by section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01).".

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

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

"(I) Any person ordering an arts and humanities motor-vehicle identification tag issued pursuant to section 2e(a) shall pay the fees established pursuant to section 2e(b).".

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

(A) Paragraph (5) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Paragraph (6) is amended by striking the period and inserting the phrase "; and" in its place.

(C) A new paragraph (7) is added to read as follows:

"(7) The fees collected for arts and humanities motor-vehicle identification tags shall be deposited into the Arts and Humanities Enterprise Fund, established by section 6a of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01).".

Sec. 2073. Section 6a(a-1) of the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-205.01(a-1)), is amended as follows:

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

(b) Paragraph (4) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(5) Fees collected pursuant to section 2e of Title IV of the District of Columbia Revenue Act of 1937, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).".

**SUBTITLE I. TAXICAB AND FOR-HIRE VEHICLE OPERATOR ASSESSMENT ELIMINATION**

Sec. 2081. Short title.

This subtitle may be cited as the "Taxicab and For-Hire Vehicle Operator Assessment Elimination Amendment Act of 2018".

Sec. 2082. Section 20a(d) of the Department of For-Hire Vehicles Establishment Act of 1985, effective May 10, 1988 (D.C. Law 7-107; D.C. Official Code § 50-301.20(d)), is repealed.

**SUBTITLE J. LOCAL RENT SUPPLEMENT PROGRAM FLEXIBILITY**

Sec. 2091. Short title.

This subtitle may be cited as the "Local Rent Supplement Program Flexibility Amendment Act of 2018".

Sec. 2092. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 26b (D.C. Official Code § 6-227) is amended by adding a new subsection (d-1) to read as follows:

"(d-1) Funds allocated for project-based or sponsor-based voucher assistance pursuant to this section may be used to cover the cost of a security deposit or application fee for a housing unit supported by a grant awarded under this section.".

(b) Section 26c (D.C. Official Code § 6-228) is amended by adding a new subsection (g) to read as follows:

"(g)(1) In addition to the uses authorized by subsection (a) of this section, funds allocated for tenant-based assistance may be used to assist an eligible household in paying a security deposit and application fee for a housing unit the eligible household is leasing or intending to lease under the Authority's Housing Choice Voucher Program.

"(2) For the purposes of this subsection, the term "eligible household" means a household determined by the Authority to be eligible to participate in the Authority's Housing Choice Voucher Program.".

**SUBTITLE K. AFRICAN AMERICAN CIVIL WAR MUSEUM GRANT IMPLEMENTATION**

Sec. 2101. Short title.

This subtitle may be cited as the "African-American Civil War Museum Grant Implementation Amendment Act of 2018".

Sec. 2102. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Deputy Mayor for Planning and Economic Development may make a grant in Fiscal Year 2018 to the African American Civil War Memorial Freedom Foundation, Inc. in an amount not to exceed $500,000 for the purpose of redeveloping the African American Civil War Museum, located at 1925 Vermont Avenue, N.W.".

Sec. 2103. Applicability.

This subtitle shall apply as of July 1, 2018.

**SUBTITLE L. NON-HEALTH PROFESSIONAL LICENSING FEES**

Sec. 2111. Short title.

This subtitle may be cited as the "Non-Health Professional Licensing Fees Adjustment Amendment Act of 2018".

Sec. 2112. Section 3500.2 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 3500.2) is amended by adding new paragraphs (s), (t), and (u) to read as follows:

"(s) ELEVATOR CONTRACTOR, ELEVATOR MECHANIC, ELEVATOR INSPECTOR

| | |
|---|---|
| Application | $65.00 |
| License (D.C. Official Code § 47-2853.99) | $260.00 |

(t) TOUR GUIDE

| | |
|---|---|
| Application | $65.00 |

(u) BODY ARTIST

| | |
|---|---|
| Application | $65.00 |
| License | $110.00". |

Sec. 2113. Applicability.

(a) The application fees imposed by section 2112 for elevator contractors, elevator mechanics, elevator inspectors, and tour guides shall apply beginning May 1, 2004. The collection of all such fees during the period from May 1, 2004, to the effective date of this act is ratified. Any such fees imposed for that period not already collected as of the effective date of this act shall be waived.

(b) The application and license fee imposed by section 2112 for body artists shall apply beginning October 1, 2012. The collection of all such fees during the period from October 1, 2012, to the effective date of this act is ratified. Any such fees imposed for that period not already collected as of the effective date of this act shall be waived.

**SUBTITLE M. RETAIL PRIORITY AREA**

Sec. 2121. Short title.

This subtitle may be cited as the "Retail Priority Area Amendment Act of 2018".

Sec. 2122. Section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), is amended as follows:

(a) Subsection (f) is amended by striking the phrase "Fourth Street, N.E., and Franklin Street, N.E.;" and inserting the phrase "Fourth Street, N.E., and Franklin Street, N.E.; continuing on Franklin Street, N.E., to 8th Street, N.E.; thence north on Edgewood Street, N.E., continuing east on Monroe Street, N.E., to10th Street, N.E.; thence north on 10th Street, N.E.; thence east on Otis Street, N.E.; continuing south along 12th Street, N.E., to Franklin Street, N.E." in its place.

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

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

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

"(2) In addition to the area described in paragraph (1) of this subsection, the New York Avenue, N.E., Retail Priority Area shall consist of the area beginning at the intersection of New York Avenue, N.E. and Bladensburg Road, N.E., continuing east along New York Avenue, N.E., until Eastern Avenue, N.E., northwest along Eastern Avenue, N.E., until the intersection of Bladensburg Road, N.E., southwest along Bladensburg Road, N.E., to the intersection of New York Avenue, N.E., and Bladensburg Road, N.E.".

**SUBTITLE N. LABOR LAW ENFORCEMENT AUTHORITY CLARIFICATION**

Sec. 2131. Short title.

This subtitle may be cited as the "Labor Law Enforcement Authority Clarification Amendment Act of 2018".

Sec. 2132. Section 6 of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 977; D.C. Official Code § 32-1306), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "including conducting investigations of any violations and holding hearings and instituting actions for penalties" and inserting the phrase "including by conducting sua sponte and complaint-initiated investigations into whether violations have occurred, holding hearings, and instituting actions for penalties" in its place.

(b) Subsection (d)(2)(A) is amended by striking the phrase "Any records" and inserting the phrase "Pursuant to the investigative authority conferred upon the Mayor and the Attorney General in subsections (a) and (b)(2) of this section, respectively, and notwithstanding any other provision of law, any records an employer maintains pursuant to the requirements of this act, the Living Wage Act, the Sick and Safe Leave Act, and the Minimum Wage Revision Act" in its place.

**SUBTITLE O. MARION S. BARRY SUMMER YOUTH EMPLOYMENT PROGRAM PARTICIPANT RAISE**

Sec. 2141. Short title.

This subtitle may be cited as the "Marion S. Barry Summer Youth Employment Program Participant Raise Amendment Act of 2018".

Sec. 2142. Section 2(a)(1)(A)(iii) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)(A)(iii)), is amended to read as follows:

"(iii) Youth ages 16 to 21 years at the date of enrollment shall be compensated at an hourly rate of not less than $8.25.".

**SUBTITLE P. DC CENTRAL KITCHEN GRANT**

Sec. 2151. Short title.

This subtitle may be cited as the "DC Central Kitchen Grants Amendment Act of 2018".

Sec. 2152. Notwithstanding section 4(c) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(c)), and the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2019, the Workforce Investment Council shall award DC Central Kitchen a grant in the amount of $1 million for the purchase or build-out of a new facility providing culinary training services and community nutrition programming.

**SUBTITLE Q. EASTERN MARKET COMPETITIVE GRANT**

Sec. 2161. Short title.

This subtitle may be cited as the "Eastern Market Competitive Grant Act of 2019".

Sec. 2162. In Fiscal Year 2019, the Deputy Mayor for Planning and Economic Development shall have granting-making authority for the purpose of providing funds to conduct a comprehensive study of and strategic plan for the development of Eastern Market ("Eastern

Market plan") that shall include an assessment of the challenges and opportunities in public market management and marketing, and recommendations of best practices for the management and marketing of Eastern Market, and shall award a grant, on a competitive basis, in an amount not to exceed $300,000 for the Eastern Market plan.

**SUBTITLE R. MINORITY AND WOMEN-OWNED BUSINESS ASSESMENT**

Sec. 2171. Short title.

This subtitle may be cited as the "Minority and Women-Owned Business Assessment Amendment Act of 2018".

Sec. 2172. Section 2 of the Minority and Women-Owned Business Assessment Act of 2008, effective March 26, 2008 (D.C. Law 17-136; D.C. Official Code § 2-214.01), is amended as follows:

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

"(b) The Department shall submit a report of its findings and recommendations of the Program to the Chairman of the Council committee with oversight of the Department of Small and Local Business Development ("Committee"). The report shall be submitted to the Committee no later than March 1 of each year and shall include specific steps for implementing the recommendations.".

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

"(b-1)(1) In Fiscal Year 2019, the Department shall award a grant, on a competitive basis, in an amount not to exceed $200,000, to a person or entity to conduct a District-based study ("disparity study") to:

"(A) Evaluate if there is a specific evidentiary foundation of discrimination against minority and women-owned businesses;

"(B) Assess if there are disparities between the availability and utilization of minority and women-owned prime contractors and subcontractors and, if there are, describe and analyze the most-relevant causal factors; and

"(C) Determine if there are statistically significant disparities in the utilization of minority and women-owned businesses by prime contractors on government-assisted projects awarded pursuant to section 2346 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code 2-218.46).

"(2) The finalized disparity study shall be submitted to the Committee within 270 days after the effective date of the Minority and Women-Owned Business Assessment Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).".

**SUBTITLE S. LIVING WAGE CERTIFICATION GRANT PROGRAM**

Sec. 2181. Short title.

This subtitle may be cited as the "Living Wage Certification Grant Program Amendment Act of 2018".

Sec. 2182. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2–218.01 *et seq.*), is amended as follows:

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

(1) Strike the phrase "Sec. 2313. Organization and functions of the Department." and insert the phrase "Sec. 2313. Functions of the Department." in its place.

(2) Strike the phrase "Sec. 2314. Reorganization of the Department." and insert the phrase "Sec. 2314. Transfers from the Office of Local Business Development to the Department." in its place.

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

"Sec. 2315. Living Wage Certification Grant Program.".

(b) A new section 2315 is added to read as follows:

"Sec. 2315. Living Wage Certification Program.

"(a) There is established a Living Wage Certification Program ("program") within the Department, which shall be administered by an organization selected in accordance with subsection (b) of this section ("administrator") and funded by a grant from the Department, that will certify employers that meet the requirements of the program established by this section and pursuant to this section.

"(b) The Department shall:

"(1) Select the administrator through the competitive bid process;

"(2) Establish the criteria to be eligible for the grant and the selection as administrator; provided, that the administrator shall be a nonprofit organization located in the District;

"(3) Issue a request for proposals no later than December 31, 2018; and

"(4) Enter into a grant agreement with the bid awardee to serve as administrator in accordance with the requirements of this section.

"(c)(1) Under the program, the administrator shall certify an employer that applies for certification and that shows, to the satisfaction of the administrator, that the employer:

"(A) Pays its employees, including independent contractors, a living wage;

"(B) Commits to paying its employees and independent contractors a living wage for the duration of the certification;

"(C) Maintains its primary office in the District;

"(D) Possesses a current license pursuant to Chapter 28 of Title 47; and

"(E) Certifies that at least a majority of its owners are District residents or that at least a majority of its employees are District residents.

"(2) The administrator shall develop criteria to verify that the employer meets each criterion set forth in this subsection.

"(d)(1) Certification shall be valid for 3 years.

"(2) To maintain certification and obtain recertification, a certified employer must demonstrate that it continues to meet the criteria set forth in subsection (c) of this section.

"(3) A certified employer shall have 3 months to increase its employees' wages to match an increase in the living wage mandated under the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2–220.01 *et seq.*) ("Living Wage Act").

"(e)(1) The administrator shall maintain a public list of all certified employers.

"(2) The administrator shall create a unique logo to designate an employer as certified under this section and shall provide the employer with digital and physical copies of the logo for display and promotional purposes.

"(f) The Department may consider combining the list maintained pursuant to subsection (e)(1) of this section with any similar list created under the Made in DC program, established in the Made in DC Program Establishment Act of 2016, effective July 1, 2016 (D.C. Law 21-135; D.C. Official Code § 2–1208.31 *et seq.*).

"(g) For the purposes of this section, the term "living wage" shall have the same meaning as provided in section 102(4) of the Living Wage Act.".

**SUBTITLE T. RENTAL ASSISTANCE FOR UNSUBSIDIZED SENIORS**

Sec. 2191. Short title.

This subtitle may be cited as the "Rental Assistance for Unsubsidized Seniors Amendment Act of 2018".

Sec. 2192. The District of Columbia Housing Authority Act of 1999, effective March 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended by adding new sections 26e and 26f to read as follows:

"Sec. 26e. Rental Assistance for Unsubsidized Seniors Program.

"(a) The Authority shall establish and administer a Rental Assistance for Unsubsidized Seniors Program ("Program") to provide partial rental subsidies for households headed by seniors who do not receive other District or federal rental assistance ("unsubsidized households").

"(b) The Program shall provide rental assistance, subject to available funding, to unsubsidized households with incomes up to and including 60% of the Area Median Income ("AMI") whose monthly lease rent exceeds 30% of their monthly income. Households shall receive a maximum of $600 per month or the difference between 30% of the household's monthly income and the household's total monthly lease rent, whichever is less.

"(c) Nothing in this section may be interpreted as creating an entitlement to assistance.

"(d) For the purposes of this section, the term:

"(1) "Rental assistance" means a subsidy that is authorized to be used solely for the payment of lease rent.

"(2) "Senior" means a District of Columbia resident who is 62 years of age or older.

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

"Sec. 26f. Tenant-Based Rental Assistance Fund.

"(a) There is established as a special fund the Tenant-Based Rental Assistance Fund ("Fund"), which shall be administered by the Authority in accordance with subsection (c) of this section.

"(b) Revenue from the rental unit fee, reserved pursuant to section 401(a)(2)(C) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3504.01(a)(2)(C)), shall be deposited into the Fund.

"(c) Money in the Fund shall be used to fund the Rental Assistance for Unsubsidized Seniors Program established by section 26e.

"(d)(1) Money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

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

**SUBTITLE U. HOUSING PRODUCTION TRUST FUND ADVANCED SOLICITATIONS**

Sec. 2201. Short title.

This subtitle may be cited as the "Housing Production Trust Fund Advanced Solicitation Amendment Act of 2018".

Sec. 2202. Section 3 of the Housing Production Trust Fund Act of 1989, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), is amended as follows:

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

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

"(2) File with the Chairperson of the Council committee with oversight jurisdiction over the Department of Housing and Community Development quarterly reports on activities and expenditures, which shall include a list of the Fund loan repayments due and paid during the reporting period and identify all developers who are not in compliance with loan agreement terms.".

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

"(2A) Create and maintain a publicly available database of all Fund loans, which shall include loan agreements with the name of the developer, date of the award, loan amount,

interest rate, number of affordable housing units created with the loan, income levels served by the housing units, period of time units shall remain affordable, and status of the developer's compliance with the loan agreement.".

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

"(d-1) All information included in the quarterly reports submitted pursuant to subsection (d)(2) of this section shall be consistent with the District's internal accounting reporting systems and the Comprehensive Annual Financial Report.".

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

"(f)(1) In the fiscal year before a fiscal year in which Fund dedicated tax revenues will be collected, the Department may solicit proposals and rank recipients in funding order for the expenditure of those tax revenues that will be dedicated to the Fund in the next fiscal year; provided, that the dedicated tax revenues are not otherwise committed or appropriated for other purposes and are certified in the approved financial plan for the next fiscal year.

"(2) The Department may not enter into any contractual agreements, obligations, or commitments to provide funding until the fiscal year in which the funds are available and appropriated.".

**SUBTITLE V. REVERSE MORTGAGE FORECLOSURE PREVENTION**

Sec. 2211. Short title.

This subtitle may be cited as the "Reverse Mortgage Foreclosure Prevention Amendment Act of 2018".

Sec. 2212. The District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Official Code § 42-2701.01 *et seq.*), is amended by adding a new section 307a to read as follows:

"Sec. 307a. Reverse Mortgage Foreclosure Prevention Program.

"(a)(1) The Agency shall establish a Reverse Mortgage Foreclosure Prevention Program ("program") as a pilot program that allows qualified homeowners to apply for and receive financial assistance for payment of past due property taxes and property insurance debts that have put the qualified homeowner at risk of foreclosure.

"(2) The financial assistance shall be made to qualified homeowners in the form of a zero-interest, non-recourse loan that shall become due and payable upon satisfaction of the first priority reverse mortgage or relinquishment of the subject property to the reverse mortgage lender.

"(3) The program shall run for 18 months, with a 6-month planning period and a 12-month implementation period.

"(b) The Agency shall establish a standardized application process and requirements for qualified homeowners in need of the program.

"(c) The Agency shall record a lien on the subject property in the amount of the financial assistance provided to the qualified homeowner. The lien shall be subordinate to the reverse mortgage lender in the first position.

"(d) No qualified homeowner may receive more than $25,000 in assistance.

"(e) No more than $500,000 in Fiscal Year 2019 shall be allocated to the program.

"(f) For the purposes of the section, the term:

"(1) "At risk of foreclosure" means:

"(A) A reverse mortgage lender has provided a homeowner with legal notice that the homeowner is in default on the terms of a reverse mortgage on the home in which the homeowner lives for failure to pay property taxes or insurance premiums; or

"(B) A homeowner and reverse mortgage lender have entered into an agreement to pay past due balances of property taxes and insurance premiums on a home in which the homeowner lives, but the homeowner has demonstrated difficulty maintaining the agreement.

"(2) "Borrower income" means the combined annual income of all mortgagees on a reverse mortgage.

"(3) "Qualified homeowner" means a District homeowner who:

"(A) Is 62 years of age or older;

"(B) Has an annual borrower income of 80% or less of the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the U.S. Department of Housing and Urban Development;

"(C) Has executed a reverse mortgage with a lender financial institution, which has a recorded lien on the home in which the homeowner lives; and

"(D) Is at risk of foreclosure.

"(4) "Reverse mortgage" means a mortgage agreement between a lender financial institution and a homeowner in which the homeowner relinquishes equity in the homeowner's home in exchange for tax-free payments from the lender until the total principal and interest of the loan reaches the credit limit of equity in the home and the lender is either repaid in full or the homeowner relinquishes the home to the lender.

"(5) "Subject property" means the home in which a homeowner who is at risk of foreclosure lives.".

**SUBTITLE W. RENTAL UNIT FEE DISBURSEMENT**

Sec. 2221. Short title.

This subtitle may be cited as the "Rental Unit Fee Disbursement Amendment Act of 2018".

Sec. 2222. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 401(a) (D.C. Official Code § 42-3504.01(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the figure "$25" and inserting the figure "$30" in its place.

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

"(2)(A) $21.50 of each rental unit fee shall be deposited in the fund established pursuant to section 1(b) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)).

"(B) $3.50 of each rental unit fee shall be deposited in the Rental Unit Fee Fund established pursuant to section 401a.

"(C) The remainder shall be deposited into the Tenant-Based Rental Assistance Fund established pursuant to section 26f of the District of Columbia Housing Authority Act of 1999, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).

Sec. 2223. The Rental Unit Fee Adjustment Amendment Act of 2018, enacted on May 3, 2018 (D.C. Act 22-318; 65 DCR 5026), is repealed.

**SUBTITLE X. COMMON INTEREST COMMUNITY REPAIRS**

Sec. 2231. Short title.

This subtitle may be cited as the "Common Interest Community Repairs Amendment Act of 2018".

Sec. 2232. Definitions.

For the purposes of this subtitle, the term:

(1) "Board" means the executive and administrative entity, by whatever name denominated, designated in the organizing instruments of a common interest community to act for the unit owners' association in governing and maintaining the common interest community.

(2) "Common elements" means all portions of the common interest community other than the units and as defined in the organizing instruments of the common interest community.

(3) "Common interest community" means a residential condominium, residential cooperative, or other residential real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.

(4) "DHCD" means the Department of Housing and Community Development.

(5) "Green Communities standard" means criteria for the sustainable design, construction, and operation of healthy, energy-efficient, and environmentally responsible affordable housing established and published by Enterprise Community Partners.

(6) "MFI" means the median family income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the U.S. Department of Housing and Urban Development ("HUD"), adjusted for family size, without regard to any adjustments made by HUD for the purposes of the programs it administers.

Sec. 2233. Common Interest Community Repairs Program; establishment.

(a) The DHCD shall establish and administer a Common Interest Community Repairs Program ("Program") for the purpose of repairing common elements of income-eligible common interest communities.

(b) For each common interest community, the value of services provided under the Program shall not exceed $100,000.

(c) Repairs to common elements the Program may fund include:

(1) Plumbing;

(2) Electrical;

(3) Roof maintenance, repairs, or replacement;

(4) Entrance security and safety, including front door locks and common area lighting;

(5) Elevators and shared stairways;

(6) Shared porches and fire escapes; and

(7) Other common elements of a building to cure building and housing code violations.

(d) Where applicable, repairs made under the Program shall meet or exceed the most recent Green Communities standard, or other substantially similar or more stringent standard for sustainable construction and operation of multi-unit housing.

(e) DHCD shall:

(1) Develop a grant application form specific to the Program;

(2) Provide written notification to the applicant of approval or denial of the application. If the grant application is denied, the notification shall include the reason for the denial and any process for reconsideration; and

(3) Develop and administer a common interest community-stewardship course for board members, at no cost to the board or common interest community.

(f) DHCD shall not begin repairs on a common interest community until the common interest community's board members have completed the common interest community stewardship course created pursuant to subsection (e)(3) of this section.

(g) DHCD may finance the Program using funds from the following sources:

(1) Pursuant to 2009(e)(1C)(C) of the Department of Housing and Community Development Unified Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(e)(1C)(C)), revenue from the sale of property disposed of by DHCD; and

(2) Any other funding source available to DHCD for which the Program would qualify as an eligible use.

(h) Program spending, including spending to administer the Program, shall be limited to funds included in an approved budget and financial plan.

Sec. 2234. Common Interest Community Repairs Program; eligibility.

To be eligible for the Program, a common interest community shall meet the following requirements:

(1) A common interest community shall have at least 5 units;

(2) At least 2/3rds of a common interest community's owner-occupied or shareholder-occupied units shall be occupied by households with a household income, as defined by D.C. Official Code § 47-1806.09(4), of no greater than 60% of the MFI;

(3) The board shall be registered with the Department of Consumer and Regulatory Affairs; and

(4) A common interest community may not have received services under the Program in the past year.

Sec. 2235. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subtitle within 180 days after the effective date of this subtitle.

**SUBTITLE Y. AFFORDABLE HOUSING PRIORITIES**

Sec. 2241. Short title.

This subtitle may be cited as the "Affordable Housing Priorities Amendment Act of 2018".

Sec. 2242. Section 3(c-1)(2) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202(c-1)(2)), is amended as follows:

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

(b) Subparagraph (C) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(D) Pursuant to section 2009(e)(1C)(D) of the Department of Housing and Community Development Unified Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(e)(1C)(D)), revenue from the sale of property disposed of by the Department of Housing and Community Development.".

Sec. 2243. Section 2009 of the Department of Housing and Community Development Unified Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01), is amended as follows:

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

(1) Paragraph (15) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (16) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(3) A new paragraph (18) is added to read as follows:

"(18) In Fiscal Year 2019, $500,000 for the Reverse Mortgage Foreclosure Prevention Program established pursuant to section 307a of the District of Columbia Housing Finance Agency Act, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).".

(b) Subsection (e) is amended by adding a new paragraph (1C) to read as follows:

"(1C) All local revenue derived from the sale of properties disposed of pursuant to DHCD's disposition authority; provided, that, and notwithstanding subsection (c) of this section, such revenue, without regard to the fiscal year in which it is realized, is used for the following purposes in Fiscal Year 2019 in order of priority:

"(A) $125,000 for purposes authorized by subsection (c) of this section;

"(B) $5 million, as needed, for the contingency reserve fund established by section 450A(b) of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2478; D.C. Official Code § 1-204.50a(b)), to repay money withdrawn from that fund in Fiscal Year 2018 by the Mayor for the purpose of financing the Home Purchase Assistance Program;

"(C) $2.5 million for the Common Interest Community Repairs Program established by the Common Interest Community Repairs Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753);

"(D) $1 million for the DCHA Rehabilitation and Maintenance Fund established by section 3(c-1) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202(c-1));

"(E) $1 million for the Emergency Rental Assistance Program, or any successor program by a different name, administered by the Department of Human Services; and

"(F) The remainder for other purposes authorized by this section;".

**SUBTITLE Z. DISPOSAL OF ABANDONED AND DETERIORATED PROPERTY**

Sec. 2251. Short title.

This subtitle may be cited as the "Disposal of Abandoned and Deteriorated Property Amendment Act of 2018".

Sec. 2252. Section 433 of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.03), is amended as follows:

(a) Subsection (a)(1) is amended by striking the phrase "notice; and" and inserting the phrase "notice; or" in its place.

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

"(d) If a property is disposed of pursuant to this section by means other than a proposed resolution pursuant to subsection (a)(2) of this section, the Mayor shall transmit to the Council within 10 business days of settlement a description of the property and a summary of the terms and conditions of the disposition.

Sec. 2253. Applicability.

This subtitle shall apply as of October 1, 2017.

**SUBTITLE AA. SECURITIES AND BANKING REGULATORY TRUST FUND**

Sec. 2261. Short title.

This subtitle may be cited as the "Securities and Banking Regulatory Trust Fund Amendment Act of 2018".

Sec. 2262. Section 8(b-2) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-107(b-2)), is amended to read as follows:

"(b-2)(1) There is established within the General Fund of the District of Columbia a trust fund designated as the Securities and Banking Regulatory Trust Fund ("Fund"), which shall be administered by the Mayor, through the Commissioner.

"(2) All licensing fees, fines, and any other fees imposed, assessed, and collected for securities regulation and banking regulation shall be deposited into the Fund.

"(3) Money in the Fund, in order of priority shall be:

"(A) Used for the expenses of the Securities and Banking Bureau in the discharge of its administrative and regulatory duties as prescribed by law; and

"(B) Beginning October 1, 2018 and on October 1 of each year thereafter, converted to local funds revenue in the amount of $11.1 million.".

**SUBTITLE BB. SECURITY OFFICER WAGE**

Sec. 2271. Short title.

This subtitle may be cited as the "Security Officer Wage Amendment Act of 2018".

Sec. 2272. Section 4(h) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(h)), is amended to read as follows:

"(h) Beginning on July 1, 2019, and no later than July 1 of each successive year, an employer shall pay a security officer working in an office building in the District of Columbia wages, or any combination of wages and benefits, that are not less than the combined amount of the minimum wage and fringe benefit rate in effect on September 1 of the immediately preceding year for the guard 1 classification established by the United States Secretary of Labor pursuant to Chapter 67 of Title 41 of the United States Code (41 U.S.C. § 6701 *et seq.*), as amended.".

**SUBTITLE CC. RENTAL HOUSING REGISTRATION UPDATE**

Sec. 2281. Short title.

This subtitle may be cited as the "Rental Housing Registration Update Amendment Act of 2018".

Sec. 2282. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 42-3501.03) is amended as follows:

(1) Paragraph (29B) is redesignated as paragraph (29C).

(2) A new paragraph (29B) is added to read as follows:

"(29B) "Rent Stabilization Program" means the program and related requirements established by Title II.".

(b) Section 203a (D.C. Official Code § 42-3502.03c) is amended as follows:

(1) The section heading is amended by striking the word "Clearinghouse" and inserting the word "Database" in its place.

(2) Subsection (a) is amended by striking the phrase "shall develop a demonstration project ("demonstration project") to establish the initial framework of a" and inserting the phrase "shall develop and administer a" in its place.

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

"(b) The database shall include:

"(1) An online portal for housing providers located on the website of the Department of Housing and Community Development ("DHCD"), not accessible to the general public, which housing providers shall use to file all documents and data required by this title and all regulations promulgated pursuant to this title; and

"(2) An online portal accessible to the general public located on the DHCD website that provides information relevant to tenants seeking and living in rent-controlled accommodations populated from the documents submitted by housing providers pursuant to paragraph (1) of this subsection.".

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

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

"(c) The portal accessible to the general public shall:"

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

"(1) Include the following real-time, searchable parameters:"

(C) Existing paragraphs (1) through (20) are redesignated a subparagraphs (A) through (T).

(D) Newly designated subparagraph (Q) is amended by striking the phrase "section 205(f)(6)" and inserting the phrase "section 205(f)(3)(D)(iv)" in its place.

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

"(2) Exclude any documentation submitted in support of a tenant's application for elderly or disability status pursuant to section 208(h)(2), and any other information the Rent Administrator may deem necessary to exclude to protect the privacy and personal information of a tenant.".

(5) Subsection (d) is repealed.

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

"(e) The database created pursuant to subsection (a) of this section shall be completed, tested, and operational by December 13, 2019.".

(7) New subsections (e-1) and (e-2) are added to read as follows:

"(e-1)(1) Notwithstanding subsections (a) and (e) of this section, OTA shall develop and launch an online portal and database for filing registration statements and claims of exemption under section 205(f) within 180 days after the effective date of the Rental Housing Registration Update Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), which it shall integrate into the database created pursuant to subsection (a) of this section by December 13, 2019.

"(2) The OTA may enter into a memorandum of understanding with one or more District agencies to facilitate timely completion and effective administration of the online portal and database for filing registration statements and claims of exemption.

"(e-2)(1) The OTA shall transfer administration and maintenance of the databases created pursuant to this section to RAD no later than December 13, 2019.

"(2) While OTA is administering the databases created pursuant to this section, RAD may access the databases and any data housed therein as necessary to carry out its duties under this title.".

(8) Subsection (g) is amended to read as follows:

"(g) The OTA shall report to the Council regarding the progress of the database created pursuant to subsection (a) of this section on a quarterly basis.".

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

"(h) Beginning January 2020, DHCD shall report to the Council monthly on database usage, including, for the relevant reporting period, the total number of filings housing providers made pursuant to this title, the number of new registrations and claims of exemption filed pursuant to section 205, and the number of searches conducted by members of the general public. With the report, DHCD shall provide electronic spreadsheets of all data housing providers entered into the database during the relevant reporting period.".

(c) New sections 203b and 203c are added to read as follows:

"Sec. 203b. Housing provider online filing and registration requirements.

"(a) Beginning 180 days after the effective date of the Rental Housing Registration Update Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), and before December 13, 2019, a housing provider shall use the online provider portal developed pursuant to section 203a(e-1) to file a registration statement or claim of exemption required by section 205(f).

"(b) Beginning December 13, 2019, a housing provider shall use the online provider portal created pursuant to section 203a(b)(1) to file all documents and data required to be filed pursuant to this title and all regulations promulgated pursuant to this title.

"Sec. 203c. Rental Housing Registration Fund.

"(a) There is established as a special fund the Rental Housing Registration Fund ("Fund"), which shall be administered in accordance with subsections (c) and (d) of this section.

"(b) Revenue from penalties charged to a housing provider pursuant to section 205(f) shall be deposited into the Fund.

"(c) Money in the Fund shall be used for developing and maintaining the database created by section 203a(a).

"(d) While the Office of Tenant Advocate is developing and administering the database, it shall administer the Fund. The Office of Tenant Advocate shall transfer Fund administration to the Rent Administrator upon transferring administration and maintenance of the database to the Division pursuant to section 203a(e-2).

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

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

(d) Section 205 (D.C. Official Code § 42-3502.05) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Sections 205(f) through 219, except section 217, shall apply to each rental unit in the District except:" and inserting the phrase "Except as provided in subsection (e) of this section, sections 205(f) through 219 shall apply to each rental unit in the District; provided, that the following rental units shall be exempt from subsections (g) and (h)(2) of this section and sections 206 through 216, 218, and 219:" in its place.

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

"(f)(1) Within 240 days after the effective date of the Rental Housing Registration Update Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), each housing provider of a housing accommodation for which the housing provider is receiving rent or is entitled to receive rent shall file a new registration statement, and if applicable, a new claim of exemption.

"(2) A person who becomes a housing provider of a housing accommodation more than 240 days after the effective date of the Rental Housing Registration Update Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-

753), shall file a registration statement, and, if applicable, claim of exemption, within 30 days of becoming a housing provider.

"(3) A housing provider shall file a registration statement and, if applicable, a claim of exemption, with the Division in accordance with section 203c, which shall solicit, among the information required for registration, the following:

"(A) For all housing accommodations:

"(i) Address of the housing accommodation;

"(ii) Type of housing accommodation;

"(iii) Number of bedrooms in each unit of the housing accommodation; and

"(iv) Property owner's business information.

"(B) For each housing accommodation required to obtain a housing business license, the dates and numbers of the housing business license and the certificates of occupancy, where required by law, issued by the District government, and a copy of each housing business license and certificate of occupancy;

"(C) For each housing accommodation not required to obtain a housing business license, the information contained therein and the dates and numbers of the certificates of occupancy issued by the District government, and a copy of each certificate;

"(D) Where the housing provider does not seek an exemption under subsection (a) of this section for the housing accommodation:

"(i) The current rent charged for each rental unit in the housing accommodation, the related services included, and the related facilities and charges;

"(ii) The current related and optional services and facilities provided as part of rent or the rental agreement;

"(iii) A list of any outstanding violations of the housing regulations applicable to the housing accommodation, or an affidavit of the housing provider stating that the housing provider duly inspected the housing accommodation within the 6 months prior to filing the registration, and that there are no outstanding violations known to the housing provider; and

"(iv) The rate of return for the housing accommodation and the computations made by the housing provider to arrive at the rate of return, by application of the formula provided in section 212.

"(E) Where the housing provider seeks an exemption under subsection (a) of this section for the housing accommodation, the date on which each unit first became exempt, and the rent charged for the period of tenancy immediately preceding the first exemption.

"(4)(A) No penalties shall be assessed against a housing provider who registers a housing accommodation under this section within 240 days after the effective date of the Rental Housing Registration Update Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), for failure to previously register the housing accommodation.

"(B)(i) Beginning 241 days after the effective date of the Rental Housing Registration Update Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled

version of Bill 22-753), a housing provider, other than the federal government, who fails to register a housing accommodation under this section shall pay a penalty of $100 per unit to the District government. The penalty shall be deposited into the Rental Housing Registration Fund established by section 203b.

"(ii) A housing provider, other than a housing provider exempt pursuant to subsection (a) of this section, who does not timely register under this section may not institute a rent increase authorized by section 208(a) until the housing provider registers and pays any associated penalty.".

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

"(h)(1) Each registration statement filed under this section shall be available for public inspection through the website of the Department of Housing and Community Development.

"(2) Each housing provider shall keep a duplicate of the registration statement posted in a public place on the premises of the housing accommodation to which the registration statement applies. Each housing provider may, instead of posting in each housing accommodation comprised of a single rental unit, mail to each tenant of the housing accommodation a duplicate of the registration statement.".

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

"(i) For the purposes of this section, the term "rent charged" means the entire amount of money, money's worth, benefit, bonus, or gratuity a tenant must actually pay to a housing provider as a condition of occupancy or use of a rental unit, its related services, and its related facilities, pursuant to the Rent Stabilization Program.".

(e) Section 213(a)(2) (D.C. Official Code § 42-3502.13(a)(2)) is amended by striking the phrase "section 205(d)" and inserting the phrase "section 205(f)" in its place.

(f) Section 401(a)(1) (D.C. Official Code § 42-3504.01(a)(1)) is amended by striking the phrase "Each housing provider required to register under this act, including those otherwise exempt from rental control and registration pursuant to section 205(a)(3)" and inserting the phrase "Each housing provider not exempt from rental control pursuant to section 205(a) or (e), except those exempt pursuant to section 205(a)(3)," in its place.

**SUBTITLE DD. REAL ESTATE GUARANTY AND EDUCATION FUND**

Sec. 2291. Short title.

This subtitle may be cited as the "Real Estate Guaranty and Education Fund Amendment Act of 2018".

Sec. 2292. Section 30(l) of the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1707(1)), is amended by striking the phrase "Whenever the amount deposited in the Fund is less than" and inserting the phrase "Should the Office of the Chief Financial Officer project that the year-end Fund balance for any fiscal year will be less than" in its place.

**ENROLLED ORIGINAL**

**TITLE III. PUBLIC SAFETY AND JUSTICE**

**SUBTITLE A. CRIMINAL CODE REFORM COMMISSION TERM EXTENSION**

Sec. 3001. Short title.

This subtitle may be cited as the "Criminal Code Reform Commission Term Extension Amendment Act of 2018".

Sec. 3002. The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

(a) Section 3123(a) (D.C. Official Code § 3-152(a)) is amended by striking the date "October 1, 2018" and inserting the date "September 30, 2019" in its place.

(b) Section 3127 (D.C. Official Code § 3-156) is amended by striking the date "October 1, 2018" and inserting the date "October 1, 2019" in its place.

**SUBTITLE B. RETIRED POLICE OFFICER REDEPLOYMENT PROGRAM**

Sec. 3011. Short title.

This subtitle may be cited as the "Retired Police Officer Redeployment Amendment Act of 2018".

Sec. 3012. Section 2(h) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)), is amended as follows:

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

"(1) Notwithstanding subsection (d) of this section, a police officer who retired at a rank other than Officer who is rehired under subsection (a) of this section before October 1, 2019, shall be eligible to be paid for the duration of rehire a salary of no more than the salary paid at the following service steps:

"(A) Class 3 (Detective Grade 1) – Step 4; or

"(B) Class 4 (Sergeant) – Step 3.".

(b) Paragraph (2) is repealed.

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

"(3) A retired police officer rehired under subsection (a) of this section and paid under paragraph (1) of this subsection shall not be paid for more than 3 years from the date on which the officer was rehired.".

**SUBTITLE C. EMERGENCY AND NON-EMERGENCY NUMBER TELEPHONE CALLING SYSTEMS FUND**

Sec. 3021. Short title.

**ENROLLED ORIGINAL**

This subtitle may be cited as the "Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2018".

Sec. 3022. Section 603 of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1802), is amended to read as follows:

"Sec. 603. Emergency and Non-Emergency Number Telephone Calling Systems Fund.

"(a) There is established as a special fund the Emergency and Non-Emergency Number Telephone Calling Systems Fund ("Fund"), which shall be administered by the Office of Unified Communications in accordance with subsections (c) and (d) of this section.

"(b) Revenue from the following sources shall be deposited in the Fund:

"(1) The assessment imposed under section 604;

"(2) The prepaid wireless E911 charge imposed under section 604b; and

"(3) The sources identified in section 604c.

"(c) Money in the Fund shall be used to pay for personnel, technology hardware, software and software maintenance, contractual support, outreach, training, supplies, and equipment costs necessary to provide the 911 and 311 systems.

"(d) Money in the Fund may not be used to defray:

"(1) Non-personnel costs related to overhead, including energy, rentals, janitorial services, security, or occupancy costs; or

"(2) Direct costs incurred by wireless carriers in providing wireless E911 service.

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

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

"(f) The Mayor shall submit to the Council, as a part of the annual proposed budget and financial plan, a request for an appropriation for expenditures from the Fund.

"(g)(1) All revenue and expenditures of the Fund shall be audited annually by the Chief Financial Officer, who shall transmit the results of the annual audit to the Mayor and the Council.

"(2) The annual transmittal of the results of the audit to the Mayor and the Council shall include the following:

"(A) The assets, liabilities, fund balance, revenue, and expenditures of the Fund;

"(B) A detailed accounting of the Fund's expenditures;

"(C) Recommendations to improve the Fund's financial management processes;

"(D) Identification of any Fund expenditures that are not permitted under law;

"(E) Recommendations to improve the language of the Fund's enabling statute to reflect best practices; and

"(F) Any other information considered important for inclusion by the Chief Financial Officer.".

**SUBTITLE D. NEIGHBORHOOD ENGAGEMENT ACHIEVES RESULTS**

Sec. 3031. Short title.

This subtitle may be cited as the "Neighborhood Engagement Achieves Results Amendment Act of 2018".

Sec. 3032. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101(a) (D.C. Official Code § 7-2411(a)) is amended as follows:

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

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

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

"(3) A portion of the Roving Leaders Program, as determined by the Mayor, which shall be transferred to the ONSE from the Department of Parks and Recreation, along with all functions assigned, authorities delegated, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for the purposes of the portion of the program transferred.".

(b) Section 214(h) (D.C. Official Code § 7-2831(h)) is amended by striking the phrase "a monthly report to the Council" and inserting the phrase "an annual report to the Council by January 15 of each year and a monthly update on the website of the District government agency that administers the Program" in its place.

**SUBTITLE E. FATALITY REVIEW COMMITTEE**

Sec. 3041. Short title.

This subtitle may be cited as the "Fatality Review Committee Amendment Act of 2018".

Sec. 3042. Establishment and duties.

(a) There is established a Violence Fatality Review Committee ("Committee") within the Office of the Chief Medical Examiner ("OCME"). The OCME shall provide facilities, staffing, and other administrative support for the Committee.

(b) The Committee shall evaluate homicides and suicides.

(c) The Committee's duties shall include:

(1) Identifying and characterizing the scope and nature of homicides and suicides;

(2) Coordinating with other District fatality review entities to minimize duplication of efforts;

(3) Describing and recording any data or patterns that are observed surrounding homicides and suicides;

(4) Performing a retrospective review of socioeconomic determinant risk and protective factors surrounding homicides and suicides;

(5) Developing and revising, as necessary, operating rules and procedures for review of homicides and suicides, including identification of cases to be reviewed, establishment of sub-committees as necessary, and improvement of the identification, data collection, and record keeping of the causes of homicides and suicides;

(6) Recommending systemic improvements to prevent and respond to homicides and suicides;

(7) Recommending policies for improved access to employment, healthcare, mental and behavioral healthcare, housing, and education programs; and

(8) Recommending training to improve the prevention of homicides and suicides and to identify risk factors and develop protective factors in the individual, family, and community response to violence.

(d)(1) By July 1 of each year, the Committee shall make publicly available and submit to the Council and Mayor an annual report of its findings, recommendations, and steps taken to evaluate the implementation of past recommendations, which includes the following information:

(A) A description of the causes of and contributing factors to the homicides and suicides the Committee reviewed during the preceding calendar year;

(B) A description of the state of homicides and suicides, including statistics; and

(C) Recommendations for systemic changes and legislation relating to the prevention of homicides and suicides.

(2) If a recommendation in the annual report is directed at a particular subordinate agency, the head of the subordinate agency shall respond in writing to the Committee within 30 days after the issuance of the annual report, describing the subordinate agency's plans to address the recommendation.

(3) The annual report submitted pursuant to paragraph (1) of this subsection shall not contain any personally identifiable information but may include aggregated data.

(e) For the purposes of this section, the phrase "homicides and suicides" means homicides and suicides of a person 19 years of age or older:

(1) That occurs in the District; or

(2) Is of District residents, regardless of the place of death.

Sec. 3043. Composition of the Committee; procedural requirements.

**ENROLLED ORIGINAL**

(a) The Mayor shall appoint one representative from each of the following District agencies:

(1) The Office of the Attorney General;
(2) The Office of the Chief Medical Examiner;
(3) The Metropolitan Police Department;
(4) The Office of Neighborhood Safety and Engagement;
(5) The Office of Victim Services and Justice Grants;
(6) The Fire and Emergency Medical Services Department;
(7) The Department of Behavioral Health;
(8) The Department of Human Services;
(9) The Department of Health; and
(10) The District of Columbia Housing Authority.

(b) The Mayor shall invite members from federal, judicial, and private agencies or entities with relevant expertise in homicide or suicide cases, to include one representative from each of the following:

(1) The Superior Court of the District of Columbia;
(2) The Office of the United States Attorney for the District of Columbia; and
(3) The Court Services and Offender Supervision Agency.

(c) The Mayor shall additionally appoint the following members in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)):

(1) One representative from each hospital located in the District;
(2) Two representatives from organizations providing hospital-based violence intervention programs;
(3) Two representatives from organizations providing mental and behavioral health services;
(4) One representative from a college or university within the District conducting research in homicide and suicide prevention;
(5) One representative from an organization providing services to secondary victims of homicide or suicide; and
(6) Three community members who are not District government employees.

(d)(1) Members appointed pursuant to subsections (a) and (b) of this section shall serve at the pleasure of the Mayor, or of the entity designating their availability for appointment.

(2) Members appointed pursuant to subsection (c) of this section shall serve a 3-year term and may be removed by the Mayor for cause. Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(e) The Committee shall select a Chairperson according to procedures set forth by the Committee.

(f) The Committee shall establish quorum and other procedural requirements as it considers necessary.

(g) No member appointed pursuant to subsection (c) of this section shall serve in a hold-over capacity for longer than 180 days after the expiration of the term to which they were appointed.

(h) The Committee may invite other stakeholders to attend or present at any relevant portion of a Committee meeting.

Sec. 3044. Access to information.

(a) Notwithstanding any other provision of law, immediately upon the request of the Committee and as necessary to carry out the Committee purpose and duties, the Committee shall be provided, without cost and without authorization of the persons to whom the information or records relate to, access to:

(1) All information and records of:

(A) Any District agency, or a District agency's contractors, including birth and death certificates, law enforcement investigation data, unexpurgated juvenile delinquency records and adult criminal records, intellectual and developmental disabilities records, autopsy reports, parole and probation information and records, school records, and records of human services, behavioral health, housing; and

(B) Health agencies that provided services to the victim, the victim's family, or an alleged or suspected perpetrator whose acts led to the death of the victim;

(2) All information and records of any healthcare providers located in the District, including providers of health and mental health services who provided services to the deceased victim, the deceased victim's family, or the alleged or suspected perpetrator whose acts led to the death of the victim;

(3) All information and records of any public or private child welfare agency, educational facility or institution, or child care provider doing business in the District who provided services to the victim, the victim's family, or the alleged or suspected perpetrator whose acts led to the death of the victim; and

(4) Information made confidential by sections 203 or 306 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.03 or § 4-1303.06), section 124(n) of the Vital Records Modernization Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-250), section 302 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), section 512 of the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1305.12), D.C. Official Code §§ 16-2331, 16-2332, 16-2333, and 16-2335, and section 28 of the Health Maintenance Organization Act of 1996, effective April 9, 1997 (D.C. Law 11-235; D.C. Official Code § 31-3426).

(b) The Committee may seek information from entities and agencies outside the District by any legal means available to it.

**ENROLLED ORIGINAL**

(c)(1) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation or prosecution.

(2) If information or records are withheld under paragraph (1) of this section, a report on the status of the investigation shall be submitted to the Committee by the investigating authority every 3 months until the earliest of the following events occurs:

(A) The investigation is concluded and the information or records are provided to the Committee; or

(B) The investigating authority determines that providing the information will no longer compromise the investigation and the information or records are provided to the Committee.

(d) All records and information obtained by the Committee pursuant to subsections (a) and (b) of this section pertaining to a deceased victim or any other individual shall be destroyed immediately following the preparation of the Committee's annual report. All additional information concerning a review, except statistical data, shall be destroyed by the Committee one year after publication of the Committee's annual report.

Sec. 3045. Subpoena power.

(a) When necessary for the discharge of its duties, the Committee may issue subpoenas to compel witnesses to appear, testify, or produce books, papers, correspondence, memoranda, documents, medical records, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or the witness's designated agent, not fewer than 5 business days before the date the witness must appear or the documents must be produced, by a special process server, at least 18 years of age, engaged by the Committee.

(c) If, after a reasonable attempt, personal service on a witness or a witness's agent cannot be effected, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not fewer than 8 business days before the date the witness must appear, testify, or produce documents.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Committee may report that fact to the Superior Court of the District of Columbia, and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

Sec. 3046. Confidentiality of information and proceedings.

(a) Except as provided in this section, information and records obtained or created by the Committee are confidential and not subject to civil discovery or to disclosure pursuant to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

(b) Information and records presented to the Committee for review shall not be immune from subpoena, discovery, or prohibited from being introduced into evidence solely because they were presented to or reviewed by the Committee if the information and records have been obtained through other sources.

(c) Information required to be reported under section 2 or 3 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02 or § 4-1321.03), shall be disclosed by the Committee to the Child and Family Services Agency.

(d) A person other than a Committee member who appears before or participates in the Committee's review of homicides or suicides shall sign a confidentiality agreement acknowledging that any information provided to the Committee is confidential; provided, that any such confidentiality agreement shall account for situations where disclosure is necessary for the person to comply with a request for information from the Committee.

(e) Committee meetings shall be subject to the Open Meetings Act, approved October 21, 1968 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), except that Committee meetings shall be closed when the Committee is discussing cases of individual homicides or suicides or where the identity of any person, other than a person who has expressly consented to be identified, can be ascertained.

(f) Information identifying a victim of homicide or suicide, the victim's family members, or the alleged or suspected perpetrator of the homicide or suicide shall not be disclosed by the Committee in any report that is available to the public.

(g) The Committee may disclose information to other entities when the Committee determines that disclosure is necessary to carry out the Committee's purpose and duties. The Committee may disclose Committee records to another District fatality review committee or board at the request of the District fatality review committee or board, if the other District fatality review committee or board is governed by confidentiality that is substantially similar to the confidentiality by which the Committee is governed.

(h) This section shall not be construed to prohibit a person from:

(1) Disclosing information that the person obtained independently of the Committee; or

(2) Disclosing information that is already public.

Sec. 3047. Immunity from liability for providing information to the Committee.

(a) Any person, hospital, or institution participating in good faith in providing information to the Committee pursuant to sections 3041 through 3049 shall have immunity from administrative, civil, or criminal liability that might otherwise be incurred or imposed with respect to the disclosure of the information. In any such proceeding, there shall be a rebuttable presumption that the person, hospital, or institution that provided information to the Committee acted in good faith.

(b) If acting in good faith, without malice, and within the parameters of the operating rules and procedures established by sections 3041 through 3049, members of the Committee are immune from civil liability for an activity related to reviews of homicides or suicides, as that term is defined in section 3042(e).

Sec. 3048. Unlawful disclosure of information; penalties.

Whoever knowingly discloses, receives, makes use of, or permits the use of information concerning a victim or other person in violation of sections 3041 through 3049 shall be subject to a civil fine of not more than $1,000. Violations of sections 3041 through 3049 shall be prosecuted by the Office of the Attorney General or the Attorney General's designee in the name of the District of Columbia.

Sec. 3049. 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 sections 3041 through 3049.

Sec. 3050. Section 203(a) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.03(a)), is amended as follows:

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

(b) Paragraph (9) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(10) The Violence Fatality Review Committee, for the purpose of examining past events and circumstances surrounding homicides and suicides, as that term is defined in section 3042(e) of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753). The Violence Fatality Review Committee shall be granted, upon request, access to information contained in the files maintained on any deceased child or on the parent, guardian, custodian, kinship caregiver, day-to-day caregiver, relative/godparent, caregiver, or sibling of a deceased child.".

Sec. 3051. Section 306(a) of the Prevention of Child Abuse and Neglect Act of 1977, effective October 18, 1979 (D.C. Law 3-29; D.C. Official Code § 4-1303.06(a)), is amended as follows:

(a) Paragraph (4) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(b) Paragraph (5) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(6) The investigation or review of homicides or suicides, as that term is defined in section 3042(e) of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), by representatives of the Violence Fatality Review Committee, established by section 3042 of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).".

Sec. 3052. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-311 is amended by striking the phrase "Child Fatality Review Committee for inspection if the adoptee is deceased and inspection of the records and papers is necessary for the discharge of the Committee's" and inserting the phrase "Child Fatality Review Committee or the Violence Fatality Review Committee for inspection if the adoptee is deceased and inspection of the records and papers is necessary for the discharge of the relevant Committee's" in its place.

(b) Section 16-1053(c) is amended to read as follows:

"(c) The Mayor shall additionally appoint 8 community representatives, none of whom shall be employees of the District, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)).".

(c) Section 16-2331(c)(4) is amended as follows:

(1) Subparagraph (E) is amended by striking the phrase "; and" and inserting a semicolon in its place.

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

"(G) The Violence Fatality Review Committee for the purposes of examining past events and circumstances surrounding suicides and homicides, as that term is defined in section 3042(e) of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), or for the discharge of its official duties.".

(d) Section 16-2332(c)(4) is amended as follows:

(1) Subparagraph (D)(ii)(II) is amended by striking the semicolon and inserting the phrase "; and" in its place.

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

"(E) The Violence Fatality Review Committee for the purposes of examining past events and circumstances surrounding suicides and homicides, as that term is defined in section 3042(e) of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), or for the discharge of its official duties.".

(e) Section 16-2333(b)(4) is amended as follows:

(1) Subparagraph (D) is amended by striking the phrase "; and" and inserting a semicolon in its place.

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

**ENROLLED ORIGINAL**

"(F) The Violence Fatality Review Committee when necessary for the discharge of its official duties; and".

(f) Section 16-2335(d) is amended by striking the phrase "the Child Fatality Review Committee" and inserting the phrase "Child Fatality Review Committee and the Violence Fatality Review Committee" in its place.

Sec. 3053. Section 204(d) of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(d)), is amended by adding a new paragraph (3) to read as follows:

"(3) The provisions of this title shall not apply to:

"(A) The Violence Fatality Review Committee, established by section 3042 of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753);

"(B) The Child Fatality Review Committee, established by section 4603 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.03);

"(C) The Maternal Morality Review Committee, established by section 3 of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-761.02); and

"(D) The Domestic Violence Fatality Review Board, established by section 2(c) of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003 (D.C. Law 14-296; D.C. Official Code § 16-1052).".

Sec. 3054. The Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 3(c)(4) (D.C. Official Code § 7-761.02(c)(4)) is amended by striking the phrase "coordination among the agencies and professionals involved" and inserting the phrase "coordination of records requests by the Committee, establishment of sub-committees as necessary" in its place.

(b) Section 7 (D.C. Official Code § 7-761.06) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "discovery or to disclosure pursuant" and inserting the phrase "discovery, or to disclosure from the Committee pursuant" in its place.

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

"(d) Committee meetings shall be subject to the Open Meetings Act, approved October 21, 1968 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), except that Committee meetings shall be closed when the Committee is discussing cases of individual maternal deaths or where the identity of any person, other than a person who has expressly consented to be identified, can be ascertained.".

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

"(f) This section shall not be construed to prohibit a person from:

"(1) Disclosing information that the person obtained independently of the Committee; or

"(2) Disclosing information that is already public.".

(c) Section 8(b) (D.C. Official Code § 7-761.07(b)) is amending by striking the phrase "protocols established by this act" and inserting the phrase "operating rules and procedures established pursuant to this act" in its place.

Sec. 3055. The Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.01 *et seq.*), is amended as follows:

(a) Section 4602 (D.C. Official Code § 4-1371.02) is amended by adding a new paragraph (3) to read as follows:

"(3) "Parental interview" means Committee interaction, either in person or through other means of communication, with a parent, caregiver, or guardian of a deceased child.".

(b) Section 4604 (D.C. Official Code § 4-1371.04) is amended as follows:

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

(A) Paragraph (12) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Paragraph (13) is amended by striking the period and inserting the phrase "; and" in its place.

(C) A new paragraph (14) is added to read as follows:

"(14) Public Charter School Board.".

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

"(c) The Mayor shall additionally appoint 8 community representatives, none of whom shall be employees of the District, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)).".

(c) Section 4606 (D.C. Official Code § 4-1371.06) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "of abuse which" and inserting the phrase "whose acts" in its place.

(B) Paragraph (2) is amended by striking the phrase "of abuse which" and inserting the phrase "whose acts" in its place.

(C) Paragraph (3) is amended by striking the phrase "of abuse or neglect which" and inserting the phrase "whose acts" in its place.

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

"(d-1) The Committee may conduct voluntary parental interviews as part of the fatality review process to identify and characterize the scope and nature of the child death.".

(3) Subsection (e) is amended by striking the phrase "(a) and (b)" and inserting the phrase "(a), (b), and (d-1)" in its place.

Sec. 3056. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

(a) The second paragraph 57, added by the Interstate Medical Licensure Compact Enactment Act of 2018, effective June 5, 2018 (D.C. Law 22-109; 65 DCR 3809), is redesignated as paragraph (58).

(b) Paragraph (58), added by the Maternal Mental Health Task Force Establishment Act of 2018, enacted on May 21, 2018 (D.C. Act 22-366; 65 DCR 5966), is redesignated as paragraph (59).

(c) New paragraphs (60), (61), (62), and (63) are added to read as follows:

"(60) The Maternal Morality Review Committee, established by section 3 of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-761.02);

"(61) The Child Fatality Review Committee, established by section 4603 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.03);

"(62) The Violence Fatality Review Committee, established by section 3042 of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753);

"(63) The Domestic Violence Fatality Review Board, established by section 2(c) of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003 (D.C. Law 14-296; D.C. Official Code § 16-1052); and".

**SUBTITLE F. EMERGENCY MEDICAL SERVICES TRANSPORT CONTRACT AUTHORITY**

Sec. 3061. Short title.

This subtitle may be cited as the "Emergency Medical Services Transport Contract Authority Amendment Act of 2018".

Sec. 3062. Section 1 of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), is amended as follows:

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

(1) The lead-in language is amended by striking the word "quarterly" and inserting the word "biannual" in its place.

(2) Paragraph (10) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(3) Paragraph (11) is amended by striking the period and inserting the phrase "; and" in its place.

(4) A new paragraph (12) is added to read as follows:

"(12) For each day of the reporting period, the number of minutes during the third-party contractor's period of service that none of the third-party contractor's ambulances were available.".

(b) Subsection (e) is amended by striking the word "quarterly" and inserting the word "biannually" in its place.

(c) Subsection (f) is amended by striking the word "quarterly" and inserting the word "biannually" in its place.

Sec. 3063. Section 3073 of the Emergency Medical Services Transport Contract Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended by striking the phrase "September 30, 2019." and inserting the phrase "September 30, 2021." in its place.

**SUBTITLE G. RETURNING CITIZENS OPPORTUNITY TO SUCCEED**

Sec. 3071. Short title.

This subtitle may be cited as the "Returning Citizens Opportunity to Succeed Amendment Act of 2018".

Sec. 3072. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

(1) Paragraph (1) is amended by adding a new subparagraph (A-ii) to read as follows:

"(A-ii)(i) Notwithstanding subparagraph (A-i) of this paragraph, a pilot program for Fiscal Year 2019 shall be established to waive the fee described in subparagraph (A-i) of this paragraph for:

"(I) An individual released from the custody of the Federal Bureau of Prisons ("BOP"), for one year after the individual is released from the custody of the BOP; and

"(II) An individual in the custody of the BOP at a halfway house in the District.

"(ii) 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 subparagraph.".

(2) Paragraph (2) is amended by adding a new subparagraph (A-i) to read as follows:

"(A-i)(i) Notwithstanding subparagraph (A) of this paragraph, a pilot program for Fiscal Year 2019 shall be established to waive the fee described in subparagraph (A) of this paragraph for:

"(I) An individual released from the custody of the Federal Bureau of Prisons ("BOP"), for one year after the individual is released from the custody of the BOP; and

"(II) An individual in the custody of the BOP at a halfway house in the District.

"(ii) 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 subparagraph.".

(3) Paragraph (2A) is amended by adding a new subparagraph (A-i) to read as follows:

"(A-i)(i) Notwithstanding subparagraph (A) of this paragraph, a pilot program for Fiscal Year 2019 shall be established to waive the fee described in subparagraph (A) of this paragraph for:

"(I) An individual released from the custody of the Federal Bureau of Prisons ("BOP"), for one year after the individual is released from the custody of the BOP; and

"(II) An individual in the custody of the BOP at a halfway house in the District.

"(ii) 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 subparagraph.".

(b) Section 8a(a) (D.C. Official Code § 50-1401.03(a)) is amended by adding a new paragraph (1B) to read as follows:

"(1B)(A) A pilot program for Fiscal Year 2019 shall be established to waive the application fee for a driver's license or a special identification card issued pursuant to this section for:

"(i) An individual released from the custody of the Federal Bureau of Prisons ("BOP"), for one year after the individual is released from the custody of the BOP; and

"(ii) An individual in the custody of the BOP at a halfway house in the District.

"(B) 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 paragraph.".

**SUBTITLE H. EXPANDING ACCESS TO JUSTICE**

Sec. 3081. Short title.

This subtitle may be cited as the "Expanding Access to Justice Amendment Act of 2018".

Sec. 3082. Section 3053(b) of the Expanding Access to Justice Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 4-1802(b)), is amended by adding a new paragraph (3) to read as follows:

"(3) The grant shall be nonlapsing and interest earned by the Bar Foundation on grant funds shall remain available for use by the Bar Foundation for the purposes of the Program, without fiscal year limitation.".

**SUBTITLE I. OFFICE OF THE ATTORNEY GENERAL INFORMATION TECHNOLOGY AUTHORITY AND HOUSING RECEIVERSHIP COSTS**

Sec. 3091. Short title.

This subtitle may be cited as the "Office of the Attorney General Information Technology Authority and Housing Receivership Costs Amendment Act of 2018".

Sec. 3092. Section 1816a of the Office of the Chief Technology Officer Establishment Act of 1998, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-1406), is amended by striking the phrase "Council of the District of Columbia or the Office of the District of Columbia Auditor" and inserting the phrase "Council of the District of Columbia, the Office of the District of Columbia Auditor, or the Office of the Attorney General" in its place.

Sec. 3093. Section 12a(b) of the Drug-Related Nuisance Abatement Act of 1998, effective April 4, 2006 (D.C. Law 16-81; D.C. Official Code § 42-3111.01(b)), is amended by adding a sentence at the end to read as follows: "The Attorney General may also use the funds in the Fund to enforce Title V of the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3651.01 *et seq.*), including all costs reasonably related to prosecuting and conducting investigations of housing receivership cases.".

**SUBTITLE J. IMMIGRANT LEGAL SERVICES PROGRAM**

Sec. 3101. Short title.

This subtitle may be cited as the "Immigrant Legal Services Program Act of 2018".

Sec. 3102. Immigrant Legal Services Program.

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

(1) "District immigrant resident" means an immigrant individual who resides in the District of Columbia, regardless of their immigration status, and includes full-time students at post-secondary educational institutions located in the District.

(2) "Legal services" means:

(A) Legal representation of District immigrant residents, including through the provision of legal advice, brief services, and limited-scope representation; or

(B) Training of attorneys in immigration legal issues.

(3) "Legal services provider" means:

(A) A nonprofit organization;

(B) A private entity that partners with a nonprofit organization; or

(C) A private entity utilizing pro bono legal assistance.

(b) There is established an Immigrant Legal Services Program ("Program") to be administered by the Office of Victim Services and Justice Grants ("OVSJG") to provide grants to legal services providers that deliver legal services.

(c) OVSJG, 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 subtitle, including rules governing the:

(1) Types of legal services projects eligible for grant funding;

(2) Application process and timing; and

(3) Monitoring of program performance and reporting requirements.

**TITLE IV. PUBLIC EDUCATION**

**SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS INCREASES**

Sec. 4001. Short title.

This subtitle may be cited as the "Funding for Public Schools and Public Charter Schools Increase Amendment Act of 2018".

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase "$10,257 per student for fiscal year 2018" and inserting the phrase "$10,658 per student for Fiscal Year 2019" in its place.

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

"(b) By December 31, 2018, and annually thereafter, the Mayor shall transmit to the Council the algorithm that will be used to determine the next fiscal year's Formula foundation level, which shall include variables for the cost of teachers and other classroom-based personnel and for both school-based and non-school-based administrative personnel. The Office of the State Superintendent of Education shall publish the algorithm on its website.".

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

**ENROLLED ORIGINAL**

| "Grade Level | Weighting | Per Pupil Allocation in FY 2019 |
|---|---|---|
| "Pre-Kindergarten 3 | 1.34 | $14,282 |
| "Pre-Kindergarten 4 | 1.30 | $13,855 |
| "Kindergarten | 1.30 | $13,855 |
| "Grades 1-5 | 1.00 | $10,658 |
| "Grades 6-8 | 1.08 | $11,511 |
| "Grades 9-12 | 1.22 | $13,003 |
| "Alternative program | 1.44 | $15,348 |
| "Special education school | 1.17 | $12,470 |
| "Adult | 0.89 | $9,486 |

".

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Education Add-ons:

| "Level/ Program | Definition | Weighting | Per Pupil Supplemental Allocation FY 2019 |
|---|---|---|---|
| "Level 1: Special Education | Eight hours or less per week of specialized services | 0.97 | $10,338 |
| "Level 2: Special Education | More than 8 hours and less than or equal to 16 hours per school week of specialized services | 1.20 | $12,790 |
| "Level 3: Special Education | More than 16 hours and less than or equal to 24 hours per school week of specialized services | 1.97 | $20,996 |
| "Level 4: Special Education | More than 24 hours per week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement | 3.49 | $37,196 |

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| "Special Education Compliance | Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance. | 0.099 | $1,055 |
| "Attorney's Fees Supplement | Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney's fees. | 0.089 | $949 |
| "Residential | D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program | 1.67 | $17,799 |

"General Education Add-ons:

| "Level/ Program | Definition | Weighting | Per Pupil Supplemental Allocation FY 2019 |
|---|---|---|---|
| "ELL | Additional funding for English Language Learners. | 0.49 | $5,222 |
| "At-risk | Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level. | 0.224 | $2,387 |

"Residential Add-ons:

| "Level/ Program | Definition | Weighting | Per Pupil Supplemental Allocation FY 2019 |
|---|---|---|---|

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| "Level 1: Special Education – Residential | Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 0.37 | $3,943 |
| "Level 2: Special Education – Residential | Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 1.34 | $14,282 |
| "Level 3: Special Education – Residential | Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 2.89 | $30,802 |
| "Level 4: Special Education – Residential | Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 2.89 | $30,802 |

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| "LEP/NEP - Residential | Additional funding to support the after-hours limited- and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting | 0.668 | $7,120 |

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

| "Level/ Program | Definition | Weighting | Per Pupil Supplemental Allocation FY 2019 |
|---|---|---|---|
| "Special Education Level 1 ESY | Additional funding to support the summer school or program need for students who require ESY services in their IEPs. | 0.063 | $671 |
| "Special Education Level 2 ESY | Additional funding to support the summer school or program need for students who require ESY services in their IEPs | 0.227 | $2,419 |
| "Special Education Level 3 ESY | Additional funding to support the summer school or program need for students who require ESY services in their IEPs | 0.491 | $5,233 |

| | | | |
|---|---|---|---|
| "Special Education Level 4 ESY | Additional funding to support the summer school or program need for students who require ESY services in their IEPs | 0.491 | $5,233 |

".

(d) Section 115 (D.C. Official Code § 38-2913) is amended by striking the phrase "Fiscal Year 2020" and inserting the phrase "Fiscal Year 2022" in its place.

**SUBTITLE B. DISTRICT OF COLUMBIA STATE ATHLETICS**

Sec. 4011. Short title.

This subtitle may be cited as the "State Athletics Amendment Act of 2018".

Sec. 4012. Section 104(g) of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.12(g)), is repealed.

**SUBTITLE C. HIGHER EDUCATION INCENTIVE PROGRAM**

Sec. 4021. Short title.

This subtitle may be cited as the "Early Childhood Higher Education Incentive Amendment Act of 2018".

Sec. 4022. The Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

(1) Paragraph (2A) is repealed.

(2) Paragraph (3) is amended by striking the word "grant".

(b) Section 401 (D.C. Official Code § 38-274.01) is amended as follows:

(1) The section heading is amended by striking the phrase "; workforce development plan; HEI scholarship program; career and compensation plan;" and inserting a semicolon in its place.

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

"(a) The University of the District of Columbia shall establish a Higher Education Incentive Program ("HEI Program") for the purpose of increasing the number of early education teachers teaching in the District, including:

"(1) The number of pre-k teachers and assistant pre-k teachers, who meet the degree and credential requirements established by OSSE pursuant to section 201, working in elementary education in public schools, public charter schools, and CBOs; and

**ENROLLED ORIGINAL**

"(2) The number of infant and toddler lead and assistant teachers working in child development facilities, as defined in section 2(3) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031(3)), who meet the degree and credential requirements established by OSSE pursuant to section 7 of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2036).".

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

"(a-1) As part of the HEI Program, the University of the District of Columbia may:

"(1) Award and administer grants to District of Columbia higher education institutions to increase the number of early education teachers with advanced learning degrees or credentials;

"(2) Establish and administer the HEI scholarship program described in section 402.

"(a-2) To assist in the establishment and implementation of the HEI Program, the University of the District of Columbia shall establish and convene a working group, which shall be referred to as the DC Collaborative, comprised of representatives of District of Columbia colleges and universities and the OSSE, and such other individuals as the University of the District of Columbia determines may be helpful to achieve the purposes of the HEI Program.".

(4) Subsections (b), (c), and (d) are repealed.

(5) Subsection (e) is amended by striking the phrase "grant and scholarship programs" and inserting the word "Program" in its place.

(c) Section 401a (D.C. Official Code § 38-274.01a) is repealed.

(d) Section 402(a) (D.C. Official Code § 38-274.02(a)) is amended to read as follows:

"(a)(1) As part of the HEI Program, the University of the District of Columbia may establish and administer a scholarship-award program for qualified individuals who have an interest in the early childhood development field or pre-k education field.

"(2) In exchange for a commitment to teach in the early childhood development or the pre-k education system in the District for 3 years, the University of the District of Columbia may provide to a qualified applicant a scholarship, stipend, tuition assistance, or other financial assistance, including financial assistance for mentoring, tutoring, transportation, and child care expenses, to remove barriers to attaining or seeking to attain a higher education credential in the field of early childhood development or early childhood education.".

(e) Section 403 (D.C. Official Code § 38-274.03) is amended as follows:

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

"Sec. 403. Higher Education Incentive Program Fund.".

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

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

"(1) There is established as a special fund the Higher Education Incentive Program Fund ("HEIP Fund"), which shall be administered by the University of the District of Columbia in accordance with subsection (b) of this section.".

(B) Paragraph (2) is amended by striking the phrase "HEIG fund" and inserting the phrase "HEIP Fund" in its place.

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

"(b) Money in the HEIP Fund shall be used for the following purposes:

"(1) To fund awards issued pursuant to the HEI scholarship program; and

"(2) To pay for the costs of administering the HEI Program, not to exceed 10% of the balance of the HEIP Fund per fiscal year.".

(4) New subsections (c) and (d) are added to read as follows:

"(c)(1) The money deposited into the HEIP Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

"(d) The HEIP Fund shall appear as a separate program line within the budget of the University of the District of Columbia.".

**SUBTITLE D. HEALTHY SCHOOLS**

Sec. 4031. Short title.

This subtitle may be cited as the "Healthy Schools Amendment Act of 2018".

Sec. 4032. Section 102(c) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.02(c)), is amended as follows:

(a) Paragraph (6) is amended to read as follows:

"(6) To increase physical activity in schools, the Office of the State Superintendent of Education may issue grants through a competitive process or a formula grants process to public schools, public charter schools, or organizations that provide technical assistance to public schools or public charter schools to increase the amount of physical activity in schools; provided, that a school receiving a grant pursuant to this paragraph shall seek to:

"(A) Meet the requirements of section 402; and

"(B) Increase the amount of physical activity in which its students engage.".

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

"(10) To increase cafeteria staff's abilities to provide healthy meals for students, the Office of the State Superintendent for Education may issue grants through a competitive process or a formula grants process to public schools, public charter schools, or other organizations for the acquisition of school kitchen equipment and for providing training sessions on cooking skills and nutrition for school cafeteria workers and school food service vendors.".

**ENROLLED ORIGINAL**

**SUBTITLE E. DISTRICT OF COLUMBIA PUBLIC SCHOOLS SALES AND LICENSING AUTHORITY**

Sec. 4041. Short title.

This subtitle may be cited as the "District of Columbia Public Schools Sales and Licensing Authority Amendment Act of 2018".

Sec. 4042. Section 105a of the District of Columbia Public Schools Agency Establishment Act of 2007, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 38-174.01), is amended to read as follows:

"Sec. 105a. Event sponsorships, sales of intellectual property and tickets; establishment of special fund.

"(a) Notwithstanding any other provision of law, the Chancellor of the District of Columbia Public Schools may:

"(1) Contract for advertisements for and sponsorships of District of Columbia Public Schools athletics programs or events, community engagement events, educational programs, or facilities improvements for the purpose of generating resources for the District of Columbia Public Schools;

"(2) With the approval of the Mayor, sell or license intellectual property rights of the District for intellectual property created by the District of Columbia Public Schools for use by the District of Columbia Public Schools; and

"(3) Sell tickets to District of Columbia Public Schools athletic events and school performances.

"(b)(1) There is established as a special fund the District of Columbia Public Schools Sales and Sponsorship Fund ("Fund"), which shall be administered by the District of Columbia Public Schools in accordance with paragraph (3) of this subsection.

"(2) Revenue from the following sources shall be deposited into the Fund:

"(A) Contracts for advertisements for and sponsorships of athletics programs and events, community engagement events, educational programs, or facilities improvements entered into pursuant to subsection (a)(1) of this section;

"(B) The sale or license of intellectual property rights pursuant to subsection (a)(2) of this section; and

"(C) The sale of tickets to District of Columbia Public Schools athletic events and school performances pursuant to subsection (a)(3) of this section.

"(3) Money in the Fund shall be used to support the operations of the District of Columbia Public Schools, including instruction, education programs, human resources, athletics, the arts, and community engagement.

"(4)(A) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

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

**SUBTITLE F. DCPL LEASE AND PERMITTING AUTHORITY**

Sec. 4051. Short title.

This subtitle may be cited as the "District of Columbia Public Library Lease and Permitting Authority Amendment Act of 2018".

Sec. 4052. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended follows:

(a) Section 5(a) (D.C. Official Code § 39-105(a)) is amended by adding a new paragraph (16) to read as follows:

"(16) Notwithstanding section 1022 of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.01), through its Chief Librarian or Executive Director, have the authority to:

"(A) Acquire, in consultation with the Department of General Services, real property by lease for use by the library, for a period not to exceed 5 years;

"(B) Issue revocable permits for short-term events, programs, and activities providing for the use of grounds and facilities under the jurisdiction of the Board of Library Trustees;

"(C) Negotiate and execute lease agreements providing for the use of the Martin Luther King Jr. Memorial Library; provided, that such agreements are for an initial term of no more than 5 years and permit the exercise of no more than 2 one-year options; and

"(D) Issue rules to implement the provisions of this paragraph.".

(b) The second section 15(b) (D.C. Official Code § 39-117(b)) is amended by striking the phrase "section 5(a)(14)" and inserting the phrase "section 5(a)(14) and (16)" in its place.

**SUBTITLE G. STUDENT FAIR ACCESS TO SCHOOL**

Sec. 4061. Short title.

This subtitle may be cited as the "Student Fair Access to School Applicability and Technical Amendment Act of 2018".

Sec. 4062. Title II of the Attendance Accountability Amendment Act of 2013, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-235 *et seq.*), is amended as follows:

(a) Section 204(h) is repealed.

(b) Section 206(c) is amended to read as follows:

"(c) For the purpose of providing local education agencies and schools the services set forth in subsection (a) of this section, the OSSE may:

"(1) Award a contract or grant to one or more nonprofit organizations;

"(2) Award contracts or competitive or formula grants to local education agencies, schools, or partnerships developed among schools or with nonprofit organizations;

"(3) Establish a memorandum of understanding with the Department of Behavioral Health or other District agency; or

"(4) Any combination of paragraphs (1) through (3) of this subsection.".

Sec. 4063. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) The second paragraph (24), as added by the Access to Emergency Epinephrine in Schools Amendment Act of 2015, effective March 9, 2016 (D.C. Law 21-77; 63 DCR 756), is redesignated as paragraph (25).

(b) Paragraphs (25), (26), and (27), as added by the Youth Suicide Prevention and School Climate Survey Amendment Act of 2016, effective June 17, 2016 (D.C. Law 21-120; 63 DCR 6856), are redesignated as paragraphs (26), (27), and (28), respectively.

(c) Newly redesignated paragraph (28)(E)(iii) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(d) Paragraph (29) is amended by striking the period and inserting the phrase "; and" in its place.

(e) A new paragraph (30) is added to read as follows:

"(30) Provide schools the supports set forth in section 206 of the Attendance Accountability Amendment Act of 2013, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22-594).".

Sec. 4064. The Student Fair Access to School Amendment Act of 2018, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22-594), is amended as follows:

(a) Section 2(c) is amended by striking the phrase "including non-instructional personnel with specialized expertise in behavioral health, trauma-informed educational settings, and restorative justice practices, to assist local education agencies and schools in developing" and inserting the phrase "including non-instructional specialized experts from the fields of behavioral health, trauma-informed educational settings, or restorative justice, to assist schools and local education agencies, as needed and in accordance with policies OSSE adopts, in developing and" in its place.

(b) Section 3(d) is repealed.

(c) Section 4(a) is amended to read as follows:

"(a) Sections 204(a) and 206(a)(4) of Title II of the Attendance Accountability Amendment Act of 2013, passed on 2nd reading on May 1, 2018 (Enrolled version of Bill 22-

594), added by section 2(c), shall apply upon the date of inclusion of the section's fiscal effect in an approved budget and financial plan.".

**SUBTITLE H. ACCESS TO EMERGENCY EPINEPHRINE IN SCHOOLS CLARIFICATION**

Sec. 4071. Short title.

This subtitle may be cited as the "Access to Emergency Epinephrine in Schools Clarification Amendment Act of 2018".

Sec. 4072. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

"(1) "Designated epinephrine auto-injector" means a disposable drug-delivery system with a spring-activated needle, which is obtained with a prescription for a particular person, that is designed for the emergency administration of epinephrine to a person suffering an episode of anaphylaxis.".

(b) Section 5a (D.C. Official Code § 38-651.04a) is amended as follows:

(1) Subsection (b)(2) is amended by striking the phrase "an undesignated" and inserting the phrase "a designated or undesignated" in its place.

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

"(e) An employee or agent of a public school who is certified pursuant to this section may administer a designated epinephrine auto-injector to the student to whom it is prescribed, who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode.".

**SUBTITLE I. SPECIAL EDUCATION TEACHER PREPARATION GRANT**

Sec. 4081. Short title.

This subtitle may be cited as the "Special Education Teacher Preparation Grant Act of 2018".

Sec. 4082. In Fiscal Year 2019, the Office of the State Superintendent of Education shall award, on a competitive basis, a grant of $350,000 to support a teacher preparation program that provides robust training for special education teachers related to standards-based content and cultivating teacher and student well-being, including social emotional competence, and that will create a robust pipeline of highly effective special education teachers to work in District of Columba public schools and public charter schools.

**ENROLLED ORIGINAL**

**TITLE V. HEALTH AND HUMAN SERVICES**

**SUBTITLE A. INDIVIDUAL HEALTH INSURANCE REQUIREMENT**

Sec. 5001. Short title.

This subtitle may be cited as the "Individual Health Insurance Requirement Amendment Act of 2018".

Sec. 5002. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

"51. Individual Taxpayer Health Insurance Responsibility Requirement".

(b) A new Chapter 51 is added to read as follows:

"CHAPTER 51. INDIVIDUAL TAXPAYER HEALTH INSURANCE RESPONSIBILITY REQUIREMENT.

"Sec.

"47-5101. Definitions.

"47-5102. Requirement to maintain minimum essential coverage; exemptions.

"47-5103. District shared responsibility payments.

"47-5104. Exemptions from the minimum essential coverage and District shared responsibility payment requirements.

"47-5105. Reporting of health insurance coverage.

"47-5106. Annual notification.

"47-5107. Individual Insurance Market Affordability and Stability Fund.

"47-5108. Liability.

"47-5109. Rules.

"§ 47-5101. Definitions.

"For the purposes of this chapter, the term:

"(1) "Applicable entity" means:

"(A) An employer or other sponsor of an employment-based health plan;

"(B) The Department of Health Care Finance; or

"(C) An insurance carrier licensed or otherwise authorized to offer minimum essential coverage.

"(2) "Applicable individual" shall have the same meaning as provided in section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A), as the section and its implementing regulations were in effect on December 15, 2017; provided, that:

"(A) An individual enrolled in the D.C. HealthCare Alliance program shall not be considered an applicable individual with respect to any month during which the individual was enrolled in the D.C. HealthCare Alliance program;

"(B) An individual shall not be considered an applicable individual with respect to any month during which the individual was a resident of a jurisdiction other than the District;

"(C) An individual shall not be considered an applicable individual if the individual is a member of a religious sect or division that is recognized by the United States Social Security Administration as conscientiously opposed to accepting any insurance benefits, including Social Security and Medicare; and

"(D) An individual shall not be considered an applicable individual if the individual files a sworn affidavit with his or her District tax return attesting to a lack of minimum essential coverage on the basis of sincerely held religious beliefs during the entire taxable year for which the return was filed.

"(3) "Authority" means the District of Columbia Health Benefit Exchange Authority, established by section 5 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31–3171.04).

"(4) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia, established by section 424(a) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a).

"(5) "D.C. HealthCare Alliance" means the program established pursuant to section 7 of the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7–1405).

"(6) "Dependent" shall have the same meaning as provided in section 152 of the Internal Revenue Code of 1986 (26 U.S.C. § 152).

"(7) "District shared responsibility payment" means the tax penalty incurred by a taxpayer for the failure to have the required minimum essential coverage required by this chapter.

"(8) "Federal shared responsibility payment" means the tax penalty incurred by a taxpayer for the failure to have the required minimum essential coverage pursuant to the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 119; 42 U.S.C. § 18001, note) and section 5000(A) of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A).

"(9) "Immigrant Children's Program" means the program established pursuant to section 2202(b) of the Medical Assistance Expansion Program Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 1–307.03(b)).

"(10) "Internal Revenue Code of 1986" means the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*).

"(11) "Minimum essential coverage" means:

"(A) Except as provided in subparagraph (C) of this paragraph, minimum essential coverage as defined by section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A) and its implementing regulations, as that section and its implementing regulations were in effect on December 15, 2017;

"(B) The Immigrant Children's Program; and

"(C) Health coverage provided under a multiple employer welfare arrangement; provided, that the multiple employer welfare arrangement provided coverage in the District on December 15, 2017, or complies with federal law and regulations applicable to multiple employer welfare arrangements that were in place as of December 15, 2017.

"(12) "Multiple employer welfare arrangement" shall have the same meaning as provided in section 3(40) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 833; 29 U.S.C. § 1002(40)).

"§ 47-5102. Requirement to maintain minimum essential coverage; exemptions.

"(a) Beginning for tax years after December 31, 2018, and except as provided in subsection (b) of this section, an applicable individual shall, for each month, ensure that the applicable individual, and any dependent of the applicable individual who is also an applicable individual, maintains minimum essential coverage.

"(b) Except as provided in paragraphs (1) and (2) of this subsection, the exemptions available from the federal requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A) and its implementing regulations, as such section and its implementing regulations were in effect on December 15, 2017, shall also be available as exemptions from the requirement to maintain minimum essential coverage contained in subsection (a) of this section, with the following modifications:

"(1) Determinations as to hardship exemptions shall be made by the Authority under § 47-5104(b) rather than by the Secretary of the U.S. Department of Health and Human Services pursuant to section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (124 Stat. 177; 42 U.S.C. § 18031(d)(4)(H)).

"(2)(A) The requirement imposed by subsection (a) of this section shall not apply to:

"(i) Taxpayers who are 21 years of age or older as of the last day of the tax year and whose federal adjusted gross income for the taxable year is equal to or less than an amount equal to 222% of the federal poverty level as published by the Authority in accordance with subparagraph (B) of this paragraph;

"(ii) Taxpayers who are 20 years of age or younger as of the last day of the tax year and not claimed as dependents on another individual's tax form, and whose federal adjusted gross income for the taxable year is equal to or less than an amount equal to 324% of the federal poverty level, as published by the Authority in accordance with subparagraph (B) of this paragraph;

"(iii) A dependent who is 21 years of age or older as of the last day of the tax year and claimed as a dependent by a taxpayer whose federal adjusted gross income for the taxable year is equal to or less than an amount equal to 222% of the federal poverty level as published by the Authority in accordance with subparagraph (B) of this paragraph; or

"(iv) A dependent who is age 20 years of age or younger as of the last day of the tax year and claimed as a dependent by a taxpayer whose federal adjusted gross

income for the taxable year is equal to or less than an amount equal to 324% of the federal poverty level as published by the Authority in accordance with subparagraph (B) of this paragraph.

"(B)(i) The Authority, after consultation with the Director of the Department of Health Care Finance, shall publish the qualifying income levels described in subparagraph (A) of this paragraph for each taxable year based on federal poverty levels using the poverty guidelines announced by the Secretary of the U.S. Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act, approved October 27, 1998 (112 Stat. 2729; 42 U.S.C. § 9902(2)).

"(ii) The qualifying income levels shall be for the number of individuals that include the taxpayer, the taxpayer's spouse, and any dependents claimed by the taxpayer on the taxpayer's income tax return for that taxable year.

"(iii) The Authority shall publish the qualifying income levels for the taxable year within 60 days after the announcement of the poverty guidelines announced by the Secretary of the U.S. Department of Health and Human Services for that taxable year.

"(C) The percentages identified in subparagraph (A) of this paragraph may be adjusted by the Mayor if the eligibility level changes for:

"(i) Medicaid;

"(ii) The Children's Health Insurance Program; or

"(iii) The Immigrant Children's Program.

"§ 47-5103. District of Columbia shared responsibility payments.

"(a) If a taxpayer who is an applicable individual, or an applicable individual for whom the taxpayer is liable under subsection (b) of this section, fails to meet the requirement of § 47-5102(a) for one or more months, the taxpayer shall pay a District shared responsibility payment for tax years beginning after December 31, 2018. Subject to subsections (b) and (c) of this section, the District shared responsibility payment shall be the same as the Federal shared responsibility payment under section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A) as in effect on December 15, 2017, and its implementing regulations as in effect on December 15, 2017.

"(b)(1) If a District shared responsibility payment is imposed for any month on an individual who is a dependent of a taxpayer during the taxable year, the taxpayer shall be liable for the shared responsibility payment.

"(2) If a District shared responsibility payment is imposed for any month on an individual who files a joint return for the taxable year, the individual and the spouse of the individual shall be jointly liable for the shared responsibility payment.

"(c)(1) The rules for determining the District shared responsibility payment shall be determined under this chapter and rules issued or incorporated pursuant to § 47-5109.

"(2) The maximum amount of the District shared responsibility payment shall be determined using the District's average premium for bronze-level plans rather than the national average premium for bronze-level plans.

"(3) The Authority shall annually publish on its website the District shared responsibility maximum payment amount before September 30 of the taxable year.

"(4) If a taxpayer is subject to both the District shared responsibility payment and the federal shared responsibility payment under section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A) for a taxable year, the amount of the taxpayer's District shared responsibility payment shall be reduced, but not below zero, by the amount of the taxpayer's federal shared responsibility payment.

"§ 47-5104. Minimum essential coverage and District of Columbia shared responsibility payment requirements.

"(a) Except as provided in subsection (b) of this section, an individual may claim that the individual or a dependent of the individual is not an applicable individual with respect to the minimum essential coverage requirement under § 47-5102(a) or may claim that the individual or a dependent of the individual is eligible for an exemption under § 47-5102(b) by indicating the basis for the claim on a form, to be prescribed by the Chief Financial Officer.

"(b) An individual may apply to the Authority for an eligibility determination for the following two exemptions:

"(1) The affordability exemption from the District shared responsibility payment requirement as provided in § 47-5102 for individuals for whom coverage is considered unaffordable based on projected income as defined by 45 C.F.R. § 155.605(d)(2), as that regulation was in effect on December 15, 2017; or

"(2) The general hardship exemption from the District shared responsibility payment requirement contained in § 47-5102 by reason of general hardship, as defined by 45 C.F.R. § 155.605(d)(1), as that regulation was in effect on December 15, 2017.

"(c) On or before January 31, 2020 and each January 31 each year thereafter, the Authority shall notify the individual and the Chief Financial Officer of any exemption determination made pursuant to subsection (b) of this section for the previous taxable year.

"§ 47-5105. Reporting of health insurance coverage.

"(a) An applicable entity that provides minimum essential coverage to an individual during a calendar year shall submit a return at a time determined by the Chief Financial Officer, which shall include the information contained in a return described in section 6055 of the Internal Revenue Code of 1986 (26 U.S.C. § 6055) and its implementing regulations, as that section and implementing regulations were in effect on December 15, 2017, and any such information required by the Chief Financial Officer.

"(b)(1) Except as provided in paragraph (2) of this subsection, an applicable entity required to submit a return pursuant to subsection (a) of this section shall furnish to each individual whose name is required to be on the return a written statement showing the:

"(A) Name and address of the entity required to make the return;

"(B) The phone number of the information contact for such applicable entity or their delegee; and

"(C) Information required regarding the individual.

"(2) The requirements of this subsection may be satisfied by a written statement provided to an individual that is consistent with the requirements of section 6055 of the Internal Revenue Code of 1986 (26 U.S.C. § 6055) and its implementing regulations, as that section and implementing regulations were in effect on December 15, 2017.

"(c)(1) In the case of coverage provided by an entity that is a governmental unit or an agency or instrumentality of a governmental unit, the officer or employee who enters into the agreement to provide such coverage shall be responsible for the returns required by this section.

"(2) An entity may contract with a third-party service provider, including an insurance carrier, to provide the returns required by this section.

"§ 47-5106. Annual notification

"The Chief Financial Officer, in consultation with the Authority and the Director of the Department of Health Care Finance, shall develop a program to provide reasonable notice to taxpayers who paid a District shared responsibility payment during the previous taxable year. The notification shall include information on how to apply for:

"(1) Individual health insurance;

"(2) Medicaid; and

"(3) The Children's Health Insurance Program.

"§ 47-5107. Individual Insurance Market Affordability and Stability Fund.

"(a) There is established as a special fund the Individual Insurance Market Affordability and Stability Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

"(b) Revenue from the District shared responsibility payments collected pursuant to § 47-5103 shall be deposited into the Fund.

"(c) Money in the Fund shall be used to:

"(1) Engage in outreach to uninsured District residents to increase health insurance coverage;

"(2) Provide information to District residents on options for health insurance coverage; and

"(3) Engage in activities that increase the availability of health insurance options or increase the affordability of insurance premiums in the individual health insurance market, for District residents.

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

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

"§ 47-5108. Liability.

"A taxpayer who fails to pay the District of Columbia shared responsibility payment imposed by § 47-5103 shall be subject to all collection, enforcement, and administrative

provisions applicable to unpaid taxes or fees, as provided in Chapter 18, Chapter 41, Chapter 42, Chapter 43, and Chapter 44 of this title.

"§ 47-5109. Rules.

"(a)(1) All federal regulations implementing section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A), as such regulations were in effect on December 15, 2017, are incorporated by reference into the District of Columbia Municipal Regulations and, unless modified or superseded by regulations issued pursuant to paragraph (2) of this subsection, shall be used to implement the provisions of this chapter. Federal guidance interpreting the federal regulations implementing section 5000A of the Internal Revenue Code of 1986 (26 U.S.C. § 5000A), as such guidance was in effect on December 15, 2017, shall also apply.

"(2) The Chief Financial Officer may amend the incorporated regulations and guidance and issue rules to implement the provisions of this chapter; except, that:

"(A) The Mayor, and not the Chief Financial Officer, may amend the incorporated regulations and guidance and issue rules related to the definitions of applicable individual and minimum essential coverage and the exemptions under § 47-5102(b); and

"(B) The Authority, and not the Chief Financial Officer, may amend the incorporated regulations and guidance and issue rules related to the authority specifically provided to the Authority under this chapter.

"(b) By November 1, 2018, the Chief Financial Officer, in consultation with the Authority, shall provide to the Mayor for publication in the District of Columbia Register the complete text of the incorporated regulations and guidance referred to in subsection (a)(1) of this section.".

Sec. 5003. The Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.01 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 31-3171.04(a)) is amended as follows:

(1) Paragraph (22)(D)(iv) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(2) A new paragraph (23) is added to read as follows:

"(23) Administer the hardship and affordability exemptions under Chapter 51 of Title 47.".

(b) Section 18(a) (D.C. Official Code § 31-3171.17(a)) is amended by striking the phrase "this act" and inserting the phrase "this act and as authorized by D.C. Official Code § 47-5109" in its place.

**SUBTITLE B. BURIAL ASSISTANCE PROGRAM INCREASE**

Sec. 5011. Short title.

This subtitle may be cited as the "Burial Assistance Program Increase Amendment Act of 2018".

Sec. 5012. Section 1802(a) of the Burial Assistance Program Reestablishment Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 4-1001(a)), is amended by striking the figure "$800" both times it appears and inserting the figure "$1,000" in its place.

**SUBTITLE C. D.C. HEALTHCARE ALLIANCE RECERTIFICATION REPORTING**

Sec. 5021. Short title.

This subtitle may be cited as the "D.C. Healthcare Alliance Recertification Reporting Amendment Act of 2018".

Sec. 5022. Section 7d of the Health Care Privatization Amendment Act of 2001, effective December 13, 2017 (D.C. Law 22-35; D.C. Official Code § 7-1409), is amended as follows:

(a) The existing text is designated as subsection (a).

(b) The newly designated subsection (a) is amended as follows:

(1) The lead-in language is amended by striking the date "February 1, 2018" and inserting the date "October 1, 2018" in its place.

(2) Paragraphs (7) and (8) are repealed.

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

"(b) Within one year after the effective date of the D.C. Healthcare Alliance Recertification Reporting Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), the Mayor shall submit a public report to the Council that shall include, for each of the last 12 months, the following information:

"(1) The average time enrollees waited in line at each location where interviews were offered in order to complete a face-to-face interview with an explanation of how the data was collected, with wait times measured both from the point the enrollee first checks in at the service center and from the point the enrollee gets in line outside the service center if there is a line to enter the service center; and

"(2) The average time enrollees waited on the telephone before being served in order to complete interviews over the telephone.".

Sec. 5023. Section 3(a) of the DC HealthCare Alliance Recertification Simplification Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-35; 64 DCR 10929), is amended to read as follows:

"(a) Sections 7b and 7d(b) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.".

**ENROLLED ORIGINAL**

**SUBTITLE D. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT**

Sec. 5031. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Amendment Act of 2018".

Sec. 5032. The Medicaid Hospital Outpatient Supplemental Payment Act of 2017, effective December 13, 2017 (D.C. Law 22-033; D.C. Official Code § 44–664.01 *et seq.*), is amended as follows:

(a) Section 5062(5) (D.C. Official Code § 44–664.01(5)) is amended by striking the phrase "October 1, 2014, and September 30, 2015" and inserting the phrase "October 1, 2015, and September 30, 2016" in its place.

(b) Section 5064(a) (D.C. Official Code § 44-664.03(a)) is amended as follows:

(1) The lead-in language is amended by striking the date "October 1, 2017" and inserting the date "October 1, 2018" in its place.

(2) Paragraph (1) is amended by striking the year "2018" and inserting the year "2019" in its place.

(3) Paragraph (2) is amended by striking the year "2018" and inserting the year "2019" in its place.

(c) Section 5065(b)(1) (D.C. Official Code § 44-664.04(b)(1)) is amended by striking the date "October 1, 2016" and inserting the date "October 1, 2017" in its place.

(d) Section 5066 (D.C. Official Code § 44-664.05) is amended as follows:

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

(A) Paragraph (1) is amended by striking the date "October 1, 2017" and inserting the date "October 1, 2018" in its place.

(B) Paragraph (2) is amended by striking the year "2015" both times it appears and inserting the year "2016" in its place.

(C) Paragraph (3) is amended by striking the year "2018" and inserting the year "2019" in its place.

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

(A) Paragraph (1) is amended by striking the date "October 1, 2017" and inserting the date "October 1, 2018" in its place.

(B) Paragraph (3) is amended by striking the year "2018" and inserting the year "2019" in its place.

(e) Section 5067(a)(2) (D.C. Official Code § 44-664.06(a)(2)) is amended by striking the date "October 1, 2017" and inserting the date "October 1, 2018" in its place.

(f) Section 5070 (D.C. Official Code § 44-664.09) is amended by striking the date "September 30, 2018" and inserting the date "September 30, 2019" in its place.

**SUBTITLE E. MEDICAID HOSPITAL INPATIENT RATE SUPPLEMENT**

Sec. 5041. Short title.

This subtitle may be cited as the "Medicaid Hospital Inpatient Rate Supplement Amendment Act of 2018".

Sec. 5042. The Medicaid Hospital Inpatient Rate Supplement Act of 2017, effective December 13, 2017 (D.C. Law 22-033; D.C. Official Code § 44–664.11 *et seq.*), is amended as follows:

(a) Section 5082(4) (D.C. Official Code § 44-664.11(4)) is amended by striking the phrase "October 1, 2014, and September 30, 2015" and inserting the phrase "October 1, 2015, and September 30, 2016" in its place.

(b) Section 5084 (D.C. Official Code § 44-664.13) is amended as follows:

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

(A) Paragraph (1) is amended by striking the date "October 1, 2017" and inserting the date "October 1, 2018" in its place.

(B) Paragraph (2) is amended by striking the figure "$8.8 million" and inserting the figure "$8.6 million" in its place.

(2) Subsection (c) is amended by striking the date "August 1, 2017" and inserting the date "August 1, 2018" in its place.

(c) Section 5085(b) (D.C. Official Code § 44-664.14(b)) is amended by striking the date "October 1, 2017" and inserting the date "October 1, 2018" in its place.

(d) Section 5089 (D.C. Official Code § 44-664.18) is amended by striking the date "September 30, 2018" and inserting the date "September 30, 2019" in its place.

**SUBTITLE F. PUBLIC SCHOOL NURSE HIRING**

Sec. 5051. Short title.

This subtitle may be cited as the "Public School Nurse Hiring Act of 2018".

Sec. 5052. In Fiscal Year 2019, the additional $4.4 million allocated to the Department of Health to support the School Health Services Program shall be used for the sole purpose of hiring registered nurses and licensed practical nurses.

**SUBTITLE G. DEPARTMENT OF HEALTH CARE FINANCE GRANT-MAKING**

Sec. 5061. Short title.

This subtitle may be cited as the "Department of Health Care Finance Grant-Making Amendment Act of 2018".

**ENROLLED ORIGINAL**

Sec. 5062. Section 8a of the Department of Health Care Finance Establishment Act of 2007, effective December 13, 2017 (D.C. Law 17-109; D.C. Official Code § 7-771.07a), is amended as follows:

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

"(a-1) For Fiscal Year 2019, the Director shall:

"(1) Award a competitive grant in an amount not to exceed $75,000 to develop a pilot program to strengthen the ability of faith-based organizations to:

"(A) Deliver health screening, assessments, and health care services through telehealth; and

"(B) Reduce low-acuity, non-emergency room visitation, avoidable hospitalizations, and hospital readmission for persons who live in Wards 5, 7, and 8;

"(2) Award 2 competitive grants in an amount not to exceed $50,000 to health care providers with expertise and staff capacity in medical oncology, particularly prostate and gynecologic cancers, that focus on patient screening, treatment planning, and care coordination, to defray the capital and equipment costs associated with the provision of additional oncological services in Wards 7 and 8;

"(3) Award a competitive grant in an amount not to exceed $30,000 to a health care provider to establish a program to provide free medical services to teen parents attending a District of Columbia public school or public charter high school located in Ward 7 or 8;

"(4) Award a competitive grant in an amount not to exceed $500,000 to an organization to design and develop a community resource inventory that is accessible to health and social support organizations and that has the capacity to communicate and track referrals. and

"(5)(A) Award a competitive grant in an amount not to exceed $200,000 to an entity to provide multi-disciplinary, patient-centered preventative health and perinatal educational services to high-risk expectant mothers residing in Wards 7 and 8 and who receive Medicaid or are Medicaid-eligible.

"(B) No more than 50% of the selected entity's direct services delivery staff shall possess higher than a bachelor's degree.

"(C) At a minimum, the selected entity shall demonstrate an ability to:

"(i) Implement a peer-support model of care for expectant mothers;

"(ii) Identify a consistent source of referrals for expectant mothers;

"(iii) Refer expectant mothers to WIC, health insurance coverage options, and other community resources;

"(iv) Provide the following services to expectant mothers:

"(I) Regular office and in-home visits;

"(II) Mental health supports;

"(III) Access to classes and support groups on perinatal fitness, childbirth education, nutritional education, newborn care, and parenting skills;

"(IV) Expanded maternity services from the end of pregnancy to 6 months postpartum; and

"(v) Initiate delivery of services to expectant mothers as follows:

(I) Prior to 4 weeks postpartum for non-neonatal intensive care unit births; and

(II) Up to 12 weeks postpartum for neonatal intensive care unit births; and

"(vi) Increase breastfeeding rates.

"(D)(i) The Director shall collect the following data from the selected entity regarding expectant mothers that receive services pursuant to paragraph (5)(A) of this subsection:

"(I) Maternal morbidity and mortality rates;

"(II) Number of low birth-weight newborns;

"(III) Rate of premature births;

"(IV) Infant morbidity and mortality rates;

"(V) Tobacco and nicotine use during pregnancy and pediatric exposure to second hand smoke; and

"(VI) Other data as determined by the Director.

"(ii) The Director shall compare the data in sub-subparagraph (i) with outcomes among the general Medicaid and Medicaid-eligible population and report his findings to the Council's Committee on Health.".

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

(1) Strike the date "April 1, 2018" and insert the date "April 1, 2019" in its place.

(2) Strike the phrase "subsection (a) of this section" and insert the phrase "this section" in its place.

(c) Subsection (c) is amended by striking the phrase "subsection (a) of this section" and inserting the phrase "this section" in its place.

(d) Subsection (d) is amended by striking the phrase "subsection (a) of this section" and inserting the phrase "this section" in its place.

(e) Subsection (e) is amended by adding a new paragraph (4) to read as follows:

"(4) "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children, as provided in section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786).".

**SUBTITLE H. SUPPORT FOR TEEN PARENTS**

Sec. 5071. Short title.

This subtitle may be cited as the "Support for Teen Parents Act of 2018".

Sec. 5072. Support for teen parents program.

(a)(1) In Fiscal Year 2019, the Department of Human Services shall establish a program to support students in District of Columbia public schools and public charter schools who are pregnant or parenting with the goals of:

(A) Keeping teen parents engaged in school;

(B) Improving the graduation rate of teen parents;

(C) Preparing teen parents for college or a career; and

(D) Preventing subsequent teen pregnancies.

(2) The program shall provide supports including case management, supplies and resources, assistance with securing services, educational workshops, incentives, and transportation stipends.

(b) The Department of Human Services may issue a grant, in an amount not to exceed $1 million, to administer the program established pursuant to subsection (a) of this section and may enter into other agreements, as necessary, to provide supports to District of Columbia public schools and public charter schools to meet the goals of the program.

**SUBTITLE I. D.C. HEALTHCARE ALLIANCE RE-ENROLLMENT**

Sec. 5081. Short title.

This subtitle may be cited as the "D.C. Healthcare Alliance Re-Enrollment Without Fear Act of 2018".

Sec. 5082. Section 47-362 of the District of Columbia Official Code is amended by adding a new subsection (g) to read as follows:

"(g)(1) Notwithstanding § 47-363, local funds appropriated for the Department of Healthcare Finance in Fiscal Year 2019 shall not be reprogrammed unless the Council approves the reprogramming request by resolution.

"(2) This subsection shall sunset on the date of inclusion of the fiscal effect of the D.C. Healthcare Alliance Re-Enrollment Reform Amendment Act of 2018, effective February 17, 2018 (D.C. Law 22-62; 65 DCR 2632), in an approved budget and financial plan.".

**TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**

**SUBTITLE A. DEDICATED WMATA FUNDING; TAX CHANGES**

Sec. 6001. Short title.

This subtitle may be cited as the "Dedicated WMATA Funding and Tax Changes Affecting Real Property and Sales Amendment Act of 2018".

Sec. 6002. Dedicated funding for WMATA.

(a) There is established as a special fund the Washington Metropolitan Area Transit Authority Dedicated Financing Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

(b) There shall be deposited into the Fund general retail sales tax revenue collected pursuant to Chapter 20 of Title 47 of the District of Columbia Official Code as follows:

(1) In Fiscal Year 2019 -- $178.5 million;

(2) In Fiscal Year 2020 -- $178.5 million; and

(3) In Fiscal Year 2021, and each successive year, an amount of general retail sales tax revenue equal to the District's allocation of the Washington Metropolitan Area Transit Authority ("WMATA") jurisdictional formula, applied to the total annual WMATA capital funding need of $500 million in Fiscal Year 2020, escalated annually by 3% above the preceding fiscal year.

(c)(1) Money in the Fund in Fiscal Year 2019 shall be used as a source of funding to make the District's payment to WMATA through agency KE0 as shown in the Fiscal Year 2019 Budget and Financial Plan.

(2) Pursuant to a grant agreement between the District and WMATA, and subject to subsection (d) of this section, starting in Fiscal Year 2020, money in the Fund shall be distributed to WMATA by the Mayor as a grant for the purposes of WMATA capital improvements, including payment on borrowings for such capital improvements.

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

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

Sec. 6003. Conforming amendment.

The Revised Revenue Contingency List Act of 2017, effective December 13, 2017 (D.C. Law 22-33; 64 DCR 7652), is amended as follows:

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

"(a) Notwithstanding any other provision of law, the portion of local revenues certified in the June 2017 revenue estimate and the September 2017 revenue estimate that exceeds the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2018 ("additional revenues") shall be allocated as follows:

"(1) Pursuant to subsection (b)(1) under the heading "Revised Revenue Estimate Contingency Priority" in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues to the Workforce Investments account; and

"(2) Pursuant to subsection (b)(2) under the heading "Revised Revenue Estimate Contingency Priority" in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues as follows:

"(A) $24.175 million in additional revenues to the General Fund of the District of the Columbia; and

"(B) All remaining additional revenues to the Workforce Investments account.".

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(b) Subsections (b) and (c) are repealed.

Sec. 6004. Tax changes; dedicated arts funding.

(a) Title 47 of the District of Columbia Official Code is amended as follows:

(1) Section 47-812 is amended as follows:

(A) Subsection (b-9) is amended as follows:

(i) Paragraph (2) is amended by adding a new subparagraph (C) to read as follows:

"(C) Notwithstanding any other provision of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 2 Properties in the District of Columbia beginning October 1, 2018, and each tax year thereafter shall be:

"(i) $1.65 for each $100 of assessed value if the real property's assessed value is not greater than $5 million;

"(ii) $1.77 for each $100 of assessed value if the real property's assessed value is greater than $5,000,000 but not greater than $10 million; or

"(iii) $1.89 for each $100 of assessed value if the real property's assessed value is greater than $10 million".

(ii) Paragraph (3) is repealed.

(B) Subsection (d) is amended by striking the phrase "§ 47-813(c-2)(1), (2), (3), (4), and (5)" and inserting the phrase "§ 47-813" in its place.

(C) Subsections (e) and (f) are repealed.

(2) Section 47-2002 is amended as follows:

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

(i) The lead-in language is amended by striking the phrase "Beginning on October 1, 2013, the rate of such tax shall be 5.75%" and inserting the phrase "The rate of such tax shall be 6.00%" in its place.

(ii) Paragraph (2)(A) is amended by striking the phrase "The rate of tax shall be 10.05%" and inserting the phrase "The rate of tax shall be 10.20%" in its place.

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

(I) Subparagraph (B) is amended by striking the phrase "; and" and inserting a period in its place.

(II) Subparagraph (C) is repealed.

(iv) Paragraph (3A) is amended by striking the phrase "The rate of tax shall be 10%" and inserting the phrase "The rate of tax shall be 10.25%" in its place.

(v) Paragraph (4A) is amended by striking the phrase "The rate of tax shall be 5.75%" and inserting the phrase "The rate of tax shall be 6.00%" in its place.

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

"(4B) The rate of tax shall be 9.25% of the gross receipts from the sale of or charges for rental or leasing of rental vehicles and utility trailers as defined in § 50-1505.01;".

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

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"(d) 5% of the sales tax revenue collected at the rate provided by the lead-in language of subsection (a) of this section that is not dedicated to legislatively proposed or existing tax increment financing districts or pledged to the benefit of holders of District bonds or notes existing on or before the effective date of this subsection, shall be dedicated to the Commission on the Arts and Humanities established by the Commission on the Arts and Humanities Act, effective January 29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-201, *et seq.*), to support the functions, purposes, and costs of the Commission.".

(3) Section 47-2202 is amended as follows:

(A) The existing text is designated as subsection (a) and amended as follows:

(i) The lead-in language is amended by striking the phrase "The rate of tax imposed by this section shall be 5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," and inserting the phrase "The rate of tax imposed by this section shall be 6.00%" in its place.

(ii) Paragraph (2)(A) is amended by striking the phrase "The rate of tax shall be 10.05%" and inserting the phrase "The rate of tax shall be 10.20%" in its place.

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

(I) Subparagraph (A) is amended by striking the semicolon and inserting the phrase "; and" in its place.

(II) Subparagraph (B) is amended by striking the phrase "; and" and inserting a period in its place.

(III) Subparagraph (C) is repealed.

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

(I) Strike the phrase "Effective October 1, 2011, the rate of tax shall be 10%" and insert the phrase "The rate of tax shall be 10.25%" in its place.

(II) Strike the phrase "; and" and insert a semicolon in its place.

(v) New paragraphs (3B) and (3C) are added to read as follows:

"(3B) The rate of tax shall be 9.25% of the gross receipts from the sale of or charges for rental or leasing of rental vehicles and utility trailers as defined in § 50-1505.01; and

"(3C) The rate of tax shall be 6.00% of the gross receipts from the sale of or charges for tangible personal property or services by legitimate theaters, or by entertainment venues with 10,000 or more seats, excluding any such theaters or entertainment venues from which such taxes are applied to pay debt service on tax-exempt bonds.".

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

"(b) 5% of the use tax revenue collected at the rate provided by the lead-in language of subsection (a) that is not dedicated to legislatively proposed or existing tax increment financing districts or pledged to the benefit of holders of District Bonds or notes existing on or before the effective date of this subsection shall be dedicated to the Commission on the Arts and Humanities, established by the Commission on the Arts and Humanities Act, effective January

29, 1998 (D.C. Law 12-42; D.C. Official Code § 39-201, *et seq.*) to support the functions, purposes, and costs of the Commission.".

(b) The Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.01 *et seq.*), is amended as follows:

(1) Section 20a(a)(6) (D.C. Official Code § 50-301.20(a)(6)) is amended by striking the phrase "All funds" and inserting the phrase "16.67% of the funds" in its place.

(2) Section 20*l*(b)(11) (D.C. Official Code § 50-301.31(b)(11)) is amended as follows:

(A) Strike the phrase "1% of all gross receipts" and insert the phrase "6.00% of all gross receipts" in its place.

(B) Strike the phrase "The money collected" and insert the phrase "Of the money collected pursuant to this paragraph, 83.33% shall be deposited in the General Fund and the remaining 16.67%" in its place.

**SUBTITLE B. PERFORMANCE PARKING PROGRAM FUND REPEAL**

Sec. 6011. Short title.

This subtitle may be cited as the "Performance Parking Program Fund Amendment Act of 2018".

Sec. 6012. Section 3(h)(2)(B) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)(B)(ii)), is repealed.

Sec. 6013. The Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; DC Official Code § 50-2531 *et seq.*), is amended as follows:

(a) Section 2a (D.C. Official Code § 50-2531.01) is repealed.

(b) Section 5 (D.C. Official Code § 50-2534) is repealed.

**SUBTITLE C. ADVERTISING ON DDOT ASSETS IN PRIVATE SPACE**

Sec. 6021. Short title.

This subtitle may be cited as the "Advertisements on District Department of Transportation Assets on Private Property Amendment Act of 2018".

Sec. 6022. Section 5(a)(3)(H) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.04(a)(3)(H)), is amended by striking the phrase "in public space and" and inserting the word "and" in its place.

**SUBTITLE D. RAIL SAFETY AND SECURITY**

Sec. 6031. Short title.

This subtitle may be cited as the "Rail Safety and Security Amendment Act of 2018".

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Sec. 6032. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

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

(1) The lead-in language is amended by striking the phrase "The Director shall" and inserting the phrase "After the designation of DOEE as the state safety oversight agency, the Director shall" in its place.

(2) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

(3) Paragraph (4)(B) is amended by striking the period and inserting a semicolon in its place.

(4) Paragraph (5) is amended by striking the period and inserting a semicolon in its place.

(5) Paragraph (6)(B) is amended by striking the period and inserting the phrase "; and" in its place.

(b) Section 108g (D.C. Official Code § 8-151.08g) is amended by striking the date "November 30, 2017" and inserting the date "July 1, 2019" in its place.

(c) A new section 108h is added to read as follows:

"Sec. 108h. Rail Safety and Security Fund.

"(a) There is established as a special fund the Rail Safety and Security Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section.

"(b) Revenue from fees assessed pursuant to regulations issued under section 110(c) shall be deposited into the Fund.

"(c) Money in the Fund shall be used to administer and manage expenses of the emergency response, rail safety, and rail security programs for railroad operations in the District.

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

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

(d) Section 110(c)(1) (D.C. Official Code § 8-151.10(c)(1)) is amended by striking the phrase "to implement the Rail Safety and Security Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-3)" and inserting the phrase "to implement sections 108a, 108b, 108c, 108d, 108e, 108f, and 108h, including, to the extent permissible under federal law, rules to establish fees to be paid by railroad carriers" in its place.

Sec. 6033. Section 501 of the Rail Safety and Security Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-254; 64 DCR 2028), is amended as follows:

(a) Subsection (a) is repealed.

(b) Subsection (b) is repealed.
(c) Subsection (c) is repealed.

**SUBTITLE E. TRANSIT SUBSIDY PROGRAMS**

Sec. 6041. Short title.

This subtitle may be cited as the "Transit Subsidy Programs Amendment Act of 2018".

Sec. 6042. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended as follows:

(a) Subsection (h) is revived as of September 30, 2016, and amended as follows:

(1) Paragraph (1) is amended by striking the phrase "Metrorail Transit System" and inserting the phrase "Metrorail and Metrobus Transit System and the DC Circulator" in its place.

(2) New paragraphs (7) and (8) are added to read as follows:

"(7) Notwithstanding any other provision of this section, the program authorized by this subsection may also provide subsidies for Metrorail, Metrobus, and DC Circulator fares for travel to employment or job training sites.

"(8) Notwithstanding any other provision of this section, the Mayor may implement the program authorized by this subsection through the issuance of a fare card or similar medium acceptable to the Washington Area Metropolitan Transit Authority that allows for subsidized Metrorail, Metrobus, and DC Circulator travel for purposes other than those described in this subsection, if the Mayor determines that such a fare card or similar medium will enhance the efficiency or effectiveness of the program or alleviate administrative issues encountered, or likely to be encountered, by the Washington Metropolitan Area Transit Authority in the administration of the program.".

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

(1) Paragraph (3) is repealed.

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

"(4)(A) At the end of each fiscal year, the Washington Metropolitan Area Transit Authority shall retain any unspent funds received from the District pursuant to this subsection and apply such fund balance in the following fiscal year toward the adult learner transit subsidy program authorized by this subsection.

"(B) Beginning October 1, 2019, the Washington Metropolitan Area Transit Authority shall provide a report to the Mayor and Council on the use of program funds and the projected fund balance for the fiscal year on a quarterly basis.".

**SUBTITLE F. DC WATER RATE INCREASE MITIGATION PROGRAM**

Sec. 6051. Short title.

This subtitle may be cited as the "District of Columbia Water and Sewer Authority Rate Increase Mitigation Amendment Act of 2018".

**ENROLLED ORIGINAL**

Sec. 6052. The Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), is amended as follows:

(a) Section 216 (D.C. Official Code § 34-2202.16) is amended as follows:

(1) Subsection (b-1) is amended by striking the phrase "and sewer rates" wherever it appears and inserting the phrase "and sewer rates and the impervious area charge" in its place.

(2) Subsection (d-3) is amended by striking the phrase "surface charge" and inserting the word "charge" in its place.

(b) A new section 216b is added to read as follows:

"Sec. 216b. Financial assistance programs.

"(a)(1) The Mayor shall establish a financial assistance program to assist nonprofit organizations located in the District with a payment of their impervious area charges. To be eligible for the program, a nonprofit organization shall:

"(A) Show significant hardship in paying its impervious area charge; and

"(B) Allow the Department of Energy and Environment ("DOEE"), or a nonprofit organization approved by DOEE, to visit the site of the nonprofit organization and make recommendations for potential stormwater runoff mitigation projects on the site; and

"(C) Submit, and receive DOEE's approval of, a written proposal to

"(i) Install and maintain a stormwater runoff mitigation project on the site of the non-profit organization; or

"(ii) If a stormwater mitigation project on the site of the nonprofit organization is infeasible, implement an alternative stormwater runoff mitigation measure or activity in the District.

"(D) In the case where a nonprofit organization has already installed a stormwater runoff mitigation project on-site or implemented an alternative stormwater runoff mitigation measure or activity before the financial assistance program required by this paragraph is established, the nonprofit organization may submit, and receive DOEE's approval of, evidence of the stormwater runoff mitigation project or alternative stormwater runoff mitigation measure or activity in lieu of the written proposal required by subparagraph (C) of this paragraph.

"(2) The Mayor shall establish criteria for what constitutes a significant hardship for purposes of paragraph (1)(A) of this subsection that consider, at a minimum, the nonprofit organization's revenue and the amount of the nonprofit organization's impervious area charge.

"(3) The amount of financial assistance that a nonprofit organization receives through the financial assistance program required by paragraph (1) of this subsection shall not exceed the amount of the nonprofit organization's impervious area charge; and

"(4)(A) Upon a finding that the nonprofit organization failed to make a reasonable and good faith effort to fulfill its proposal pursuant to subsection (a)(1)(C) of this section within one year after the proposal is approved, the Mayor may require reimbursement of any portion of funds, rate reduction, or payment reduction provided before the finding.

"(B) A finding of non-performance by the Mayor under subparagraph (A) of this paragraph may be appealed by an applicant pursuant to rules issued by the Mayor.

"(b)(1) The Mayor shall establish a financial assistance program to assist residential customers located in the District of Columbia with the payment of their impervious area charges.

"(2)(A) Notwithstanding paragraph (1) of this subsection, the Authority may establish the financial assistance program required by paragraph (1) of this subsection; provided, that the Mayor and the Authority enter into an agreement that authorizes the Authority to establish the financial assistance program required by paragraph (1) of this subsection.

"(B) If the Authority establishes the financial assistance program required by paragraph (1) of this subsection, pursuant to subparagraph (A) of this paragraph, the Authority may authorize another District agency to make the eligibility determinations described in paragraph (3) of this subsection.

"(3) To be eligible for the program, a residential customer shall not have an annual household income exceeding 100% of the area median income.

"(4) The Mayor, or the Authority if the Authority establishes the financial assistance program pursuant to paragraph (2) of this subsection, shall establish a sliding scale based on income level to determine the amount of financial assistance a residential customer may receive through the financial assistance program required by paragraph (1) of this subsection.

"(5) The financial assistance program required by paragraph (1) of this subsection shall supplement the financial assistance programs required by section 216(b-1).

"(c) In Fiscal Year 2019, of the funds allocated to DOEE for impervious area charge relief, at least $4 million of the funds shall be spent for the impervious area charge relief program required by subsection (a) of this section. Any remaining funds in Fiscal Year 2019 dedicated to impervious area charge relief may be allocated to the program required by subsection (b) of this section.

"(d) The Mayor shall track the number of nonprofit organizations that apply for assistance and the number of nonprofit organizations and residential customers that receive financial assistance through the financial assistance programs required by subsections (a) and (b) of this section, including how much financial assistance each eligible nonprofit organization and residential customer receives.

"(e) At the request of the Mayor, the Authority shall provide financial assistance granted pursuant to this section directly on the bills of the non-profit organizations and residential customers through a rate reduction or a payment reduction line item. The Mayor shall transfer to the Authority funding to pay the Authority for the costs associated with the rate reduction or payment reduction.

"(f) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section, including rules to establish such additional eligibility standards or requirements as the Mayor deems appropriate for implementation of the program.".

**SUBTITLE G. RENEWABLE ENERGY PLANNING AND SUPPORT**

Sec. 6061. Short title.

This subtitle may be cited as the "Renewable Energy Planning and Support Amendment Act of 2018".

Sec. 6062. Section 216(a)(2) of the Clean and Affordable Energy Act of 2008, effective October 8, 2016 (D.C. Law 21-154; D.C. Official Code § 8-1774.16(a)(2)), is amended by striking the phrase "by at least 50%." and inserting the phrase "by at least 50%. The financial benefits of roof replacements, or other capital improvements made to support the installation of a solar energy system, may be included in calculating the long-term financial benefits of solar energy production provided to low-income households." in its place.

Sec. 6063. Section 5(d) of the District of Columbia Office of Energy Act of 1980, effective March 4, 1981 (D.C. Law 3-132; D.C. Official Code § 8-171.04(d)), is amended as follows:

(a) Paragraph (16) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (17) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (18) is added to read as follows:

"(18) Develop and transmit to the Mayor and the Council a long-range plan to reduce greenhouse gas emissions in the District by 100% by 2050.".

**SUBTITLE H. SCHOOL AND PARK FACILITIES AND GROUNDS 311 EXPANSION**

Sec. 6071. Short title.

This subtitle may be cited as the "School and Park Facilities and Grounds 311 Expansion Act of 2018".

Sec. 6072. Within 180 days after the effective date of this act, the Mayor shall permit persons to submit requests via the District's 311 system for repairs and other maintenance services at Department of Parks and Recreation and District of Columbia Public Schools facilities and grounds that are maintained by the Department of General Services.

**SUBTITLE I. ANACOSTIA RIVER TOXICS REMEDIATION**

Sec. 6081. Short title.

This subtitle may be cited as the "Anacostia River Toxics Remediation Amendment Act of 2018".

Sec. 6082. 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 date "June 30, 2018" and inserting the date "December 31, 2019" in its place.

**SUBTITLE J. COMPETITIVE GRANTS**

Sec. 6091. Short title.

This subtitle may be cited as the "Competitive Grants Act of 2018".

Sec. 6092. The Department of Energy and Environment shall award an annual grant, on a competitive basis, in an amount not to exceed $200,000, to provide wildlife rehabilitation services.

Sec. 6093. In Fiscal Year 2019, the District Department of Transportation shall award a grant, on a competitive basis, in an amount not to exceed $250,000, to conduct a study identifying an optimal location for a new intercity bus station in the District. The study shall:

(1) Identify locations within the District potentially suitable for a new intercity bus terminal; and

(2) Make recommendations as to one or more optimal locations, considering land use, transportation, and economic development impacts.

**SUBTITLE K. FORT DUPONT ICE ARENA PROGRAMMING**

Sec. 6101. Short title.

This subtitle may be cited as the "Fort Dupont Ice Arena Programming Amendment Act of 2018".

Sec. 6102. Section 3 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-302), is amended by adding a new subsection (e) to read as follows:

"(e) Beginning in Fiscal Year 2017, and on an annual basis thereafter, the Department shall issue a $235,000 grant to an organization to provide programming for low-income children who are District residents at Fort Dupont Ice Arena. The grantee shall have experience in providing such programming and shall not charge a participation fee to low-income residents.".

**SUBTITLE L. AUTONOMOUS VEHICLES STUDY**

Sec. 6111. Short title.

This subtitle may be cited as the "Autonomous Vehicles Study Amendment Act of 2018".

Sec. 6112. The Autonomous Vehicle Act of 2012, effective April 23, 2013 (D.C. Law 19-278; D.C. Official Code § 50-2351 *et seq.*), is amended by adding a new section 4a to read as follows:

"Sec. 4a. Autonomous vehicles study.

"By July 1, 2019, the District Department of Transportation, in consultation, as needed, with the Office of the Chief Financial Officer or other District agencies or organizations such as DC Surface Transit, shall make publicly available a study that evaluates and makes recommendations regarding the effects of autonomous vehicles on the District, including:

"(1) The effect on the District's economy, including economic development and employment;

"(2) The impact on the District government's revenue, including motor vehicle excise taxes, motor vehicle registration fees, motor vehicle fuel taxes, residential parking permit fees, parking meter revenue, fines and fees relating to moving infractions or parking, standing, stopping, and pedestrian infractions, and commercial parking taxes;

"(3) The impact on the District's infrastructure, traffic control systems, road use, congestion, curbside management, and public space;

"(4) The impact on the District's environment and public health;

"(5) The impact on public safety in the District, including the safety of other road users such as pedestrians and bicyclists;

"(6) The impact on the District's disability community;

"(7) The impact on the various transportation modes in the District, including mass transit, shared-use vehicles, and public and private vehicles-for-hire; and

"(8) The need for and use of autonomous vehicle data, including data from autonomous vehicle manufacturers and public and private vehicle-for-hire companies.".

**SUBTITLE M. ONLINE PERMITTING FOR SCHOOL FACILITIES**

Sec. 6121. Short title.

This subtitle may be cited as the "Online Permitting for School Facilities Act of 2018".

Sec. 6122. Online permitting for school facilities.

(a) Within 180 days after the effective date of this act, the Mayor shall allow individuals and entities to apply online for a permit to use school facilities.

(b) For the purposes of this section, the term "school facilities" means fields, playgrounds, gymnasiums, multipurpose rooms, and other areas under the control of the District of Columbia Public Schools.

**SUBTITLE N. PILOT PASSENGER LOADING ZONE PROGRAM**

Sec. 6131. Short title.

This subtitle may be cited as the "Pilot Passenger Loading Zone Program Act of 2018".

Sec. 6132. Definitions.

For the purposes of this subtitle, the term:

(1) "DDOT" means the District Department of Transportation

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(2) "DPW" means the Department of Public Works

(3) "Golden Triangle BID" shall have the same meaning as provided in section 202(b) of the Business Improvement Districts Act of 1996, effective March 17, 2005 (D.C. Law 15-257; D.C. Official Code § 2–1215.52(b)).

(4) "Passenger loading zone" means a curbside street space designated on either a part-time or a full-time basis to permit vehicles to stop to load and unload passengers, either exclusively or concurrently with other uses.

(5) "Prohibited pick-up and drop-off area" means a curbside street space designated near a passenger loading zone in which vehicles are prohibited from picking up and dropping off passengers during designated hours.

Sec. 6133. Establishment of a Pilot Passenger Loading Zone Program

DDOT shall implement a pilot program ("Program") for the establishment and operation of passenger loading zones in the District as follows:

(1) DDOT shall establish one passenger loading zone in the Golden Triangle BID and may establish additional passenger loading zones elsewhere in the District.

(2) DDOT may designate one or more prohibited pick-up and drop-off areas near each passenger loading zone.

(3) DDOT shall establish hours of operation for each passenger loading zone and each prohibited pick-up and drop off-area designated pursuant to paragraphs (1) and (2) of this section.

(4) During the hours of operation established pursuant to paragraph (3) of this section, parking shall be prohibited within each passenger loading zone. A person who violates this paragraph shall be subject to a civil fine of $75.

(5) During the hours of operation established pursuant to paragraph (3) of this section, picking up and dropping off passengers shall be prohibited within each prohibited pick-up and drop-off areas. A person who violates this paragraph shall be subject to a civil fine in an amount to be determined by the Mayor.

(6) DDOT shall enforce paragraphs (4) and (5) of this section in coordination with DPW.

(7) DDOT shall post signage in each passenger loading zone and each prohibited pick-up and drop-off area identifying the zone or area's hours of operations, any other restrictions on the use of the zone or area, and the amount of the fine for violating paragraph (4) or (5) of this section and shall give notice of the same to the Department of For-Hire Vehicles, the affected Ward Councilmember, the affected Advisory Neighborhood Commission, and affected business organizations before establishment of the zone.

(8) DDOT may accept funds from a BID corporation established in accordance with the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2–1215.01 *et seq.*), and donated pursuant to section 115 of Title III of Division C of the Consolidated Appropriations Resolution, 2003, approved February 20, 2003

(117 Stat. 123; D.C. Official Code § 1-329.01); provided, that such funds shall be expended for the purpose of establishing and operating a passenger loading zone in that BID corporation's business improvement district.

(9) No later than December 31, 2019, DDOT shall present a report to the Council on the efficacy of the Program, which shall include recommendations on the continued need for a passenger loading zone in the Golden Triangle BID and in other areas in which a passenger loading zone has been established.

(10) DDOT shall operate the passenger loading zone in the Golden Triangle BID for no more than 7 months.

**SUBTITLE O. PRIVATE VEHICLE-FOR-HIRE DATA SHARING**

Sec. 6141. Short title.

This subtitle may be cited as the "Private Vehicle-For-Hire Data Sharing Amendment Act of 2018".

Sec. 6142. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.01 *et seq.*), is amended as follows:

(a) Section 20j-1 (D.C. Official Code § 50-301.29a) is amended by adding a new paragraph (13) to read as follow:

"(13)(A) Submit to the DFHV and the District Department of Transportation ("DDOT") the following information in a format approved by the Mayor, for the period July 1, 2018 through December 31, 2018 no later than February 15, 2019, and for each calendar quarter thereafter no later than 30 days after the end of that calendar quarter:

"(i) The total number of private vehicle-for-hire operators that utilized the digital dispatch services of the private vehicle-for-hire company in the District;

"(ii) A log of anonymized data relating to prearranged rides provided by private vehicle-for-hire operators that utilized the digital dispatch services of a private vehicle-for-hire company in the District that shall include the following categories of information:

"(I) For each trip originating and terminating inside of the District:

"(AA) The latitude and longitude for the points at which each ride originated and terminated, calculated to three decimal degrees;

"(BB) The date and time of request, pick-up and drop-off; and

"(CC) Whether a private or shared service was requested, and if a shared service was requested, whether the requesting rider was successfully matched with another rider;

"(II) For each trip originating outside of the District and terminating inside of the District:

"(AA) The latitude and longitude of the origination point, calculated to two decimal degrees, and the latitude and longitude of the destination point, calculated to three decimal degrees;

"(BB) The date and time of request, pick-up and drop-off; and

"(CC) Whether private or shared service was requested and, if a shared service was requested, whether the requesting rider was successfully matched with another rider; and

"(III) For each trip originating inside of the District and terminating outside of the District:

"(AA) The latitude and longitude of the origination point, calculated to three decimal degrees, and the latitude and longitude of the destination point, calculated to two decimal degrees;

"(BB) The date and time of request, pick-up and drop-off; and

"(CC) Whether private or shared service was requested and, if a shared service was requested, whether the requesting rider was successfully matched with another rider;

"(iii) The total miles driven, including both while en route to a pick-up point and while en route to a drop-off point, in the District by private vehicle-for-hire operators that utilized the digital dispatch services of the private vehicle-for-hire company in the District;

"(iv) The average fare and average distance for shared service trips and the average fare and average distance for private service trips; and

"(v) Any additional trip data that the DFHV or DDOT deems necessary for inclusion as set forth in rules adopted by 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.*); provided, that such rules shall specify that such trip data shall be anonymized and may be used only for the purposes of public safety, congestion management, and transportation planning, including curbside management, road improvements, traffic management, transit service planning, and the allocation of public monies for those purposes.

"(B) The Mayor may request additional relevant information from a private vehicle-for-hire company pertaining to any trip referenced in a Metropolitan Police Department police report, provided that the report references one or more alleged criminal incidents alleged to have occurred during the time that a private vehicle-for-hire operator that utilized the digital dispatch services of the private vehicle-for-hire company was conducting a trip in the District.

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"(C) Any information that is received pursuant to subparagraphs (A) and (B) of this paragraph shall be deemed confidential and shall:

"(i) Be exempt from disclosure pursuant to section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532);

"(ii) Be safely and securely stored by the District and the District shall take all reasonable measures and efforts to protect, secure, and, when appropriate, encrypt or limit access to any data provided; and

"(iii) For information received pursuant to subparagraph (A), not include the personal information of passengers or private vehicle-for-hire operators that utilized the digital dispatch services of the private vehicle-for-hire company in the District.

"(D) 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 govern the sharing or publishing of conclusions and analysis derived from any information that is received pursuant to subparagraphs (A) and (B) of this paragraph; provided, that the conclusions and analysis shared shall not contain the original information that is received by the District pursuant to subparagraphs (A) and (B) of this paragraph and any shared or published data derived from the information that is received by the District pursuant to subparagraphs (A) and (B) of this paragraph shall be anonymized and aggregated across all private vehicle-for-hire companies.

"(E)(i) The Mayor may enter into a confidential data sharing agreement with the Washington Metropolitan Area Transit Authority ("WMATA") or the Metropolitan Washington Council of Governments ("MWCOG") to provide those entities with anonymized and aggregated data derived from information that is received by the District pursuant to subparagraph (A) of this paragraph; provided, that the Mayor shall provide such data in a quantity and at a level of detail that is reasonably necessary for WMATA or MWCOG to conduct the analysis specified in the confidential data sharing agreement.

"(ii) A confidential data sharing agreement entered into pursuant to sub-subparagraph (i) of this subparagraph shall require WMATA or MWCOG to agree that:

"(I) The data provided shall not be disclosed by WMATA or MWCOG and shall be treated as confidential or otherwise protected for purposes of WMATA's or MWCOG's public-records requirements;

"(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, WMATA or MWCOG may disclose conclusions and analysis derived from the original information received pursuant subparagraph (E); provided, that the Mayor approve such disclosure and that any data disclosed by WMATA or MWCOG shall be anonymized and aggregated across all private vehicle-for-hire companies; and

"(III) WMATA or MWCOG shall pay the District an amount certain for each violation of the terms of the confidential data sharing agreement.".

(b) Section 20l(c-1) (D.C. Official Code § 50-301.31(c-1)) is repealed.

Sec. 6143. Section 204(a) of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

(a) Paragraph (15) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (16) is amended by striking the period at the end and inserting the phrase "; and" in its place.

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

"(17) Information exempt from disclosure pursuant to section 20j-1(13)(C)(i) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code § 50-301.29a(13)(C)(i)).".

**SUBTITLE P. DANBURY STATION WATER METER INSTALLATION**

Sec. 6151. Short title.

This subtitle may be cited as the "Danbury Station Water Meter Installation Amendment Act of 2018".

Sec. 6152. Section 5 of An Act To provide for the drainage of lots in the District of Columbia, effective March 29, 1977 (D.C. Law 1-98; D.C. Official Code § 8-205), is amended by adding a new subsection (b-1) to read as follows:

"(b-1)(1) The District of Columbia Water and Sewer Authority is authorized to install individual water meters and appurtenances and perform related excavation and restoration work for dwelling units at Danbury Station on the north side of Danbury Street, S.W., addresses 1 to 177, and on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258.

"(2) The District of Columbia Water and Sewer Authority shall not commence work authorized by paragraph (1) of this subsection until funds necessary to satisfy all costs, reserves, and expenses attributable to the work are received from the Department of Energy and Environment or other sources.".

**TITLE VII. FINANCE AND REVENUE**

**SUBTITLE A. SENIOR RESIDENTS REAL PROPERTY TAX CAP**

Sec. 7001. Short title.

This subtitle may be cited as the "Senior Residents Real Property Tax Cap Amendment Act of 2018".

Sec. 7002. Section 47-864(b)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (A)(ii) is amended by striking the phrase "assessment; or" and inserting the phrase "assessment; provided, that for real property receiving the homestead deduction under § 47-850 and the tax relief deduction provided under § 47-863, the multiplier shall be 105%; or" in its place.

(b) Subparagraph (B)(i) is amended by striking the phrase "by 110%; and" and inserting the phrase "by 110%; provided, that for real property receiving the homestead deduction under § 47-850 and the tax relief deduction provided under § 47-863, the multiplier shall be 105%; and" in its place.

**SUBTITLE B. SUBJECT-TO-APPROPRIATIONS AMENDMENTS**

Sec. 7011. Short title.

This subtitle may be cited as the "Subject-to-Appropriations Amendment Act of 2018".

Sec. 7012. Section 102(a)(2) of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.02(a)(2)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase "Beginning July 1, 2017, or upon funding, whichever occurs later, an LEA shall" and inserting the phrase "Beginning July 1, 2018, an LEA shall" in its place.

(b) Subparagraph (B) is repealed.

Sec. 7013. Section 656(c) of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-656(c)), is amended to read as follows:

"(c) Section 652 shall apply as of October 1, 2018.".

Sec. 7014. Section 7h of the State Education Office Establishment Act of 2000, effective March 10, 2015 (D.C. Law 20-195; D.C. Official Code § 38-2614), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "Beginning July 1, 2016, or upon funding, whichever occurs later, the first IEP" and inserting the phrase "Beginning July 1, 2018, the first IEP" in its place.

(2) Paragraph (3) is amended by striking the phrase "Beginning July 1, 2017, or upon funding, whichever occurs later, a child" and inserting the phrase "Beginning July 1, 2018, a child" in its place.

(b) Subsection (c) is repealed.

Sec. 7015. Section 4 of the Naval Lodge Building, Inc. Real Property Tax Relief Act of 2015, effective October 21, 2015 (D.C. Law 21-30; D.C. Official Code § 47-1097, note), is amended to read as follows:

"Sec. 4. Applicability.

"(a) Section 2 shall apply as of October 1, 2018.

"(b)(1) Section 3 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

"(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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

Sec. 7016. Section 701 of the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; 63 DCR 15312), is repealed.

Sec. 7017. Section 4 of the Elderly Tenant and Tenant with a Disability Protection Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-239; 64 DCR 1588), is repealed.

Sec. 7018. Section 3 of the Four-unit Rental Housing Tenant Grandfathering Amendment Act of 2016, effective April 15, 2017 (D.C. Law 21-270; 64 DCR 942), is repealed.

Sec. 7019. Section 11 of the Childhood Lead Exposure Prevention Amendment Act of 2017, effective September 23, 2017 (D.C. Law 22-21; 64 DCR 7631), is amended as follows:

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

"(a) Amendatory section 501a(b) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01 *et seq.*), within section 2(c) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.".

(b) Subsection (c)(2) is amended by striking the phrase "sections 2, 3, 4, 7, 8, and 9" and inserting the phrase "this act" in its place.

Sec. 7020. Section 16 of the Union Market Tax Increment Financing Act of 2017, effective February 15, 2018 (D.C. Law 22-58; 64 DCR 13442), is repealed.

Sec. 7021. Section 5 of the Prohibition Against Selling Tobacco Products to Individuals Under 21 Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-191; 63 DCR 15003), is repealed.

Sec. 7022. Section 3 of the Feminine Hygiene and Diaper Sales Tax Exemption Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-201; 63 DCR 15041), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "This act shall" and inserting the phrase "Section 47-2005(39) of the District of Columbia Official Code, as added by section 2(b), shall" in its place.

(b) Subsection (c)(2) is amended by striking the phrase "this act" and inserting the phrase "D.C. Official Code § 47-2005(39), as added by section 2(b)" in its place.

Sec. 7023. Section 7 of the Health Literacy Council Establishment Act of 2017, effective March 6, 2018 (D.C. Law 22-66; D.C. Official Code § 7-757.06), is repealed.

Sec. 7024. Section 4 of the Defending Access to Women's Health Care Services Amendment Act of 2018, effective March 28, 2018 (D.C. Law 22-75; 65 DCR 1374), is repealed.

Sec. 7025. Section 4 of the National Community Reinvestment Coalition Real Property Tax Exemption Amendment Act of 2018, effective March 29, 2018 (D.C. Law 22-76; 65 DCR 1551), is repealed.

Sec. 7026. Section 3 of the Electric Vehicle Public Infrastructure Expansion Amendment Act of 2018, effective March 29, 2018 (D.C. Law 22-78; 65 DCR 1560), is repealed.

Sec. 7027. Section 4 of the Africare Real Property Tax Relief Act of 2018, effective March 29, 2018 (D.C. Law 22-79; 65 DCR 1563), is repealed.

Sec. 7028. (a) Section 3 of the East End Grocery and Retail Incentive Tax Exemption Act of 2018, effective March 29, 2018 (D.C. Law 22-83; 65 DCR 1586), is repealed.

(b) Section 47-4667(g)(2) of the District of Columbia Official Code is amended by striking the phrase "goods," and inserting the phrase "goods, up to one retail store per location that co-anchors the development," in its place.

Sec. 7029. Section 3 of the Office of Employee Appeals Hearing Examiner Classification Amendment Act of 2018, effective April 25, 2018 (D.C. Law 22-87; 65 DCR 2368), is repealed.

Sec. 7030. Section 301 of the Workforce Development System Transparency Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-95; 65 DCR 2861), is repealed.

Sec. 7031. Section 3 of the Deferred Compensation Program Enrollment Amendment Act of 2018, effective June 5, 2018 (D.C. Law 22-102; 65 DCR 3774), is repealed.

Sec. 7032. Section 6 of the Office-to-Affordable-Housing Task Force Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-103; D.C. Official Code § 42-2161.05), is repealed.

Sec. 7033. Section 10 of the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.09), is repealed.

Sec. 7034. Section 3 of the University of the District of Columbia Leased Property Tax Abatement Amendment Act of 2018, enacted on May 3, 2018 (D.C. Act 22-319; 65 DCR 5028), is repealed.

Sec. 7035. Section 301 of the Address Confidentiality Act of 2018, enacted on May 7, 2018 (D.C. Act 22-337; 65 DCR 5064), is repealed.

Sec. 7036. Section 4 of the Home Composting Incentives Amendment Act of 2018, enacted on May 21, 2018 (D.C. Act 22-373; 65 DCR 5984), is repealed.

**SUBTITLE C. QUALIFIED BUSINESS INCOME TAX DEDUCTION CLARIFICATION**

Sec. 7041. Short title.

This subtitle may be cited as the "Qualified Business Income Tax Deduction Clarification Amendment Act of 2018".

Sec. 7042. Section 47-1803.03(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (8) is repealed.

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

"(9) A deduction allowed under section 199A of the Internal Revenue Code of 1986 (26 U.S.C. § 199A).".

Sec. 7043. Applicability.

This subtitle shall apply as of January 1, 2018.

**SUBTITLE D. UNIVERSITY OF THE DISTRICT OF COLUMBIA FUNDRAISING MATCH**

Sec. 7051. Short title.

This subtitle may be cited as the "University of the District of Columbia Fundraising Match Act of 2018".

Sec. 7052. (a) In Fiscal Year 2019, of the funds allocated to the Non-Departmental agency, $1, up to a maximum of $1.5 million, shall be transferred to the University of the District of Columbia ("UDC") for every $2 that UDC raises from private donations by April 1, 2019.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less than one-third of the funds shall be deposited into UDC's endowment fund.

**SUBTITLE E. PRIVATE SECURITY CAMERA SYSTEM INCENTIVE**

Sec. 7061. Short title.

This subtitle may be cited as the "Private Security Camera System Incentive Clarification Amendment Act of 2018".

Sec. 7062. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (FF) to read as follows:

"(FF) The amount received by a taxpayer pursuant to § 7-2831(b).".

Sec. 7063. Applicability.

This subtitle shall apply as of January 1, 2018.

**SUBTITLE F. COMMISSION ON THE ARTS AND HUMANITIES CLARIFICATION**

Sec. 7071. Short title.

This subtitle may be cited as the "Commission on the Arts and Humanities Amendment Act of 2018".

Sec. 7072. The Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-201 *et. seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 39-203) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "shall be a person" and inserting the phrase "shall be a District resident" in its place.

(2) Subsection (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 1 in the year of appointment and expire on June 30 of the 3rd year. Terms shall be staggered so that 6 terms expire each year on June 30. 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.".

(b) Section 6a(a-1) (D.C. Official Code § 39-205.01(a-1)) is amended as follows:

(1) Paragraph (3) is amended by striking the word "and".

(2) Paragraph (4) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(5) Subject to the availability of funds, up to $2.5 million annually pursuant to section 1045(d) of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.04(d)).".

**SUBTITLE G. REAL PROPERTY TAX ABATEMENT REPORTING**

Sec. 7081. Short title.

This subtitle may be cited as the "Real Property Tax Abatement Reporting Clarification Amendment Act of 2018".

Sec. 7082. Section 47-1007(a) of the District of Columbia Official Code is amended by striking the last sentence.

**SUBTITLE H. REAL PROPERTY TAX CLARIFICATION**

Sec. 7091. Short title.

This subtitle may be cited as the "Real Property Tax Clarification Amendment Act of 2018".

Sec. 7092. Title III of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq*), is amended as follows:

(a) Section 302 (D.C. Official Code § 42-1102) is amended as follows:

(1) Paragraph (21) is amended by striking the phrase "§ 47-813(c-4)" both times it appears and inserting the phrase "§ 47-813" in its place.

(2) Paragraph (32) is amended to read as follows:

"(32) A deed of title or a security interest instrument as to which the Mayor has issued a valid certification of exemption pursuant to D.C. Official Code § 47-1005.02 as to both the property conveyed or encumbered and the grantee of the deed of title or the grantor of the security interest; provided, that, unless waived by regulation, to claim an exemption a copy of the certification of exemption shall accompany the deed of title or security interest instrument at the time it is submitted for recordation;".

(b) Section 303(a)(1)(B) (D.C. Official Code § 42-1103(a)(1)(B)), is amended by adding a new sub-subparagraph (iii) to read as follows:

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"(iii) If there is no consideration for a lease or ground rent or the consideration is nominal, the rate of tax shall be applied to the fair market value of the real property covered by the lease or ground rent, as determined by the Mayor.".

Sec. 7093. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-412.01 is amended by striking the phrase "Office of Tax and Revenue" and inserting the phrase "Chief Financial Officer" in its place.

(b) Chapter 10 is amended as follows:

(1) Section 47-1005(c) is amended by striking the phrase "by individuals for the purpose of producing food commodities, as defined in § 47-1806.14(f)" and inserting the phrase "as an urban farm as certified by the Department of General Services pursuant to § 47-868" in its place.

(2) Section 47-1005.01 is amended as follows:

(A) Subsection (f)(3) is amended by striking the phrase "this title." and inserting the phrase "this title and subject to the statute of limitations of collections in Chapter 43 of this title." in its place.

(B) New subsections (i) and (j) are added to read as follows:

"(i) The estimated assessment roll, description of the real property to which the interest or use relates, mailing address of the person with the interest or use, property use information, valuation history, other information in the public record, and information (excluding a confidential lease) not made confidential as a valuation record as defined under § 47-821(d)(2) may be published by the Mayor by any form of electronic media, including the Internet.

"(j) The provisions of § 47-811.02 shall apply to any payment of possessory interest tax.".

(3) Section 47-1005.02(a) is amended by adding a new paragraph (3) to read as follows:

"(3) A security interest instrument, including a mortgage or deed of trust, securing debt incurred to acquire, develop, or redevelop property described in paragraph (1) of this subsection, or a refinancing or modification of a debt on such property, shall be exempt from the tax imposed by Chapter 11 of Title 42; provided, that a certification of exemption has been made pursuant to subsection (b)(1) of this section with respect to both the owner granting the security interest and the property encumbered by the security interest. Unless waived by regulation, to claim an exemption, a copy of the certification of exemption shall accompany the security interest instrument at the time it is submitted for recordation.".

(c) Chapter 13 is amended as follows:

(1) Section 47-1345(b) is amended by striking the phrase "improvements only" and inserting the phrase "improvements only, for the remaining period as provided in the lease and subject to the other terms and conditions of the lease" in its place.

(2) Section 47-1355(a)(3) is amended to read as follows:

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"(3) An action to foreclose the right of redemption is dismissed for lack of prosecution, or a pleading has not been filed by the plaintiff within the later of one year from the last hearing in the case or October 1, 2019.".

(3) Section 47-1361(b-1) is amended by striking the phrase "and sold as a lien at a tax sale" and inserting the phrase "and appears on a real property tax bill or notice that was mailed to the real property's owner as indicated on the tax roll to the owner's mailing address on the tax roll" in its place.

(4) Section 47-1382(f) is amended to read as follows:

"(f)(1) If the purchaser fails to pay to the Mayor the amount required under this section within 30 days of the final judgment, the final judgment may be vacated as void by the Superior Court on the motion of any party. If the purchaser fails to pay to the Mayor the amount required under this section within one year from the date of the final judgment or by October 1, 2019, whichever is later, the final judgment shall become vacated as void without need for a motion to the Superior Court.

"(2) If the purchaser does not record the deed in the Recorder of Deeds within 30 days of the execution of the deed, the final judgment may be vacated as void by the Superior Court on the motion of any party.

"(3) If a final judgment is vacated as void as provided under this subsection, any deed and the certificate of sale are void and all money paid by the purchaser to the Mayor is forfeited, except as provided in § 47-1354(c).".

**SUBTITLE I. OCFO FINGERPRINTING AUTHORIZATION**

Sec. 7101. Short title.

This subtitle may be cited as the "Office of the Chief Financial Officer Fingerprinting Authorization Amendment Act of 2018".

Sec. 7102. Section 2-2504 of section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1304), is amended by adding a sentence at the end to read as follows: "The Chief Financial Officer may require the fingerprinting of the Office's contractors.".

Sec. 7103. Section 47-4406 of the District of Columbia Official Code is amended by adding new subsections (g) and (h) to read as follows:

"(g)(1) Notwithstanding any other law, the Office of the Chief Financial Officer is authorized to require federal and state criminal background investigations on any employee, candidate for employment, contractor, or subcontractor of the Office of the Chief Financial Officer that has or will have access to federal tax information for the purpose of determining the individual's suitability to access federal tax information as required by section 6103(p)(4) of the Internal Revenue Code (26 U.S.C. § 6103(p)(4)).

"(2)(A) The criminal background investigations shall be conducted in accordance with section 6103(p)(4) of the Internal Revenue Code (26 U.S.C. § 6103(p)(4)), and shall include a fingerprint-based criminal record check of national crime information databases.

"(B) For the criminal record check authorized pursuant to this paragraph, the Office of the Chief Financial Officer shall submit the individual's fingerprints to the Office of Integrity and Oversight for forwarding to the Federal Bureau of Investigation.

"(3) Prospective employees shall be subject to fingerprinting and national, state, and local criminal history records checks only after a conditional offer of employment has been made.

"(4) Current employees, contractors, and subcontractors with access to federal tax information shall be subject to fingerprinting and national, state, and local criminal history records checks at a minimum of every 10 years.

"(5) The Chief Financial Officer may adopt rules to implement the provisions of this subsection.

"(h) For the purposes of this section, the term:

"(1) "Criminal background investigation" means a District, local, state, or national fingerprint-supported criminal history investigation.

"(2) "Employee" means an individual employed by the Office of the Chief Financial Officer, an individual working for a private business entity under contract with the Office of the Chief Financial Officer, an individual working for a private business entity under contract with the District of Columbia, or an individual who is employed by the District of Columbia.

"(3) "Federal tax information" means a return or return information received directly from the Internal Revenue Service or obtained through an authorized secondary source, such as the Social Security Administration or any entity acting on behalf of the Internal Revenue Service pursuant to an Internal Revenue Code section 6103(p)(2)(B) agreement.".

**SUBTITLE J. MOTOR FUEL IMPORTER'S LICENSE FEE**

Sec. 7111. Short title.

This subtitle may be cited as the "Motor Fuel Importer's License Fee Amendment Act of 2018".

Sec. 7112. Chapter 23 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-2303. Importer's license, application contents; fee; bond; issuance; revocation." and inserting the phrase "47-2303. Importer's license, application contents; bond; issuance; revocation." in its place.

(b) Section 47-2303 is amended as follows:

(1) The section heading is amended by striking the phrase "application contents; fee;" and inserting the phrase "application contents;" in its place.

(2) Subsection (a) is amended by striking the phrase "the applicant shall pay to the Collector of Taxes as an annual license fee the sum of $5 and" and inserting the phrase "the applicant" in its place.

(3) Subsection (b) is amended by striking the phrase "application and bond and the payment of the fee" and inserting the phrase "application and bond" in its place.

Sec. 7113. Applicability.

This subtitle shall apply as of November 1, 2018.

**SUBTITLE K. TELEVISION, VIDEO, OR RADIO SERVICE**

Sec. 7121. Short title.

This subtitle may be cited as the "Television, Video, or Radio Service Amendment Act of 2018".

Sec. 7122. Section 47-2501.01(a) of the District of Columbia Official Code is amended by striking the phrase "On a quarterly basis and at the quarterly intervals prescribed by the Mayor," and inserting the phrase "Before the 21st day of each calendar month," in its place.

**SUBTITLE L. DELINQUENT DEBT RECOVERY**

Sec. 7131. Short title.

This subtitle may be cited as the "Delinquent Debt Recovery Amendment Act of 2018".

Sec. 7132. Section 1045 of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.04), is amended to read as follows:

"Sec. 1045. Delinquent Debt Fund.

"(a) There is established within the General Fund of the District of Columbia a special fund known as the Delinquent Debt Fund ("Fund"), which shall be administered by the Central Collection Unit in accordance with subsections (c) and (d) of this section.

"(b) Revenue from the following sources shall be deposited in the Fund:

"(1) Funds allocated to the Central Collection Unit through the District's annual Budget and Financial Plan;

"(2) All delinquent debts collected by the Central Collection Unit, except those amounts described in section 1043(a-1) and (a-2); and

"(3) All fees authorized by section 1044.

"(c) Money in the Fund shall be used to conduct the authorized activities of the Central Collection Unit.

"(d) After all operational and administrative expenses of the Central Collection Unit have been paid, as certified by the Chief Financial Officer in the year-end close, the lesser of $2.5 million or the remaining cash balance in the Fund, in excess of the amount certified as local

funds in the most recent revenue estimate of the Chief Financial Officer, shall be transferred from the Fund to the Arts and Humanities Enterprise Fund, established by section 6a of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-205.01); provided, that any cash balance remaining in the Fund after the transfer to the Arts and Humanities Enterprise Fund shall revert to the unrestricted balance of the General Fund of the District of Columbia.".

**SUBTITLE M. COMMISSION ON THE ARTS AND HUMANITIES GRANTS**

Sec. 7141. Short title.

This subtitle may be cited as the "Commission on the Arts and Humanities Grants Act of 2018".

Sec. 7142. Pursuant to the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 *et seq.*), the Commission on the Arts and Humanities shall award, on a competitive basis, a grant to create a statue to honor native Washingtonian Charles Hamilton Houston that includes a plaque or other display element that recognizes his role as a champion of civil rights, a Dean of Howard University Law School, and the first special counsel for the NAACP, in an amount not to exceed $300,000.

Sec. 7143. In Fiscal Year 2019, the Commission on the Arts and Humanities shall award, on a competitive basis, grants to:

(1) Provide support to an organization preserving the history of the District of Columbia for a program engaging students to research the history of their schools and produce a museum-quality exhibit, in an amount not to exceed $50,000;

(2) Provide support to a nonprofit, tax-exempt organization dedicated to preserving African-American cemeteries and burial grounds and their associated history, located in Georgetown, to establish markings and boundaries for these cemeteries and burial grounds and to make the locations of the graves and the identity of those buried in those graves visible and clearly defined, in an amount not to exceed $200,000;

(3) Provide support to infrastructure improvements, such as planting and planning, and for outreach events concerning the National Mall and its grounds to a nonprofit organization dedicated to improving, preserving, and restoring the National Mall, in an amount not to exceed $250,000;

(4) Assist with capital improvements, such as replacing aging building systems and production infrastructure, at a theater in the Central Business District that offers Broadway-style musicals, in an amount not to exceed $1.5 million;

(5) Provide a literary-enrichment program for District of Columbia public schools and public charter schools, including the provision of copies of literature and curricular materials and author visits for literary discussion with students, in an amount not to exceed $250,000;

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(6) Support an existing museum dedicated to architecture, building, and design that serves District residents and visitors to the District to enhance activities and infrastructure, which shall include District-centric programming, a dedicated gallery, a visitor orientation center, planning and outreach for an exhibition about District of Columbia history, and an exhibition about its historically landmarked building, in an amount not to exceed $750,000;

(7) Support an international film festival scheduled to take place in April 2019 at Landmark's E Street Cinema and AMC Mazza Gallerie movie theaters, in an amount not to exceed $500,000;

(8) Assist with capital improvements for a nonprofit theatre located in Ward 5 along Florida Avenue, N.E., that provides unique producing and presenting experiences for artists and has produced an arts festival for at least the past decade, in an amount not to exceed $2 million;

(9) Assist with the repainting of the Chinatown Arch, in an amount not to exceed $200,000;

(10) Support a nonprofit, tax-exempt theater organization with a facility that opened in 2005 in the Penn Quarter neighborhood to upgrade and renovate its existing facilities, including rehearsal hall and theater, heating, ventilation, and air conditioning upgrades, bathroom, concessions, theater seating, and lobby renovations, and the enhancement of its security and safety systems, to improve public access and to increase the number of patrons to the facility, in an amount not to exceed $1 million;

(11) Support an initiative to present the east coast premiere of a newly commissioned work, with a week of related free community engagement events, in an amount not to exceed $75,000;

(12) Support a dance organization that has served the District for more than 70 years through performances, classes, and community engagement programs at THEARC, in an amount not to exceed $1 million;

(13) Assist a historical society that collects materials that document the history of everyday life in the District of Columbia, presents programs, and produces exhibits, with transition into new space and to facilitate the anticipated increase in visitors, in an amount not to exceed $100,000;

(14) Assist an existing nonprofit performing arts center, located in a building on the National Register of Historic Places within the H Street, N.E. Strategic Development Plan area, with capital improvements and related facility maintenance, including the repair, maintenance, replacement and upgrade of fire, life, safety, sanitation, electrical and HVAC systems, flooring and building infrastructure, in an amount not to exceed $1 million; and

(15) Support a nonprofit organization dedicated to enriching the quality of life, fostering intellectual stimulation, and promoting cross-cultural understanding and appreciation of local history in all neighborhoods of the District through humanities programs and grants in an amount not to exceed $1 million.".

Sec. 7144. In Fiscal Year 2023, the Commission on the Arts and Humanities shall award, on a competitive basis, a grant to provide support to a nonprofit, tax-exempt museum that is located in the Fort Totten neighborhood and accessible by the Fort Totten metro station, dedicated to children's education through immersive play and learning opportunities with tools and materials that encourage creativity and problem solving in a social environment, in an amount not to exceed $1 million.

**SUBTITLE N. ALABAMA AVENUE IHOP PROPERTY TAX EXEMPTION**

Sec. 7151. Short title.

This subtitle may be cited as the "Alabama Avenue International House of Pancakes Real Property Tax Exemption Amendment Act of 2018".

Sec. 7152. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4650.01. Father & Sons, LLC; Lot 819, Square 5912.".

(b) A new section 47-4650.01 is added to read as follows:

"§ 47-4650.01. Father & Sons, LLC; Lot 819, Square 5912.

"(a) The real property described as Lot 819, Square 5912 ("Property"), shall be exempt from the tax imposed by Chapter 8 of this title for the period beginning October 1, 2018 and ending September 30, 2027, as long as:

"(1) The Property is leased by Father & Sons, LLC;

"(2) The Property is used for restaurant purposes;

"(3) At least 51% of permanent jobs in the restaurant are filled by District residents, with a minimum of 31% of the District resident jobs reserved for Ward 8 residents;

"(4) All apprenticeships are reserved for District residents with preference given to Ward 8 residents; and

"(5) The benefit of this exemption is passed on to Father & Sons, LLC in the form of reduced rent equal to the amount of the tax exemption.

"(b)(1) In each year of the exemption period, the Mayor shall certify to the Office of Tax and Revenue the Property's eligibility for the exemption provided pursuant to subsection (a) of this section. The Mayor's certification shall include:

"(A) The Property's owner and lessee, the use of the Property, and the term of the lease;

"(B) The amount of the tax exemption passed to the lessee as a reduction in rent;

"(C) A description of the eligible Property by street address, square and lot, the eligible premises, including the floor, or floors, location, and square footage of the area eligible for the exemption, and the date that eligibility begins or ends; and

"(D) Any other information that the Mayor considers necessary or appropriate.

"(2) If at any time the Mayor determines that the occupant has become ineligible for the exemption provided pursuant to subsection (a) of this section, the Mayor shall notify the Office of Tax and Revenue and shall specify the date that the Property became ineligible.".

**SUBTITLE O. NONPROFIT STORMWATER INFRASTRUCTURE INCENTIVE**

Sec. 7161. Short title.

This subtitle may be cited as the "Nonprofit Stormwater Infrastructure Incentive Amendment Act of 2018".

Sec. 7162. Section 47-1005 of the District of Columbia Official Code is amended by adding a new subsection (d) to read as follows:

"(d) This section shall not apply to buildings or grounds used to generate stormwater retention credits certified in accordance with section 531 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 531).".

**SUBTITLE P. EXTENSION OF PARKSIDE TAX ABATEMENT**

Sec. 7171. Short title.

This subtitle may be cited as the "Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Amendment Act of 2018".

Sec. 7172. Section 47-4658(a) of the District of Columbia Official Code is amended as follows:

(a) Strike the phrase "10 property tax years" and insert the phrase "30 real property tax years" in its place.

(b) Strike the phrase "10th full real property tax year" and insert the phrase "30th full real property tax year" in its place.

**SUBTITLE Q. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH**

Sec. 7181. Short title.

This subtitle may be cited as the "National Cherry Blossom Festival Fundraising Match Act of 2018".

Sec. 7182. (a) There is established a matching grant program to support the 2019 National Cherry Blossom Festival ("Program"), which shall be administered by the Washington Convention and Sports Authority ("Authority"). Under the Program, a matching grant shall be awarded to a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival ("Festival") of up to $300,000 for every

dollar above $750,000 that the organization has raised in corporate donations by March 31, 2019.

(b) In Fiscal Year 2019, of the funds allocated to the Non-Departmental account, $300,000 shall be transferred to the Authority to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by the Authority in support of the Festival.

**SUBTITLE R. CERTIFICATION OF ACCUMULATED GENERAL FUND BALANCE**

Sec. 7191. Short title.

This subtitle may be cited as the "Certification of Accumulated General Fund Balance Amendment Act of 2018".

Sec. 7192. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "Certification by the CFO of minimum 5% accumulated general fund balance." and inserting the phrase "Certification by the CFO of minimum 5% accumulated general fund balance. [Repealed]." in its place.

(b) Section 47-387.01 is repealed.

**SUBTITLE S. COUNCIL PERIOD 22 RULE 736 REPEALS**

Sec. 7201. Short title.

This subtitle may be cited as the "Council Period 22 Rule 736 Amendment Act of 2018".

Sec. 7202. The Washington Metropolitan Area Transit Authority Fund Act of 2006, effective June 16, 2006 (D.C. Law 16-132; D.C. Official Code § 9-1108.01 *et seq.*), is repealed.

Sec. 7203. The Pesticide Education and Control Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-191; D.C. Official Code § 8-431 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 8-436) is repealed.

(b) Section 14(b) is repealed.

Sec. 7204. The Stroke System of Care Act of 2014, effective March 10, 2015 (D.C. Law 20-185; D.C. Official Code § 44-1151 *et seq.*), is repealed.

Sec. 7205. The Unemployment Profile Act of 2015, effective December 15, 2015 (D.C. Law 21-38; D.C. Official Code § 32-1371 *et seq.*), is repealed.

**ENROLLED ORIGINAL**

**SUBTITLE T. OLD NAVAL HOSPITAL TAX EXEMPTION CLARIFICATION**

Sec. 7211. Short title.

This subtitle may be cited as the "Old Naval Hospital Tax Exemption Clarification Amendment Act of 2018".

Sec. 7212. Section 47-1087 of the District of Columbia Official Code is amended as follows:

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

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (A) is amended as follows:

(i) Strike the phrase "for 5 years" and insert the phrase "until July 1, 2017," in its place.

(ii) Strike the phrase "for the length of the 2010 lease" and insert the phrase "until July 1, 2017," in its place.

(iii) Strike the phrase "upon the expiration of the extension described in paragraph (2) of this subsection" and insert the phrase "on July 1, 2017" in its place.

(iv) Strike the phrase "subject to the provisions of §§ 47-1007 and 47-1009" and insert the phrase "subject to the provisions of § 47-1009" in its place.

(B) Subparagraph (B) is amended by striking the phrase "Upon the expiration of the extension, the" and inserting the phrase "Starting on July 1, 2017, the" in its place.

(2) Paragraph (2) is repealed.

(b) Subsection (b) is amended by striking the phrase "during the period of the 5-year exemption and any extension" and inserting the phrase "during the period of the exemption described in subsection (a) of this section" in its place.

**SUBTITLE U. EQUITABLE TAX RECALCULATION AND TAX SALE REMEDIATION**

Sec. 7221. Short title.

This subtitle may be cited as the "Lot 0807 in Square 1066 Equitable Tax Recalculation and Tax Sale Remediation Act of 2018".

Sec. 7222. (a) The assessed value for Lot 0807 in Square 1066 ("Property") for tax year:

(1) 2005 and 2006 shall be $12,290;

(2) 2007 shall be $14,750;

(3) 2008 shall be $16,220; and

(4) 2009 and 2010 shall be $17,840.

(b) The real property tax classification for the Property shall be revised to be Class 1 beginning with tax year 2004 through and including tax year 2009.

(c)(1) Notwithstanding § 47-811.02 and subject to paragraph (2) of this subsection, the Council orders that:

(A) Any overpayment resulting from the recalculation of taxes pursuant to this subtitle be refunded to the current property owner;

(B) The tax sale in March 2016 related to the Property be canceled;

(C) All expenses incurred or owed to the tax sale purchaser under § 47-1377 be reimbursed or paid by the District;

(D) Reasonable legal expenses incurred to defend against the tax sale be reimbursed by the District to the current record owner of the Property; and

(E) Reasonable interest payments made to pay taxes and expenses to redeem the Property and for the defense against the tax sale be reimbursed by the District to the current record owner of the Property.

(2) The proposed recipient of any payment under this section shall substantiate to the Chief Financial Officer of the District of Columbia ("CFO"), to the satisfaction of the CFO, the overpayment, expense, or interest incurred before receiving any payment.

**SUBTITLE V. ESTATE TAX CLARIFICATION**

Sec. 7231. Short title.

This subtitle may be cited as the "Estate Tax Clarification Amendment Act of 2018".

Sec. 7232. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-181(c)(13) is amended by striking the phrase "from $2 million to conform to the federal level" and inserting the phrase "from $2 million to the amount set forth at § 47-3701(14)(C)" in its place.

(b) Section 47-3701 is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

"(1)(A) Cost-of-living adjustment" means the ratio of CPI for the preceding calendar year and the CPI for the base year.

"(B) For the purposes of this paragraph, the term:

"(i) "Base year" means the calendar year beginning January 1, 2017.

"(ii) "CPI" means, for any calendar year, the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for All Urban Consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year.

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

(A) Subparagraph (A) is amended by striking the phrase "on or after April 1, 1987, but prior to January 1, 2002" and inserting the phrase "after March 31, 1987, but before January 1, 2002" in its place.

(B) Subparagraph (B) is amended by striking the phrase "on or after January 1, 2002" and inserting the phrase "after December 31, 2001, but before January 1, 2003" in its place.

(C) Subparagraph (C) is amended by striking the phrase "decedent dying after December 31, 2002" and inserting the phrase "decedent whose death occurs after December 31, 2002" in its place.

(D) Subparagraph (D) is amended by striking the phrase "decedent dying after December 31, 2016" and inserting the phrase "decedent whose death occurs after December 31, 2016" in its place.

(E) Subparagraph (E)(ii) is amended to read as follows:

"(ii) The amount of the unified credit shall be $2,185,800, increased annually, beginning with the year commencing on January 1, 2019, by the cost-of-living adjustment; and".

(4) Paragraph (5) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "decedent whose death occurs prior to January 1, 2008" and inserting the phrase "decedent whose death occurs before January 1, 2008" in its place.

(B) Subparagraph (B) is amended by striking the phrase "decedent whose death occurs on or subsequent to January 1, 2008" and inserting the phrase "decedent whose death occurs after December 31, 2007" in its place.

(5) Paragraph (12) is amended as follows:

(A) Subparagraph (B) is amended by striking the phrase "decedent dying after December 31, 2007" and inserting the phrase "decedent whose death occurs after December 31, 2007" in its place.

(B) Subparagraph (C) is amended by striking the phrase "decedent dying after December 31, 2014" and inserting the phrase "decedent whose death occurs after December 31, 2014" in its place.

(6) Paragraph (14)(C) is amended to read as follows:

"(C) For a decedent whose death occurs after December 31, 2017, $5.6 million, increased annually, beginning with the year commencing on January 1, 2019, by the cost-of-living adjustment.".

Sec. 7233. Applicability.

This subtitle shall apply as of January 1, 2018.

**SUBTITLE W. COLUMBIAN QUARTER LOCAL JOBS AND TAX REDUCTION INCENTIVE**

Sec. 7241. Short title.

This subtitle may be cited as the "Columbian Quarter Local Jobs and Tax Reduction Incentive Amendment Act of 2018".

Sec. 7242. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4668. Columbian Quarter Local Jobs and Tax Reduction Incentive.".

(b) A new section 47-4668 is added to read as follows:

"§ 47-4688. Columbian Quarter Local Jobs and Tax Reduction Incentive.

"(a)(1) Notwithstanding the provisions of § 47-812(a), the real property tax rates and special real property tax rates for taxable Class 2 Properties located east of the east bank of the Anacostia River in the 600, 700, and 800 block of Howard Road, S.E., known as Columbian Quarter and described, as of the effective date of this act, as Lot 0817, Square 5788; Lots 0937-0938, 0097, 1022, 1025-1031, 1036-1037, Square 5860; and Lots 0082-0084, 0089, 0091, and 0990-0991, Square 5861 shall be $0.993 for each $100 of assessed value, when:

"(A) A Class 2 Property of at least 175,000 or more gross square feet is leased by a federal government tenant;

"(B) The Department of Consumer and Regulatory Affairs issues a Certificate of Occupancy for that Class 2 Property; and

"(C) The tax year is October 1, 2022 or later.

"(2) Once all conditions of paragraph (1) of this subsection are met, the tax rate established in paragraph (1) of this subsection shall continue in each tax year thereafter for 10 real property tax years.

"(b) Beginning with the real property tax year immediately following the last real property tax year for which the rate provided in subsection (a) of this section is effective, the real property tax rate shall increase in such real property tax year and in each succeeding such year by $0.04 for each $100 of assessed value until the tax rate is equal to the real property tax rate for Class 2 Properties provided by § 47-812.".

Sec. 7243. Applicability.

This act shall not apply to any tax year before October 1, 2022.

**SUBTITLE X. SMALL RETAILER PROPERTY TAX RELIEF**

Sec. 7251. Short title.

This subtitle may be cited as the "Small Retailer Property Tax Relief Amendment Act of 2018".

Sec. 7252. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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

(1) A new section designation is added to read as follows:

"47-1807.14. Retailer property tax relief credit.".

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

"47-1808.14. Retailer property tax relief credit.".

(b) A new section 47-1807.14 is added to read as follows:

"§ 47-1807.14. Retailer property tax relief credit.

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

"(1) "Qualified corporation" means a corporation that:

"(A) Is engaged in the business of making sales at retail and files a sales tax return pursuant to Chapter 20 of this title reflecting those sales;

"(B) Has less than $2,500,000 in federal gross receipts or sales; and

"(C) Is current on all District tax filings and payments.

"(2) "Qualified retail rental location" means a building or part of a building in the District that during the taxable year is:

"(A) A retail establishment as defined in § 47-2001(m);

"(B) The primary place of the retail business of the qualified corporation;

"(C) Leased by the qualified corporation; and

"(D) Classified, in whole or in part, as Class 2 Property, as defined in § 47-813 and has obtained a Certificate of Occupancy for commercial use.

"(3) "Qualified retail owned location" means a building or part of a building in the District that during the taxable year is:

"(A) The primary place of the retail business of the qualified corporation;

"(B) Owned by the qualified corporation; and

"(C) Classified, in whole or in part, as Class 2 Property, as defined in § 47-813 and has obtained a Certificate of Occupancy for commercial use.

"(b) For taxable years beginning after December 31, 2017, a qualified corporation may claim a credit against the tax imposed by this chapter as follows:

"(1) A tax credit equal to 10% of the total rent paid by the corporation for a qualified rental retail location during the taxable year not to exceed $5,000; or

"(2) A tax credit equal to the total Class 2 real property taxes, pursuant to § 47-811, paid by the qualified corporation for a qualified retail owned location during the taxable year not to exceed the lesser of the real property tax paid during the taxable year or $5,000.

"(c) The credit claimed under this section in any one taxable year may exceed the qualified corporation's tax liability, including any minimum tax due under § 47-1807.02(b), under this chapter for that taxable year and shall be refundable to the corporation claiming the credit.

"(d) This section shall not apply if the qualified corporation is exempt from or receives any tax credits towards its real property tax or the qualified rental retail location or qualified owned retail location is otherwise exempt from real property tax.".

(c) A new section 47-1808.14 is added to read as follows:

"47-1808.14. Retailer property tax relief credit.

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

"(1) "Qualified retail owned location" means a building or part of a building in the District that during the taxable year is:

"(A) The primary place of the retail business of the qualified unincorporated business;

"(B) Owned by the qualified unincorporated business; and

"(C) Classified, in whole or in part, as Class 2 Property, as defined in § 47-813 and has obtained a Certificate of Occupancy for commercial use.

"(2) "Qualified retail rental location" means a building or part of a building in the District that during the taxable year is:

"(A) A retail establishment as defined in § 47-2001(m);

"(B) The primary place of the retail business of the qualified unincorporated business;

"(C) Leased by the qualified unincorporated business; and

"(D) Classified, in whole or in part, as Class 2 Property, as defined in § 47-813 and has obtained a Certificate of Occupancy for commercial use.

"(3) "Qualified unincorporated business" means a business that:

"(A) Is engaged in making sales at retail and files a sales tax return pursuant to Chapter 20 of this title reflecting those sales;

"(B) Has less than $2.5 million in federal gross receipts or sales; and

"(C) Is current on all District tax filings and payments.

"(b) For taxable years beginning after December 31, 2017, a qualified unincorporated business may claim a credit against the tax imposed by this chapter as follows:

"(1) A tax credit equal to 10% of the total rent paid by the qualified unincorporated business for a qualified rental retail location during the taxable year not to exceed $5,000; or

"(2) A tax credit equal to the total Class 2 real property taxes, pursuant to § 47-811, paid by the qualified unincorporated business for a qualified retail owned location during the taxable year not to exceed the lesser of the real property tax paid during the taxable year or $5,000.

"(c) The credit claimed under this section in any one taxable year may exceed the qualified unincorporated business's tax liability, including any minimum tax due under § 47-1807.02(b), under this chapter for that taxable year and shall be refundable to the qualified unincorporated business claiming the credit.

"(d) This section shall not apply if the qualified unincorporated business is exempt from or receives any tax credits towards its real property tax or the qualified rental retail location or qualified owned retail location is otherwise exempt from real property tax.".

**SUBTITLE Y. EARLY LEARNING TAX CREDIT**

Sec. 7261. Short title.

This subtitle may be cited as the "Early Learning Tax Credit Amendment Act of 2018".

**ENROLLED ORIGINAL**

Sec. 7262. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1806.15. Early learning tax credit.".

(b) A new section 47-1806.15 is added to read as follows:

"§ 47-1806.15. Early learning tax credit.

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

"(1) "Child development facility" shall have the same meaning as provided in § 7-2031(3).

"(2) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, or any successor agency.

"(3) "Eligible child" means a dependent, claimed by a taxpayer, who has not reached the age of 4 years by September 30 of the taxable year.

"(4) "Eligible child care expenses" means payments made by a taxpayer to a child development facility for child care services of an eligible child during the taxable year but does not include any payments for child care services provided after August 31 of the taxable year of an eligible child who meets the age requirement for enrollment under § 38-273.02(a).

"(b)(1) For taxable years beginning after December 31, 2017, a taxpayer shall be allowed a credit against the tax imposed under this subchapter for eligible child care expenses paid by the taxpayer.

"(2) The amount of the credit shall be the lesser of the total amount of all eligible child care expenses paid by the taxpayer in the taxable year or $1,000 per eligible child.

"(3) The credit claimed under this section in a taxable year may exceed the taxpayer's tax liability under this subchapter for that taxable year and shall be refundable to the taxpayer claiming the credit.

"(c) In the case of a return made for a fractional part of a taxable year, the credit shall be reduced to an amount that bears the same ratio to the full credit provided as the number of months in the period for which the return is made to 12 months.

"(d) Notwithstanding subsection (b) of this section, a taxpayer shall not be eligible to receive a credit under this section if:

"(1) The taxpayer does not claim the eligible child as a dependent on the taxpayer's federal and District income tax returns for that taxable year;

"(2) A person other than the taxpayer claimed the eligible child as a dependent on his or her federal and District income tax returns for that taxable year;

"(3) Any child care subsidies authorized under Chapter 4 of Title 4 during the taxable year are received or paid on behalf of an eligible child of the taxpayer;

"(4) A person other than the taxpayer received a credit under this section for the same taxable year for the same eligible child; or

"(5) The taxpayer's District taxable income for the taxable year exceeds the following amounts for taxable year 2018 and thereafter, adjusted annually for inflation based on the Consumer Price Index:

"(A) Single and head of household: $750,000;

"(B) Married filing jointly: $750,000; or

"(C) Married filing separately: $375,000.

"(e) The Chief Financial Officer may issue rules regarding the records required to be maintained and provided by a taxpayer and a child development facility to substantiate any credits claimed under this section.

"(f) The credit under this section shall not be allowed for taxable years beginning after December 31, 2018.".

Sec. 7263. Applicability.

This subtitle shall apply as of January 1, 2018.

**SUBTITLE Z. EQUITABLE TAX RELIEF**

Sec. 7271. Short title.

This subtitle may be cited as the "Women's National Democratic Club and Campaign for Tibet Equitable Tax Relief Act of 2018".

Sec. 7272. (a) The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the real property owned by the International Campaign for Tibet, an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), described as Lot 30, Square 139, for the period beginning before October 1, 2013 (tax year 2014) shall be forgiven and that any payments made shall be refunded to the person who made the payments.

(b) The Council orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the real property owned by the Women's National Democratic Club located at 1526 New Hampshire Avenue, N.W., described as Lot 5, Square 135, for the period beginning before October 1, 2017 (tax year 2018) shall be forgiven and that any payments made shall be refunded to the person who made the payments.

**SUBTITLE AA. TAXPAYER SUPPORT FOR AFTERSCHOOL PROGRAMS FOR AT-RISK STUDENTS**

Sec. 7281. Short title.

This subtitle may be cited as the "Taxpayer Support for Afterschool Programs for At-Risk Students Amendment Act of 2018".

**ENROLLED ORIGINAL**

Sec. 7282. The Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 2-1555.03) is amended by adding a new subsection (e) to read as follows:

"(e) The Mayor and the Office shall publicize the availability of the tax check-off created pursuant to D.C. Official Code § 47-1812.11b to support afterschool programs for at-risk students.".

(b) Section 5 (D.C. Official Code § 2-1555.04) is amended by adding a new subsection (h) to read as follows:

"(h)(1) Funds received by the Office from the tax check-off created pursuant to D.C. Official Code § 47-1812.11b shall be used to support afterschool programs for at-risk students through grants issued pursuant to this section.

"(2) Beginning November 1, 2019, and no later than November 1 of each year thereafter, the Office shall submit to the Mayor and Council a financial report on the use of the tax check-off funds during the previous 12 months.".

Sec. 7283. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "Chapter 40. Drug Prevention and Children at Risk Tax Check-Off." and inserting the phrase "Chapter 40. Drug Prevention and Children at Risk Tax Check-Off. [Repealed]." in its place.

(b) Chapter 18 is amended as follows:

(1) The table of contents is amended by striking the phrase "Public Fund for Drug Prevention and Children at Risk" and inserting the phrase "Tax-Payer Support for Afterschool Programs for At-Risk Students" in its place.

(2) Section 47-1812.11b is amended as follows:

(A) The section heading is amended by striking the phrase "Public Fund for Drug Prevention and Children at Risk" and inserting the phrase "Tax-Payer Support for Afterschool Programs for At-Risk Students" in its place.

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

(i) Strike the phrase "For the calendar year beginning January 1, 1995, and for each subsequent calendar year, there" and insert the word "There" in its place.

(ii) Strike the phrase "the Public Fund for Drug Prevention and Children at Risk established by § 47-4002." and insert the phrase "afterschool programs for at-risk students." in its place.

(iii) Strike the phrase "earmarked for the Fund" and insert the phrase "used in accordance with § 2-1555.04(h)(1)" in its place.

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

"(b)(1) Except as provided in paragraph (2) of this subsection, the funds generated by the tax check-off established by subsection (a) of this section shall be transferred to the Office of Out

of School Time Grants and Youth Outcomes ("Office") pursuant to rules issued by the Mayor. The rules shall establish timetables and procedures for transfer. Check-off funds shall be transferred to the Office only after reimbursement of the costs described in subsection (a) of this section.

"(2) Funds collected by the Office of Tax and Revenue pursuant to this section before the effective date of the Taxpayer Support for Afterschool Programs for At-Risk Students Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), shall be transferred to the Office according to the procedures established pursuant to paragraph (1) of this subsection to be used in accordance with § 2-1555.04(h)(1).".

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

(i) Paragraph (1) is amended by striking the phrase "the Fund" and inserting the phrase "afterschool programs for at-risk students" in its place.

(ii) Paragraph (2) is amended by striking the phrase "transferred to the Fund" and inserting the phrase "transferred to the Office in accordance with the procedures established pursuant to subsection (b) of this section" in its place.

(E) Subsection (d) is repealed.

(c) Chapter 40 is amended as follows:

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

(A) Strike the phrase "47-4001. Definitions." and insert the phrase "47-4001. Definitions. [Repealed]." in its place.

(B) Strike the phrase "47-4002. Establishment of the Public Fund for Drug Prevention and Children at Risk; duties." and insert the phrase "47-4002. Establishment of the Public Fund for Drug Prevention and Children at Risk; duties. [Repealed]." in its place.

(C) Strike the phrase "47-4003. Fund qualifications; terms of office; compensation." and insert the phrase "47-4003. Fund qualifications; terms of office; compensation. [Repealed]." in its place.

(D) Strike the phrase "47-4004. Rules of procedure; contributions." and insert the phrase "47-4004. Rules of procedure; contributions. [Repealed]." in its place.

(E) Strike the phrase "47-4005. Rules." and insert the phrase "47-4005. Rules. [Repealed]." in its place.

(2) Chapter 40 is repealed.

**SUBTITLE BB. SMOKING CESSATION**

Sec. 7291. Short title.

This subtitle may be cited as the "Smoking Cessation Amendment Act of 2018".

Sec. 7292. Section 47-2402(a)(1) of the District of Columbia Official Code is amended by striking the figure "$0.125" and inserting the figure "$0.225" in its place.".

**SUBTITLE CC. UNION MARKET TIF**

Sec. 7301. Short title.

This subtitle may be cited as the "Union Market TIF Amendment Act of 2018".

Sec. 7302. Section 4(c) of the Union Market Tax Increment Financing Act of 2017, effective February 15, 2018 (D.C. Law 22-58; D.C. Official Code § 2-1217.36g(c)), is amended as follows:

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

(1) Subparagraph (A) is amended as follows

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

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

(C) A new sub-subparagraph (v) is added to read as follows:

"(v) $6,764,675 in base year 2022 and each base year thereafter through 2052.".

(2) Subparagraph (B) is repealed.

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

(1) Subparagraph (A) is amended as follows

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

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

(C) A new sub-subparagraph (v) is added to read as follows:

"(v) $7,712,678 in base year 2022 and each base year thereafter through 2052.".

(2) Subparagraph (B) is repealed.

**TITLE VIII. CAPITAL BUDGET**

**SUBTITLE A. FISCAL YEAR 2019 CAPITAL PROJECT FINANCING REALLOCATION APPROVAL**

Sec. 8001. Short title.

This subtitle may be cited as the "Fiscal Year 2019 Capital Project Financing Reallocation Approval Act of 2018".

Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate $11,361,035 in general obligation bond proceeds from the District capital projects listed in Table A to the District capital projects listed in Table B, in the amounts specified.

(b) The current allocations were made pursuant to the Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), the Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 18, 2014 (Res. 20-687; 61 DCR 12738), and the Fiscal Year 2017 Income Tax Secured Revenue Bond, General Obligation Bond and General Obligation and Income Tax Secured Revenue Bond Anticipation Note Issuance Approval Resolution of 2016, effective November 1, 2016 (Res. 21-635; 63 DCR 14387).

**TABLE A**

| Owner Agency Name | Project Number | Implementing Agency | Project Title | Bond Issuance Series | Amount |
|---|---|---|---|---|---|
| DCPS | MJ1 | DGS | Janney ES Renovation/Modernization | 2014C G.O. | 4,370 |
| DOC | CR1 | DGS | General Renovations - DC Jail | 2014C G.O. | 251,678 |
| DDOT | ED1 | DDOT | Rhode Island Ave NE Small Area Plan Infrastructure | 2014C G.O. | 426,109 |
| DDOT | PLU | DDOT | Power Line Undergrounding | 2015A G.O. | 396,361 |
| DCPS | JOH | DGS | Johnson Middle School Renovation/Modernization | 2015A G.O. | 680,583 |
| DPR | THP | DGS | Therapeutic Recreation Center | 2015A G.O. | 36,445 |
| DMPED | EB3 | DMPED | Neighborhood Revitalization | 2015A G.O. | 92,152 |
| Office of the Secretary | AB1 | DGS | Archives | 2016A G.O. | 507,910 |
| MPD | PEQ | MPD | Specialized Vehicles - MPD | 2016A G.O. | 99,658 |
| FEMS | LE7 | DGS | Engine Company 27 Renovation | 2016A G.O. | 1,171,500 |
| DOC | CR0 | DGS | Inmate Processing Center | 2016A G.O. | 29,113 |
| DPR | FTD | DGS | Fort Davis Recreation Center | 2016A G.O. | 167,404 |
| DPR | WBR | DGS | Edgewood Recreation Center | 2016A G.O. | 2,346,561 |

| | | | | | |
|---|---|---|---|---|---|
| DPR | WD3 | DGS | Hearst Park Pool - Ward 3 Outdoor Pool | 2016A G.O. | 370,796 |
| DPR | THP | DGS | Therapeutic Recreation Center | 2016A G.O. | 755,975 |
| DDOT | CG3 | DDOT | Greenspace Management | 2016A G.O. | 1,207,829 |
| DDOT | PM0 | DDOT | Materials Testing Lab | 2016A G.O. | 133,215 |
| DDOT | TRL | DDOT | Trails | 2016A G.O. | 877,349 |
| DDOT | CE3 | DDOT | Bridge and Alley Maintenance | 2016A G.O. | 1,327,211 |
| DOEE | K20 | DOEE | Inspections, Compliance and Enforcement IT System | 2016A G.O. | 280,168 |
| OCTO | N31 | OCTO | Data Management and Publication Platform | 2016A G.O. | 43,150 |
| OCTO | N93 | OCTO | Enterprise Computing Device Management | 2016A G.O. | 63,701 |
| OCTO | N95 | OCTO | D.C. Gov Web Transformation | 2016A G.O. | 91,798 |
| **TOTAL** | | | | | **$11,361,035** |

**TABLE B**

| Owner Agency Name | Project Number | Implementing Agency | Project Title | Bond Issuance Series | Amount |
|---|---|---|---|---|---|
| DCPS | YY1 | DGS | DC Public Schools Modernization/Renovations | N/A | **$11,361,035** |
| **TOTAL** | | | | | **$11,361,035** |

**SUBTITLE B. REALLOCATIONS TO MASTER LOCAL TRANSPORTATION CAPITAL PROJECTS**

Sec. 8011. Short title.

This subtitle may be cited as the "Master Local Transportation Capital Projects Amendment Act of 2018".

Sec. 8012. Section 3(e)(4)(C) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.02(e)(4)(C)), is amended by striking the date "January 31, 2018" and inserting the date "January 31, 2019" in its place.

**SUBTITLE C. TRANSPORTATION INFRASTRUCTURE PROJECT REVIEW FUND REPROGRAMMINGS**

Sec. 8021. Short title.

This subtitle may be cited as the "Transportation Infrastructure Project Review Fund Capital Reprogrammings Amendment Act of 2018".

Sec. 8022. Section 47-363 of the District of Columbia Official Code is amended by adding a new subsection (g) to read as follows:

"(g) A reprogramming from the Transportation Infrastructure Project Review Fund established by section 9i of the Department of Transportation Establishment Act of 2002, effective July 23, 2014 (D.C. Law 20-128; D.C. Official Code § 50-921.17), to a capital project shall not require Council approval; provided, that the reprogramming shall not modify the purposes for which the reprogrammed funds may be expended.".

**SUBTITLE D. MASTER CAPITAL PROJECTS**

Sec. 8031. Short title.

This subtitle may be cited as the "Master Capital Projects Funding Reallocation Amendment Act of 2018".

Sec. 8032. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase "47-310. [Reserved]" and inserting the phrase "47-310. Master capital projects" in its place.

(b) Section 47-310 is added to read as follows

"47-310. Master capital projects.

"(a) For any master capital project that is included in an approved budget and financial plan and is owned and implemented by the same agency that owns and implements all the sub-projects within it, an agency director may submit requests to the Office of Budget and Planning ("OBP") of the Office of the Chief Financial Officer to:

"(1) Reallocate funds from the master capital project to a sub-project;

"(2) Reallocate funds from a sub-project to the master capital project; or

"(3) Reallocate funds from one sub-project to another sub-project;

"(b) Upon receiving a request under subsection (a) of this section, OBP shall reallocate the funds as requested, unless OBP determines that the funds are not available for reallocation.

"(c) After funds are reallocated pursuant to subsections (a) and (b) of this section, the agency director described in subsection (a) of this section may obligate and expend the reallocated funds.

"(d)(1) An agency director described in subsection (a) of this section also may submit requests to OBP to reallocate to a master capital project any available fund balances from a related capital project, in order to align the related capital project with the master capital project.

**ENROLLED ORIGINAL**

"(2) For the purposes of this subsection, the term "related capital project" means a capital project that:

"(A) Was created before the master capital project was created;

"(B) Is associated with the master capital project based on the description of the master project and the description of the capital project; and

"(C) Has current fund balances for which there are no out-year appropriations.".

"(e) Subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to reallocations made pursuant to this section.".

**TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE**

Sec. 9001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2018.

Sec. 9002. 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. 9003. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-443**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To adjust, on a temporary basis, certain allocations in the Fiscal Year 2018 Local Budget Act of 2017 pursuant to the Omnibus Appropriations Act, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2018 Revised Local Budget Temporary Adjustment Act of 2018".

Sec. 2. Pursuant to section 817 of the Omnibus Appropriations Act, 2009, approved March 13, 2009 (123 Stat. 699; D.C. Official Code § 47-369.02), the Fiscal Year 2018 budget shall be adjusted as follows:

**PART A—SUMMARY OF EXPENSES**

$6,155,000 is added (including ($5,020,000) removed from local funds (including ($21,343,000) removed from dedicated taxes)), $855,000 added in other funds, and $10,320,000 added in enterprise and other funds); to be allocated as follows:

**PART B—DIVISION OF EXPENSES**

**Governmental Direction and Support**

The appropriation for Governmental Direction and Support is increased by $416,000 in local funds; to be allocated as follows:

(1) Department of General Services. – ($62,000) is removed from local funds.

(2) Office of the Chief Financial Officer. – $118,000 is added to be available in local funds.

(3) Office of the Attorney General for the District of Columbia. – $360,000 is added to be available in local funds.

**Economic Development and Regulation**

The appropriation for Economic Development and Regulation is decreased by ($32,917,000) in local funds; to be allocated as follows:

(1) Deputy Mayor for Economic Development. – $2,990,000 is added to be available

in local funds;

(2) Housing Production Trust Fund Subsidy. – ($35,802,000) is removed from local funds; and

(3) Office of the Tenant Advocate. – ($105,000) is removed from local funds.

**Public Safety and Justice**

The appropriation for Public Safety and Justice is decreased by ($400,000) in local funds; to be allocated as follows:

(1) Department of Forensic Sciences. – ($400,000) is removed from local funds.

**Public Education**

The appropriation for Public Education is decreased by ($4,493,000) (including ($5,348,000) removed from local funds (including $2,832,000 added in dedicated taxes) and $855,000 added in other funds); to be allocated as follows:

(1) Office of the State Superintendent of Education. – ($168,000) is removed from local funds (including $2,832,000 added to dedicated taxes)); provided, that all funds deposited, without regard to fiscal year, into the Healthy Schools Fund are authorized for expenditure until September 30, 2018; provided further, that all funds deposited, without regard to fiscal year, into the Healthy Tots Fund are authorized for expenditure until September 30, 2018.

(2) University of the District of Columbia Subsidy Account. – $320,000 is added to be available in local funds;

(3) Non-Public Tuition. – ($2,500,000) is removed from local funds;

(4) Special Education Transportation. – ($3,000,000) is removed from local funds; and

(5) District of Columbia Public Schools. – $855,000 is added in other funds; provided, that all funds deposited, without regard to fiscal year, into the Nonprofit School Food Services Fund are authorized for expenditure until September 30, 2018.

**Human Services**

The appropriation for Human Services is increased by $5,781,000 in local funds; to be allocated as follows:

(1) Not-For Profit Hospital Corporation Subsidy. – $10,000,000 is added to be available in local funds;

(2) Department of Youth Rehabilitation Services. – ($1,675,000) is removed from local funds;

(3) Department of Human Services. – ($182,000) is removed from local funds; and

(4) Child and Family Services Agency. – ($2,362,000) is removed from local funds.

**ENROLLED ORIGINAL**

**Public Works**

The appropriation for Public Works is decreased by ($11,493,000) in local funds; to be allocated as follows:

(1) District Department of Transportation. – ($5,213,000) is removed from local funds;

(2) Washington Metropolitan Area Transit Authority. – ($5,001,000) is removed from the local budget; and

(3) Department of Public Works. – ($1,279,000) is removed from local funds.

**Financing and Other**

The appropriation for Financing and Other is increased by $38,941,000 in local funds (including ($24,175,000) removed from dedicated taxes) to be allocated as follows:

(1) Workforce Investments. – ($33,487,000) is removed from local funds;

(2) Pay-As-You-Go Capital Fund. – ($24,175,000) is removed from local funds (including ($24,175,000) removed from dedicated taxes); and

(3) Emergency and Contingency Reserve Funds. –$96,603,000 is added to be available in local funds.

**Enterprise and Other**

The appropriation for Enterprise and Other is increased by $10,320,000 in enterprise and other funds; to be allocated as follows:

(1) University of the District of Columbia. – $320,000 is added to be available in enterprise and other funds; and

(2) Not-For Profit Hospital. – $10,000,000 is added to be available in enterprise and other funds.

Sec. 3. Remaining Fiscal Year 2018 unexpended revenue of $122,985,000 shall be carried over into Fiscal Year 2019 as fund balance and shall be available as set forth in the approved Fiscal Year 2019 Budget and Financial Plan.

Sec. 4. Capital project rescissions and reallocations.

In Fiscal Year 2018, the Chief Financial Officer shall rescind or increase capital project allotments as set forth in the following tabular array, with the savings to be used in accordance with the Fiscal Year 2019 Local Budget Act of 2018, passed on 2nd reading on May 29, 2018 (Enrolled version of Bill 22-754):

| Project No | Project Title | Fund Detail | Total |
|---|---|---|---|
| 04002C | PROPERTY ACQUISITION & DISPOSITION | 300 | (573,216.00) |
| AA339C | EVIDENCE WAREHOUSE | 300 | (375,395.99) |

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| AA416C | RENOVATION OF HVAC SYSTEM | 300 | (5,223.80) |
| ATE01C | 2850 NY AVE BUILDING | 301 | (2,600,000.00) |
| BP102C | SMALL CAPITAL PROJECTS | 301 | (1,000,000.00) |
| BP102C | SMALL CAPITAL PROJECTS | 314 | 1,000,000.00 |
| BRM08C | OAK HILL CAMPUS | 300 | (1,500,000.00) |
| CEV01C | DOC ELEVATOR REFURBISHMENT | 300 | (766,292.09) |
| CRF01C | ROOF REFURBISHMENT AT DOC FACILTIES | 300 | (8,452.21) |
| EA129C | WARD 1 SENIOR WELLNESS CENTER | 301 | (34.52) |
| EA437C | WARD 7 RENOVATION | 300 | (1,717.57) |
| EB008C | MP-NEW COMMUNITIES | 301 | (558,000.00) |
| EB301C | VACANT PROPERTY INSPECTION AND ABATEMENT | 300 | (22,690.03) |
| EB301C | VACANT PROPERTY INSPECTION AND ABATEMENT | 9000 | (88.00) |
| EB423C | POPLAR POINT | 301 | (265,557.09) |
| ECS10C | AUTOMATION OF REPORT GENERATION & PURCHA | 300 | (133.00) |
| EDL19C | PENNSYLVANIA AVENUE STREETSCAPES | 330 | (209.12) |
| EQ903C | HEAVY EQUIPMENT ACQUISITION - DPW | 300 | (717.42) |
| EQ903C | HEAVY EQUIPMENT ACQUISITION - DPW | 301 | (15,030.40) |
| EQ903C | HEAVY EQUIPMENT ACQUISITION - DPW | 304 | (179,465.04) |
| EQ910C | HEAVY EQUIPMENT ACQUISITION - DPW | 300 | (5,685.00) |
| GF103C | REEVES MUNICIPAL CENTER | 300 | (10,000.00) |
| GI520C | GENERAL SMALL CAPITAL PROJECTS | 300 | (35,509.37) |
| GI520C | GENERAL SMALL CAPITAL PROJECTS | 301 | (1,645.80) |
| GI533C | MURCH ES DEMOUNTABLES | 300 | (0.60) |
| GI551C | PREK CLASSROOM CONVERSIONS | 333 | (4,329.74) |
| GI554C | MIDDLE SCHOOL IT | 301 | (28,047.68) |
| GM106C | WINDOW AC UNITS | 300 | (1,020.76) |
| GM311C | HIGH SCHOOL LABOR - PROGRAM MANAGEMENT | 300 | (2,244,695.82) |
| GM312C | ES/MS MODERNIZATION CAPITAL LABOR - PROG | 300 | (2,280,662.71) |
| GM313C | STABILIZATION CAPITAL LABOR - PROGRAM MG | 300 | (309,818.53) |
| HX201C | ST. ELIZABETHS GENERAL IMPROVEMENTS (HX2 | 300 | (3,290.00) |
| JE337C | JEFFERSON MS RENOVATION | 300 | (625.01) |

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| LC437C | E-22 FIREHOUSE REPLACEMENT | 300 | (9,135.11) |
| LE337C | ENGINE 5 COMPLETE RENOVATION | 300 | (5,955.00) |
| LE737C | ENGINE 27 MAJOR RENOVATION | 300 | (1,000,000.00) |
| LIM02C | DFS LIMS SYSTEM, ELC FINANCED | 302 | (0.02) |
| MA220C | EMERGENCY POWER SYSTEM UPGRADES | 300 | (700,000.00) |
| MVS03C | INSPECTION STATION UPGRADE | 300 | (0.50) |
| N1405C | IMPROVE PROPERTY MANAGEMENT ITS | 300 | (401.95) |
| N1606B | PROCUREMENT SYSTEM | 300 | (25,269.11) |
| N2802C | STUDENT LONGITUDINAL DATA SYSTEM | 300 | (0.97) |
| N2805C | STATEWIDE LONGITUDINAL EDUCATION DATA WA | 304 | (454.68) |
| N9301C | ENTERPRISE COMPUTING DEVICE MANAGEMENT | 300 | (413,700.99) |
| N9501C | DC.GOV WEB TRANSFORMATION | 300 | (7,087.46) |
| NPP01C | NEIGHBORHOOD PARKING PERF. FUND | 301 | (2,492,833.00) |
| NR637C | WOODSON HS - MODERNIZATION/RENOV | 300 | (4,697.19) |
| NR637C | WOODSON HS - MODERNIZATION/RENOV | 301 | (1,697.25) |
| NX238C | THADDEUS STEVENS RENOVATION/MODERNIZATIO | 306 | 18,249,914.52 |
| NX437C | ANACOSTIA HS MODERNIZATION/RENOV | 300 | (9,250.00) |
| PDR01C | 6TH DISTRICT RELOCATION | 300 | (1,737,781.04) |
| PFL08C | PAID FAMILY LEAVE IT APPLICATION | 314 | (3,000,000.00) |
| PL104C | ADA COMPLIANCE POOL | 300 | (216,641.00) |
| PL106C | GOVERNMENT CENTERS POOL | 300 | (54,715.14) |
| PL401C | CITY-WIDE PHYSICAL ACCESS CONTROL SYSTEM | 300 | (135,448.00) |
| PLN39C | WARD 8 CITIZENS' SUMMIT CHALLENGE | 300 | (125,100.00) |
| PLT10C | CRIME FIGHTING TECHNOLOGY | 300 | (730,000.00) |
| QH750C | PARK IMPROVEMENTS - PROJECT MANAGEMENT | 301 | (208,523.00) |
| QM8FTC | FORT STEVENS RECREATION CENTER | 300 | (1,394.11) |
| SEL37C | SOUTHEAST LIBRARY | 300 | (150,000.00) |
| SH735C | RIVER ROAD ENTRANCE | 300 | (4,000.00) |
| SW601C | SENIOR WELLNESS CENTER RENOVATION POOL P | 301 | (436,910.13) |
| T2242C | ENTERPRISE RESOURCE PLANNING | 301 | (72,551.35) |
| TK337C | TAKOMA ES RENOVATION/MODERNIZATION | 300 | (1,220.14) |
| TOP02C | PROJECT DEVELOPMENT | 301 | (549,500.00) |

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| UC201C | PUBLIC SAFETY RADIO SYSTEM UPGRADE | 300 | (404,135.21) |
| UIM02C | UI MODERNIZATION PROJECT-FEDERAL | 304 | (3,000,000.00) |
| UMC01C | EAST END MEDICAL CENTER | 300 | (3,208,665.27) |
| WA141C | IT INFRASTRUCTURE, 301 C STREET N.W. | 300 | (0.04) |
| WA540C | IT INFRASTRUCTURE SYSTEM AND SOFTWARE UP | 300 | (54,080.00) |
| WA540C | IT INFRASTRUCTURE SYSTEM AND SOFTWARE UP | 303 | (56,740.00) |
| WA640C | DMV TICKET PROCESSING-IT | 303 | (4.39) |
| WIL05C | IT UPGRADES | 301 | (2,000,000.00) |
| WT337C | WHITTIER EC MODERNIZATION/RENOVATION | 300 | (419.50) |
| XA854C | INTEGRATED CARE APPLICATIONS MGMT (ICAM) | 300 | (214.50) |
| YY141C | BROOKLAND ES MODERNIZATION/RENOVATION | 300 | (0.14) |
| YY151C | PEABODY ES RENOVATION/MODERNIZATION | 300 | (7,781.29) |
| YY630C | PLANNING | 300 | (3,073.26) |
| ZB201C | ENTERPRISE INTEGRATION PROJECTS | 300 | (80,724.24) |
| **Grand Total** | | | **(14,457,743.76)** |

Sec. 5. Designated fund transfers.

(a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2018 the following amounts from certified fund balances in the identified accounts to the General Fund of the District of Columbia:

| Agency | Fund Detail | Fund Detail Title | Total |
|---|---|---|---|
| **AG0** | **601** | ACCOUNTABILITY FUND | 29,454.33 |
| **AG0** | **602** | LOBBYIST FUND | 105,107.11 |
| **AM0** | **1460** | EASTERN MARKET ENTERPRISE FUND | 300,000.00 |
| **AT0** | **606** | RECORDER OF DEEDS SURCHARGE | 1,397,376.00 |
| **AT0** | **6115** | OFT CENTRAL COLLECTION UNIT (CCU) O TYPE | 11,000,000.00 |
| **CB0** | **603** | CHILD SPT - TANF/AFDC COLLECTIONS | 1,000,000.00 |

**ENROLLED ORIGINAL**

| | | | |
|---|---|---|---|
| **CB0** | **604** | CHILD SPT - REIMBURSEMENTS & FEES | 188,408.00 |
| **CE0** | **6108** | COPIES AND PRINTING | 36,401.00 |
| **CR0** | **6006** | NUISANCE ABATEMENT | 123,318.00 |
| **CR0** | **6008** | R-E GUAR. & EDUC. FUND | 3,521,110.00 |
| **CR0** | **6010** | OPLA - SPECIAL ACCOUNT | 47,836.00 |
| **CR0** | **6040** | CORPORATE RECORDATION FUND | 2,205,979.00 |
| **DJ0** | **631** | ADVOCATE FOR CONSUMERS | 314,592.66 |
| **EB0** | **419** | H ST RETAIL PRIORITY AREA GRANT FUND | 716,106.87 |
| **EB0** | **609** | INDUSTRIAL REVENUE BOND PROGRAM | 669,000.00 |
| **EN0** | **632** | SMALL BUSINESS CAPITAL ACCESS FUND | 247,009.05 |
| **GD0** | **619** | STATE ATHLETIC ACTS PROG & OFFICE FUND | 74,667.00 |
| **HA0** | **602** | ENTERPRISE FUND ACCOUNT | 550,587.00 |
| **HC0** | **661** | ICF / MR FEES & FINES | 50,602.00 |
| **HC0** | **673** | DOH REGULATORY ENFORCEMENT FUND | 128,275.00 |
| **HT0** | **112** | STEVIE SELLOW'S | 4,196.00 |
| **HT0** | **115** | DC PROVIDER FEE | 204,261.00 |
| **HT0** | **631** | MEDICAID COLLECTIONS-3RD PARTY LIABILITY | 202,687.95 |
| **HT0** | **632** | BILL OF RIGHTS-(GRIEVANCE & APPEALS) | 606,957.30 |
| **KA0** | **6901** | DDOT ENTERPRISE FUND-NON TAX REVENUES | 2,432,298.98 |
| **KE0** | **6030** | WASH MET AREA TRANSIT AUTHORITY PROJECTS | 56,168.00 |
| **KE0** | **6031** | DC CIRCULATOR FUND - NPS MALL ROUTE | 413,520.00 |
| **KT0** | **6010** | SUPER CAN PROGRAM | 133,399.63 |
| **LQ0** | **6017** | ABC - IMPORT AND CLASS LICENSE FEES | 135,631.58 |
| **SR0** | **2600** | SECURITIES REGISTRATION FEES | 12,300,000.00 |
| **SR0** | **2910** | FORECLOSURE MEDIATION FUND | 108,750.00 |
| **TC0** | **2400** | PUBLIC VEHICLES FOR HIRE CONSUMER SERVIC | 432,153.84 |
| **TO0** | **602** | DC NET SERVICES SUPPORT | 500,000.00 |
| **N/A** | **N/A** | FIXED COST COMMODITY RESERVE | 4,205,259.00 |
| **Grand Total** | | | **44,441,112.30** |

**ENROLLED ORIGINAL**

(b) The total amount identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2019 Budget and Financial Plan.

Sec. 6. 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. 7. 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
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-444**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To amend, on a temporary 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 Temporary 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.

(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

**ENROLLED ORIGINAL**

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
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-445**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To amend, on a temporary basis, section 28-3862 of the District of Columbia Official Code to restrict a credit reporting agency's authority to charge consumers for security freeze services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Credit Protection Fee Waiver Temporary Amendment Act of 2018".

Sec. 2. Section 28-3862(o) of the District of Columbia Official Code is amended to read as follows:

"(o)(1) Except as provided in paragraph (2) of this subsection, a credit reporting agency shall not charge a consumer for a security freeze service.

"(2) If the consumer fails to retain the original personal identification number or password provided by the agency, the consumer may not be charged for a one-time reissue of the same or a new personal identification number or password, but may be charged an amount not to exceed $10 for subsequent instances of loss and reissuance of a new personal identification number or password.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget 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.

(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 by section 602(c)(1) of the District of Columbia Home Rule Act, approved

**ENROLLED ORIGINAL**

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
September 5,2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-446**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To amend, on a temporary basis, Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the Office of the Attorney General is authorized to enforce the District of Columbia Consumer Protection Procedures Act against housing providers that violate certain consumer protection laws that protect tenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2018".

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

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

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

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

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

**ENROLLED ORIGINAL**

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
September 5,2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-447**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To prohibit, on a temporary basis, buses from operating or parking on certain streets near Southwest Waterfront Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southwest Waterfront Park Bus Prohibition Temporary Act of 2018".

Sec. 2. (a) No person shall operate or park a bus, as that term is defined in 24 DCMR § 3599.1, on:

(1) The streets within or adjacent to Lots 90, 880, 881, 882, 922, 923, or 924 in Square 473, including Water Street, S.W., and M Place, S.W., except the portions of Maine Avenue, S.W., and M Street, S.W., within or adjacent to Lots 90, 880, 881, 882, 922, 923, or 924 in Square 473; or

(2) The portion of Sixth Street, S.W., that is south of M Street, S.W.

(b)(1) Any entity listed in 18 DCMR § 3002.1 or 3003.1 may issue a notice of infraction for a violation of subsection (a) of this section.

(2) A person who violates subsection (a) of this section shall be fined $150.

(3) A notice of infraction issued pursuant to this section shall be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

**ENROLLED ORIGINAL**

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
September 5,2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-448**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To provide, on a temporary basis, that it shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, for a person to park, leave unattended, or store a vehicle in violation of parking restrictions posted by the District, Wharf District Master Developer LLC, or the developer's designee in Lots 926, 922, and 86 in Square 473, and to authorize the Department of Public Works to issue notices of infraction for any such parking violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southwest Waterfront Parking Enforcement Temporary Act of 2018".

Sec. 2. (a) It shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), for a person to park, leave unattended, or store a vehicle in violation of parking restrictions posted by the District, Wharf District Master Developer LLC ("Developer"), or the Developer's designee in Lots 926, 922, and 86 in Square 473.

(b) The Department of Public Works may issue notices of infraction for the parking violations described in subsection (a) of this section.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

**ENROLLED ORIGINAL**

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
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-449**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 6, 2018**

To amend the District of Columbia Traffic Adjudication Act of 1978 to clarify what information must be contained in a notice of infraction for a moving infraction, to provide that, for notices of infraction that were detected by an automated traffic enforcement system, if a person fails to answer a notice of infraction within 60 calendar days of the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, a penalty equal to the amount of the fine shall be added, to provide that, for notices of infraction that were detected by an automated traffic enforcement system, if a person fails to answer the notice within 120 calendar days of the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, the commission of the infraction shall be deemed admitted and all points, penalties, and fines shall be assessed, to require, for a notice of infraction that was detected by an automated traffic enforcement system, an additional notice to be mailed to a person, if the notice of infraction remains unanswered, to repeal provisions that allow for the suspension of a person's operator's permit, or the person's privilege to drive within the District in the case of a person holding an out-of-state permit, for certain violations relating to moving infractions, to require the Department of Motor Vehicles to reinstate, within 30 calendar days after the effective date of this act, a person's license, or privilege to drive within the District in the case of a person holding an out-of-state permit, if the person's license, or privilege to drive in the District, was suspended due to failure to pay any civil fines or penalties assessed pursuant to Title II of the District of Columbia Traffic Adjudication Act of 1978 or failure to appear at a hearing, to provide that, if a civil fine or penalty resulting from a notice of infraction issued pursuant to Title II or III of the District of Columbia Traffic Adjudication Act of 1978 remains unpaid 10 years after the notice is issued, the infraction shall be dismissed and any assessed civil fine or penalty shall be vacated and shall not be collected, to lengthen the periods of time before which a person would be penalized for failing to answer a notice of infraction issued pursuant to Title III of the District of Columbia Traffic Adjudication Act of 1978, and to require the Mayor to establish a Community Service Debt Repayment Program to allow residents to perform community service in order to repay debts related to certain unpaid notices of infraction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Traffic and Parking Ticket Penalty Amendment Act of 2018".

**ENROLLED ORIGINAL**

Sec. 2. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

(a) Section 105(a)(2)(A) (D.C. Official Code § 50–2301.05(a)(2)(A)) is amended by striking the phrase "sections 205(d)(1) and 305(d)(1)" and inserting the phrase "section 205(d) or section 305(d)(1)" in its place.

(b) Section 204 (D.C. Official Code § 50–2302.04) is amended as follows:

(1) Subsection (c) is repealed.

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

"(c-1)(1) Except for notices of infraction that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), a notice of infraction shall advise the person to whom it is issued that his failure to answer the notice of infraction within:

"(A) 30 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, shall by operation of law result in the imposition of a penalty equal to the amount of the civil fine; and

"(B) 60 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, the commission of the infraction shall be deemed admitted.

"(2) For notices of infraction that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), the notice of infraction shall advise the person to whom it is issued that his failure to answer the notice of infraction within:

"(A) 60 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, shall by operation of law result in the imposition of a penalty equal to the amount of the civil fine; and

"(B) 120 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, the commission of the infraction shall be deemed admitted.".

(c) Section 205 (D.C. Official Code § 50-2302.05) is amended as follows:

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

"(d)(1) Except for notices of infraction that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), if a person fails to answer a notice of infraction within 30 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, a penalty equal to the amount of the fine shall be added pursuant to section 105(a).

"(2) For notices of infraction that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), if a person

fails to answer a notice of infraction within 60 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, a penalty equal to the amount of the fine shall be added pursuant to section 105(a).".

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

(A) Strike the phrase "If a person" and insert the phrase "Except for notices of infraction that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), if a person" in its place.

(B) Strike the phrase "assessed, and, except where the notice of infraction was issued in reliance upon an automated traffic enforcement device, the person's District of Columbia's operator's permit, or the person's privilege to drive within the District in the case of a person holding an out-of-state permit, shall be suspended until payment of the penalties, fines, and a reinstatement fee" and insert the word "assessed" in its place.

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

"(e-1) For notices of infraction that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), if a person fails to answer the notice within 120 calendar days after the date the notice was issued, or within a greater period of time as prescribed by the Director by regulation, the commission of the infraction shall be deemed admitted and all points, penalties, and fines shall be assessed.".

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

(A) Strike the phrase "and suspension of driving privileges." and insert a period in its place.

(B) Strike the phrase "For holders" and insert the phrase "For a notice of infraction that was detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), in addition to the notice required by the preceding sentence, if the notice of infraction remains unanswered, not more than 100 days after the date the notice is issued, the Director shall send by regular mail addressed to the person's address on the Department of Motor Vehicle's records notice of the outstanding notice of infraction and the effective date of the deemed admission. For holders" in its place.

(5) Subsection (g) is repealed.

(6) Subsection (j) is amended as follows:

(A) Strike the phrase "penalties, points, or suspension of a person's license or privilege to drive in the District" and insert the phrase "penalties, or points" in its place.

(B) Strike the phrase "and points assessed or the suspension of a person's license or privilege to drive may be vacated." and insert the phrase "and points assessed may be vacated." in its place.

(d) Section 206 (D.C. Official Code § 50-2302.06) is amended as follows:

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

(A) Strike the phrase "if any, and suspend the person's license or privilege to drive in the District until the fines and penalties are paid, if" and insert the phrase "if any, if" in its place.

(B) Strike the phrase "judgment and suspension" and insert the word "judgment" in its place.

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

"(i) All civil fines and other monies collected pursuant to the provisions of this title shall be paid into the General Fund of the District of Columbia.".

(e) New sections 207 and 208 are added to read as follows:

"Sec. 207. Restriction on collecting fines after 10 years.

"If a civil fine or penalty resulting from a notice of infraction adjudicated pursuant to the provisions of this title remains unpaid 10 years after the notice is issued, the infraction shall be dismissed and any assessed civil fine or penalty shall be vacated and shall not be collected.

"Sec. 208. Reinstatement of suspended licenses.

"Within 30 days after the effective date of the Traffic and Parking Ticket Penalty Amendment Act of 2018, passed on 2nd reading on July 10, 2018 (Enrolled version of Bill 22-204), the Department shall reinstate a person's license, or privilege to drive within the District in the case of a person holding an out-of-state permit, if the person's license, or privilege to drive in the District, was suspended due to failure to pay any civil fines or penalties assessed pursuant to this title or failure to appear at a hearing under section 206(b).".

(f) Section 304(c) (D.C. Official Code § 50-2303.04(c)) is amended as follows:

(1) Strike the number "30" and insert the number "60" in its place.

(2) Strike the number "60" and insert the number "120" in its place.

(g) Section 305(d) (D.C. Official Code § 50-2303.05(d)) is amended as follows:

(1) Paragraph 1 is amended by striking the number "30" and inserting the number "60" in its place.

(2) Paragraph (2) is amended by striking the number "60" and inserting the number "120" in its place.

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

"(3) In addition to the notice required by paragraph (2) of this subsection, if a notice of infraction remains unanswered, not more than 100 days after the notice is issued, the Director shall send by regular mail, addressed to the person's address on the Department of Motor Vehicle's records, notice of the outstanding notice of infraction and the effective date of the deemed admission.".

(h) A new section 309 is added to read as follows:

"Sec. 309. Restriction on collecting fines after 10 years.

"If a civil fine or penalty resulting from a notice of infraction adjudicated pursuant to the provisions of this title remains unpaid 10 years after the date the notice is issued, the infraction shall be dismissed and any assessed civil fine or penalty shall be vacated and shall not be collected.".

(i) A new Title III-B is added to read as follows:

**ENROLLED ORIGINAL**

"TITLE III-B. COMMUNITY SERVICE DEBT REPAYMENT PROGRAM

"Sec. 321. Community Service Debt Repayment Program.

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

"(1) "Gross income" shall have the same meaning as provided in section 505(3) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.05(3)).

"(2) "Low-income resident" means a District resident with a gross income at or below 250% of the federal poverty level.

"(3) "Program" means the Community Service Debt Repayment Program established pursuant to subsection (b) of this section.

"(b) The Mayor shall establish a Community Service Debt Repayment Program to reduce the amount of civil fines or penalties owed by low-income residents resulting from the issuance of:

"(1) Those notices of infraction that would be processed and adjudicated pursuant to the provisions of Title II that were detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01); or

"(2) Notices of infraction that would be processed and adjudicated pursuant to the provisions of Title III.

"(c)(1) Under the Program, a low-income resident may, pursuant to rules issued by the Mayor, for each hour of community service performed, reduce the amount he or she owes by an amount equivalent to the minimum hourly wage described in section 4(a)(5) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(a)(5)).

"(2) The Mayor shall not impose on a low-income resident who participates in the Program any enrollment fee nor any other additional fees associated with participation in the Program.

"(3) A low-income resident may choose to reduce any portion of the amount he or she owes through participation in the Program, and participation in the Program shall not be predicated on a commitment by a low-income resident to reduce any specified amount owed.

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

Sec. 3. Applicability.

(a) The following sections shall apply upon the date of inclusion of their fiscal effect in an approved budget or financial plan:

(1) Section 2(a);

(2) Section 2(b)(2);

(3) Section 2(c)(1), (2)(A), (3), and (4)(B);

(4) The amendatory section 207 within section 2(e);

**ENROLLED ORIGINAL**

(5) Section 2(f);
(6) Section 2(g);
(7) Section 2(h); and
(8) Section 2(i).

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
September 5,2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-450**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 6, 2018**

To amend the Health Services Planning Program Re-Establishment Act of 1996 to limit certificate of need application fees paid by federally qualified health centers and federally qualified health center look-alikes for a new institutional health service located in Ward 7 or Ward 8 to $5,000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East End Certificate of Need Maximum Fee Establishment Amendment Act of 2018".

Sec. 2. Section 21 of the Health Services Planning Program Re-Establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended by adding a new subsection (c) to read as follows:

"(c)(1) Notwithstanding the provisions of subsection (a) of this section, the maximum application fee that may be collected from either a federally qualified health center or a federally qualified health center look-alike for a new institutional health service located in Ward 7 or Ward 8 shall be $5,000.

"(2) For the purposes of this subsection, the term:

"(A) "Federally qualified health center" shall have the same meaning as provided in section 1861(aa)(4) of the Social Security Act, approved August 14, 1935 (79 Stat. 313; 42 U.S.C. § 1395x(aa)(4)).

"(B) "Federally qualified health center look-alike" means an entity that has been determined by the Health Resources and Services Administration of the U.S. Department of Health and Human Services to meet the definition of a federally qualified health center, but does not receive funding under section 330 of the Public Health Service Act, approved June 12, 2002 (117 Stat. 2020; 42 U.S.C. § 254b).".

Sec. 3. Applicability.

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

**ENROLLED ORIGINAL**

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

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

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-451**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 6, 2018**

To amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to require the Corrections Information Council to submit an annual report on the conditions of confinement and programming provided to District of Columbia youth offenders in the custody of the federal Bureau of Prisons; to amend the Youth Rehabilitation Amendment Act of 1985 to modify the definitions of "committed youth offender", "treatment", and "youth offender", to require the Mayor to submit a strategic plan to the Council to provide facilities, treatment, and services to certain youth offenders and persons at risk of becoming youth offenders, to require youth offenders 15 to 24 years of age to perform not fewer than 90 hours of community service as part of probation, to clarify the act's application to the sentencing of youth offenders convicted of offenses with mandatory-minimum terms, to provide a list of factors to guide the court in making the determination of whether a youth offender should be sentenced under the act or have his or her conviction set aside, to require written statements of judges' sentencing and set aside decisions, to shift the decision of whether a youth offender's conviction should be set aside from sentencing to after the completion of the youth offender's probation or sentence of incarceration, supervised release, or parole, whichever is later, to provide grants to organizations to assist victims of crime and youth offenders in understanding and navigating the act's sentencing and set aside provisions, to require the Criminal Justice Coordinating Council to conduct a biennial analysis of the act, and to require certain District government agencies to provide the Criminal Justice Coordinating Council with data necessary to conduct the analysis; to establish a Clemency Board to facilitate clemency applications to the President of the United States; and to amend the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006 to establish a pilot program to provide transportation subsidies to returning citizens.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Rehabilitation Amendment Act of 2018".

**ENROLLED ORIGINAL**

TITLE I. YOUTH REHABILITATION AMENDMENT

Sec. 101. Section 11201a(f)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(f)(1)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Subparagraph (B) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(C) A report on the conditions of confinement of and programming provided to District of Columbia youth offenders, as that term is defined in section 2(6) of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901(6)), in the custody of the Bureau of Prisons.".

Sec. 102. The Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 24-901) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "individual committed" and inserting the phrase "individual sentenced" in its place.

(2) Paragraph (5) is amended to read as follows:

"(5) "Treatment" means guidance for youth offenders designed to improve public safety by facilitating rehabilitation and preventing recidivism.".

(3) Paragraph (6) is amended to read as follows:

"(6) "Youth offender" means a person 24 years of age or younger at the time that the person committed a crime other than murder, first degree murder that constitutes an act of terrorism, second degree murder that constitutes an act of terrorism, first degree sexual abuse, second degree sexual abuse, and first degree child sexual abuse.".

(b) Section 3 (D.C. Official Code § 24-902) is amended as follows:

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

"Sec. 3. Facilities, treatment, and services for youth offenders.".

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

"(a) The Mayor shall provide facilities, treatment, and services for the developmentally appropriate care, custody, subsistence, education, workforce training, and protection of the following youth offenders:

"(1) Those pending trial on charges of having committed misdemeanor or felony offenses under District law; and

"(2) Those convicted of misdemeanor or felony offenses under District law and who are in the District's care or custody.".

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

"(a-1)(1) By September 30, 2019, the Mayor shall develop and submit to the Council a strategic plan for providing the facilities, treatment, and services for youth offenders required by subsection (a) of this section.

"(2) The strategic plan shall include recommendations for adopting and implementing inter-agency programming by District agencies to address the following:

"(A) The educational, workforce development, behavioral and physical health care, housing, family, and reentry needs of youth offenders before commitment, while in District or federal care or custody, and upon reentry;

"(B) The availability of a continuum of developmentally appropriate, community-based services for youth offenders before commitment, while in District care or custody, and upon reentry;

"(C) Best practices in restorative justice for victims, youth offenders, including for youth offenders convicted of violent offenses, and persons at risk of becoming youth offenders;

"(D) The expansion of diversion programs for persons at risk of becoming youth offenders; and

"(E) Outreach by the District to committed youth offenders in District or federal care or custody to identify needs for services and plan for reentry.

"(3) In developing the strategic plan required by this subsection, the Mayor shall consult with community-based organizations with expertise in juvenile justice issues and justice system-involved young adults 18 through 24 years of age.".

(4) Subsection (b) is repealed.

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

"(c) The federal Bureau of Prisons is authorized to provide facilities, treatment, and services for the developmentally appropriate care, custody, subsistence, education, workforce training, segregation, and protection of youth offenders convicted of felony offenses under District law and in federal care or custody.".

(c) Section 4 (D.C. Official Code § 24-903) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase "If the court is of the opinion that the youth offender does not need commitment," and inserting the phrase "If the court determines that a youth offender would be better served by probation instead of confinement," in its place.

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

"(2) The court, as part of an order of probation of a youth offender 15 to 24 years of age, shall require the youth offender to perform not fewer than 90 hours of community service for a District government agency, a nonprofit, or a community service organization, unless the court determines that an order of community service would be unreasonable.".

(C) Paragraph (3) is amended by striking the phrase "Within 120 days of January 31, 1990," and inserting the phrase "By September 30, 2019," in its place.

**ENROLLED ORIGINAL**

(2) Subsections (b), (c), and (d) are amended to read as follows:

"(b)(1) If the offense for which a youth offender is convicted is punishable by imprisonment under applicable provisions of law other than this subsection, the court may use its discretion in sentencing the youth offender pursuant to this act, up to the maximum penalty of imprisonment otherwise provided by law.

"(2) Notwithstanding any other law, the court may, in its discretion, issue a sentence less than any mandatory-minimum term otherwise required by law.

"(3) The youth offender shall serve the court's sentence unless released sooner as provided in section 5.

"(c)(1) If the court sentences a youth offender under this act, the court shall make a written statement on the record of the reasons for its determination. Any statement concerning or related to the youth offender's contacts with the juvenile justice system or child welfare authorities, or medical and mental health records, shall be conducted at the bench and placed under seal. The youth offender shall be entitled to present to the court facts that would affect the court's sentencing decision.

"(2) In using its discretion in sentencing a youth offender under this act, the court shall consider:

"(A) The youth offender's age at the time of the offense;

"(B) The nature of the offense, including the extent of the youth offender's role in the offense and whether and to what extent an adult was involved in the offense;

"(C) Whether the youth offender was previously sentenced under this act;

"(D) The youth offender's compliance with the rules of the facility to which the youth offender has been committed, and with supervision and pretrial release, if applicable;

"(E) The youth offender's current participation in rehabilitative District programs;

"(F) The youth offender's previous contacts with the juvenile and criminal justice systems;

"(G) The youth offender's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;

"(H) The youth offender's ability to appreciate the risks and consequences of the youth offender's conduct;

"(I) Any reports of physical, mental, or psychiatric examinations of the youth offender conducted by licensed health care professionals;

"(J) The youth offender's use of controlled substances that are unlawful under District law;

"(K) The youth offender's capacity for rehabilitation;

"(L) Any oral or written statement provided pursuant to D.C. Official Code § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense, or by a family member of the victim if the victim is deceased; and

"(M) Any other information the court deems relevant to its decision.

"(d) If the court does not sentence a youth offender under this act, the court shall make a written statement on the record of the reasons for its determination and may sentence the youth offender under any other applicable penalty provision. Any statement concerning or related to the youth offender's contacts with the juvenile justice system or child welfare authorities, or medical and mental health records, shall be conducted at the bench and placed under seal.".

(3) Subsection (e) is amended by striking the phrase "will derive benefit from treatment" and inserting the phrase "will benefit from sentencing" in its place.

(d) Section 6 (D.C. Official Code § 24-905) is repealed.

(e) Section 7 (D.C. Official Code § 24-906) is amended as follows:

(1) Subsection (d) is repealed.

(2) Subsection (e) is amended by striking the phrase "conviction. In any case where the court sets aside the conviction of a youth offender, the court shall issue to the youth offender a certificate to that effect." and inserting the phrase "conviction." in its place.

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

"(e-1)(1) A youth offender, regardless of whether the youth offender was sentenced under this act, may, after the completion of the youth offender's probation or sentence of incarceration, supervised release, or parole, whichever is later, file a motion to have the youth offender's conviction set aside under this section. The court may, in its discretion, set aside the conviction.

"(2) In making the determination under paragraph (1) of this subsection, the court shall consider the factors listed in section 4(c)(2) and make a written statement on the record of the reasons for its determination. The youth offender shall be entitled to present to the court facts that would affect the court's set aside decision.

"(e-2) In any case in which the youth offender's conviction is set aside, the youth offender shall be issued a certificate to that effect.".

(4) Subsection (f)(4) is amended by striking the word "his" and inserting the phrase "his or her" in its place.

(f) New sections 7a and 7b are added to read as follows:

"Sec. 7a. Grants for victims of crime and youth offenders.

"The Office of Victim Services and Justice Grants shall, on an annual basis, provide grants to organizations to assist victims of crime and youth offenders in understanding and navigating the sentencing and set aside provisions of this act. Annual grant amounts shall be limited to funds included in an approved budget and financial plan.

"Sec. 7b. Biennial analysis and information-sharing.

"(a) By October 1, 2022, and every 2 years thereafter, the Criminal Justice Coordinating Council shall analyze and submit to the Mayor and Council a report on the following:

"(1) The number of cases and persons eligible for sentencing and to have their convictions set aside under this act, and how many persons were sentenced or had their convictions set aside under this act;

"(2) The factors that affected the likelihood of receiving a sentence under this act, such as assessed offense type, prior arrests, prior juvenile commitment, or age;

"(3) The extent to which cases eligible to be sentenced under this act were subject to mandatory-minimum terms, and if so, the extent to which mandatory-minimum terms were imposed;

"(4) The type and length of sentences for those sentenced under this act, compared to those not sentenced under this act;

"(5) The factors that affected the likelihood that those sentenced under this act would have their convictions set aside;

"(6) A comparison of the recidivism of those sentenced under this act who had their convictions set aside, compared to those sentenced under this act who did not have their convictions set aside;

"(7) A comparison of the recidivism of those sentenced under this act to similarly situated persons not sentenced under this act; and

"(8) The impact of programming provided to youth offenders under this act.

"(b) To aid in the development of the reports required by subsection (a) of this section, the following agencies shall provide the information listed below, upon request by the Criminal Justice Coordinating Council:

"(1) The Department of Corrections:

"(A) Incarceration and release dates, with type of discharge;

"(B) Federal registration numbers; and

"(C) Programming provided to individuals committed to Department of Corrections care or custody;

"(2) The Metropolitan Police Department: arrest histories for District arrests, including juvenile and adult histories;

"(3) The Department of Youth Rehabilitation Services: past commitments to the Department of Youth Rehabilitation Services, including end dates of those commitments; and

"(4) The District of Columbia Sentencing Commission: aggregate data on sentences imposed in cases sentenced under this act and cases not sentenced under this act, by type of offense and type of criminal history score.".

TITLE II. CLEMENCY BOARD ESTABLISHMENT

SUBTITLE A

Sec. 201. Short title.

This title may be cited as the "Clemency Board Establishment Act of 2018".

**ENROLLED ORIGINAL**

Sec. 202. Definitions.

For the purposes of this title, the term:

(1) "Board" means the Clemency Board established in section 203.

(2) "Clemency" means the power of the President of the United States to modify an individual's criminal sentence through either commutation or pardon.

(3) "Commutation" means a reduction in a sentence or fine imposed on an individual.

(4) "District offenders" means a person convicted of violating a District law or regulation.

(5) "EOM" means the Executive Office of the Mayor.

(6) "Pardon" means the removal of collateral consequences associated with the punishment imposed on an individual, usually granted to restore an individual's civil rights.

Sec. 203. Establishment and duties.

(a) There is established a Clemency Board within the EOM to review the applications of District offenders and determine which applicants to recommend to the President of the United States for clemency. The EOM's General Counsel shall provide staff, office space, and administrative support to the Board.

(b) The Board shall:

(1) Develop criteria and an application for clemency recommendations and publicize the application procedure;

(2) Review each application and determine, within 6 months after a complete application is received, whether to recommend the application to the President of the United States;

(3) Consider both cases of actual innocence and cases of those who are remorseful and can show that they have been rehabilitated;

(4) Give special consideration to applicants who are terminally ill or elderly, or who no longer present a danger to the community;

(5) Develop criteria for the consideration of an applicant's background, which may include procedures by which the Board obtains information from outside organizations that the applicant has interacted with;

(6) Whenever feasible, conduct in-person, telephone, or video conference hearings with applicants;

(7) Allow applicants to have access to an attorney or non-attorney representative at any hearing before the Board;

(8) When the Board decides to recommend an application to the President of the United States:

(A) Send the application, along with a narrative describing why the Board recommended the application, to the Office of the Pardon Attorney and to the President of the United States; and

(B) Provide notification, to include the applicant's name, to the Chairman of the Council and the chairperson of the Council committee with jurisdiction over judiciary matters; and

(9) Track and publish the number of applications the Board grants and denies, including the number of applications recommended to the President of the United States, in an annual report to the Council and on the EOM's website; provided, that the annual report shall exclude personally identifiable information.

Sec. 204. Composition.

(a) The Board shall consist of the following members:

(1) Five individuals appointed by the Mayor pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), with the following qualifications:

(A) One member with a background in returning citizen issues;

(B) One mental-health professional;

(C) One member with a background in victim's rights;

(D) One member of the District of Columbia Bar in good standing, with experience in criminal law; and

(E) One District resident community member;

(2) The Attorney General for the District of Columbia, or the Attorney General's designee; and

(3) The chairperson of the Council committee with jurisdiction over judiciary and public safety matters, or the chairperson's designee.

(b) In addition to the members described in subsection (a) of this section, the Mayor shall invite the Director of the Public Defender Service for the District of Columbia, or the Director's designee, and the United States Attorney for the District of Columbia, or the United States Attorney's designee, to participate as members of the Board.

(c) The Board shall select a chairperson from among the members appointed pursuant to subsection (a)(1) of this section.

(d)(1) At the first meeting of the Board, the Board shall determine what constitutes a quorum for the transaction of business.

(2) Applications for clemency shall be approved for recommendation to the President of the United States by a majority vote of the members present and voting.

(e)(1) Board members appointed pursuant to subsection (a)(1) of this section shall serve for terms of 4 years, except as provided in paragraph (2) of this subsection.

(2) Of the members initially appointed under subsection (a)(1) of this section, 3 members shall be appointed to serve for a 4-year term and 2 members shall be appointed to serve for a 3-year term. The terms of the members first appointed pursuant to subsection (a)(1) of this section shall begin on the date by which a majority of the members appointed pursuant to

subsection (a)(1) of this section are sworn in, which shall become the anniversary date for all subsequent appointments.

Sec. 205. Eligibility for a clemency recommendation.

(a) All District offenders shall be eligible to apply for a clemency recommendation from the Board.

(b) No application for a clemency recommendation shall be filed pursuant to this subtitle if other forms of judicial or administrative relief are available based on existing law and already-discovered evidence.

(c) The application criteria developed by the Board, pursuant to section 203(b)(1), for applicants seeking a pardon shall require the applicant to:

(1) Before applying, wait 5 years after the date of the release of the applicant from confinement or, in case no prison sentence was imposed, wait 5 years after the date of the conviction of the applicant;

(2) Not have been convicted of any other criminal offense that is relevant to the conviction for which the applicant seeks clemency, as determined by the Board;

(3) Not be subject to any pending criminal charge that is relevant to the conviction for which the applicant seeks clemency, as determined by the Board;

(4) Not be a party to a past or pending civil case that is relevant to the conviction for which the applicant seeks clemency, as determined by the Board;

(5) Demonstrate that the applicant has been rehabilitated; and

(6) Describe how the receipt of a pardon would help the applicant achieve his or her goals and contribute to the community.

(d) The application criteria developed by the Board, pursuant to section 203(b)(1), for applicants seeking a commutation shall require the applicant to:

(1) Demonstrate that the applicant has been rehabilitated; and

(2) Describe how commutation would help the applicant achieve his or her goals and contribute to the community.

(e) An applicant shall be given special consideration if the sentencing scheme, including a mandatory-minimum sentence, for the offense for which he or she was convicted was changed to provide for less severe penalties after the applicant was convicted under the sentencing scheme.

Sec. 206. Confidentiality of proceedings.

(a) Proceedings of the Board shall be subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), except that the Board shall hold closed sessions when:

(1) Considering applications for clemency recommendations; or

(2) Discussing matters that would allow for the identity of any person who is a subject of the discussion, other than a person who has expressly consented to be identified, to be ascertained.

(b)(1) Persons other than Board members who attend any Board meeting that is closed to the public shall not disclose what occurred at the meeting to anyone who was not in attendance, except insofar as disclosure is necessary for that person to comply with a request for information from the Board.

(2) Board members who attend closed meetings shall not disclose what occurred with anyone who was not in attendance (except other Board members), except insofar as disclosure is necessary to carry out the duties of the Board.

Sec. 207. Confidentiality of information.

(a) Except as provided by this section, information and records of the Board shall not be disclosed voluntarily, pursuant to a subpoena, in response to a request for discovery in any adjudicative proceeding, or in response to a request made under the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), nor shall they be introduced into evidence in any administrative, civil, or criminal proceeding.

(b)(1) Information and records of the Board may be disclosed by members of the Board only as necessary to carry out the Board's duties and purposes.

(2) A member of the Board who discloses information pursuant to this act shall take all reasonable steps to ensure that the information disclosed, and the persons to whom the information is disclosed, are as limited as possible.

(c) Information and records presented to the Board shall not be immune from subpoena or request for discovery in an adjudicative proceeding or prohibited from being introduced into evidence solely because the information and records were presented to the Board, if the information and records have been obtained through sources other than the Board or its members.

Sec. 208. 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 title.

SUBTITLE B

Sec. 221. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (33) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (34) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (35) is added to read as follows:

"(35) The Clemency Board, established by section 203 of the Youth Rehabilitation Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-451).".

Sec. 222. Section 204(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

(a) Paragraph (15) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (16) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(17) Information exempt from disclosure pursuant to section 207(a) of the Youth Rehabilitation Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-451).".

TITLE III. RETURNING CITIZENS OPPORTUNITY TO SUCCEED TRANPORTATION PILOT PROGRAM

Sec. 301. The Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 24-1302) is amended as follows:

(1) Subsection (a) is amended by striking the word "career" and inserting the word "workforce" in its place.

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

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

(i) Subparagraph (B) is amended by striking the phrase "the returning" and inserting the word "returning" in its place.

(ii) Subparagraph (H) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(iii) Subparagraph (I) is amended by striking the period and inserting the phrase "; and" in its place.

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

"(J) Establish a pilot program for Fiscal Year 2019 to provide transportation subsidies to returning citizens, pursuant to criteria to be developed by the Office, in the amount of $60,000.".

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

"(4) The Director may communicate and coordinate with and seek information from the federal Bureau of Prisons ("BOP"), including by:

"(A) Developing and maintaining a database containing the name, location of incarceration, and contact information for each District resident incarcerated by the BOP who is expected to be released within the next 6 months; and

"(B) Contacting each District resident incarcerated by the BOP who is expected to be released within the next 6 months to provide:

"(i) Information detailing available housing and employment resources, including any necessary application forms;

"(ii) The Office's contact information; and

"(iii) The necessary information to apply for birth certificates and non-driver identification cards.".

(b) Section 4(b)(1) (D.C. Official Code § 24-1303(b)(1)) is amended as follows:

(1) Subparagraph (I) is amended by striking the word "Rehabilitative" and inserting the word "Rehabilitation" in its place.

(2) Subparagraph (L) is amended by striking the word "Mental" and inserting the word "Behavioral" in its place.

TITLE IV. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE

Sec. 401. Fiscal impact statement.

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

Sec. 402. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
September 5,2018

**ENROLLED ORIGINAL**

AN ACT

# D.C. ACT 22-452

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 6, 2018**

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Campaign Finance Reform and Transparency Temporary Amendment Act of 2018".

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

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

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

**ENROLLED ORIGINAL**

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
September 5, 2018

**ENROLLED ORIGINAL**

AN ACT

**D.C. ACT 22-453**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**SEPTEMBER 5, 2018**

To establish a Healthy Steps Pediatric Primary Care Demonstration Program to be administered by the Department of Health to implement an interdisciplinary pediatric primary care program that uses a child development professional to assist families during well-child visits by providing guidance and information to promote healthy early childhood development and lactation support services, to establish a Help Me Grow Program to be administered by the Department of Health to serve as a comprehensive resource and referral system for child development and family support services, to require the Department of Health to conduct a comprehensive assessment of home visiting in the District, to establish a Home Visiting Program to be administered by the Department of Health to support the provision of home visiting services and home visit system activities, to require the Department of Health to issue grants to a nonprofit organization to enable the organization to provide services to homeless families with an infant or toddler residing in the DC General Family Shelter or DC General Family Shelter replacement units, and immigrant families, to establish a Lactation Certification Preparatory Program to be administered by the Department of Health in coordination with an institution of higher education and an existing provider of a lactation consultant preparatory course to provide instruction, assistance, and mentorship to individuals undertaking a career in lactation consulting, to require the Department of Health, in consultation with the Office of the State Superintendent of Education and the Fire and Emergency Medical Services Department, to establish a community resource inventory program, and to require the Department of Health to expand the number of child development centers providing child and family-centered behavioral health care services to families with infants and toddlers or develop and implement another evidence-based program to provide those services in child development centers; to amend the Day Care Policy Act of 1979 to require the Office of the State Superintendent of Education to develop a competitive compensation scale for lead teachers and teaching assistants, and to expand income eligibility for District-subsidized child care services; and to amend the Pre-K Enhancement and Expansion Amendment Act of 2008 to require the Director of the Department of Consumer and Regulatory Affairs and the State Superintendent of Education to each designate at least one employee to serve as an Early Childhood Development Facility Coordinator, and to require the University of the District of Columbia to partner with

community-based child development centers to offer classes in the University of the District of Columbia's Early Childhood Infant and Toddler degree program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Birth-to-Three for All DC Amendment Act of 2018".

TITLE I. HEALTHY EARLY CHILDHOOD DEVELOPMENT

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Adverse childhood experiences" means stressful or traumatic experiences experienced by infants and toddlers, including housing instability, childhood abuse, family instability, substance abuse, mental illness, and family criminal involvements.

(2) "CFSA" means the Child and Family Services Agency.

(3) "Child development center" shall have the same meaning as provided in section 2(2) of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401(2)).

(4) "Community-based social services" means services that address the social determinants of health and contribute to the well-being of families, communities, and populations.

(5) "Community health worker" means an individual who provides community navigation services.

(6) "Community navigation services" means the provision of assistance to individuals seeking to access health care services in the home and community by identifying and reducing barriers to obtaining health care services.

(7) "Community resource inventory" means a software platform accessible by health professionals and community-based social services providers, that consists of a web-based tool capable of screening individuals for trauma, developmental health, behavioral health, and social determinants of health needs.

(8) "DBH" means the Department of Behavioral Health.

(9) "DHCF" means the Department of Health Care Finance.

(10) "DHS" means the Department of Human Services.

(11) "DMHHS" means the Office of the Deputy Mayor for Health and Human Services.

(12) "DOH" means the Department of Health.

(13) "Early Head Start Home Visiting" or "Early Head Start" means a program established pursuant to section 645a of the Head Start Act Amendments of 1994, approved May 18, 1994 (42 U.S.C. § 9840a).

(14) "Healthy Futures Program" or "Healthy Futures" means the program administered by DBH that uses health professionals to provide child and family-centered behavioral health care services to families with infants and toddlers.

(15) "Healthy Steps" means a nationally recognized evidence-based approach to family-centered supports consisting of an interdisciplinary pediatric primary care program that uses a child development professional to assist families during well-child visits by providing guidance and information to promote healthy early childhood development.

(16) "Health professional" shall have the same meaning as provided in section 101(8) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01(8)).

(17) "Home visiting" means a program that:

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

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

(18) "Home Visiting Council" means the District of Columbia Home Visiting Council, an entity that includes representatives of District agencies, child advocacy organizations, home visiting providers, early childhood programs, and other stakeholders, that supports the sustainability of home visiting and promotes positive childhood health and development outcomes.

(19) "Home visitor" means a trained individual who, through a home visiting program, provides home visiting services, primarily in families' homes.

(20) "Home visit system" means activities designed to support and improve the quality and sustainability of home visiting programs, including:

(A) Home visiting quality and utilization;

(B) Data collection to measure the effectiveness of home visiting;

(C) Workforce and professional development services;

(D) Technical assistance; and

(E) Development and implementation of home visiting best practices.

(21) "Infant" means an individual younger than 12 months of age.

(22) "Interagency Coordinating Council" means the entity established pursuant to section 503(b) of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 7-863.03(b)).

(23) "International Board-Certified Lactation Consultant" means a health professional who provides lactation support services and possesses a current certification as a lactation consultant from the International Board of Lactation Consultant Examiners.

(24) "Lactation support services" means evidence-based services, including counseling or consulting services, provided on an out-patient basis by hospitals and birth centers to promote healthy breastfeeding.

(25) "Medicaid" means the medical assistance programs authorized by title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and

by section 1 of 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), and administered by DHCF.

(26) "OSSE" means the Office of the State Superintendent for Education.

(27) "Patient-Centered Medical Home National Committee for Quality Assurance recognition" means the certification provided by the National Committee for Quality Assurance to acknowledge health professionals that implement the latest clinical procedures to ensure the delivery of quality comprehensive health care services.

(28) "Primary care provider" means a health professional who provides health care services, addresses a majority of personal health care needs, maintains a sustained partnership with patients, and practices in the context of family and community.

(29) "Quality Improvement Network Interagency Steering Committee" means the entity established to coordinate the provision of resources and comprehensive services to infants and toddlers in Quality Improvement Network programs.

(30) "SECDCC" means the State Early Childhood Development Coordinating Council established pursuant to section 107(a) of the Pre-k Acceleration and Clarification Amendment Act of 2010, effective March 8, 2011 (D.C. Law 18-285; D.C. Official Code § 38–271.07(a)).

(31) "Social determinants of health" means the conditions in the environment in which people are born, live, work, and age that have a significant impact on health outcomes, including socioeconomic status, education, physical environment, employment, social support networks, and access to health care services.

(32) "Strong Start DC Early Intervention Program" or "Strong Start" means a District-wide, comprehensive, coordinated, multidisciplinary system that provides early intervention therapeutic and other services for infants and toddlers with disabilities and developmental delays and their families, as required pursuant to Part C of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1431).

(33) "Toddler" means an individual older than 12 months but younger than 36 months of age.

Sec. 102. Healthy Steps Pediatric Primary Care Demonstration Program.

(a) DOH shall establish and administer a Healthy Steps Pediatric Primary Care Demonstration Program ("Program"), in accordance with this section, for the purpose of providing grants to primary care providers to administer:

(1) Healthy Steps; and

(2) Co-located lactation support services within the facilities of primary care providers selected to participate in the Program.

(b) Primary care providers located in Wards 5, 7, or 8 that serve a population of 50% Medicaid-eligible families shall be eligible to participate in the Program.

(c) An eligible primary care provider seeking to participate in the Program shall submit an application to DOH that includes a detailed description of the applicant's:

(1) Current pediatric population, including the following demographic characteristics of patients:

(A) Race;

(B) Ethnicity;

(C) Income level of parents;

(D) Primary language spoken; and

(E) Location by ward;

(2) Approach to health promotion, screening, prevention, and wellness for families with infants and toddlers;

(3) Engagement with other health professionals, including referral relationships with community-based social service providers and home visiting programs;

(4) Plan to integrate a child development specialist and a community health worker into the applicant's practice to engage with families with infants and toddlers;

(5) Plan to refer, coordinate care, and share data with home visiting programs and early learning providers, including Early Head Start, the Quality Improvement Network, and Strong Start;

(6) Plan to coordinate with family support services to address social determinants of health;

(7) Plan to engage an entity with expertise in implementing Healthy Steps for initial and ongoing training of pediatric primary care staff;

(8) Plan to provide services to promote healthy early childhood development and address parenting challenges;

(9) Plan to offer lactation support services, including consultative services and individual and group education classes;

(10) Staffing plan for lactation support services;

(11) Plan to coordinate care and referrals to co-located lactation support services;

(12) Current follow through rate of patient behavioral health referrals;

(13) Plan to improve the health literacy of patients;

(14) Plan to screen infants and toddlers for adverse childhood experiences and incorporate findings into the practice; and

(15) Other information as may be required by DOH.

(d) Subject to appropriations, DOH shall provide funding to participating primary care providers to:

(1) Implement Healthy Steps;

(2) Obtain and maintain Patient-Centered Medical Home National Committee for Quality Assurance recognition ;

(3) Obtain the services of community health workers to provide community navigation services;

(4) Screen patients and their families for adverse childhood experiences, developmental health, behavioral health, and social determinants of health needs that affect health and behavioral health outcomes, including poverty, food insecurity, housing instability, and domestic and community violence;

(5) Provide families with community navigation services to address the findings of the screening process conducted pursuant to paragraph (4) of this subsection;

(6) Support the data collection and reporting required pursuant to section 103(a) of this section; and

(7) Support organizational training, evaluation, and delivery of services.

(e) DOH shall coordinate with other District agencies and primary care providers selected to participate in the Program to identify and provide effective incentives to families to encourage the use of lactation support services and community-based social services.

(f) DOH shall determine the feasibility of co-locating clinics participating in the Special Supplemental Nutrition Program for Women, Infants, and Children, as established by section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786), with primary care providers selected to participate in the Program.

(g) Subject to appropriations, local funding provided to the Program shall be:

(1) A grant of $300,000 each fiscal year for one primary care provider selected to participate in the Program and an evaluation by the external evaluation contractor selected pursuant to section 103; provided, that no more than 20% of the grant shall be allocated for an external evaluation conducted pursuant to section 103;

(2) In Fiscal Year 2020, an amount for at least one additional primary care clinic selected to participate in the Program; provided, that no more than 20% of the grant shall be allocated for an external evaluation conducted pursuant to section 103;

(3) In Fiscal Year 2021, an amount for at least one additional primary care clinic selected to participate in the Program; provided, that no more than 20% of the grant shall be allocated for an external evaluation conducted pursuant to section 103;

(4) In Fiscal Year 2022, an amount for at least one additional primary care clinic selected to participate in the Program; provided, that no more than 20% of the grant shall be allocated for an external evaluation conducted pursuant to section 103; and

(5) In Fiscal Year 2023, an amount for at least one additional primary care clinic selected to participate in the Program; provided, that no more than 20% of the grant shall be allocated for an external evaluation conducted pursuant to section 103.

Sec. 103. External evaluation contractor.

(a) By December 1, 2018, DOH shall select an external evaluation contractor to conduct a community-based evaluation of the effectiveness of the Program.

(b) Beginning January 1, 2020, and annually thereafter, primary care providers selected to participate in the Healthy Steps Pediatric Primary Care Demonstration Program ("Program") established pursuant to section 102 shall report to an external evaluation contractor, selected by

the grantee, and approved by DOH:

(1) A schedule of well-infant visits;

(2) The percentage of infants and toddlers who are up-to-date on their immunizations;

(3) The percentage of infants and toddlers who are up-to-date on their lead screenings, pursuant to section 2003(b) of the Childhood Lead Poisoning Screening and Reporting Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 7-871.03(b));

(4) The number of infants and toddlers placed in a home visiting program;

(5) The number of infants and toddlers that were not placed in a home visiting program due to a lack of available slots;

(6) The number of referrals of patients to Strong Start, developmental health, behavioral health, and community-based social services providers;

(7) The number of patients screened for behavioral health and social service needs;

(8) The number of patients referred to lactation support services;

(9) The number of breastfeeding patients served;

(10) Breastfeeding initiation and duration rates; and

(11) Other qualitative outcome and performance mechanisms chosen by primary care providers selected to participate in the Program to measure healthy early childhood development.

(c) Beginning January 1, 2020, and annually thereafter, DOH, in coordination with primary care providers selected to participate in the Program and an external evaluation contractor selected pursuant to subsection (a) of this section, shall submit a report to the Mayor, Council, Quality Improvement Network Interagency Steering Committee, Interagency Coordinating Council, and OSSE evaluating the information submitted pursuant to subsection (b) of this section.

Sec. 104. Help Me Grow.

(a) Beginning October 1, 2019, there is established a Help Me Grow Program ("Help Me Grow"), which shall be administered by DOH in accordance with this section. The purpose of Help Me Grow shall be to serve as a comprehensive resource and referral system for child development and family support services by providing:

(1) A direct toll-free phone number for families with infants and toddlers, and health professionals, that offers oral language services in accordance with the requirements of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), including oral language services in English, Spanish, Vietnamese, Chinese, Amharic, and French;

(2) A current directory of public and private programs and services available to support families with infants and toddlers, including all programs administered by DOH, CFSA,

DBH, OSSE, DHCF, and DHS;

(3) A process that assesses the health care needs of families with infants, toddlers, and children between 3 and 5 years of age, identifies gaps in the provision of community navigation services to such individuals, and measures the effectiveness of the home visiting referral and enrollment process;

(4) A centralized screening and referral mechanism, developed in collaboration with the Home Visiting Council, to facilitate the provision of home visiting services to families with infants and toddlers;

(5) Linguistically appropriate outreach and materials to enhance the knowledge of families with infants and toddlers of available child development services; and

(6) Training for health professionals to promote knowledge of screening for child developmental disorders and of Help Me Grow.

(b) DOH shall coordinate with DMHHS, DHCF, and OSSE to establish a data system to store and share health data pertaining to the screening of infants, toddlers, and children between 3 and 5 years of age for early childhood developmental health issues.

(c) By January 1, 2021, DOH, in collaboration with DHCF, shall develop and implement a plan to track data pertaining to the early childhood development of infants and toddlers by providing a unique child identifier for each live birth which occurs in the District.

(d) Beginning January 1, 2020, and semiannually thereafter, DOH shall submit a report to the Mayor, Council, Interagency Coordinating Council, SECDCC, and the Quality Improvement Network Interagency Steering Committee regarding the implementation of Help Me Grow.

Sec. 105. Home Visiting Program.

(a) There is established a Home Visiting Program ("Program"), which shall be administered by DOH in accordance with this section.

(b) Subject to appropriations, the Program shall be funded from the following sources:

(1) In Fiscal Year 2019, an amount of $710,566 in local funds;

(2) In Fiscal Year 2020, an amount of $2 million in local funds;

(3) Federal grants; and

(4) Private donations.

(c) The funds in the Program shall be used to support the provision of home visiting services and home visit system activities.

Sec. 106. Home visiting reports.

(a) By April 30, 2019, and every 5 years thereafter, DOH, in coordination with other District agencies as necessary, shall conduct a comprehensive needs assessment of home visiting in the District. This assessment shall include:

(1) A neighborhood-level analysis of the number and location of families who would most benefit from home visiting;

(2) A determination of the capacity of existing home visiting programs to meet

the need for home visiting services; and

(3) An assessment of the capacity of District agencies to support the implementation of additional home visiting services.

(b)(1) By January 1, 2019, and annually thereafter, DOH, in coordination with other District agencies as necessary, the Home Visiting Council, and home visiting programs, shall publish a report regarding the funding, scope, placement rate, success rate, and other similar statistics of home visiting services in the District.

(2) Beginning January 1, 2020, the report shall also include any progress toward the provision of home visiting services to families identified pursuant to subsection (a)(1) of this section.

(c) By December 31, 2019, DOH, in coordination with other District agencies as necessary, the Home Visiting Council, and home visiting programs, shall conduct and publish a study of home visitors. This study shall include an analysis of qualitative and quantitative data pertaining to home visitors, including the:

(1) Number of home visitors;

(2) Workload, retention rate, and attrition rate of home visitors;

(3) Impact of home visitor attrition on families and home visiting programs;

(4) Factors contributing to the retention and attrition of home visitors; and

(5) Challenges to hiring and educating home visitors.

Sec. 107. Early Head Start.

(a) Beginning October 1, 2019, and annually thereafter, OSSE shall award a grant or contract to a single nonprofit organization to enable the organization to provide Early Head Start to homeless families with an infant or toddler residing in the DC General Family Shelter or DC General Family Shelter replacement units. The grantee or contractor shall:

(1) Be a licensed child development facility that has an existing contract with OSSE to provide subsidized child care services pursuant to the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*);

(2) Demonstrate quality by maintaining a rating in the top 2 tiers of the District's current quality rating system;

(3) Demonstrate an understanding of best practices in providing services to homeless families;

(4) Possess the ability to implement programs that promote healthy prenatal outcomes for pregnant women, enhance the development of infants and toddlers, and promote healthy family functioning; and

(5) Agree to undergo an annual audit by DOH on its financial health and use of the award.

(b) Beginning October 1, 2019, and annually thereafter, DOH shall award a grant or contract to at least one nonprofit organization to enable the organization to provide Early Head Start to immigrant families. The grantee or contractor shall:

(1) Demonstrate an understanding of best practices in providing services to immigrant families;

(2) Possess the ability to implement programs that promote healthy prenatal outcomes for pregnant women, enhance the development of infants and toddlers, and promote healthy family functioning; and

(3) Agree to undergo an annual audit by DOH on its financial health and use of the award.

Sec. 108. Lactation Certification Preparatory Program.

(a) Beginning October 1, 2019, there is established a Lactation Certification Preparatory Program ("LCPP"), which shall be administered by DOH in coordination with an institution of higher education, as that term is defined in section 201(3) of the Education of the Deaf Act of 1986, approved August 4, 1986 (100 Stat. 781; D.C. Official Code § 38-2402.01(3)), and an existing provider of a lactation consultant preparatory course.

(b) LCPP shall offer the following types of services:

(1) Instruction in the standards and procedures necessary to become an International Board-Certified Lactation Consultant;

(2) Assistance with obtaining any required clinical experience in lactation consulting; and

(3) Mentorship from International Board-Certified Lactation Consultants to assist in preparation for the International Board-Certified Lactation Consultant exam and a career in lactation consulting.

(c) DOH shall offer a subsidy to individuals participating in the LCPP to offset the cost of participation.

Sec. 109. Community Resource Inventory Program.

(a) Beginning October 1, 2018, there is established a Community Resource Inventory Program ("CRIP"), which shall be administered by DHCF, in consultation with OSSE, FEMS, community partners engaged in resource inventory development, and stakeholders identified by the 2018 State Medicaid Health IT Plan, to develop, design, and deploy a web-based, bi-directional community resource inventory that:

(1) Is accessible to health and social support organizations and District government agencies;

(2) Has the capacity to allow participating entities to communicate and track referrals;

(3) Includes all District-operated and District-funded programs;

(4) Operates in a publicly accessible, non-proprietary, machine-readable, and interoperable data format;

(5) Screens residents for behavioral health, developmental health, and social determinants of health needs;

(6) Shares screening results with the database established pursuant to section 104(b); and

(7) Refers residents to appropriate federal, District, and community resources to address their health care needs, including to primary care providers participating in the Healthy Steps Pediatric Primary Care Demonstration Program established pursuant to section 102.

(b) DHCF shall designate a point of contact for the CRIP to coordinate with other District agencies and community partners to leverage existing data assets and establish interoperability with existing information systems.

(c) Within 180 days after the effective date of the Birth-to-Three for All DC Amendment Act of 2018, passed on second reading on June 26, 2018 (Enrolled version of Bill 22-203), DHCF shall submit a report to the Mayor and the Council that describes the implementation of the CRIP and its plan to leverage existing resource data assets and establish interoperability between the community resource inventory and existing information systems.

(d) Beginning in Fiscal Year 2020, DHCF shall develop an online resource inventory and license fee and shall design, implement, and support this screening tool.

Sec. 110. Healthy Futures.

(a) Beginning October 1, 2019, and annually thereafter until Fiscal Year 2023, DBH shall expand the number of child development centers participating in either Healthy Futures or another evidence-based program that provides behavioral health care services by 75 child care development centers each year.

(b) By August 1, 2019, DBH shall submit a plan to the Mayor, Council, Interagency Coordinating Council, SECDCC, and the Quality Improvement Network Interagency Steering Committee to expand Healthy Futures or another evidence-based program that provides behavioral health care services to support the mental health of infants, toddlers, and their families.

TITLE II. CHILD CARE

Sec. 201. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-401) is amended as follows:

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

"(1) The term "child" means an individual between 3 and 15 years of age.".

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

"(3B) "The term "concentrated poverty" means an area in which 40% or more of a census tract population lives below the federal poverty level, as updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to section 673(2) of the Community Services Block Grant Act, approved October 27, 1998 (112 Stat. 2729; 42 U.S.C. § 9902(2)).

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"(3C) The term "cost modeling analysis" means the methodology for determining the likely cost of delivering services and reimbursement rates to achieve financial solvency at each level of the District's current Quality Rating and Improvement system.

"(3D) The term "cost of care" means the daily per-child dollar amount necessary for a child development facility to deliver services to maintain financial solvency at each level of the District's current Quality Rating and Improvement system.".

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

"(4A) "The term "infant" means an individual younger than 12 months of age.".

(4) Paragraph (5A) is redesignated as paragraph (5C).

(5) New paragraphs (5A) and (5B) are added to read as follows:

"(5A) The term "parity" means compensation for an individual that includes compensation equivalent to the average base salary and fringe benefits of an elementary school teacher employed by District of Columbia Public Schools with the equivalent role, credentials, and experience.

"(5B) The term "Quality Rating Improvement System" or "QRIS" means the method utilized by the Office of the State Superintendent of Education to assess the level of quality of child care provided by a child development facility.".

(6) New paragraphs (7) and (8) are added to read as follows:

"(7) The term "toddler" means an individual between 12 months of age and 36 months of age.

"(8) The term "vulnerable child" means:

"(A) A child with documented special needs;

"(B) A child experiencing homelessness;

"(C) A child in foster care;

"(D) A child receiving or needing to receive protective services;

"(E) A child of a parent with disabilities, either medical, psychological, or psychiatric in nature, that prevents them from performing a substantial amount of work; or

"(F) A child of a parent receiving vocational rehabilitation services.".

(b) Section 10(a) (D.C. Official Code § 4-409(a)) is amended by striking the phrase "The Department shall" and inserting the phrase "Except as provided in section 11b, the Department shall" in its place.

(c) Section 11(a) (D.C. Official Code § 4-410(a)) is amended by striking the phrase "Payments to child development homes" and inserting the phrase "Except as provided in section 11b, payments to child development homes" in its place.

(d) New sections 11a, 11b, and 11c are added to read as follows:

"Sec. 11a. Studies of child development facilities for infants and toddlers.

"(a) Beginning in Fiscal Year 2019, OSSE shall make public its payment rates for child development facilities by August 1 of each calendar year for the fiscal year immediately following.

"(b)(1) By December 1, 2018, OSSE shall develop a competitive lead teacher and teacher

assistant compensation scale ("salary scale") for child development facilities that achieves parity.

"(2) The salary scale developed by OSSE shall be accompanied by a schedule that incorporates a cost modeling analysis to establish a rate of reimbursement for lead teacher and teacher assistant compensation at child development facilities that achieves parity by October 1, 2022.

"(c) By February 1, 2019, and by February 1, 2024, and on a triennial basis thereafter, OSSE shall submit a report to the Council that includes:

"(1) The findings from the cost modeling analysis, updated to include the current salary scale;

"(2) A description of the methodology used to determine the cost of care, including the salary scale and an analysis of child development facilities that assesses:

"(A) Quality rating under the Quality Rating and Improvement System;

"(B) Type of facility and facility licensed capacity;

"(C) Number and age of children and number of classrooms per age group;

"(D) Proportion and reimbursement rate of children served who participate in the child care subsidy program;

"(E) Proportion of children served who are eligible for Early Head Start;

"(F) Proportion of children served who have special needs;

"(G) Staffing costs associated with applying the salary scale, including benefits, at different stages of the phasing in process, pursuant to section 11c;

"(H) Whether the program is staffed to provide specialized professional services for children with special needs;

"(I) Whether the facility participates in a shared service alliance, including the Quality Improvement Network; and

"(J) Whether the program is located in, or is adjacent to, an area of concentrated poverty; and

"(3) A proposal for daily reimbursement rates for child development facilities and the total anticipated cost of payments to child development facilities for the upcoming school year.

"Sec. 11b. Payments to child development facilities for infants and toddlers.

"(a) OSSE shall establish payment rates for child development facilities providing care for infants and toddlers. The rate of payment shall be sufficient to provide a child development center and child development home with funding to operate based on a cost modeling analysis that incorporates costs incurred as a result of implementing the salary scale and schedule developed by OSSE pursuant to section 11a(b). Subject to appropriations, the cost of care and teacher salary scale shall be increased as follows:

"(1) By October 1, 2019, at least 20% of the projected fiscal impact of the full cost of care and teacher salary scale;

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"(2) By October 1, 2020, at least 50% of the projected fiscal impact of the full cost of care and teacher salary scale;

"(3) By October 1, 2021, at least 75% of the projected fiscal impact of the full cost of care and teacher salary scale;

"(4) By October 1, 2022 and annually thereafter, OSSE shall reimburse providers at the cost of care as determined by its most recent cost modeling analysis; and

"(5) By October 1, 2024, and on a triennial basis thereafter, OSSE shall revise the payment rates based on the updated cost of care and teacher salary scale developed pursuant to section 11a(b).

"(b) Child development facilities receiving payments under this act shall, at a minimum, compensate teaching assistants and lead teachers according to the salary scale and implementation schedule developed pursuant to section 11a(b).

"Sec. 11c. Subsidized child care services.

"(a)(1) Except as provided in paragraph (2) of this subsection, a child's eligibility to receive subsidized child care shall be determined by OSSE.

"(2) OSSE may delegate the function of determining a child's eligibility to receive subsidized child care to:

"(A) A licensed child development facility if:

"(i) The facility has requested to perform this function; and

"(ii) OSSE has determined that the facility has exhibited a reasonable capacity to perform this function;

"(B) An approved shared services business alliance;

"(C) Other District agencies; or

"(D) A third-party with the ability to conduct determinations effectively.

"(b) To be eligible for subsidized child care, a child shall, at the time of either eligibility determination or redetermination:

"(1)(A) As of October 1, 2018, reside in the District with a parent or parents whose gross annual family income does not exceed 250% of the federal poverty level or 85% of the District's state median income based on family size, whichever is lower;

"(B) As of October 1, 2024, reside in the District with a parent or parents whose gross annual family income does not exceed 300% of the federal poverty level;

"(C) As of October 1, 2025, reside in the District with a parent or parents whose gross annual family income does not exceed 350% of the federal poverty level;

"(D) As of October 1, 2026, reside in the District with a parent or parents whose gross annual family income does not exceed 400% of the federal poverty level; and

"(E) As of October 1, 2027, all children in the District shall be eligible for subsidized child care regardless of income; and

"(2)(A) Reside with a parent or parents engaged in a qualifying activity; or

"(B) Be a vulnerable child.

"(c) The District may limit subsidized child care based on available resources or funding.

"(d) If a waitlist for subsidized child care is implemented because there are more applicants for subsidized child care than available funds, OSSE shall give priority for subsidized child care to:

"(1) Children of families with very low family incomes;

"(2) Children with families whose assets do not exceed $1 million; and

"(3) Vulnerable children.

"(e) If a child is determined as eligible to receive subsidized child care pursuant to this section, the child shall remain eligible for subsidized child care for the following 12 months regardless of:

"(1) A change in gross annual family income of the parent or parents of the child; provided, that the new gross annual family income does not exceed the maximum allowable federal poverty level by greater than 50% of the federal poverty level;

"(2) A temporary change in the status of the parent or parents of the child;

"(3) Whether the child reaches 13 years of age, or, if the child has documented special needs, reaches 19 years of age; or

"(4) A change in residency within the District.

"(f) After receiving a determination that a child is eligible to receive subsidized child care, the child may be redetermined as eligible to receive subsidized child care even if the gross annual family income of the child's parent or parents exceeds the level set forth in subsection (b) of this section, if the gross annual family income does not exceed the maximum federal poverty level by more than 50%, at the time of redetermination; provided, that the child is otherwise eligible to receive subsidized child care.

"(g) Nothing in this section shall be construed to create a private right of action or entitlement to subsidized child care.

"(h)(1) Beginning October 1, 2023, a family with an income greater than 100% of the federal poverty guidelines for a family receiving subsidized child care from a child development facility pursuant to section 11b shall be required to pay a co-payment as follows:

| **A family with a gross household income of this % of the federal poverty guideline for that family size** | **Shall Pay a Maximum of this % of Gross Income for Co-Payment** |
|---|---|
| 0-100% | 0% |
| More than 100% – 133% | 1% |
| More than 133% – 167% | 2% |
| More than 167% – 200% | 3% |
| More than 200% – 233% | 4% |

| | |
|---|---|
| More than 233% – 250% | 5% |

"(2) Beginning October 1, 2024, a family with an income greater than 100% of the federal poverty guidelines for a family receiving subsidized child care from a child development facility pursuant to section 11b shall be required to pay a co-payment as outlined in follows:

| **A family with a gross household income of this % of the federal poverty guideline for that family size** | **Shall Pay a Maximum of this % of Gross Income for Co-Payment** |
|---|---|
| 0-100% | 0% |
| More than 100% – 133% | 1% |
| More than 133% – 167% | 2% |
| More than 167% – 200% | 3% |
| More than 200% – 233% | 4% |
| More than 233% – 267% | 5% |
| More than 267% – 300% | 6% |

"(3) Beginning October 1, 2025, a family with an income greater than 100% of the federal poverty guidelines for a family receiving subsidized child care from a child development facility pursuant to section 11b shall be required to pay a co-payment as follows:

| **A family with a gross household income of this % of the federal poverty guideline for that family size** | **Shall Pay a Maximum of this % of Gross Income for Co-Payment** |
|---|---|
| 0-100% | 0% |
| More than 100% – 133% | 1% |
| More than 133% – 167% | 2% |
| More than 167% – 200% | 3% |
| More than 200% – 233% | 4% |
| More than 233% – 267% | 5% |

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|---|---|
| More than 267% – 300% | 6% |
| More than 300% – 333% | 7% |
| More than 333% – 350% | 8% |

"(4) Beginning October 1, 2026, a family with an income greater than 100% of the federal poverty guidelines for a family receiving subsidized child care from a child development facility pursuant to section 11b shall be required to pay a co-payment as follows:

| **A family with a gross household income of this % of the federal poverty guideline for that family size** | **Shall Pay a Maximum of this % of Gross Income for Co-Payment** |
|---|---|
| 0-100% | 0% |
| More than 100% – 133% | 1% |
| More than 133% – 167% | 2% |
| More than 167% – 200% | 3% |
| More than 200% – 233% | 4% |
| More than 233% – 267% | 5% |
| More than 267% – 300% | 6% |
| More than 300% – 333% | 7% |
| More than 333% – 367% | 8% |
| More than 367% – 400% | 9% |

"(5) Beginning October 1, 2027, a family with an income greater than 100% of the federal poverty guidelines for a family receiving subsidized child care from a child development facility pursuant to section 11b shall be required to pay a co-payment as follows:

| **A family with a gross household income of this % of the federal poverty guideline for that family size** | **Shall Pay a Maximum of this % of Gross Income for Co-Payment** |
|---|---|
| 0-100% | 0% |

| | |
|---|---|
| More than 100% – 133% | 1% |
| More than 133% – 167% | 2% |
| More than 167% – 200% | 3% |
| More than 200% – 233% | 4% |
| More than 233% – 267% | 5% |
| More than 267% – 300% | 6% |
| More than 300% – 333% | 7% |
| More than 333% – 367% | 8% |
| More than 367% – 400% | 9% |
| More than 400% | 10% |

(e) A new sections 15b is added to read as follows:

"Sec. 15b. Expansion of the Quality Improvement Network.

"(a) OSSE shall lead an initiative to ensure the availability of infant and toddler child care that meets Early Head Start program performance standards in Wards 7 and 8 and dual language learners living in communities with concentrated poverty by 2023 and for all eligible infants and toddlers living in concentrated poverty citywide by 2025.

"(b) By January 1, 2019, and on an annual basis thereafter, OSSE shall submit a report to the Council:

"(1) Identifying all child development facilities serving either 50% or more Early Head Start eligible children in Wards 7 and 8, or 25% or more dual language learners;

"(2) Analyzing the capacity of child development facilities to provide services at the highest QRIS level, meet Early Head Start program performance standards, and ensure culturally and linguistically competent care for all children, including children with developmental delays and disabilities;

"(3) Determining whether the Quality Improvement Network has sufficient resources to build capacity in all child development facilities to provide services at the highest QRIS level, meet Early Head Start program performance standards, and ensure culturally and linguistically competent care for all children, including children with developmental delays and disabilities; and

"(4) Identifying additional resources necessary to ensure that child development facilities possess the resources necessary to provide the services identified in paragraph (3) of this subsection.

"(c) For the purposes of this section, the term:

"(1) "Dual language learner" means an infant, toddler, or child between the ages of 3 to 5 years learning to speak 2 languages simultaneously or sequentially.

"(2) "Early Head Start" means a program established pursuant to section 645a of

**ENROLLED ORIGINAL**

the Head Start Act Amendments of 1994, approved May 18, 1994 (42 U.S.C. § 9840a).".

Sec. 202. The Pre-K Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

(1) Paragraphs (1) through (1C) are redesignated as paragraphs (1B) through (1E).

(2) Paragraph (1D) is redesignated as paragraph (1H)

(3) New paragraphs (1) and (1A) are added to read as follows:

"(1) "Child development center" shall have the same meaning as provided in section 2(2) of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401(2)).

"(1A) "Child development facility" shall have the same meaning as provided in in section 2(3) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031(3)).".

(4) New paragraphs (1F) and (1G) are added to read as follows:

"(1F) "DCRA" means the Department of Consumer and Regulatory Affairs.

"(1G) "Early childhood development provider" means a child development facility or CBO.".

(b) A new section 108 is added to read as follows:

"Sec. 108. Early Childhood Development Facility Coordinators.

"(a)(1) The Director of DCRA and the State Superintendent of Education shall designate at least one employee to serve as an Early Childhood Development Facility Coordinator ("Coordinator") within each respective agency.

"(2) DCRA and OSSE shall conspicuously post the designated Coordinator's name, direct telephone number, and e-mail address on the agency's respective websites.

"(b) The Coordinators shall:

"(1) Serve as their respective agency's primary contact for early childhood development provider licensing and license renewal and assist early childhood development provider applicants and current licensees in navigating the licensing process within their respective agency; and

"(2) Work with each other and their agencies to streamline the licensing and license renewal process for early childhood development provider applicants and licensees.

"(c) The OSSE Coordinator shall:

"(1) Operate as a liaison to government agencies responsible for approvals, certifications, and inspections necessary for licensure and license renewal on behalf of early childhood development provider applicants and licensees;

"(2) Provide guidance to early childhood development provider applicants and licensees on accessing grant and subsidy opportunities; and

"(3) Perform other duties the Mayor deems appropriate.

"(d) The DCRA Coordinator shall:

"(1) Assist early childhood development provider applicants and licensees with obtaining appropriate certificate of occupancy and building permits;

"(2) Streamline the facility inspection process to ensure inspections are conducted in a timely manner;

"(3) Provide regulatory and zoning guidance to early childhood development provider applicants and licensees; and

"(4) Perform other duties the Mayor deems appropriate.".

(c) Section 401 (D.C. Official Code § 38–274.01) is amended by adding a new subsection (f) to read as follows:

"(f)(1) The University of the District of Columbia ("University") shall select at least 3 community-based child development centers to partner with the University's Early Childhood Infant and Toddler degree program to provide on-site classes for early childhood professionals, with one site offering coursework in a language other than English, sufficient to meet the degree and credential requirements for an Associate's Degree.

"(2) The child development centers selected pursuant to paragraph (1) of this subsection and the University shall coordinate to determine and make available necessary supports for degree completion, including child care for program participants and additional academic, family and financial supports.".

**TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

Sec. 301. Applicability.

(a) Sections 102(g)(2), (3), (4), and (5), 104, 106(b)(2), 107, 108, 109(d), 110, 201(d), 201(e), and 202(b), shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

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

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

Sec. 302. Fiscal impact statement.

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

**ENROLLED ORIGINAL**

Sec. 303. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
September 5,2018

**COUNCIL OF THE DISTRICT OF COLUMBIA**
**COMMITTEE ON EDUCATION**
**NOTICE OF PUBLIC HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004 **REVISED**

**COUNCILMEMBER DAVID GROSSO**
**COMMITTEE ON EDUCATION**
**ANNOUNCES A PUBLIC HEARING**

On

**B22-0781, the "Blind Students Literacy and Education Rights Act of 2018,"**

**B22-0512, the "Commission on Literacy Establishment Act of 2017,"**

And

**The State of Literacy Efforts**

On

**Wednesday, October 10, 2018**
**10:00 a.m., Hearing Room 412, John A. Wilson Building**
**1350 Pennsylvania Avenue, NW**
**Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing of the Committee on Education on B22-0781, the "Blind Students Literacy and Education Rights Act of 2018," B22-0512, the "Commission on Literacy Establishment Act of 2017," and The State of Literacy Efforts. The hearing will be held at 10:00 a.m. on Wednesday, October 10, 2018 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of B22-0781 is to require that Individualized Education Programs (IEPs) for the visually impaired or blind children include instructions in Braille, unless determined inappropriate. The stated purpose of B22-0512 is to establish a Commission on Literacy to develop comprehensive strategies to address disparities, provide support to literacy organizations, and to plan programming and events related to literacy. The hearing will also cover the review of literacy efforts across the District of Columbia to ensure all students are provided with necessary support.

Those who wish to testify may sign-up online at http://bit.do/educationhearings or call the Committee on Education at (202) 724-8061 by 5:00pm Monday, October 8, 2018. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004. The record will close at 5:00 p.m. on Wednesday, October 24, 2018.

*This revised notice reflects the change in dates from October 3, 2018 to October 10, 2018.*

**Council of the District of Columbia**
**COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON**
**COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

**ANNOUNCES A PUBLIC HEARING ON**

**B22-0814 – THE "RISK MANAGEMENT AND OWN RISK AND SOLVENCY ASSESSMENT ACT OF 2018";**

**B22-0276 – THE "PRINCIPAL BASED RESERVES AMENDMENT ACT OF 2017";**

**B22-0432 – THE "FINANCIAL SERVICES CONSUMER PROTECTION ACT OF 2017"; AND**

**B22-0422, THE "PROTECTION OF SENIORS AND VULNERABLE ADULTS FROM FINANCIAL EXPLOITATION ACT OF 2017"**

**Wednesday, October 3, 2018, 10:30 a.m.**
**Room 123, John A. Wilson Building**
**1350 Pennsylvania Avenue, N.W.**
**Washington, D.C. 20004**

On Wednesday, October 3, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Bill 22-0814, the "Risk Management and Own Risk and Solvency Assessment Act of 2018"; Bill 22-0276, the "Principal Based Reserves Amendment Act of 2017"; Bill 22-0432, the "Financial Services Consumer Protection Act of 2017"; and Bill 22-0422, the "Protection of Seniors and Vulnerable Adults from Financial Exploitation Act of 2017".

The stated purpose of Bill 22-0814 is to establish requirements for maintaining a risk management framework and completing an Own Risk and Solvency Assessment (ORSA). It would also provide guidance for filing an ORSA Summary Report with the Commissioner of the Department of Insurance, Securities and Banking (DISB). An ORSA is an internal process undertaken by an insurer or insurance group to assess the adequacy of its risk management and current and prospective solvency positions under normal and severe stress scenarios.

The stated purpose of Bill 22-0276 is to amend the Chapter V of the "Life Insurance Act of 1934" to require the Commissioner of DISB to value certain contracts on an annual basis based on the standard required in the valuation manual. It also requires the valuation manual to specify definitions and minimum valuation standards for policies and contracts. It would also expand the Commissioner's authority to require companies to adjust their reserves and establish reserves as specified in the valuation manual. Lastly, it allows the Commissioner to share and receive confidential information for enforcement purposes.

The stated purpose of Bill 22-0432 is to regulate the activities of currency exchangers, retail sellers, sales finance companies, debt collectors, and third-party servicers operating in the District of Columbia. The bill would regulate activities by adding several licensing categories and regulatory requirements to non-depository financial institutions.

The stated purpose of Bill 22-0422 is to establish mandatory reporting requirements of suspected instances of financial exploitation of seniors and vulnerable adults with regard to banks, credit unions, insurers, investment advisors and other institutions. It also provides immunity from administrative or civil liability authorized by this legislation to delay disbursements of funds in cases of suspected financial exploitation.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at bmcclure@dccouncil.us or at (202) 727-3888, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, October 1st**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **fifteen single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to bmcclure@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at bmcclure@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on October 17th.**

COUNCIL OF THE DISTRICT OF COLUMBIA

# COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

MARY M. CHEH, CHAIR

## NOTICE OF PUBLIC HEARING ON

**B22-904, the CleanEnergy DC Omnibus Amendment Act of 2018**

Tuesday, October 9, 2018 at 11:00 AM
in Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Tuesday, October 9, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-904, the CleanEnergy DC Omnibus Amendment Act of 2018. The hearing will begin at 11:00 AM in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-904 would increase the District's renewable energy portfolio standard to 100% by 2032 and require that a certain percentage of the renewable energy come from long-term contracts with renewable sources. B22-904 would also increase the Sustainable Energy Trust Fund fee to fund clean energy initiatives, including fully funding the District's Green Finance Authority, and require that at least 20% of the revenue from the increase be used to reduce energy costs for low-income residents. In addition, B22-904 would require that the District's vehicle excise tax vary based upon fuel efficiency of the vehicle and authorize the Mayor to enter a regional initiative aimed at reducing greenhouse gas emissions from the transportation sector, should one be established. Finally, B22-904 would establish a building energy performance standard program requiring that District buildings of 10,000 square feet or more achieve energy efficiency standards set by the Department of Energy and Environment.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, October 23, 2018.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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

on

**Bill 22-911, "Office of Public-Private Partnerships Delegation and Council Review Amendment Act of 2018"**

on

**Thursday, October 18, 2018, 9:30 a.m.**
**Room 412, 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 22-911**, the "Office of Public-Private Partnerships Delegation and Council Review Amendment Act of 2018." The hearing will be held at 9:30 a.m. on Thursday, October 18, 2018 in Room 412 of the John A. Wilson Building.

The stated purpose of Bill 22-911 is to amend the Procurement Practices Reform Act of 2010 and the Office of Public-Private Partnerships Act of 2014 to allow the Office of Public-Private Partnerships to delegate its contracting authority for public-private partnership agreements to the Office of Contracting and Procurement, and to require any employee of the Office of Contracting and Procurement exercising such delegated authority to comply with provisions of the Office of Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it. The bill would also amend the Office of Public-Private Partnerships Act of 2014 to require submission to the Council of the core elements of a proposed request for proposals (RFP), rather than the entire RFP itself, and require active approval by the Council of such RFPs.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Evan Cash, Committee and Legislative Director at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday, **October 16, 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 October 16, 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 in advance of 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 Thursday, November 1, 2018.

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

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

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

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

**Tuesday, October 9, 2018, 10am**
**Hearing Room 123 John A. Wilson Building**
**1350 Pennsylvania Avenue, NW**
**Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public oversight roundtable before the Committee on implementation of the Universal Paid Leave Amendment Act of 2016 (L21-264). The law establishes a paid leave system to provide partial wage replacement for District residents in need of leave from work due to serious family illness, personal medical leave, or care for a new child. Previous oversight roundtables were held on November 20, 2017; January 31, 2018; July 11, 2018; as well as during the Department of Employment Services FY19 budget oversight hearing on April 20, 2018.

At this roundtable, the committee will review the quarterly reports due by September 30, 2018, in addition to the status of other elements of implementation. D.C. Official Code §32–541.04(h) requires quarterly a "project plan that explains in detail the timeline, including specific dates by which milestones of the project will be accomplished, for the development of all software necessary to administer the paid-leave system." D.C. Official Code §32–541.04(i) requires quarterly "a requirements document that explains in detail the requirements needed in order to develop all software necessary to administer the paid-leave system established pursuant to this act." The roundtable will be held at 10 a.m. on Tuesday, October 9, 2018, in Room 123 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at labor@dccouncil.us or (202) 724-7772 by noon on Friday, October 5, 2018, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at labor@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, October 23, 2018.

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| Placard Posting Date: | September 14, 2018 |
| Protest Petition Deadline: | October 29, 2018 |
| Roll Call Hearing Date: | November 13, 2018 |

| | |
|---|---|
| License No.: | ABRA-103120 |
| Licensee: | 801 Restaurant, LLC |
| Trade Name: | 801 Restaurant & Bar |
| License Class: | Retailer's Class "C" Tavern |
| Address: | 801 Florida Avenue, N.W. |
| Contact: | Sidon Yohannes, Esq.: (202) 686-7600 |

WARD 1 ANC 1B SMD 1B02

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 November 13, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**
Class "C" Tavern requesting an Expansion of their Summer Garden, to increase occupancy load from 25 to 47, and to increase seating from 25 to 31. Total Occupancy Load will remain at 125 with seating for 95 patrons throughout the premises.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES)**
Sunday through Thursday 8am – 2am
Friday and Saturday 8am – 3am

**HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)**
Sunday through Thursday 6pm – 2am
Friday and Saturday 6pm – 3am

**HOURS OF OPERATION (SUMMER GARDEN)**
Sunday through Thursday 8am – 2am
Friday and Saturday 8am – 3am

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SUMMER GARDEN)**
Sunday through Thursday 8am – 1:30am
Friday and Saturday 8am – 2:30am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

| | |
|---|---|
| Placard Posting Date: | September 14, 2018 |
| Protest Petition Deadline: | October 29, 2018 |
| Roll Call Hearing Date: | November 13, 2018 |
| Protest Hearing Date: | January 9, 2019 |
| | |
| License No.: | ABRA-110928 |
| Licensee: | Agave Mexican Restaurant, Inc. |
| Trade Name: | Agave Mexican Restaurant |
| License Class: | Retailer's Class "C" Tavern |
| Address: | 3217 Georgia Avenue, N.W. |
| Contact: | Ana De Leon: (202) 246-7601 |

WARD 1 ANC 1A SMD 1A09

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 November 13, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. **The Protest Hearing date** is scheduled on **January 9, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A tavern that will be serving Mexican food. The licensee is requesting a Summer Garden with seating for 22 patrons. They are also requesting an Entertainment Endorsement to provide live entertainment indoors and on the Summer Garden. Interior seating for 45, with a Total Occupancy Load of 50.

**HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDEN**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN**

Sunday through Thursday 10am – 2am, Friday and Saturday 10am – 3am

**HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY**

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

**HOURS OF LIVE ENTERTAINMENT FOR SUMMER GARDEN**

Sunday through Thursday 10am – 11pm, Friday and Saturday 10am – 12am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| Placard Posting Date: | September 14, 2018 |
| Protest Petition Deadline: | October 29, 2018 |
| Roll Call Hearing Date: | November 13, 2018 |
| Protest Hearing Date: | January 9, 2019 |

| | |
|---|---|
| License No.: | ABRA-111411 |
| Licensee: | Brooklyn on U, LLC |
| Trade Name: | Brooklyn |
| License Class: | Retailer's Class "C" Restaurant |
| Address: | 1212 U Street, N.W. |
| Contact: | Stephen J. O'Brien, Esq.: (202) 625-7700 |

WARD 1 ANC 1B SMD 1B12

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 November 13, 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 **January 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New C Restaurant serving New York and American Cuisine. Seating Capacity of 101, Total Occupancy Load of 171. The Licensee is requesting an Entertainment Endorsement and Cover Charge.

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

Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| Placard Posting Date: | September 14, 2018 |
| Protest Petition Deadline: | October 29, 2018 |
| Roll Call Hearing Date: | November 13, 2018 |
| | |
| License No.: | ABRA-093808 |
| Licensee: | Bin & AB, LLC |
| Trade Name: | Gray's Market |
| License Class: | Retailer's Class "B" Grocery |
| Address: | 3306 Georgia Avenue, N.W. |
| Contact: | Abrhame Berhe: (301) 640-6592 |

WARD 1 ANC 1A SMD 1A09

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 November 13, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

**NATURE OF SUBSTANTIAL CHANGE**

Licensee requests a Class Change from Retail B to Retail A Liquor Store.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday – Saturday 7am – 12am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

| | |
|---|---|
| Placard Posting Date: | September 14, 2018 |
| Protest Petition Deadline: | October 29, 2018 |
| Roll Call Hearing Date: | November 13, 2018 |
| Protest Hearing Date: | January 9, 2019 |

| | |
|---|---|
| License No.: | ABRA-111165 |
| Licensee: | Mayakouki, LLC |
| Trade Name: | Marrakech Restaurant |
| License Class: | Retailer's Class "C" Tavern |
| Address: | 3632 Georgia Avenue, N.W. |
| Contact: | Abdelmjid Boucham.: (202) 817-6608 |

WARD 1 ANC 1A SMD 1A08

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 November 13, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 9, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Tavern specializing in Moroccan cuisine with 62 seats inside and a 20 seat Summer Garden, for a total of 82 seats and a Total Occupancy of 100. The licensee is requesting an Entertainment Endorsement to include Live Entertainment, Dancing, and Cover Charge.

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

Sunday 9am – 2 am
Monday through Thursday 10 am – 2am
Friday 10am – 3am
Saturday 9am – 3am

**PROPOSED HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)**

Sunday through Thursday 6pm – 2am
Friday through Saturday 6pm – 3am

**PROPOSED HOURS OF LIVE ENTERTAINMENT (SUMMER GARDEN)**

Sunday through Saturday 5pm – 1am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

****CORRECTION**

| | |
|---|---|
| Placard Posting Date: | August 31, 2018 |
| Protest Petition Deadline: | October 15, 2018 |
| Roll Call Hearing Date: | October 29, 2018 |
| Protest Hearing Date: | December 12, 2018 |

| | |
|---|---|
| License No.: | ABRA-111118 |
| Licensee: | Potomac Paddle Pub, LLC |
| Trade Name: | Potomac Paddle Pub |
| License Class: | Retailer's Class "DX" Marine Vessel |
| Address: | Columbia Island Marina, George Washington Memorial Parkway, Arlington, VA, 22202 |
| Contact: | Jack Maher: (703) 310-9979 |

WARD **2 ANC **2E SMD **2E05

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 October 29, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **December 12, 2018 at 4:30 p.m.**

**NATURE OF OPERATION**

A new Marine Vessel. Seating Capacity of 18. Total Occupancy Load of 18.

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

Sunday 9am – 11pm, Monday through Thursday 3pm – 11pm, Friday and Saturday 9am – 11pm

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

****RESCIND**

| | |
|---|---|
| Placard Posting Date: | August 31, 2018 |
| Protest Petition Deadline: | October 15, 2018 |
| Roll Call Hearing Date: | October 29, 2018 |
| Protest Hearing Date: | December 12, 2018 |

| | |
|---|---|
| License No.: | ABRA-111118 |
| Licensee: | Potomac Paddle Pub, LLC |
| Trade Name: | Potomac Paddle Pub |
| License Class: | Retailer's Class "DX" Marine Vessel |
| Address: | Columbia Island Marina, George Washington Memorial Parkway, Arlington, VA, 22202 |
| Contact: | Jack Maher: (703) 310-9979 |

WARD **6 ANC **6D SMD **6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 29, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **December 12, 2018 at 4:30 p.m.**

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

Sunday 9am – 11pm, Monday through Thursday 3pm – 11pm, Friday and Saturday 9am – 11pm

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

**NOTICE OF PUBLIC HEARING**

**1:30 P.M., WEDNESDAY, SEPTEMBER 19, 2018**

**FRANK D. REEVES MUNICIPAL CENTER**
**ALCOHOLIC BEVERAGE CONTROL BOARD HEARING ROOM**
**2000 14TH STREET, N.W., SUITE 400 SOUTH, 4TH FLOOR**
**WASHINGTON, D.C. 20009**

The Alcoholic Beverage Control Board (Board) will hold a hearing to receive public comment concerning the Adams Morgan Moratorium Zone (23 DCMR § 304). The last time the Board updated the Adams Morgan Moratorium was in 2015. Specifically, on July 8, 2015, the Board adopted the *Adams Morgan Moratorium Notice of Final Rulemaking*. The rulemaking prohibited the issuance of any new on-premises retailer's licenses, classes CN, CT, CX, DN, DT, or DX, within 1,400 feet of 18th St. and Belmont Rd., N.W., and set a cap on the number of CT, CX, DT, DX, CN, and DN licenses in the moratorium zone.

The moratorium was set to expire on August 28, 2018, but the Board took emergency action on August 15, 2018, to keep the moratorium in place for at least 120 days while it considered comments from the public, the Advisory Neighborhood Commission, and the Adams Morgan Partnership Business Improvement District concerning the future of the moratorium. The emergency rules will expire on December 13, 2018, unless superseded.

**HEARING INFORMATION**

**WHEN:** 1:30 p.m. on Wednesday, September 19, 2018

**WHERE:** Alcoholic Beverage Control Board Hearing Room, 2000 14th Street, N.W., Suite 400 South, 4th Floor, Washington, D.C. 20009

Individuals and representatives of organizations that want to testify should contact ABRA General Counsel Martha Jenkins by **Friday, September 14, 2018**:

- Call - (202) 442-4456
- Email - abralegal@dc.gov
  (include full name, title, and organization, if applicable, of the person(s) testifying in the email)

Witnesses should bring seven (7) copies of their written testimony to the Board. Testimony may be limited to five minutes in order to permit each person an opportunity to be heard.

Members of the public that are unable to testify in person are encouraged to provide written comments, which will be made a part of the Board's official record. Copies of written statements should be submitted to ABRA General Counsel Martha Jenkins no later than **4 p.m. on Friday, September 28, 2018**, at ABRA's mailing address or e-mail address stated above.

**HISTORIC PRESERVATION REVIEW BOARD**
**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

**Case No. 16-07: Washington Animal Rescue League Animal Shelter**
**71 O Street NW (Square 616, Lot 110)**
**Affected Advisory Neighborhood Commission: 5E**
**Applicant: D.C. Preservation League**

**Case No. 18-15: Hirshhorn Museum and Sculpture Garden**
**Independence Avenue at 7th Street SW (Parcel 316, Lot 6)**
**Affected Advisory Neighborhood Commission: 2C**
**Applicant: Smithsonian Institution**

The hearing will take place at **9:00 a.m. on Thursday, October 25, 2018**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic designation application is currently on file at the Historic Preservation Office and posted at https://planning.dc.gov/page/pending-nominations-dc-inventory. A copy of the staff report and recommendation will be available five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT**
**PUBLIC HEARING NOTICE**
**WEDNESDAY, NOVEMBER 7, 2018**
**441 4TH STREET, N.W.**
**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH**
**WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING**: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD FIVE**

19844 ANC 5D — **Application of Richard Gbolahan**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the front yard requirements of Subtitle B § 315.1(c) and the side yard requirements of Subtitle E § 307.1, and under Subtitle C § 1500.4 from the penthouse requirements of Subtitle C § 1500, to construct a new flat in the RF-1 Zone at premises 1033 16th Street N.E. (Square 4074, Lot 828).

**WARD SIX**

19845 ANC 6E — **Application of Potomac Electric Power Company,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 320.1(a) from the utility use requirements of Subtitle U § 203.1(p), and pursuant to Subtitle X, Chapter 10, for area variances from the vehicle parking requirements of Subtitle C § 701.5, the bicycle parking requirements of Subtitle C § 802.1, and the trash room requirements of Subtitle C § 907.1, to construct an electrical substation in the RF-1 Zone at premises 1000 1st Street N.W. (Square 559, portion of Lot 82).

**WARD SIX**

19847 ANC 6B — **Application of Elton Investment Group,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a third-story and rear addition to a principal dwelling unit and convert the dwelling into a flat in the RF-1 Zone at premises 329 16th Street, S.E. (Square 1074, Lot 80).

**WARD SIX**

19854 ANC 6A — **Application of 824 13th Street LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for variances from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the side yard requirements of Subtitle E § 307.1 to construct a new flat in the RF-1 Zone at premises 824 13th Street N.E. (Square 1003, Lot 145).

**WARD SIX**

19855
ANC 6E

**Application of Metropolitan Community Church**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert an existing flat to a three-unit apartment house in the RF-1 Zone at premises 472 Ridge Street N.W. (Square 513, Lot 167).

**WARD SIX**

19856
ANC 6B

**Application of Michael and Sara Kirby**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 210 9th Street S.E. (Square 944, Lot 73).

**WARD SIX**

19861
ANC 6C

**Appeal of Station Townhouses LLC**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on June 21, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to revoke Certificate of Occupancy CO1503518, permitting the property to operate as a mixed use retail/apartment building in the MU-4 and NC-10 Zones at premises 701 2nd Street N.E. (Square 752, Lot 49).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.
Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form**.* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests

and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

**Note that party status is not permitted in Foreign Missions cases.*

**Do you need assistance to participate?**

*Amharic*
ለመካተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይምየቋንቋ እርዳታአገልግሎቶች (ትርጉምወይምመስተርጎም)
ካስፈለገዎት እባክዎን ከስብሰባውአምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይምበኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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

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

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

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

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

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**FREDERICK L. HILL, CHAIRPERSON**
**LESYLLEÉ M. WHITE, MEMBER**
**LORNA L. JOHN, MEMBER**
**CARLTON HART, VICE-CHAIRPERSON,**
**NATIONAL CAPITAL PLANNING COMMISSION**
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**
**CLIFFORD W. MOY, SECRETARY TO THE BZA**
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

## DEPARTMENT OF HEALTH CARE FINANCE

## NOTICE OF FINAL RULEMAKING

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

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

This final rulemaking makes a technical amendment to 29 DCMR § 4805, concerning Medicaid reimbursement for inpatient hospital services DME add-on payments. This rule clarifies the longstanding policy that DHCF reimburses in-District hospitals directly for DME costs attributable to District Medicaid beneficiaries enrolled in managed care plans. Consistent with the authority DHCF previously exercised under 42 CFR § 438.60, this final rulemaking formalizes DHCF's current policy on reimbursement for DME. There is no anticipated fiscal impact associated with this final rule.

This rule corresponds to a related State Plan Amendment (SPA), which was approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services on August 9, 2018 with an effective date of June 1, 2018. The corresponding SPA has been added to the District's Medicaid State Plan, which can be found on DHCF's website at https://dhcf.dc.gov/page/medicaid-state-plan.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 1, 2018 at 65 DCR 006054. DHCF received no comments and made no changes to this rule.

This final rule was adopted on September 4, 2018 and shall become effective upon publication of this notice in the *D.C. Register.*

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

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

**4805 INPATIENT SERVICES: DIRECT MEDICAL EDUCATION (DME)**

4805.1 For Medicaid reimbursement of inpatient hospital discharges, DME shall be a per-discharge add-on payment for each in-District general hospital that is eligible for DME. The DME add-on shall be calculated annually by dividing the Medicaid DME costs determined in accordance with Subsection 4805.2 by the number of Medicaid discharges in the base year, subject to the limits described in this Section.

4805.2 For discharges occurring on or after October 1, 2014, and annually thereafter, the DME add-on payment for each in-District general hospital shall be based on costs from each hospital's submitted or audited cost report for the hospital's fiscal year that ends September 30 of the prior calendar year, subject to the limits described in this Section.

4805.3 The District-wide average cost of DME per Medicaid patient day shall be based on submitted cost reports for the base year. The average cost per patient day is calculated by dividing total Medicaid DME cost for all DME eligible hospitals by the total number of Medicaid days for those hospitals, as reported on the hospital cost reports. The per-day amount is converted to a per discharge amount for each hospital, based on Medicaid utilization information in the cost report.

4805.4 For discharges occurring on or after October 1, 2014, DME shall be limited to two hundred percent (200%) of the average District-wide cost of DME per Medicaid patient day.

4805.5 For discharges occurring on or after October 1, 2015, and annually thereafter, DME costs for each hospital shall be limited to the per discharge equivalent of one hundred fifty percent (150%) of the average District-wide cost of DME per Medicaid patient day.

4805.6 If, after an audit of the hospital's cost report for the base year period, an adjustment is made to the hospital's reported costs which results in an increase or decrease of five percent (5%) or greater of the DME add-on payment, the add-on payment for DME add-on costs shall be adjusted prospectively to reflect the revised costs.

4805.7 In accordance with 42 CFR § 438.60, DHCF shall reimburse in-District general hospitals directly for DME on behalf of contracted managed care organizations.

4805.8 The per discharge DME add-on payment set forth in Subsection 4805.1 shall be payable by DHCF to in-District general hospitals for all District Medicaid beneficiaries enrolled in managed care plans and those receiving services under the District's fee-for-service benefit.

## DISTRICT OF COLUMBIA PUBLIC SCHOOLS

## NOTICE OF FINAL 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 the repeal of Section 2103 (Truancy) of Chapter 21 (Attendance and Transfers), and Sections 2200 (Reporting) and 2204 (Graduation Status of Students) of Chapter 22 (Grades, Promotion, and Attendance) of Title 5 (Education), Subtitle E (Original Title 5), of the District of Columbia Municipal Regulations (DCMR), and the establishment of new Sections 2103 (Truancy) of Chapter 21 (Attendance and Transfers), and Sections 2200 (Reporting) and 2204 (Graduation Status of Students) of Chapter 22 (Grades, Promotion, and Graduation) of Title 5 (Education), Subtitle B (District of Columbia Public Schools) of the 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).

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period on June 29, 2018, at 65 DCR 7076. The Notice was also posted on the DCPS website on June 22, 2018. The comment period officially closed on July 29, 2018.

DCPS considered each of the public comments received during the comment period. Many of the comments addressed operational issues, not issues subject to rulemaking, and DCPS takes the feedback seriously and is working to make sure that operational systems for recording absences and excuses are accurate, well-understood, and easy to use.

Commenters expressed the need for additional supports for students who are chronically absent and/or tardy, with some commenting these supports should start in early grades. Some commenters expressed concerns that students were able to have up to thirty (30) unexcused absences before failing the course. Some commenters disagreed with any required failure in relation to course absences. Commenters expressed concern with no specified point in time that a student should be considered tardy versus absent. Of those who commented about tardiness, commenters cited concerns about what tardy policies communicate to students regarding expectations, fairness in tardy policies, and the disruption of tardy students on classroom culture and learning. Last, some commenters expressed their appreciation for the proposed changes and what they predicted would be a positive impact on students in special populations (*e.g.*, students with disabilities, highly mobile students, and students experiencing homelessness), whom they saw as disproportionately impacted by prior regulation and policy.

DCPS is committed to working with students and families the opportunity to address attendance challenges before applying automated measures that impact academic standing. In addition, DCPS values the professional judgment of teachers, who are able to assess content mastery and are the professionals in the building charged with determining appropriate grades. DCPS will implement a system of warnings at ten (10) and fifteen (15) unexcused absences to ensure students have opportunities to get back on track and to ensure students understand the expectations and potential consequences regarding attendance. This is a slight modification of the emergency and proposed rulemaking, which stipulated that the course warnings would be after 10 and 15 unexcused absences per term. DCPS determined that the notices would be most effective if they were sent after 10 and 15 unexcused absences regardless of when those absences occur. Given that content mastery is unlikely to be possible after thirty (30) unexcused absences, a student will automatically fail the course.

The modifications to the emergency and proposed rulemaking described above are reflected in the final rulemaking in Subsections 2103.4 – 2103.6. DCPS also made certain non-substantial technical edits to Subsections 2103.13, 2103.8, 2200.5, and 2200.7.

Additionally, as a result of the feedback received by DCPS staff, students, and families, DCPS has included a standardized definition and protocol to address tardiness at the secondary level in its attendance policy. In order to develop these standards, DCPS distributed a survey to DCPS secondary principals to collect their input. The tardy policy is designed to help students reinforce positive habits around timeliness; create equitable policies across schools; and to identify students who are in need of additional support regarding tardiness.

The policy specifies that students will be marked tardy if they arrive in class five (5) minutes or more after the official start of the period. Per the DCPS secondary tardy policy, students will be allowed to enter their scheduled course regardless of what time they arrive. Teachers should make every effort to make the students feel welcome. At no point during a class period will a tardy convert to an absence. Students must always have access to make-up work. A student should never be suspended due to being tardy.

The rules were deemed approved by the Council of the District of Columbia on August 11, 2018, pursuant to Section 103(c)(2) of the Act (D.C. Official Code § 38-172(c)(2)). The final rules shall become effective upon publication of this notice in the *D.C. Register* and supersede the Emergency Rulemaking.

**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.**

**Title 5-B DCMR, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, is amended to add a new Chapter 21 as follows:**

**CHAPTER 21 ATTENDANCE AND TRANSFERS**

**2103 Truancy**

**A new Section 2103, TRUANCY, is established 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) unexcused absences in any class shall receive an initial written notice that they are at risk of receiving a grade of "FA" (failure due to absences) in that subject upon accumulating more than thirty (30) unexcused absences unless an exception applies.

2103.5 DCPS secondary students with fifteen (15) unexcused absences in any class 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 more than thirty (30) unexcused absences.

2103.6 DCPS secondary students accumulating more than 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, or duly authorized representative 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, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:**

**Section 2200, REPORTING, is repealed in its entirety.**

**Title 5-B DCMR, DISTRICT OF COLUMBIA PUBLIC SCHOOLS, is amended to add a new Chapter 22 as follows:**

**CHAPTER 22 GRADES, PROMOTION AND GRADUATION**

**2200 Reporting**
**2204 Graduation Status of Students**

**A new Section 2200, REPORTING, is established 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 dedicated 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 Program (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 ($5^{th}$) 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 ($6^{th}$) grade through twelfth ($12^{th}$) 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 the

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 research- 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/marking 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.

**Chapter 22, GRADES, PROMOTION, AND GRADUATION, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:**

**Section 2204, GRADUATION STATUS OF STUDENTS, is repealed in its entirety.**

**A new Chapter 22, GRADES, PROMOTION AND GRADUATION, of Title 5-B DCMR, is amended as follows:**

**A new Section 2204, GRADUATION STATUS OF STUDENTS, is established to read 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.

# DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in The District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of emergency and proposed rulemaking action to adopt amendments to Chapter 30 (Campaign Finance Operations: Committees, Candidates, Constituent Service Programs, Statehood Funds) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendment to Section 3014 (Constituent-Service Programs) is to increase the annual expenditure limit for constituent-service programs. This amendment would place the Board's regulations into conformity with 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; 59 DCR 1862 (March 9, 2012) and the Constituent Services Expenditures Limit Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775 (August 26, 2016)).

Emergency action to adopt these rules is necessary because the provisions of the aforementioned Acts are in effect and require supporting regulations. Adoption of these rules is necessary for the immediate preservation of the public peace and welfare of District residents, in accordance with D.C. Official Code § 2-505 (c) (2016 Repl.).

The Board adopted these emergency rules at its regularly scheduled meeting on Wednesday, September 5, 2018, at which time the amendments became effective. The emergency rules shall remain in effect until January 3, 2019 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

**Chapter 30, CAMPAIGN FINANCE OPERATIONS: COMMITTEES, CANDIDATES, CONSTITUENT SERVICE PROGRAMS, STATEHOOD FUNDS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:**

**Subsection 3014.21 of Section 3014, CONSTITUENT-SERVICE PROGRAMS, is amended to read as follows:**

3014.21 An elected official shall:

(a) Spend no more than sixty thousand ($60,000) in any one (1) calendar year for the constituent-service program;

(b) File a Statement of Organization for a Constituent-Service Program form, prescribed by the Director, within ten (10) days of organization;

(c) Amend the Statement of Organization within ten (10) days of any change in the information previously reported on the Statement of Organization; and

(d) Maintain the same constituent services fund if elected to the office of Chairman of the Council while serving as an at-large member of the Council.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-061
September 10, 2018

**SUBJECT:** Appointments — District of Columbia Workforce Investment Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2016-086, dated June 2, 2016, it is hereby **ORDERED** that:

1. The following persons are appointed to the Workforce Investment Council ("**Council**"), for a term to end June 23, 2019:

   a. **ANGELA FRANCO** as a health care sector representative member, filling a vacant seat.

   b. **NICOLE QUIROGA** as a business organization representative member, replacing Angela Franco, to serve the remainder of an unexpired term.

2. **BERNADETTE HARVEY** is appointed to the Council as a construction sector representative member, replacing Dayvie Paschall, to serve the remainder of an unexpired term ending June 23, 2020.

3. **ANTWANYE FORD** is appointed as Chairperson of the Council, to serve at the pleasure of the Mayor.

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

**MURIEL BOWSER**
**MAYOR**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-062
September 11, 2018

**SUBJECT:** Declaration of Public Emergency

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2012 Repl.), and section 2 of the Natural Disaster Consumer Protection Act of 1992, effective March 20, 1992, D.C. Law 9-80, D.C. Official Code § 28-4102 (2013 Repl.) it is hereby **ORDERED** that:

## I. FINDINGS (NATURE OF THE PUBLIC EMERGENCY)

The National Hurricane Center is monitoring Hurricane Florence, which is located in the southwestern Atlantic Ocean and is approaching the District of Columbia. This storm is forecasted to produce high winds, heavy rainfall, and storm surge. Because the storm system is expected to have serious widespread effects in the region, there is an imminent threat to the health, safety, and welfare of District residents that requires emergency protective actions. Accordingly, by this Order, a public emergency is declared in the District of Columbia, effective immediately. This Order shall stay in effect for fifteen (15) days until and unless provided for by further Mayoral Order.

## II. EMERGENCY MEASURES AND REQUIREMENTS

A. The City Administrator, in consultation with the Director of the District of Columbia Homeland Security and Emergency Management Agency, is authorized to implement such measures as may be necessary or appropriate to protect persons and property in the District of Columbia from the conditions caused by this storm. Such measures may include, as necessary or appropriate, actions authorized under D.C. Official Code § 7-2304(b), including requesting federal disaster assistance, or taking measures under the District Response Plan to the extent necessary or appropriate to effectuate the relief contemplated by this Order. Such measures may also include where appropriate, actions to enforce the District's Natural Disaster Consumer Protection Act.

B. This Order shall apply to all departments, agencies, and instrumentalities of the District government as necessary or appropriate to implement this Order.

C. The Chief Financial Officer of the District of Columbia is authorized to approve disbursement of all appropriations necessary to carry out this Order.

D. The City Administrator, in coordination with the Deputy Mayor for Public Safety and Justice, the Director of the District of Columbia Homeland Security and Emergency Management Agency, and the Chief Financial Officer, is authorized to apply for financial assistance through the Federal Emergency Management Agency, any other federal, private, or nonprofit disaster relief and recovery organizations, and any other appropriate agencies of the United States government to recoup expenditures incurred, or obtain funding needed, under this order.

E. The District Response Plan is hereby implemented beginning immediately.

F. In accordance with 49 C.F.R. § 390.23 (Relief from Regulations), any motor carriers or drivers operating commercial motor vehicles directly engaged in the resolution of this emergency shall not be subject to any provision that restricts the length of their work hours. Accordingly, this order permits utility workers and District agencies to retain crews to complete emergency repairs and restore services beyond normal work hours.

G. Pursuant to D.C. Official Code § 28-4102 (Overcharging), it shall be unlawful for any person to charge more than the normal average retail price for any merchandise or service sold. This provision will remain in effect for the duration of the declared state of emergency or thirty (30) calendar days from the effective date of this Order, whichever is shorter.

## III. DURATION OF ORDER

This Order shall remain in effect until fifteen (15) days after its effective date, unless earlier rescinded or superseded.

## IV. EFFECTIVE DATE:

This Order shall become effective immediately.

**MURIEL BOWSER**
**MAYOR**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-063
September 12, 2018

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

**ORIGINATING AGENCY:** Office of the Mayor

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

1. **MICHAEL LEVY** is appointed as Interim Director of the Office of Labor Relations and Collective Bargaining, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2017-303, dated November 13, 2017.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 10, 2018.

**MURIEL BOWSER**
**MAYOR**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-064
September 12, 2018

**SUBJECT:** Appointment — Director, Mayor's Office of Community Affairs

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2011-165, dated September 28, 2011, establishing the Office of Community Affairs, it is hereby **ORDERED** that:

1. **LAMONT AKINS** is appointed as Director of the Mayor's Office of Community Affairs, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2015-016, dated January 6, 2015.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 10, 2018.

**MURIEL BOWSER**
**MAYOR**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-065
September 12, 2018

**SUBJECT:** Appointment — Director, Mayor's Office of Community Relations and 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(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), it is hereby **ORDERED** that:

1. **JULIA IRVING** is appointed as Director of the Mayor's Office of Community Relations and Services, and shall serve in that capacity at the pleasure of the Mayor.

2. This Order supersedes Mayor's Order 2018-060, dated August 31, 2018.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 10, 2018.

**MURIEL BOWSER**
**MAYOR**

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-066
September 12, 2018

**SUBJECT:** Reappointment and Appointment — Humanities Council of Washington, D.C.

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with the National Foundation on the Arts and Humanities Act of 1965, enacted September 29, 1965, Pub. L. No. 89-209, 79 Stat. 845 (1965), it is hereby **ORDERED** that:

1. The following persons are reappointed as members of the Humanities Council of Washington DC (**the Council**) for a term to end on June 1, 2021:

    a. **ANTOINETTE FORD**
    b. **MARJAN SHALLAL**
    c. **CHRISTINE M. WARNKE**
    d. **JOYCE WELLMAN**

2. **LINDA CHASTANG** is appointed as a member of the Council for a term to end on June 1, 2021.

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

**MURIEL BOWSER**
**MAYOR**

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

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

**NOTICE OF PUBLIC HEARINGS**
**CALENDAR**

**WEDNESDAY, SEPTEMBER 19, 2018**
**2000 14TH STREET, N.W., SUITE 400S**
**WASHINGTON, D.C. 20009**

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

**Protest Hearing (Status)** **9:30 AM**
**Case # 18-PRO-00061;** Wyoming Cube & Bale, LLC, t/a Cube & Bale, 3251 Prospect Street NW, License #110062, Retailer CR, ANC 2E,
**Application for a New License**

**Protest Hearing (Status)** **9:30 AM**
**Case # 18-PRO-00058,** 476 K, LLC, t/a Cloakroom, 476 K Street NW, License #87875, Retailer CN, ANC 6E
**Application to Renew the License**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-251-00066;** F&A, Inc., t/a Anacostia Market, 1303 Good Hope Road SE, License #86470, Retailer B, ANC 8A
**No ABC Manager on Duty (Two Counts)**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-CMP-00102;** Dew Drop Inn, t/a Dew Drop Inn, 2801 8th Street NE License #97569, Retailer CT, ANC 5E
**Added a New Summer Garden without Board Approval, Increase in Occupancy (Summer Garden)**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-CIT-00105;** Chaia Georgetown, LLC, t/a Chaia, LLC, 3207 Grace Street NW, License #99787, Retailer DR, ANC 2E
**No ABC Manager on Duty**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-CIT-00106;** Chaia Georgetown, LLC, t/a Chaia, LLC, 3207 Grace Street NW, License #99787, Retailer DR, ANC 2E

Board's Calendar
September 19, 2018
**No ABC Manager on Duty**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-AUD-00022;** M & M Bar and Restaurant, LLC, t/a Asmara Lounge and Restaurant, 2218 18th Street NW, License #102180, Retailer CR, ANC 1C
**Failed to Maintain on Premises Three Years of Adequate Books and Records Showing All Sales**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-CC-00027;** 14th & V, Inc., t/a Busboys and Poets, 1390 V Street NW License #71220, Retailer CR, ANC 1B
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-251-00069;** New York Avenue Beach Bar, LLC, t/a Halftime Sports Bar, 1427 H Street NE, License #94107, Retailer CT, ANC 6A
**Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Plan (Two Counts)**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-CIT-00293;** District Hardware, Inc., t/a District Hardware and Bike 730 Maine Ave SW, License #104936, Retailer CT, ANC 6D
**No ABC Manager on Duty**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-251-00067;** Lemma Holdings, LLC, t/a Bliss, 2122 24th Place NE License #95711, Retailer CT, ANC 5C
**Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Plan, Interfered with an Investigation**

**Show Cause Hearing (Status)** **9:30 AM**
**Case # 18-CIT-00328;** T & L Investment Group, LLC, t/a Panda Gourmet 2700 New York Ave NE, License #86961, Retailer CR, ANC 5C
**Failed to File Quarterly Statement**

**Show Cause Hearing*** **10:00 AM**
**Case # 18-CMP-00021;** Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A
**Failed to File and Maintain Invoices and Delivery Slips, Purchased Alcohol from an Off-Premise Retailer**

Board's Calendar
September 19, 2018

**Show Cause Hearing*** **11:00 AM**
**Case # 18-CIT-00110;** Southeast Restaurant Group, LLC, t/a DCity, Smokehouse, 203 Florida Ave NW, License #98368, Retailer CT, ANC 5E
**No ABC Manager on Duty**

**BOARD RECESS AT 12:00 PM**
**ADMINISTRATIVE AGENDA**
**1:00 PM**

**Public Hearing*** **1:30 PM**
Adams Morgan Moratorium

**Fact Finding Hearing*** **2:30 PM**
Foggy Bottom Grocery, LLC, t/a FoBoGro, 2140 F Street NW, License #82431 Retailer B, ANC 2A
**Transfer Application**

**Protest Hearing*** **4:30 PM**
**Case # 18-PRO-00044;** Medhanie Weldegergish t/a 1618 Liquor and Grocery Cold Beer and Wine, 1618 8th Street NW, License #84582, Retailer A, ANC 6E
**Application to Renew the License**

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

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

**NOTICE OF MEETING**
**INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 19, 2018**
**2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On Wednesday, September 19, 2018 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed "to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations."**

1. Case# 18-AUD-00059, Georgia Brown's, 950 15th Street N.W., Retailer CR, License # ABRA-077127

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2. Case# 18-CC-00083, Economy Market, 1804 D Street N.E., Retailer B, License # ABRA-094127

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3. Case# 18-MGR-00013, ABC Manager, Belaynesh Abunie, License # ABRA-102804

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4. Case# 18-CMP-00185, BIN-1301, 1301 U Street N.W., Retailer CT, License # ABRA-091682

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5. Case# 18-CMP-00192, Metro K Supermarket, 1664 Columbia Road N.W., Retailer B, License # ABRA-001751

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6. Case# 18-CMP-00187, BIN-1301, 1301 U Street N.W., Retailer CT, License # ABRA-091682

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7. Case# 18-CC-00095, CVS Pharmacy #2104, 5013 Connecticut Avenue N.W., Retailer B, License # ABRA-083507

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8. Case# 18-CC-00086, Samber Food Store, 3243 Mt. Pleasant Street N.W., Retailer B, License # ABRA-110419

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9. Case# 18-CC-00093, Lincoln, 1110 Vermont Avenue N.W., Retailer CR, License # ABRA-086125

10. Case# 18-CC-00094, Wagshal's, 3201 New Mexico Avenue N.W., Retailer B, License # ABRA-092730

11. Case# 18-CC-00088, Greenway Liquors, 3700 Minnesota Avenue N.E., Retailer A, License # ABRA-075614

12. Case# 18-CC-00092, Dukem Ethiopian Restaurant & Market/Apple Lounge, 1114-1118 U Street N.W., Retailer CR, License # ABRA-072469

13. Case# 18-CC-00097, Tryst, 2459 18th Street N.W., Retailer CR, License # ABRA-025781

14. Case# 18-CC-00090, Kokeb Ethiopian Restaurant, 3013 Georgia Avenue N.W., Retailer CR, License # ABRA-089933

15. Case# 18-CC-00087, Los Primos, 3170 Mt. Pleasant Street N.W., Retailer B, License # ABRA-076413

16. Case# 18-CMP-00186, Capitol Fine Wine & Spirits, 415 H Street N.E., Retailer A, License # ABRA-082981

17. Case# 18-CC-00098, Anacostia Market, 1303 Good Hope Road S.E., Retailer B, License # ABRA-086470

18. Case# 18-MGR-00014, ABC Manager, Okbit Fetwi, License # ABRA-108659

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

**NOTICE OF MEETING**
**LICENSING AGENDA**

**WEDNESDAY, SEPTEMBER 19, 2018 AT 1:00 PM**
**2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review Application for Safekeeping of License – Original Request. ANC 5E. SMD 5E04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Super Liquors***, 1633 N. Capitol Street NE, Retailer A Liquor Store, License No. 079241.

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2. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping 9/27/2017. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Neal Place Tap & Garden***, 1300 4th Street NE, Retailer CT, License No. 102918.

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3. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 1/24/2018. ANC 4C. SMD 4C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Formerly Turntable Restaurant***, 5802 Georgia Avenue NW, Retailer CT, License No. 024778.

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4. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 3/28/2018. ANC 6B. SMD 6B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Safeway #4205***, 415 14th Street SE, Retailer A, License No. 097707.

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5. Review Application for Summer Garden with seating for 14 patrons. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:*** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Hank's Oyster Bar***, 1624 Q Street NW, Retailer Class CR, License No. 071913.

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6. Review Application for Tasting Permit. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Southern Glazer's of DC***, 3125 V Street NE, Wholesaler A, License No. 086591.

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

## DC COMMISSION ON THE ARTS AND HUMANITIES

## NOTICE OF FUNDING AVAILABILITY

### FY 2019 Budget Enhancement Grants

Pursuant to § 7143 of the FY 2019 Budget Support Act of 2018, the DC Commission on the Arts and Humanities (CAH) is soliciting grant applications to provide support to non-profit organizations in the following categories:

- Provide support to an organization preserving the history of the District of Columbia for a program engaging students to research the history of their schools and produce a museum-quality exhibit; or,
- Provide support to a nonprofit, tax-exempt organization dedicated to preserving African-American cemeteries and burial grounds and their associated history, located in Georgetown, to establish markings and boundaries for these cemeteries and burial grounds and to make the locations of the graves, and the identity of those buried in those graves, visible and clearly defined; or,
- Provide support to infrastructure improvements, such as planting and planning, and for outreach events concerning the National Mall and its grounds to a nonprofit organization dedicated to improving, preserving, and restoring the National Mall; or,
- Assist with capital improvements, such as replacing aging building systems and production infrastructure, at a theater in the Central Business District that offers Broadway-style musicals; or,
- Provide a literary-enrichment program for District of Columbia public schools and public charter schools, including the provision of copies of literature and curricular materials and author visits for literary discussion with students; or,
- Support an existing museum dedicated to architecture, building, and design that serves District residents and visitors to the District to enhance activities and infrastructure, which shall include District-centric programming, a dedicated gallery, a visitor orientation center, planning and outreach for an exhibition about District of Columbia history, and an exhibition about its historically landmarked building; or,
- Support an international film festival scheduled to take place in April 2019 at Landmark’s E Street Cinema and AMC Mazza Gallerie movie theaters; or,
- Assist with capital improvements for a nonprofit theatre located in Ward 5 along Florida Avenue, N.E., that provides unique producing and presenting experiences for artists and has produced an arts festival for at least the past decade; or,
- Support a nonprofit, tax-exempt theater organization with a facility that opened in 2005 in the Penn Quarter neighborhood to upgrade and renovate its existing facilities, including rehearsal hall and theater, heating, ventilation, and air conditioning upgrades, bathroom, concessions, theater seating, and lobby renovations, and the enhancement of its security and safety systems, to improve public access and to increase the number of patrons to the facility; or,
- Support an initiative to present the east coast premiere of a newly commissioned work, with a week of related free community engagement events; or,

- Support a dance organization that has served the District for more than 70 years through performances, classes, and community engagement programs at THEARC; or,
- Assist a historical society that collects materials that document the history of everyday life in the District of Columbia, presents programs, and produces exhibits, with transition into new space and to facilitate the anticipated increase in visitors; or,
- Assist an existing nonprofit performing arts center, located in a building on the National Register of Historic Places within the H Street, N.E. Strategic Development Plan area, with capital improvements and related facility maintenance, including the repair, maintenance, replacement and upgrade of fire, life, safety, sanitation, electrical and HVAC systems, flooring and building infrastructure; or,
- Support a nonprofit organization dedicated to enriching the quality of life, fostering intellectual stimulation, and promoting cross-cultural understanding and appreciation of local history in all neighborhoods of the District through humanities programs and grants in an amount not to exceed $1 million.

Organizational applicants must be registered in the District, headquartered with a land address in DC and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming guidelines.

**The Request for Applications (RFA) will be available electronically beginning September 21, 2018 on the CAH website at http://dcarts.dc.gov/. Applicants must apply online. The deadline for applications is October 19, 2018. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.**

Technical assistance workshops will be offered throughout the application period to provide service to applicants.

For more information, please contact:

Heran Sereke-Brhan
Senior Grants Officer
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202)724-5613 or Heran.sereke-brhan2@dc.gov

**DEPARTMENT OF BEHAVIORAL HEALTH**

**NOTICE OF FUNDING AVAILABILITY (NOFA)**
**RFA# RM0 STR ED092818**

**State Targeted Response Grant, Implementation of Emergency Department Medication Assisted Treatment Induction**

**Purpose/Description of Project**

The Department of Behavioral Health (DBH), Community-Based Services Branch, is requesting applications from eligible organizations to establish an emergency department (ED) induction medication assisted treatment (MAT) program in multiple hospitals for persons experiencing an opioid overdose or seeking help with opioid withdrawal use disorder indications, with subsequent connection to community-based provider(s) for sustained treatment. Start up and planning activities include: ED protocol development and identification of ED champion(s); development of take-home kit (self-medication guide, etc.); training of ED staff to identify prospective clients, including the implementation of SBIRT (screening, brief intervention, and referral to treatment); development of pathways to expedited appointments to community-based MAT providers and other support services; development of ED peer navigation and support system; development of a warm line for consultation; and data collection and evaluation.

**Eligibility**

- At least two years demonstrated experience in implementation of hospital ED MAT induction.
- Organization must have formal affiliation with local hospitals.
- Ability to enter expeditiously into agreements with local hospitals to develop and implement program.
- Able to quickly recruit and hire peers who are dedicated to providing culturally and linguistically, competent services to individuals with an opioid use disorders.
- Ability to enter into an agreement with DBH requiring compliance with all District of Columbia laws and regulations governing Substance Use Disorders and Mental Health Grants (22A DCMR Chapter 44).
- Able to collect and report utilization, outcome and satisfaction survey data.

**Length of Award**

Grant award will be made for a period of 6 months from the date of award with the possibility of multi-year continuation depending on available funding. Anticipated grant award will be November 1, 2018.

**Available Funding**

***Approximately $668,625 is available to fund one organization to implement the ED MAT program in a minimum of two hospitals.*** This phase of implementation will be awarded by DBH using funds provided by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) State Target Response grant.

**Anticipated Number of Awards**
DBH anticipates ***one award*** in the amount of $668,625.00 (Six Hundred Sixty-Eight Thousand, Six-Hundred Twenty-Five Dollars and Zero Cents).

**Request for Application (RFA) Release**
The RFA will be released Friday, September 28, 2018. The RFA will be posted on the DBH website, www.dbh.dc.gov under Opportunities, and on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. Please direct any questions to Lisa Albury at Lisa.Albury@dc.gov.

**Pre-Application Conference**
A pre-application conference will be held at DBH, 64 New York Avenue, NE, Washington, DC, 20002, 2nd Floor, Room TBD, on Friday, October 5, 2018, from 10:00 a.m. – 12:00 p.m. ET.

**Deadline for Applications**
The deadline for submission is Monday, October 29, 2018, at 4:45 p.m. ET.

## Office of the Chief Financial Officer
## Office of Revenue Analysis

# District of Columbia Motor Fuel Tax Remains Unchanged Effective October 1, 2018

Pursuant to D.C. Official Code § 47-2301, the District of Columbia is required to levy and collect a tax on motor vehicle fuels equal to 8 percent of the average wholesale price of a gallon of regular unleaded gasoline. The average wholesale price is to be calculated semi-annually and in no case shall the price computed be less than $2.94. The computed average wholesale price should also not vary by more than 10 percent from the prior period's average price. The average wholesale price is computed by using the monthly Regular Gasoline Wholesale/Resale Price by Refiners provided by the Energy Information Administration for the Central Atlantic (PADD 1B) region for the six month periods ending in June and December each year.

For the six-month period ending June 30, 2018, the computed average wholesale price of a gallon of gasoline was less than $2.94. Accordingly, the tax, computed at 8 percent of the $2.94 minimum price, remains at 23.5 cents per gallon for the period of October 1, 2018 through March 31, 2019.

## D.C. BILINGUAL PUBLIC CHARTER SCHOOL

## REQUEST FOR PROPOSALS

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY18.19:

- Professional Development - Performance Management Services
- Professional Development - Leadership Coaching Services

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Monday, September 24, 2018.** Proposals should be emailed to bids@dcbilingual.org

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

# DEMOCRACY PREP CONGRESS HEIGHTS PUBLIC CHARTER SCHOOL

## REQUEST FOR PROPOSALS

### New Operator/Improvement Partner

**Introduction**. The local board of Democracy Prep Congress Heights (DPCH) is in search of a new operator or partner organization to run DPCH by July 1, 2019, and is requesting proposals from highly qualified school operators/improvement partners.

The board is committed to finding an operator with a proven track record of academic success and engaging communities in DC by providing high-quality educational services to students of all academic and socio-economic backgrounds.

**Overview of DPCH.** In the fall of 2013, Democracy Prep Public Schools responded to a request for proposal issued by Imagine Southeast to take over and turnaround the school. DPPS was declared an experienced operator by the DC Public Charter School Board and was chosen to turnaround what was renamed Democracy Prep Congress Heights Public Charter School. DPCH reopened on July 1, 2014 as a pre-K3 - 6 school and enrollment was increased to add seventh and eighth graders so the school is now pre-K3 - 8.

By contract, the AppleTree Institute provides pre-K services to students in the charter and those students then progress to the elementary school. AppleTree has been an integral partner to Democracy Prep's efforts at DPCH and is paid a management fee equal to the per pupil revenue for the pre-K students and, in return, is responsible for the costs of the program.

DPCH currently enrolls 777 students grade PreK3-8. An average of 77% of DPCH students are at risk students. Virtually all of DPCH students come from Ward 8.

DPCH occupies 62,837 square feet in two linked buildings. DPCH is a subtenant of Old Congress Heights School Redevelopment Corporation LLC, with the ground lease held by the District of Columbia. The lease does provide that the lease can be sublet to another DC charter school.
The lease expires June 30, 2026 with a blended per square foot rent of 37.06 psf increasing at 2.5% annually. There is no debt associated with the property.

**Full RFP and Further Information**: For more information or to request a copy of the full RFP, email a request to simmons.lettre@gmail.com by September 15.

**Deadline and Submission.** All RFP submissions must be received by 5pm on September 18. Please send responses to simmons.lettre@gmail.com.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**

**OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT**

**ANNOUNCES SEPTEMBER 20, 2018 PUBLIC MEETING FOR THE DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL CREDIT ENHANCEMENT COMMITTEE**

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee as follows:

**12:30 p.m. – 1:30 p.m.**
**Thursday, Sept. 20, 2018**
**1050 First St. NE, Washington, DC 20002**
**Conference Room 536 (LeDroit Park)**

For additional information, please contact:

Ronda Kardash, Director
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor
Washington, DC 20002
(202) 741-5099
Ronda.Kardash@dc.gov

The draft agenda for the above-referenced meeting will be:

I. Call to Order
II. Approval of agenda for the September 20, 2018, committee meeting
III. Approval of minutes from the August 22, 2018, committee meeting
IV. Review Conflict of Interest – Transaction Disclosure Checklist
V. Charter School Incubator Initiative - $1,312,500 direct loan and $1,170,000 credit enhancement

Any changes made to the agenda that are unable to be submitted to the DC Register in time for publication prior to the meeting will be posted on the public meetings calendar no later than two (2) business days prior to the meeting.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #8, Ward 3 Polling Place.

The public is advised that the voting area for Precinct #8 will be changed from**:**

**Palisades Neighborhood Library**
**4901 V Street, N.W.**
**"Multi-Purpose Room"**

and moved to:

**Palisades Recreation Center**
**5200 Sherier Place, N.W.**
**"Gymnasium"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #14, Ward 2 Polling Place.

The public is advised that the voting area for Precinct #14 will be changed from**:**

**The Whittemore House**
**1526 New Hampshire Avenue, NW**
**"Ballroom"**

and moved to:

**M.A.A. Carriage House Meeting Space ("MAA")**
**1781 Church Street, NW**
**"Meeting Space"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #33, Ward 3 Polling Place.

The public is advised that the voting area for Precinct #33 will be changed from**:**

**St. Paul's Lutheran Church**
**4900 Connecticut Avenue, N.W.**
**"Church Hall/Multi-Purpose Room"**

and moved to:

**Murch Elementary School**
**4810 36th Street, N.W.**
**"Cafeteria"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #86, Ward 6 Polling Place.

The public is advised that the voting area for Precinct #86 will be changed from**:**

**Eliot-Hine Middle School**
**1830 Constitution Avenue, N.E.**
**"Multi-Purpose Room"**

and moved to:

**Mount Moriah Baptist Church**
**1636 East Capitol Street, N.E.**
**"Multi-Purpose Room"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.
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## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #93, Ward 7 Polling Place.

The public is advised that the voting area for Precinct #93 will be changed from**:**

**Houston Elementary School**
**1100 50th Place, N.E.**
**"Multi-Purpose Room"**

and moved to:

**Deanwood Recreation Center**
**1350 49th Street, N.E.**
**"Multi-Purpose Room"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #105, Ward 7 Polling Place.

The public is advised that the voting area for Precinct #105 will be changed from**:**

**C.W. Harris Elementary School**
**301 53rd Street, S.E.**
**"Multi-Purpose Room"**

and moved to:

**Benning Park Recreation Center**
**5100 Southern Avenue, S.E.**
**"Multi-Purpose Room"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

### Final Notice of Polling Place Relocation

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The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its September 9, 2018 meeting in relocating Precinct #116, Ward 8 Polling Place.

The public is advised that the voting area for Precinct #116 will be changed from**:**

**THEARC East**
**1901 Mississippi Avenue, S.E.**
**"Community Room/Auditorium"**

and moved to:

**THEARC West**
**1801 Mississippi Avenue, S.E.**
**"Black Box Theatre"**

**Please note that the relocation will be effective beginning with the upcoming November 6, 2018, Mayoral General Election.** The Board will individually notify all registered voters in the precinct of this change.

For further information, members of the public may contact the Board of Elections at 727-2525.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**DEPARTMENT OF FOR-HIRE VEHICLES**

## NOTICE OF FOR-HIRE VEHICLES ADVISORY COUNCIL MEETING

The For-Hire Vehicle Advisory Council will hold a meeting on Tuesday, September 25, 2018 at 10:00 am. The meeting will be held at the Department of For-Hire Vehicles, 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the For-Hire Vehicle Advisory Council Meeting on the DFHV website at www.dfhv.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Council on any issue of concern; the Council generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed two (2) minutes to address the Council. To register, please call 202-645-6002 no later than 3:00 p.m. on September 24, 2018. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Advisory Council Recorder no later than the time they are called to the podium.**

## DRAFT AGENDA

I. Call to Order

II. Advisory Council Communication

III. Advisory Council Action Items

IV. Department of For-Hire Vehicles staff reports

V. Government Communications and Presentations

VI. Public Comment Period

VII. Adjournment

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**
**DEPARTMENT OF HUMAN SERVICES**
**FAMILY SERVICES ADMINISTRATION (FSA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA): JA-FSA-PR-001-19/20**
**PROJECT RECONNECT DIVERSION / RAPID EXIT**

The District of Columbia (District) Department of Human Services (DHS) Family Services Administration (FSA), hereinafter referred to as the "DHS/FSA" seeks eligible entities to financially assist unaccompanied individuals experiencing homelessness who are working to reduce emergency shelter stays in the homeless services system through a client-centered shelter diversion and rapid exit program, called Project Reconnect. The amount available for Project Reconnect is eight hundred and seventy five thousand dollars ($875,000).

**Purpose/Description of the Project:** Starting in FY 2019, DHS/FSA is launching Project Reconnect: a shelter diversion and rapid-exit program for unaccompanied adults. Developed in partnership with national and local experts, Project Reconnect furthers the city's goal to make homelessness rare, brief, and non-recurring. By working with clients in an open and strengths-focused conversation, diversion experts at the Adams Place Drop-In Center, along with partners, can help clients avoid and/or reduce emergency shelter stays in the homeless services system.

This Notice of Funding Availability seeks to identify potential applicants that can provide financial management services to support the Project Reconnect program for at least 500, and up to 1,000 individuals, who are experiencing homelessness in the District and may benefit from shelter diversion/rapid exit services. The Project Reconnect services provided by the applicant should primarily be focused on managing the financial transactions that support each participant's diversion/rapid exit plan, which is developed by clients working with Adams Place Drop-In Center staff. Such transactions may include, but are not limited to, transportation assistance, support to host household(s) (e.g. utilities, food/groceries, gas/transportation, etc.), and/or first month's rent and security deposits. The grant does not authorize direct funding to clients, nor does it authorize payment of monthly rent or mortgage costs.

**Eligibility:** Non-profit community organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations, faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations, and private enterprises located in the District that have demonstrated experience as financial intermediaries working with individuals receiving public benefits and people experiencing homelessness are encouraged to apply. Applications are also encouraged from collaborating community-based and faith-based organizations.

In addition to having the appropriate staff qualifications and experience performing services similar in size and scope to the requirements of this grant, the eligible Grantee must also demonstrate intent and ability to:

- Execute client-centered financial transactions in accordance with the goals, deadlines, and expectations outlined for each individual's diversion/rapid exit plan; which will be focused on quickly reconnecting clients to their natural supports and stable housing;
- Practice sound financial management on behalf of District taxpayers and program participants;
- Provide the required services and deliverables while delivering high-value services to clients;
- Leverage non-governmental assets and coordinate with other organizations in the homeless services Continuum of Care; and
- Measure and achieve desired performance outcomes on behalf of clients served.

**Length of Grant Award and Available Funding:** One grantee will be awarded funding based on the capacity to meet the requirements of the program. The award period for the grant will be from January 1, 2019 through December 31, 2019. The amount available for the project is up to $875,000 for one base year with four option years, subject to funding availability.

**RFA Release:** The RFA will be released on **September 28, 2018**. A copy of the RFA may be obtained by the following means:

**Download** from the Office of Partnerships and Grant Services website under the District Grants Clearinghouse (http://opgs.dc.gov/page/opgs-district-grants-clearinghouse).

**Email** a request to Dominique Vinson at dominique.vinson2@dc.gov with "Request copy of RFA #JA-FSA-PR-001-19/20" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 64 New York Ave., 6th Fl., Washington, DC 20002. To make an appointment, call Dominique Vinson at 202-807-0435 and mention this RFA by name.

**Write** DHS at 64 New York Ave., 6thFl., Washington, DC 20002, "Attn: Dominique Vinson RE: RFA #JA-FSA-PR-001-19/20" on the outside of the envelope.

**Deadline for Applications: The deadline for application submissions is November 2, 2018 at 4:00PM.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to dominique.vinson2@dc.gov. Late or incomplete applications will not be forwarded to the review panel. For additional information, write to: Dominique Vinson at dominique.vinson2@dc.gov.

**MAYA ANGELOU PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Special Education Tutoring Services**

Maya Angelou Public Charter School (MAPCS) is located at 5600 East Capitol Street NE, Washington DC 20019. Our mission is to create learning communities in lower income urban areas where all students, particularly those who have not succeeded in traditional schools, can succeed academically and socially.

Contractor must provide tutors with professional skills and personal attributes that are well suited to have a positive impact on at-promise and disengaged youth. The Contractor must have an executable plan to share tutors' evaluations and notes with the designated Special Education Department administrator on a weekly basis. Tutors must be able to teach students in any topic/skill related to MAPCS's high school curriculum.

All bid proposals will be accepted until **12:00 PM on September 27, 2018**. Interested vendors will respond to the advertised Notice of RFP via upload to https://app.smartsheet.com/b/form/8d077a54bcd241ae81a3f305b77936ec.

Complete RFP details can be found at www.seeforever.org/requestforproposals. Any proposal received after **12:01 PM on September 27, 2018** is deemed non-responsive and will not be considered.

## 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 October 15, 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 September 14, 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** **Effective: October 15, 2018**
**Recommendations for Appointments as DC Notaries Public** **Page 2**

| | | | |
|---|---|---|---|
| Anderson | Diane | Self (Dual)<br>905 Webster Street, NW | 20012 |
| Arechiga-Holt | Cathy | Wells Fargo<br>1700 Pennsylvania Avenue, NW | 20006 |
| Arrington | Donna L. | The Carlyle Group<br>1001 Pennsylvania Avenue, NW, Suite 220 South | 20004 |
| Austin | Jerome | Self<br>4610 Georgia Avenue, NW | 20011 |
| Backus | MaShell | Business Promotion Consultants, Inc.<br>5028 Wisconsin Avenue, NW, Suite 302 | 20016 |
| Balatbat | Caroline Anne M. | National Park Foundation<br>1110 Vermont Avenue, NW, Suite 200 | 20005 |
| Bannerman | Diane M. | Orrick, Herrington & Sutcliffe, LLP<br>1152 15th Street, NW | 20005 |
| Bretous | Emerson | Caplin & Drysdale Chartered<br>1 Thomas Circle, NW, Suite 1100 | 20005 |
| Brooks | Ana | Honeywell International<br>101 Constitution Avenue, NW | 20001 |
| Brown | Audrey | Self (Dual)<br>1115 McCollough Court, NW, Apartment 401 | 20001 |
| Burch | Christina | ACDI/VOCA<br>50 F Street, NW, Suite 1000 | 20001 |
| Burrows | DeAngelo A. | Self<br>5082 Just Street, NE | 20019 |
| Carr | Kevin E. | Diversified Reporting Services, Inc<br>220 Allison Road, NW, #209 | 20011 |
| Casey | Ariel | Peckar & Abramson, PC<br>2055 L Street, NW, Suite 750 | 20036 |

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| | | | |
|---|---|---|---|
| Casey | Joan | Vorys, Sater, Seymour and Pease, LLP<br>1909 K Street, NW, 9th Floor | 20006 |
| Cohen | Julie Coral | Humphries & Partners, PLLC<br>1029 Vermont Avenue, NW, Suite 800 | 20005 |
| Cotte Pabon | Cristina M. | Takoma Wellness Center<br>6925 Blair Road, NW | 20012 |
| Coughlin | Brendan | Bank of America<br>901 K Street, NW | 20001 |
| Crawley | Lorien D. | Homeland Security and Emergency Management Agency<br>2720 Martin Luther King Jr. Avenue, SE | 20032 |
| Curington | Victoria | Cohen and Cohen, PC<br>1220 19th Street, NW, Suite 500 | 20036 |
| Davydenko-Butts | Oleksandra | Caplin & Drysdale Chartered<br>1 Thomas Circle, NW, Suite 1100 | 20005 |
| Day | Ivy | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| Doane-Johnson | Amanda Elise | District Legal<br>1615 New Hampshire Avenue, NW | 20009 |
| Dorsey | Lahoma | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| D'Sa | Christina Teresa | Guidehouse, LLP<br>1730 Pennsylvania Avenue, NW | 20006 |
| Edelen-Jones | Xemena Michelle | Patriot Realty<br>2627 Jasper Street, SE | 20020 |
| Fletcher | Sabrina M. | District of Columbia Bar<br>901 4th Street, NW | 20001 |
| Flowers | Sonja D. | Self (Dual)<br>2107 15th Street, SE | 20002 |

**D.C. Office of the Secretary** **Effective: October 15, 2018**
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| | | | |
|---|---|---|---|
| Ford-Gladden | Martha | Self<br>1505 Kalmia Road, NW | 20012 |
| Gale | Cara L. | Supreme Court of the United States<br>1 First Street, NE | 20543 |
| Garcia | Brenda | Metropolitan Assessment and Renewal Centers, LLC<br>3326 Georgia Avenue, NW | 20010 |
| Garrett | Ashley | Capitol Park Plaza & Twins<br>201 I Street, SW | 20024 |
| Glover | Camille Renata | Self (Dual)<br>1603 U Street, NW, #18 | 20009 |
| Gregg | Scott | Planet Depos<br>1100 Connecticut Avenue, NW, Suite 950 | 20036 |
| Gregory | Carrie Hay | Personal Care Products Council<br>1620 L Street, NW, 12th Floor | 20036 |
| Gsell | Courtney Elise | World Learning Inc.<br>1015 15th Street, NW, Suite 750 | 20005 |
| Guest | Cathie D. | Borger Management, Inc<br>1111 14th Street, NW | 20005 |
| Hackett, Sr. | Shelton W. | Hacketts's Funeral Chapel, Inc.<br>814 Upshur Street, NW | 20011 |
| Hariri | Tarek | Georgetown Design Group, Inc<br>1225 23rd Street, NW | 20037 |
| Hayes | Whitney | U.S. Department of Justice, Civil Division, Office of Foreign Litigation<br>1100 L Street, NW | 20005 |
| Henry | Lisa L. | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| Hernandez | Stephanie | National Women's Law Center<br>11 Dupont Circle, NW, Suite 800 | 20036 |

**D.C. Office of the Secretary** **Effective: October 15, 2018**
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| | | | |
|---|---|---|---|
| Hirani | Hasan | Suntrust Bank<br>1275 K Street, NW | 20005 |
| Hodges | Justin | World Learning Inc.<br>1015 15th Street, NW, Suite 750 | 20005 |
| Holmes | Andrea K. | Washington Area New Automobile Dealers Association<br>5301 Wisconsin Avenue, NW, Suite 210 | 20015 |
| Horton | Carolyn H. | Department of Behavioral Health<br>64 New York Avenue, NE, 3rd Floor | 20002 |
| Howard | Ashley M. | Troutman Sanders, LLP<br>401 9th Street, NW, Suite 1000 | 20004 |
| Hughes | Sondra Kay | Burchell & Hughes, PLLC<br>1899 L Street, NW, Suite 1050 | 20036 |
| Jackson | LaShonne E. | Power to Decide<br>1776 Massachusetts Avenue, NW, Suite 200 | 20036 |
| Johnson | Davia | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| Lavoie | John A. | The Metropolitian Club<br>1700 H Street, NW | 20006 |
| Lee | Jieun | The Federal Practice Group<br>1750 K Street, NW, Suite 900 | 20036 |
| Lee | Joniqua | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| Lindoerfer | Kimberly A. | Fox Television Stations, LLC<br>5151 Wisconsin Avenue, NW | 20016 |
| Lynch | Corey | Self (Dual)<br>201 First Street, NE, Apartment 815 | 20002 |
| Marshall | Terrell | Apprio, Inc<br>425 3rd Street, SW, Suite 600 | 20024 |

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| | | | |
|---|---|---|---|
| Martinez | Dianna | United States Securities and Exchange Commissions<br>100 F Street, NE | 20549 |
| Mavrikes | Jennifer G. | Blue Skye Construction, LLC<br>5125 MacArthur Boulevard, NW, Suite 19 | 20016 |
| McKinsey | Paige | The Federal Practice Group<br>1750 K Street, NW, Suite 900 | 20036 |
| Mimms | Laura A. | Mindful Restaurant Group<br>323 7th Street, SE | 20003 |
| Montazzoli | Jennifer | The Becket Fund for Religious Liberty<br>1200 New Hampshire Avenue, NW, Suite 700 | 20036 |
| Moran | Anne Irene | Vorys, Sater, Seymour and Pease, LLP<br>1909 K Street, NW, 9th Floor | 20006 |
| Neal | Mary E. | Caplin & Drysdale Chartered<br>1 Thomas Circle, NW, Suite 1100 | 20005 |
| Newsome, Jr. | Charles | Self (Dual)<br>1338 W Street, NW, Apt. #2 | 20009 |
| Orinion | Evert | American Society of Association Executives (ASAE)<br>1575 I Street, NW, Suite 1200 | 20005 |
| Phung | Ngoc-Han | AARP<br>601 E Street, NW | 20049 |
| Polk | Shauna | Caplin & Drysdale Chartered<br>1 Thomas Circle, NW, Suite 1100 | 20005 |
| Rainey | JoAnn | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| Roberson | Cynthia V.B | Cohen Segllias Pallas Greenhill & Furman, PC<br>1828 L Street, NW, Suite 705 | 20036 |

**D.C. Office of the Secretary** **Effective: October 15, 2018**
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| | | | |
|---|---|---|---|
| Robinson | Kaprina LeShan | North American Securities Administrators Association, Inc<br>750 First Street, NE, Suite 1140 | 20002 |
| Rodriguez | Michelle M. | Orrick, Herrington & Sutcliffe, LLP<br>1152 15th Street, NW | 20005 |
| Rodriguez Jr. | Gregorio | Champion Title and Settlements<br>1050 Connecticut Avenue, NW, 5th Floor | 20036 |
| Runyan | R. Bradley | Stewart Title<br>1707 L Street, NW, Suite 240 | 20036 |
| Sackey | Tiffney Denise | Hapstak Demetriou<br>2715 M Street, NW, 4th Floor | 20007 |
| Sameni | Halleh Z. | Premium Title & Escrow, LLP<br>3407 14th Street, NW | 10010 |
| Schardt | Kayla | The Aspen Institute<br>2300 N Street, NW | 20037 |
| Scribner | Marcus | Competitive Enterprise Institute<br>1310 L Street, NW, 7th Floor | 20005 |
| Shackleford | Deborah R. | Campaign for Tobacco-Free Kids<br>1400 I Street, NW, Suite 1200 | 20005 |
| Shrestha | Sreejana | Eaton DC<br>1201 K Street, NW | 20005 |
| Smith | Margaret H. | Self<br>3926 17th Place, NE | 20018 |
| Snow | Kimberley Templeton | Cigna Corporation<br>701 Pennsylvania Avenue, NW, Suite 720 | 20004 |
| Stuart | Elizabeth | R. Michael Cross Design Group<br>2001 S Street, NW, Suite 230 | 20009 |

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| | | | |
|---|---|---|---|
| Sullivan | Lora A. | Self<br>4701 Connecticut Avenue, NW, Apartment 102 | 20008 |
| Thilenius | Suzanne N. | The National Academies of Sciences, Engineering, and Medicine<br>500 5th Street, NW | 20001 |
| Thomas | Terreita | DC Housing Authority<br>1133 North Capitol Street, NE | 20002 |
| Tibbs | Charlene | Manna, Inc<br>6856 Eastern Avenue, NW | 20012 |
| Tomlinson | Roxann N. | Self (Dual)<br>506 Ava Way, NE | 20017 |
| Torres | Mayra | Capitol Park Plaza & Twins<br>201 I Street, SW | 20024 |
| Townsend | Curtis | Self<br>3328 Banneker Drive, NE | 20018 |
| Troupe | Mason Tyler | Neal R. Gross & Co., Inc<br>1323 Rhode Island Avenue, NW | 20005 |
| Tupper | Janet | Professional Aviation Safety Specialists<br>1200 G Street, NW, Suite 750 | 20005 |
| Vessels | A. Mercedes | Self<br>4421 3rd Street, NW | 20011 |
| Whitney | Maya F.M. | Humpries & Partners, PLLC<br>1029 Vermont Avenue, NW, Suite 800 | 20005 |
| Williams | Angelique A. | The Kaizen Company<br>1700 K Street, NW, Suite 400 | 20002 |
| Woldemariam | Abel | Bank of America<br>3500 Georgia Avenue, NW | 20010 |
| Yates | Tammy Denise | Cigna<br>701 Pennsylvania Avenue, NW, Suite 720 | 20004 |

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| | | | |
|---|---|---|---|
| Young | Diane T. | Merrill Lynch<br>1152 15th Street, NW, Suite 6000 | 20005 |
| Zamani | Sogand | Zamani & Associates, PLLC<br>2121 K Street, NW, Suite 900 | 20037 |

**DISTRICT OF COLUMBIA SENTENCING COMMISSION**

**PUBLIC NOTICE**

**APPOINTMENT OF KARA DANSKY AS GENERAL COUNSEL FOR THE D.C. SENTENCING COMMISSION**

The D.C. Sentencing Commission hereby gives notice pursuant to D.C. Code § 1-609.03 (c) (2013) that Kara Dansky was appointed as General Counsel for the D.C. Sentencing Commission on September 4, 2018. This is an excepted service position.

## THE FAMILY PLACE PUBLIC CHARTER SCHOOL

## REQUEST FOR PROPOSALS

**The Family Place Public Charter School** requests proposals for the following:

- **Financial and Accounting Services**

Full RFP document available by request. Proposals shall be emailed **as PDF documents** no later than 5:00 PM on Tuesday, September 25, 2018. Contact: aneptune@thefamilyplacepcs.org

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**DC Retail Water and Sewer Rates Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) DC Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, September 25, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

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

**DRAFT AGENDA**

| | | |
|---|---|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | Monthly Updates | Chief Financial Officer |
| 3. | Committee Work Plan | Chief Financial Officer |
| 4. | Other Business | Chief Financial Officer |
| 5. | Executive Session | Committee Chairperson |
| 6. | Adjournment | Committee Chairperson |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, September 27, 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.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. | July/August, 2018 Financial Report | Committee Chairperson |
| 3. | Agenda for October, 2018 Committee Meeting | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

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

**Application No. 19355 of Stacey Selenfriend and Christopher Pharr**, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the nonconforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1 to permit the location of multiple decks over an existing rear-attached garage in the RF-1 zone at premises 600 9th Street, N.E. (Square 913, Lot 800).

**HEARING DATES:** December 7, 2016, December 14, 2016, February 1, 2017, and March 15, 2017
**DECISION DATE:** March 15, 2017

## DECISION AND ORDER

This application was submitted on August 7, 2016 by Stacey Selenfriend and Christopher Pharr, the owners of the property that is the subject of the application (the "Applicant"). The application requested area variances from the requirements for rear yard, lot occupancy, and enlargement of a nonconforming structure to allow multiple rear deck additions over an existing rear-attached garage at a principal dwelling in the RF-1 district at 600 9th Street, N.E. (Square 913, Lot 800). After a public hearing, the Board OF Zoning Adjustment (the "Board") voted to deny the application.

### PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated September 21, 2016, the Office of Zoning provided notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 6 as well as the Chairman and the four at-large members of the D.C. Council; Advisory Neighborhood Commission 6A (the "ANC"), the ANC in which the subject property is located; and Single Member District/ANC 6A02. Pursuant to 11 DCMR Subtitle Y § 402.1, on October 7, 2017 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, the Councilmember for Ward 6, ANC 6A, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on October 14, 2016. (63 DCR 12780).

Party Status. The Applicant and ANC 6A were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application from Jamie Lynch, whose property abuts the subject property to the west.

Applicant's Case. The Applicant provided evidence and testimony in support of the request for variance relief, which was needed to retain the multiple deck addition already constructed by a

prior owner without obtaining the necessary permits. The Applicant acquired the property from a bank that did not disclose that the construction had been undertaken without authorization. The Applicant testified that the decks could not be reduced in size because of the way they were constructed. Instead, the Applicant proposed to use the existing decks for recreational purposes in accordance with conditions proposed by the ANC.

OP Report. By memorandum dated December 2, 2016, the Office of Planning recommended denial of the application. (Exhibit 35.)

DDOT. By memorandum dated December 2, 2016, the District Department of Transportation stated that approval of the application would not result in adverse impacts on the travel conditions of the District's transportation network. (Exhibit 36.)

ANC Report. By letter dated February 10, 2017, ANC 6A indicated that, at a properly noticed public meeting on February 9, 2017 with a quorum present, the ANC voted to support the application subject to two conditions that would have required the Applicant to limit use of the decks at night, unless the owner of the neighboring property agreed otherwise, and to remove air-conditioning equipment from the lower deck. The ANC recognized "[t]he situation requiring the relief being sought is unusual" and that the Applicant "inherited this challenging situation through no fault of their own" but also cited neighbors' opposition to the decks and concerns that "[i]f the variances are denied…the decks will remain and eventually could become a greater concern for the owners and neighbors." (Exhibit 42.)

Party in Opposition. Jamie Lynch testified that the decks impair the light, air, and privacy at her property given their close proximity to her residence.

Persons in support. The Board received letters from persons in support of the application. The letters were signed by residents living near the subject property but did not address the requirements for approval of the requested zoning relief.

Person in opposition. The Board received a letter and heard testimony in opposition to the application from the owner of a property across F Street from the subject property. The person in opposition urged the Board to deny the application on the grounds that the deck additions were not consistent with zoning requirements and detracted from the surrounding streetscape.

**FINDINGS OF FACT**

1. The subject property is a corner lot located at the northwest corner of the intersection of 9th and F Streets, N.E. (Square 913, Lot 800). The subject property is flat and rectangular, 19 feet wide and 60 feet deep.

2. The subject property is improved with a three-story principal dwelling that fronts onto 9th Street. The building has been enlarged with a one-story rear addition used as a garage, accessible via F Street, and with two rear decks. The decks are attached to the second and third floors of the dwelling above the garage.

3. The decks were built without zoning approval or building permits by a prior owner of the subject property, possibly beginning around 2003. The Applicant purchased the property from a bank in 2013, obtaining it out of foreclosure without knowledge of the illegal construction.

4. A wooden lattice was installed on three sides of the lower deck between the top of the garage and the bottom of the deck. Wooden fences topped by smaller lattices were installed as guardrails along the edges of both decks, which are connected by means of a staircase. Air conditioning equipment for the Applicant's residence is housed on the lower deck.

5. The subject property is nonconforming with respect to lot occupancy, rear yard, and lot area. Existing lot occupancy is 100 percent, where a maximum of 60 percent is permitted as a matter of right. (Subtitle E § 304.1.) The subject property lacks a rear yard setback, where a minimum of 20 feet is required. (Subtitle E § 306.1.) Like the garage addition, both of the rear decks extend from the dwelling to the rear property line; absent the decks, the dwelling would be set back from the rear lot line approximately nine feet on the second floor and 15 feet on the third floor. The subject property has a lot area of 1,140 square feet, where a minimum of 1,800 square feet is required. (Subtitle E § 201.1.)

6. The property abutting the subject property to the west (812 F Street, owned by the party in opposition) is improved with a two-story dwelling. The eastern side yard of that dwelling is approximately four feet, nine inches deep. The eastern wall of the dwelling contains six windows with views of the garage and decks at the Applicant's property.

7. The area surrounding the subject property is densely developed primarily with two-story attached dwellings. A school and recreation center are located to the east across 9th Street from the Applicant's dwelling.

8. The subject property and its environs are located in an RF-1 zone. Provisions of the RF-1 zone are intended, among other things, (i) to recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; and (ii) to allow for the matter-of-right development of existing lots of record. (Subtitle E § 100.3(a), (c).)

9. The purpose of the RF-1 zone is to provide for areas predominantly developed with attached row houses on small lots within which no more than two dwelling units are permitted. (Subtitle E § 300.1.)

**CONCLUSIONS OF LAW AND OPINION**

The Applicant seeks area variances from requirements for enlargement of a nonconforming structure under of Subtitle C § 202.2, for lot occupancy under Subtitle E § 304.1, and for rear yard under Subtitle E § 306.1 to permit the location of two decks over an existing rear-attached

garage in the RF-1 zone at premises 600 9th Street, N.E. (Square 913, Lot 800). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR Subtitle X § 1000.1.)

Extraordinary or exceptional situation. For purposes of variance relief, the "extraordinary or exceptional situation" need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a use variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself…. [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases….); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, "extraordinary circumstances" need not be limited to physical aspects of the land). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Applicant claimed the existing decks themselves as an exceptional situation, noting that the Applicant purchased the property after the decks were constructed and without knowledge of the illegal construction. In its report, the Office of Planning concurred, noting that the subject property "is impacted by the exceptional condition that there are existing, non-permitted decks that existed when the current owner purchased the property." The Office of Planning also found an exceptional situation in that "the previous owner, a bank, did not disclose at the time of the purchase the non-permitted nature of the decks." (Exhibit 35.)

The Board agrees that the Applicant's situation is unusual in that the decks were installed without permission and that the Applicant acquired the property without knowledge of the violation. However, the Board was not persuaded that the subject property displays any extraordinary or exceptional situation or condition that would warrant approval of variance relief. None of the factors variously cited as exceptional – the presence of unauthorized construction, the Applicant's acquisition of the property from a bank out of foreclosure, the bank's failure to disclose the lack of permits for the decks – is an extraordinary condition uniquely affecting the Applicant's property. Nor has the Applicant claimed any extraordinary

situation of the subject property by reason of its exceptional narrowness, shallowness, or shape; rather, the subject property is a typical lot in its location, without any unusual physical characteristics other than the existing improvements.

Practical difficulties. An applicant for an area variance is required to show that the strict application of the zoning regulations would result in "practical difficulties." *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires "'[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome….'" *Metropole Condominium Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011). In assessing a claim of practical difficulty, proper factors for the Board's consideration include the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976).

The Applicant argued that, absent the requested variance relief, "the Applicant must either allow the illegal condition to continue or remove illegal decks," causing the Applicant to face "potentially huge liabilities" if the illegal condition continued or to incur "huge and unanticipated costs estimated to exceed $160,000.00" if the decks were removed, besides creating the need for a new variance before the decks could be rebuilt. The Board does not find that the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the Applicant as the owner of the subject property. The Applicant provided no evidence to substantiate the claimed cost of removing the illegally constructed decks, which the Applicant described as "a very rough estimate" of the actual cost. (Transcript ("Tr.") of March 15, 2018 at 59-60.) The Applicant also acknowledged that no attempt had been made to seek reimbursement from the bank that sold the property to the Applicant without disclosing the zoning violations.[1] (Tr. at 62.) The cost of removing the unauthorized decks is not a practical difficulty arising from the strict application of the Zoning Regulations that would give rise to a need for variance relief but rather an expense created by the prior owner who undertook the illegal construction and, according to the Applicant, the bank that sold the property without disclosing the defect, for which the Applicant could seek the appropriate financial remedies.

Nor was the Board persuaded that, without the requested variance, the Applicant "would be denied the beneficial use" of the property. The subject property is improved with a large dwelling that would remain useful as a principal residence even without the deck additions. According to the Applicant, their request for permits needed to undertake certain renovations to the interior of the dwelling was denied due to an outstanding stop-work order associated with the rear deck addition, and therefore approval of the requested variance relief was needed to avoid the "practical difficulty" of not being able to make the desired changes to the dwelling.

[1] According to the Applicant, the subject property was purchased out of foreclosure from a bank that "as trustee, transferred title in fee simple absolute by a special warranty deed dated July 9, 2013" but "did not inform the Applicant that the existing decks were illegal. Under a special warranty deed, [the bank] was obligated to inform the Applicant as [sic] that the decks were illegal." (Exhibit 43.)

However, removal of the unauthorized decks would also correct the zoning violation and remove the impediment arising from the stop work order.

No substantial detriment or impairment. The Applicant contended that approval of the application would not cause any substantial detriment to the public good because "the existing decks are strictly for use by the Applicant incident to the residence." (Exhibit 7.) However, the Board was not persuaded by the Applicant's claim that the decks would "not have a substantially adverse effect on the use and enjoyment of any abutting or adjacent dwelling or property." (Exhibit 13.)

Contrary to the Applicant's assertions, the Board concurs with the party in opposition that the close proximity of the decks to the abutting property creates noise impacts and adversely affects the light, air, and privacy available to that property. The decks are built to the rear lot line of the Applicant's property such that the only separation between the decks and the side wall of the adjoining residence, which contains six windows, is the side yard, less than five feet deep, on the neighboring property. Given the three-story height of the deck addition relative to the prevalence of lower buildings in the vicinity, the use of the decks could also adversely affect the enjoyment of nearby properties by diminishing the privacy available to those properties and by creating adverse noise impacts. As noted by the Office of Planning, the third-story deck created a "strong degree of additional shadow … on the property to the north." (Exhibit 35.) The Applicant's property, at 100 percent lot occupancy and with no rear yard, is nonconforming with zoning requirements; the addition of the decks, which are not nonconforming but were built illegally, adversely affected the use of neighboring properties and therefore a grant of variance relief for the decks would result in substantial detriment to the public good.

Nor was the Board persuaded by the Applicant's claim that "[c]onsidering the detriment to the public good where the decks have existed for over 10 years is not meaningful," especially when the Applicant was "not aware of any complaints on record having been made about the decks…." (Exhibit 43.) The Board heard testimony from the party in opposition describing the ongoing negative consequences of the decks on the use of her property[2] and the unsuccessful efforts by neighbors to seek enforcement action soon after the decks were constructed.[3] The Board does not agree that the mere passage of time is sufficient to warrant a finding of no substantial detriment to the public good associated with the deck addition in this case.

Similarly, the Board does not conclude that the Applicant's willingness to comply with the conditions recommended by ANC 6A would be sufficient to avoid substantial detriment to the

[2] The party in opposition testified that "There's a complete lack of privacy … you can see from the decks, directly into the bedroom itself…. I have to keep my shades drawn at all times subject to whomever may be out there enjoying the use of their decks at my expense. There's impact to natural light…." (Tr. at 80.)

[3] Joseph Fengler, the owner of property across F Street from the subject property, testified that "…the deck was built illegally 10 years ago, and there were complaints 10 years ago. Many neighbors called [the Department of Consumer and Regulatory Affairs] and asked for them to come out and inspect it, and unfortunately at that time, you know, 12, 13 years ago, they just didn't have the manpower to do it and it was to a frustration of a lot of us that live there." (Tr. at 69.) Adverse impacts associated with the use of the decks included late-night noise from parties held on the decks. (Tr. at 73.)

public good.[4] The conditions would be difficult to enforce and insufficient to avoid adverse impacts on the use of neighboring properties. The ANC noted "the strong and warranted opposition of neighbors due to the poor aesthetics of the decks, and noise and privacy issues that they cause to the immediate neighbor" but proposed the conditions based on its belief that "the only public good … resulting from this [zoning approval] is if the decks are inspected to ensure their safety and their use [is] restricted to minimize the potential impact on nearby neighbors." (Exhibit 42). The Board agrees with the ANC and with the testimony in opposition to the application that the deck addition poses a substantial detriment to the public good.

The Board also concludes that the requested variance could not be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. Approval of any request for a variance without a showing of an exceptional situation of a specific property, practical difficulty upon the owner as the result of the strict application of the Zoning Regulations, and a lack of substantial detriment to the public good would substantially impair the purpose and intent of the zone plan. As a relatively large building on a relatively small lot – even without the unauthorized decks, the subject property is nonconforming with respect to lot area, lot occupancy, and rear yard – the Applicant's building cannot be enlarged without zoning relief. Approval of the requested variance relief would not be consistent with the intentions of the RF-1 zone to recognize and reinforce the importance of neighborhood character, preservation of housing stock, and improvements to the overall environment to the overall housing mix and health of the city, or to allow for the matter-of-right development of existing lots of record. As OP noted, "… with a 100% lot occupancy, and especially 100% lot occupancy at the second and third stories, the impacts [of the deck addition] seem to harm the intent of the [Zoning] Regulations to support livable neighborhoods through the provision of adequate light, air and privacy." (Exhibit 35.)

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.).) For the reasons discussed above, the Board concurs with OP's recommendation that the application should be denied in this case.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)).) In this case ANC 6A voted to support the application, subject to two conditions.

[4] The conditions proposed by ANC 6A were:

1. Use of the lower deck (which is level to the second floor windows of 812 F Street, N.E.) shall cease by 10 pm. Use of the upper deck (which is above the roof line of 812 F Street, N.E.) shall cease by 11 pm. Should exceptions be needed or desired, 600 9th Street N.E. owners will discuss with 812 F Street, N.E. owner to seek permission, which may be reasonably accommodated. Should property owners of 600 9th Street N.E. and 812 F Street, N.E. (current or future) discuss and mutually agree that these accommodations are no longer necessary, these restrictions may be voided.

2. Assuming the owners of 600 9th Street N.E. are granted a variance by the BZA, they will apply for permits within 30 days of BZA approval to move the 5 ton HVAC unit currently housed on the 2nd floor deck to the roof. This unit will be moved as soon as feasible upon receipt of any necessary permits. As the 1.5 ton HVAC unit on this deck is currently too old to move, owners of 600 9th Street N.E. will move this unit to the roof when it is replaced at the end of its useful life, or within 10 years, whichever is sooner.

However, the ANC's report stated issues and concerns about illegal construction and the neighbors' objections to the decks, and the ANC's vote was predicated on its assumption that "whether or not the zoning relief being sought is granted or rejected, the decks will remain" at the subject property. (Exhibit 42.)

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof with respect to the request for area variances from requirements for enlargement of a nonconforming structure under of Subtitle C § 202.2, for lot occupancy under Subtitle E § 304.1, and for rear yard under Subtitle E § 306.1 to permit the location of two decks over an existing rear-attached garage in the RF-1 zone at premises 600 9th Street, N.E. (Square 913, Lot 800). Accordingly, it is **ORDERED** that the application is **DENIED**.

**VOTE: 4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, Michael G. Turnbull to DENY; one Board seat vacant).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**
A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** September 6, 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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**ZONING COMMISSION ORDER NO. 01-01A**
**Z.C. Case No. 01-01A**
**BP/CRF 901 New York Avenue, LLC**
**(Modification of Consequence of Consolidated PUD @ Square 372, Lot 34)**
**July 30, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on July 30, 2018. At that meeting, the Commission approved the application of BP/CRF 901 New York Avenue, LLC ("Applicant") for a modification of consequence of the consolidated PUD application approved by Z.C. Order No. 01-01MM/99-6M/88-16C ("Approved PUD"). The property (Lot 34 in Square 372) that is the subject of this application is bounded by New York Avenue, N.W. to the south, 10th Street, N.W. to the west, K Street, N.W. to the north, and 9th Street, N.W. to the east ("Property"). The modification request was made pursuant to § 703 of the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations.

## FINDINGS OF FACT

### BACKGROUND INFORMATION

1. The Commission first approved the Approved PUD in 1989 by Z.C. Order No. 629 for Z.C. Case No. 88-16C, and extensions were granted by Z.C. Order Nos. 629A through 629F. The Approved PUD was subsequently modified and expanded and a related Zoning Map amendment was added in 2000 by Z.C. Order No. 920 for Z.C. Case No. 99-6M/88-16C, which approved a rezoning from the C-3-C, HR/C-3-C, and DD/C-3-C Zone Districts to the C-4 Zone District and the development of the existing office building with a density of 10.0 floor area ratio ("FAR"), a height of 130 feet, and approximately 532,505 square feet of gross floor area. The Commission subsequently approved a minor modification to the Approved PUD in 2001 by Z.C. Order No. 920-A for Z.C. Case No. 01-01MM/99-6M/88-16C to permit the owner to utilize the combined lot provisions of the Zoning Regulations to meet the applicable housing requirement through a contribution to the Housing Production Trust Fund. No other modifications or other actions had been requested for the Approved PUD since Z.C. Order No. 920-A prior to the modification requested in the instant application.

2. The Commission, at its July 30, 2018 public meeting, determined that the application qualified as a modification of consequence within the meaning of Subtitle Z § 703 of the Zoning Regulations of 2016 (Title 11 DCMR), and that no public hearing was necessary pursuant to Subtitle Z § 703.1. Ordinarily, the Commission would then be required by Subtitle Z § 703.18 (c)(2) to "[e]stablish a timeframe for the parties in the original proceeding to file responses in opposition to or in support of the request and for the applicant to respond thereto; and schedule the request for deliberations." However, the

record already included a report by Advisory Neighborhood Commission ("ANC") 2C, which was the only other party to the original proceeding, and the Commission therefore granted the Applicant's request to waive that rule and proceed with deliberations on the merits.

**CURRENT APPLICATION**

3. The modification proposed by this application revises the project's building entrances located on New York Avenue and K Street, N.W., as shown in the architectural plans at Exhibit ("Ex.") 2C. The proposed modifications were designed to provide more open, welcoming entrances for those accessing the Property and will improve the building's interaction with the public realm, thereby enhancing the pedestrian environment. The modification also includes improvements in the lighting for the entrances. (Ex. 2, 2C.)

4. For the New York Avenue entrance, the Applicant proposes to raise the existing grill of the covered entrance from the current clearance of approximately 16 feet, five inches to a new clearance of approximately 27 feet, nine inches at the same location in order to create a more open entrance and increase the amount of natural light at such location, which will also increase visibility and activate the adjacent public space. The modified New York Avenue entrance will also include a hanging sculpture inspired by the imagery of cherry blossoms. (Ex. 2, 2C.)

5. Like the New York Avenue entrance, the Applicant proposes to modify the building entrance on K Street, N.W. to raise the existing grill above the doors to provide a more open design and allow a greater amount of natural light at the entrance. The existing grill and sign along K Street, N.W. has a clearance of approximately 10 feet, 10 inches, and the proposed grill and sign will have a clearance of approximately 23 feet, two inches at the same location. (Ex. 2, 2C.)

6. In addition to the requested modification to the project's building entrance, the Applicant also requested that, as part of the application, the Commission update Condition No. 8 of Z.C. Order No. 920 in order to correct an apparent error to clarify that the Applicant may install awnings along the building façade that are of any color or pattern. Condition No. 8, as published, states that "[a]wning surfaces may **not** be of any color or pattern" (emphasis added). However, based on the record for Z.C. Case No. 99-6M, specifically, discussions by the Commission and Office of Planning ("OP") staff at the Commission's January 31, 2000 public hearing, and OP's report in that case, it is clear that the Commission's intent was to permit awnings of any color or pattern. (Ex. 2, 2D.)

7. In satisfaction of Subtitle Z § 703.13, the Applicant provided a Certificate of Service which noted that ANC 2C were served with the application. (Ex. 2.)

8. OP submitted a report on June 28, 2018, recommending that the Commission approve the application as a modification of consequence, including the proposed design revisions

and the requested correction to Condition No. 8 of Z.C. Order No. 920. (Ex. 4.) OP concluded that the requested modification would not change the material facts upon which the Commission based its original approval of the Approved PUD, and that the request would not modify the size or overall design of the existing building, decrease the public benefits or amenities, or weaken any approved covenants. OP further concluded that the proposed design changes would enhance both the appearance and utility of the building as experienced from the adjacent public space.

9. On July 2, 2018, ANC 2C submitted a report into the record noting that, at a regularly scheduled, duly noticed meeting of the ANC on May 14, 2018, with a quorum present, ANC 2C voted 3-0-0 to support the application and stated no issues or concerns. (Ex. 5.)

## CONCLUSIONS OF LAW

Pursuant to Subtitle Z § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence is "a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance." (11 DCMR Subtitle Z § 703.3.) Examples of modifications of consequence "include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (*Id.* § 703.4.)

The Commission concludes that the modifications requested in the subject application and depicted in the plans submitted as Exhibit 2C are modifications of consequence and, therefore, can be granted without a public hearing.

The Commission finds that the proposed modifications are consistent with the Commission's previous approval of the Approved PUD. The use of the Property has not changed, and the Applicant is only proposing a redesign of architectural elements of the building that do not diminish or detract from the Commission's original approval of the PUD project as well as a needed correction to Z.C. Order No. 920.

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 2C's report stated no issues and concerns. The Commission concurs with OP's recommendation to approve this modification of consequence application, including the requested correction to Condition No. 8 of Z.C. Order No. 920. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

## DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification

of consequence to the consolidated PUD project approved in Z.C. Order No. 01-01MM/99-6M/88-16C. The conditions in the Approved PUD remain unchanged, except as follows. Conditions Nos. 1 and 8 of Z.C. Order No. 920 is revised to read as follows:

1. The PUD site shall be developed in accordance with the plans prepared by Davis Carter Scott, marked as Exhibits 20 and 44 as modified by the plans contained in Exhibit 2C in Z.C. Case No. 01-01A and as further modified by the guidelines, conditions, and standards of this Order

8. With regard to retail tenant signage and awnings, the applicant shall be permitted to install a variety of retail tenant signage and awnings via one or a combination of the following methods: (i) colored signage and awnings with applied tenant lettering located on the sign panel and backlighting; or (ii) metal signband with tenant lettering inset into signband and backlighting, as shown in Exhibit 44. Awnings may be installed at the ground level of the building. Covering materials may be canvas or similar non-rubberized cloth material, glass, or metal. Vinyl, or other plastic-like sheeting is not acceptable. Awning surfaces may be of any color or pattern. Awning edges shall be straight lines; scallops, curves, fringes, etc. are not acceptable. Signage and logos may be placed horizontally in the sign box at the front edge of the canopy. Lettering and logos may not be placed on sides, tops, or sloping surfaces of the awnings.

On July 30, 2018, upon the motion of Commissioner May, 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 Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on September 14, 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**
**ZONING COMMISSION ORDER NO. 06-11P**
**Z.C. Case No. 06-11P**
**Hillel at The George Washington University**
**(Modification of Significance of Z.C. Order 06-11L and Request for Further Special Exception Relief from the Penthouse Setback Requirements @ Square 42, Lots 820 & 840)**
**July 30, 2018**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on July 16, 2018 to consider the application filed by Hillel at The George Washington University ("Applicant" or "Hillel") requesting approval of a Modification of Significance to Z.C. Order No. 06-11L ("Order") and the approved plans pursuant to 11-Y DCMR § 704 and further special exception relief from the penthouse setback requirements pursuant to 11-C DCMR § 1504 and 11-X DCMR § 901 at the property located at 2300 H Street, N.W. (Square 42, Lots 820 and 840) ("Property").

The public hearing was conducted in accordance with the provisions of 11-Z DCMR Chapter 4.

## SUMMARY ORDER

## BACKGROUND

Z.C. Order No. 06-11L[1] granted certain variance and special exception approval in order to permit the construction of a new four-story building that included worship space, a dining facility, and academic and student life space. The Commission granted area variance relief from the floor area ratio ("FAR"), lot occupancy, rear yard, and parking requirements of the Zoning Regulations as well as special exception approval from the roof structure setback requirements (penthouse). In the near term, Hillel proposed to lease two floors of the Project to the University for University-related uses. To authorize the University use, the Commission also approved an amendment to the 2007 Foggy Bottom Campus Plan approved in Z.C. Order No. 06-11/06-12 ("Campus Plan") as well as a further processing of the Campus Plan. In Z.C. Order No. 06-11M, the Commission also approved a minor modification to the related campus-wide first-stage PUD in order to effectuate the University use within the Project.

The approval in Z.C. Case No. 06-11L was subject to the following five conditions:

1. The Project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibit 73A of the record, as modified by the guidelines, conditions, and standards herein;

[1] The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the "1958 Zoning Regulations") but which were repealed on September 6, 2016 and replaced with new text of Title 11, DCMR (the "2016 Regulations"). Other than the description of the original application and its caption, the other references in this Order to provisions contained in Title 11 DCMR are to the 2016 Regulations. The repeal of the 1958 Zoning Regulations and their replacement with the 2016 Regulations has no effect on the vesting and validity of the original application.

2. The University shall be permitted to use the third and fourth floors of the Project for student life and academic uses only, and shall refrain from using the space within the Project for faculty and staff offices except for staff offices directly related to the uses within the Project;

3. The University shall forgo the development of approved development on Site 77D;

4. During construction of the Project, Hillel shall abide by the provisions of the Construction Management Plan marked as Exhibit 73B of the record; and

5. For the life of the Project, the Applicant shall use trash bins rather than carts, unless DDOT specifically approves the use of carts through the public space process.

Portions of the Order related to the lot occupancy and rear yard variances were appealed to the D.C. Court of Appeals.[2] Parties to the underlying zoning case, St. Mary's Episcopal Church ("St. Mary's" or "Church") and the West End Citizens Association ("WECA") petitioned the D.C. Court of Appeals ("Court") to reverse the area variances granted for lot occupancy and rear yard.[3] On December 7, 2017, the Court issued an opinion affirming the Order of the Commission.

**MODIFICATION OF SIGNIFICANCE**

Pursuant to 11-Y DCMR § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence requires a public hearing and is a modification of significance. On April 25, 2018, the Applicant submitted a request for a modification of significance to the relief previously approved by the Z.C. Order No. 06-11L. The Applicant's request complies with 11-Y DCMR § 704, which provides the Commission's procedures for considering requests for modifications of significance.

Briefly, the Applicant revised the massing of the Project to eliminate the need for three areas of zoning relief (FAR, lot occupancy, and rear yard area variances) that were approved in the Order. Hillel proposed to revise the architectural design and materials to be more appropriate with the revised building massing and comply with the public space restrictions on bay window projections. The Applicant proposed to modify the penthouse design to accommodate the reduced building footprint. The revised penthouse requires additional special exception approval from the setback requirements.

Finally, the Applicant seeks to modify the conditions of approval included in Z.C. Order No. 06-11L to reflect the revised plans, the new Construction Management Agreement and flexibility

[2] *St. Mary's Episcopal Church, et al., Petitioners v. District of Columbia Zoning Commission, Respondent, and Hillel at The George Washington University, Intervener*. No. 16-AA-491. Argued June 14, 2017. Decided December 7, 2017.

[3] The Petitioners did not appeal the area variances granted for FAR, parking, or the special exception granted for the penthouse setback.

for both the color of the exterior metal panel and the signage. Accordingly, the application constituted a modification of significance.

**Notice.** Pursuant to 11-Z DCMR § 302.6, the Applicant provided the required Notice of Intent ("NOI") on November 30, 2017. The Applicant also served the application on all parties to the original proceeding as required by the Regulations. Notice of the application and the public hearing was provided by the Office of Zoning in accordance with the Regulations.

**Party Status.** The Applicant and ANC 2A were automatically parties in this proceeding. On May 31, 2018, WECA filed an application for party status in support. (Exhibit ["Ex."] 12-12A.) On June 7, 2018 St. Mary's filed an application for party status in support. (Ex. 13.) At the public hearing, the Commission granted both requests for party status.

**Reports.** ANC 2A submitted a report dated July 2, 2018, in support of the application. The ANC report indicated that at a regularly scheduled, properly noticed public meeting on June 20, 2018, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Ex. 17.)

OP submitted a report on July 6, 2018, recommending approval of the Application. (Ex. 18.) DDOT submitted a report dated June 27, 2018, stating that it had no objection to the granting of the request subject to an existing condition regarding trash. (Ex. 16.) At the hearing, WECA requested that the existing bus stop at the intersection of 23rd and H Street be retained. The Applicant indicated that it had no objection to retaining the bus stop in its current location if approved by DDOT.

**Burden of Proof.** As set forth in 11-X DCMR § 901.2 and 11-Y DCMR § 704, the Commission directed the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception and a modification of significance. With its application, the Applicant submitted a statement including the nature of, reasons, and grounds for the modification of significance, architectural plans and elevations, and a description of the Project and relief being requested and noted how it met the burden of proof for special exception relief.

Based upon the record before the Commission and having given great weight to the ANC and OP reports, the Commission concludes that the Applicant has met the burden of proof, pursuant to 11-C DCMR § 1504 and 11-X DCMR § 901, that the requested special exception relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission 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. Based upon the record before the Commission and having given great weight the OP and ANC reports filed in this case, the Commission also concludes that the Applicant has also met its burden of proof under 11-Y DCMR § 704 for a modification of significance to Z.C. Case No. 06-11L.

As noted, the parties to the case were the ANC, the Applicant, and two parties in support (WECA and St. Mary's). No parties or persons in opposition presented testimony or evidence in opposition. Accordingly, a decision by the Commission to grant the request would not be adverse to any party and therefore an order containing full Finding of Facts and Conclusions of Law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Pursuant to 11-Z

DCMR § 101.9, the Commission has determined to waive the requirement of 11-Z DCMR § 604.7, that the order of the Commission 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 for modification of significance of the Commission's approval in Application No. 06-11L is hereby **GRANTED** as follows. The conditions listed in Z.C. Order No. 06-11L are revised as follows with new text shown in **bold** and underlined text and deletions in ~~strikethrough~~ text:

1. The Project shall be developed in accordance with the plans and materials submitted by the Applicant marked as **Exhibits 15A1, 15A2, 15A3, 15A4, 15A5, 20A, and 20B**~~Exhibit 73A~~ of the record, as modified by the guidelines, conditions, and standards herein;

2. The University shall be permitted to use the third and fourth floors of the Project for student life and academic uses only, and shall refrain from using the space within the Project for faculty and staff offices except for staff offices directly related to the uses within the Project;

3. The University shall forgo the development of approved development on Site 77D;

4. **Prior to, during, and after**~~During~~ construction of the Project, Hillel shall abide by the provisions of the **14-page** Construction Management **Agreement**~~Plan~~ marked as Exhibit**s 7D1 and 7D2**~~73B~~ of the record **instead of the 4-page Construction Management Plan (Exhibit 73B in ZC Order 06-11L)**; ~~and~~

5. For the life of the Project, the Applicant shall use trash bins rather than carts, unless DDOT specifically approves the use of carts through the public space process; **and**

**6. The Applicant shall have flexibility with the design of the Project in the following areas:**

**(a) To choose between two similar accent colors for the exterior metal panel as shown on the approved architectural drawings.**

**(b) To vary the font, message, logo, and color of the proposed signage, provided the maximum overall dimensions and signage materials do not change from those shown in the hearing presentation.**

In all other respects, Z.C. Order No. 06-11L remains unchanged.

On July 30, 2018, upon the motion of Commissioner Shapiro, 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 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*, that is on September 7, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**
A majority of the Commissioners approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**ZONING COMMISSION ORDER NO. 10-26D**
**Z.C. CASE NO. 10-26D**
**ZGZP 3333, LLC**
**(Two-Year PUD Time Extension @ Square 3040)**
**September 25, 2017**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on September 25, 2017. At the meeting, the Commission approved a request from ZGZP 3333, LLC ("Applicant") for a two-year extension of the time in which to file a building permit application for property located at 3321-3335 Georgia Avenue, N.W. (Square 3040, Lot 130) ("Subject Property"). The Commission considered the application pursuant to Subtitle Z, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

## FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 10-26, having an effective date of September 2, 2011, the Commission approved applications for a consolidated planned unit development ("PUD") and a related Zoning Map amendment from the GA/C-2-A Zone District to the GA/C-2-B Zone District for a mixed-use retail and residential project at the Subject Property.

2. The approved PUD includes approximately 118,160 square feet of total gross floor area. Of that, approximately 82,801 square feet of gross floor area is devoted to residential uses, including 112 units (plus or minus 10%); approximately 7,190 square feet of gross floor area is devoted to retail uses; and approximately 23,031 square feet of gross floor area is devoted to loading and other circulation spaces. The approved PUD has a maximum density of 5.37 floor area ratio ("FAR") and a maximum building height of 90 feet, not including penthouses. The approved project includes 50 off-street parking spaces located in a below-grade garage.

3. Pursuant to Condition No. C.2. of Z.C. Order No. 10-26, the approved PUD was valid for a period of two years from the Order's effective date of September 2, 2011. Within that two-year period, an application for a building permit had to be filed, with construction to begin one year thereafter.

4. Pursuant to Z.C. Order Nos. 10-26A and 10-26C, having effective dates of November 8, 2013, and October 16, 2015, respectively, the Commission granted extensions to Z.C. Order No. 10-26, such that the deadline to file an application for a building permit was extended to September 2, 2017, with construction to begin no later than September 2, 2018.

5. On July 28, 2017, the Applicant filed a request for another two-year extension for the PUD, such that an application for a building permit must be filed no later than September 2, 2019, and construction must begin no later than September 2, 2020. In submitting the application, the Applicant requested a waiver from 11-Z DCMR § 705.5, which provides

that an "applicant with an approved PUD may request no more than two (2) extensions. The second request for an extension may be approved for no more than one (1) year." As set forth below, granting the waiver pursuant to 11-Z DCMR § 705.5 does not prejudice the rights of any other party.

6. The Applicant's request for a two-year time extension was supported by evidence describing the Subject Property's history of gasoline station use and resultant soil contamination due to a release of petroleum to the subsurface soils and ground water. The Applicant submitted the following documentation in support of its case that it could not reasonably comply with the time limits set forth in Z.C. Order No. 10-26C:

   a. On June 7, 2013, the Department of Energy and the Environment ("DOEE") issued a Comprehensive Site Assessment and Corrective Action Directive, designating Sunoco, the prior gas station operator, as the responsible party and requiring Sunoco to undertake certain environmental actions at the Subject Property. Sunoco hired Kleinfelder to undertake site assessment activities at the Subject Property;

   b. Between 2013 and 2015, Sunoco (through Kleinfelder) submitted Comprehensive Site Assessment ("CSA") work plans and reports to DDOE, installed monitoring wells and soil borings, and collected soil and groundwater samples for the Subject Property as part of the environmental testing and remediation process. On May 20, 2015, Sunoco encountered abandoned underground storage tanks ("USTs") on the Subject Property, which further delayed the environmental testing and resulted in the 2015 request for a two-year extension of Z.C. Order No. 10-26A;

   c. Since that time, Sunoco (through Kleinfelder) has continued to undertake environmental testing at the Subject Property and submit results and reports to DOEE. On July 31, 2015, DOEE approved a work plan submitted by Kleinfelder to remove the USTs discovered on May 20, 2015, and imposed a deliverable deadline of September 30, 2015. At the same time, DOEE requested a work plan for indoor air investigations for the Post Office building on the Subject Property;

   d. On August 5, 2015, Kleinfelder submitted the requested work plan for the indoor air investigation for the Post Office building, which was approved by DOEE on August 13, 2015. Kleinfelder indicated that the air investigations were being scheduled and would likely be completed within 14-21 days, and requested an extension of the previously agreed upon deadline for submission of the CSA report to DOEE until September 25, 2015, since the additional scope of air testing was not previously accounted for. On August 11, 2015, DOEE agreed to the extension, and on August 24 and 25, 2015, the air investigations were completed;

   e. On September 8, 2015, Kleinfelder sent DOEE an analytical lab report for the indoor air, outdoor air, and sub-slab vapor sampling completed for the Subject Property, and concluded that based on the sampling no further investigations or

mitigations were needed. On September 11, 2015, DOEE indicated that it did not agree to limit further investigations of indoor air sampling at the Subject Property, and requested that Kleinfelder repeat the sampling of indoor air and sub-slab vapor samples. DOEE requested that Kleinfelder submit a supplemental work plan for the additional testing, and indicated that it would grant an extension of the CSA report if requested;

f. Regarding the UST removals, on September 17, 2015, Kleinfelder requested an extension for submission of the UST Closure Report to DOEE until November 30, 2015. The extension was needed because the process to select a UST contractor took longer than anticipated (because Kleinfelder's standard list of approved subcontractors had not completed the required DOEE certification for UST removals), which also delayed the removal of the USTs. Kleinfelder indicated that its selected UST contractor had started the permit process and the UST removals were scheduled for October. On September 22, 2015, DOEE agreed to the extension request for the UST Closure Report;

g. The UST removal activities took place between October 26, 2015 and October 30, 2015, and on December 9, 2015, Kleinfelder submitted a Tank Evaluation Assessment ("TEA") Report on the UST removals;

h. On December 22, 2015, following review of the September 25, 2015 CSA Addendum Update Report and the December 9, 2015 TEA Report, DOEE issued a CSA Review and Directive Letter to Kleinfelder, requesting additional testing and reporting at the Subject Property. In response, Kleinfelder submitted an additional Site Assessment work plan, and on April 14, 2016, DOEE approved the work plan and requested additional sampling. On June 13, 15, and 16, 2016, Kleinfelder conducted pre-sampling assessment surveys and collected the indoor air and sub-slab samples, as requested by DOEE. On August 12, 2016, Kleinfelder submitted a Confirmation Sampling Results Report; and

i. On November 17, 2016, DOEE issued a Review and Directive letter based on its review of Kleinfelder's August 12, 2016 report, wherein it requested further additional testing and submission of a work plan for that testing by December 30, 2016. Kleinfelder submitted a response to DOEE's letter on December 13, 2016. On March 27, 2017, ECC, the Applicant's environmental consultants, followed up with DOEE on its review of Kleinfelder's response letter, and on March 28, 2017, DOEE indicated that it would "respond very soon." On July 24, 2017, ECC followed up with DOEE again, and as of the date that the extension application was filed with the Commission, DOEE had not yet responded.

7. In its application materials, the Applicant indicated that Sunoco (through Kleinfelder) is continuing to work with DOEE to complete all of the testing and sampling required by DOEE. The Applicant anticipates that this process will be completed in the near future and that DOEE will review all results and determine the final remediation requirements for pre-

and post-development use of the Subject Property. The Applicant indicated that once this process is complete it will be able to move forward with development of the Subject Property. However, as a result of this lengthy process that is outside of the Applicant's reasonable control, the Applicant is unable to comply with the time limits set forth in Z.C. Order No. 10-26C. Accordingly, the request for a time extension satisfies the sole criterion for good cause shown forth in 11-Z DCMR § 705.2.

8. Other than the Applicant, the only party to this case was Advisory Neighborhood Commission ("ANC") 1A. As indicated on the Certificate of Service, the Applicant served the PUD time extension request on ANC 1A on July 31, 2017. (Exhibit ["Ex."] 2.)

9. ANC 1A submitted a resolution to the record, dated September 14, 2017, indicating that at its September 13, 2017 public meeting, at which notice was property given and a quorum was present, ANC 1A voted 9-0-0 to support the Applicant's request for a time extension of the approved PUD. (Ex. 6.) However, ANC 1A's resolution indicated that both the ANC and the Applicant "agree that the community amenities approved as part of the original PUD Order in 2011 are no longer applicable or appropriate to the project, concur that community amenities need to be meaningful and community serving, and are both desirous of renegotiating the benefits prior to the issuance of a building permit." Therefore, the ANC's support was subject to the condition "that the Applicant agrees to enter into an agreement with ANC1A to revise the community amenities for the project prior to the issuance of a building permit and the start of construction." Lastly, the resolution stated that:

> ANC1A believes that the environmental and remediation issues which have delayed this project and necessitated an extension request should be resolved in the coming months. Therefore, ANC 1A will not favorably consider any future extension applications of this matter.

10. The Office of Planning ("OP") submitted a report to the record, dated September 1, 2017, recommending that the Commission approve the requested two-year extension and the waiver from 11-Z DCMR § 705.5. (Ex. 5.) OP indicated that the Applicant demonstrated good cause for the extension request due to the environmental contamination that prevents the Applicant from obtaining construction permits at this time. OP also stated its support for the Applicant's work with DOEE on remediation and environmental measures at the Site. (*See* Ex. 5, pp. 2-3.)

11. Because the Applicant demonstrated good cause with substantial evidence pursuant to 11-Z DCMR § 705.2 of the Zoning Regulations, the Commission finds that the request for the two-year time extension should be granted.

## CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 705.2, the Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, documenting the following:

   a. The request is served on all parties to the application by the applicant, and all parties are allowed 30 days to respond;

   b. There is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and

   c. The applicant demonstrates with substantial evidence one or more of the following criteria:

      i. An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;

      ii. An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

      iii. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the Order.

2. The Commission concludes that the Applicant complied with the notice requirements of 11-Z DCMR § 705.2(a) by serving all parties with a copy of the application and allowing them 30 days to respond.

3. The Commission concludes, in accordance with the requirements of 11-Z DCMR § 705.2(b), there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.

4. The Commission also concludes that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11-Z DCMR § 705.2(c)(2). Specifically, the Applicant provided substantial evidence that it has been unable to secure all required governmental agency approvals for the development because there are significant environmental impediments at the Subject Property beyond the Applicant's reasonable control which prevent the Applicant from proceeding with submission of a building permit application within the time limits of the order.

5. Pursuant to 11-Z DCMR § 101.9, the Commission may, for good cause shown, waive any of the provisions of Subtitle Z if, in the Commission's judgment, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. In this case, the Commission waives the requirements of 11-Z DCMR § 705.5, which provides that an applicant may request no more than two PUD extensions, and that the second request may be approved for no more than one year. The original PUD was approved under the 1958 Zoning Regulations, which did not limit the permitted number of extensions for a PUD, and the Commission already granted two extensions under the 1958 Zoning Regulations. However, the Commission finds that Applicant is unable to move forward with complying with the time limits set forth in Z.C. Order No. 10-26C at this time due to environmental contamination at the Subject Property, which is still being evaluated and which process must be complete before a building permit application can be submitted. Moreover, the ANC1A, which was the only party to the case, stated in its resolution that "a third time extension for a PUD is unusual and contrary to new zoning rules, but given the choice between extending the PUD or allowing it to expire and the development process to start from scratch, the extension is the more beneficial approach to the long-term revitalization and economic growth of Georgia Avenue." (*See* Ex. 6, p. 1.) OP also recommended that the Commission approve the waiver request. (*See* Ex. 5, p. 1.) Therefore, the Commission finds it reasonable to waive the requirements of 11-Z DCMR § 705.5 in granting this PUD time extension request and that waiving the requirements will not prejudice the rights of any other party nor is it otherwise prohibited by law.

6. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the affected ANC's written recommendations. In this case, ANC 1A received notice of the request and was given 30 days to respond. As noted the ANC 1A's resolution noted that both it and the Applicant agree that the public benefits offered by the PUD need to be updated and the ANC support was subject to the condition "that the Applicant agrees to enter into an agreement with ANC1A to revise the community amenities for the project prior to the issuance of a building permit and the start of construction." The record is silent as to whether that agreement was made, although it is clear from the resolution that the Applicant has affirmative stated a willingness to renegotiate. Of course, any changes to the PUD will require the approval by the Zoning Commission. The ANC also expressed its belief that that the environmental and remediation issues which have delayed this project and necessitated an extension request can be resolved in the coming months and it therefore would not look favorably on another time extension. Since this statement concern the time extension request that is currently before the Zoning Commission, there is nothing to give great weight to.

7. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission has carefully considered the OP's recommendation in support of the application and agrees that approval of the requested two-year time extension is appropriate.

8. 11-Z DCMR § 705.7 provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in 11-Z DCMR § 705.2. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in 11-Z DCMR § 705.2.

9. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

## DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a two-year extension of the time period in which to file a building permit application for the approved PUD located at 3321-3335 Georgia Avenue, N.W. (Square 3040, Lot 130), such that an application for a building permit must be filed no later than September 2, 2019, and construction must begin no later than September 2, 2020.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On September 25, 2017, upon the motion of Commissioner Shapiro, as seconded by Chairman Hood, 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 Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on September 14, 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**
**ZONING COMMISSION ORDER NO. 15-20B**
**Z.C. CASE NO. 15-20B**
**TBSC Owner I, LLC**
**(Modification of Consequence of a Consolidated PUD and Related Zoning Map Amendment @ Square 620, Lots 250, 893, 894, 895, 898, 900, 904, and 905)**
**July 30, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on July 30, 2018. At that meeting, the Commission approved the application of TBSC Owner I, LLC ("Applicant") for a modification of consequence of the consolidated planned unit development ("PUD") and related Zoning Map amendment application approved by Z.C. Order No. 15-20 for Square 620, Lots 250, 893, 894, 895, 898, 900, 904, and 905 (collectively the "Property").[1] The modification request was made pursuant to Subtitle Z, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

## FINDINGS OF FACT

### Background

1. Pursuant to Z.C. Order No. 15-20, dated May 9, 2016 (the "Order"), the Commission approved a first-stage PUD and related map amendment from the R-4 Zone District to the C-3-C Zone District for the Property. The Property consists of approximately 6.7 acres, and is bounded by M, First, and L Streets and First Place, N.W. The Property is zoned C-3-C by virtue of the zoning map amendment. Upon the implementation of Zoning Regulations of 2016, the C-3-C Zone District was converted to the MU-9 zone district, but the PUD-related zoning for this PUD remained.

2. The Order approved the redevelopment of the Property with approximately 1,269,165 square feet of residential use, generating approximately 1,131 dwelling units, and approximately 49,420 square feet of non-residential uses. The development is organized into five buildings constructed on five theoretical lots, divided between two parcels – the North Parcel and the South Parcel. The building heights will range from 62.5 feet to 110 feet; the overall density of the PUD will be 4.62 floor area ratio ("FAR"), including the area for Pierce Street, which is a private street, or 5.24 FAR excluding said street.

3. Pursuant to Z.C. Order No. 15-20A, dated May 8, 2018, the Commission granted a two-year extension for the deadline for filing a second-stage PUD application on the South Parcel, from June 30, 2017, to June 30, 2019. If such a second-stage

[1] Originally, the Property consisted of Lots 248, 249, 250, 893, 894, and 895. Lots 248 and 249 were extinguished and became part of Lot 898, as shown on the Assessment and Taxation ("A&T") Plat, Square 620, Number 3875-V filed in records of the Office of the Surveyor of the District of Columbia. The A&T Plat also created Lots 899, 900, 901, 902, and 903. Lot 899 was subdivided into Lots 904 and 905. Lots 901, 902, and 903 reverted to the adjacent lots and are not part of the PUD site.

application is filed by that date, the first-stage approval shall remain valid until June 30, 2023, as to the remaining portions of the PUD.

4. The parties in Z.C. Case No. 15-20 were the Applicant and Advisory Neighborhood Commission ("ANC") 6E, the ANC in which the Property is located.

**Modification Request**

5. By letter dated June 5, 2018, and pursuant to 11-Z DCMR § 703, the Applicant submitted a request for a what it characterized as a minor modification to modify Condition B.2.e.i. of the Order as follows:

| | |
|---|---|
| Condition B.2.e.i.<br><br>Demolition of Existing Structures. Within 10 days of applying for a raze permit for any structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property; | Condition B.2.e.i.<br><br>Demolition of Existing Structures. Within ~~10~~ **40** days of applying for a raze permit for any structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property. |

6. The Applicant provided a Certificate of Service, which noted that the Applicant served ANC 6E with a copy of the application. (Exhibit ["Ex."] 3.)

7. The Applicant sought the modification because it was unable to comply with the original condition because it did not have a complete list of households. Because the Applicant feared that this would result in a denial of the permits needed to go forward with the project, it sought to change the condition to cure its violation.

8. At its public meeting on June 25, 2018, the Commission determined that the proposed modification was not a minor modification, but a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant to 11-Z DCMR § 703.1. The Commission also indicated that the modification process cannot be used to cure a violation of its orders. Doing so would interfere with the Department of Consumer and Regulatory Affairs ("DCRA") discretion to enforce violations of Commission's orders through the imposition of Civil Infraction Act fines.

9. However, the Commission did not want the Applicant's delay in providing notice to prevent it from receiving the needed permits. The Commission therefore suggested language to accomplish that and pursuant to 11-Z DCMR § 703.17(c)(2), established a timeframe for the parties in the original proceeding to file a response in opposition to or in support of the request and for the Applicant to respond thereto (and to also to

respond to the Commission's suggested revision to the modification), and scheduled the application for deliberations.

10. ANC 6E submitted a written report to the record, which states that at its regularly scheduled, properly noticed meeting on July 3, 2018, with a quorum present, ANC 6E voted unanimously in support of the Applicant's original modification request. (Ex. 8.) The ANC report stated no issues or concerns.

11. On July 13, 2018, the Applicant filed a submission providing the following revised modification to Condition No. B.2.e.i., with the new language shown in bold and underlined text:

> Demolition of Existing Structures. Within 10 days of applying for a raze permit for any structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property. **Violations of this condition shall not result in the denial of a raze permit, building permit, or certificate of occupancy for the PUD.**

12. The Applicant also advised the Commission that the same lack of information that resulted in its noncompliance with Condition B.2.e.i. also caused it to violate Condition No. B.2.a, which among other things required the Applicant "upon application of a raze permit" to certify to the DCRA the list of Sursum Corda Household and their contact information. The Applicant sought to change the phrase "upon application of a raze permit" to "prior to the issuance of," thereby again seeking to use the modification process to cure a violation

13. Because the Applicant sought to add an additional modification to this Consent Calendar item, the Commission first needed to determine whether the new modification was also a modification of consequence, and concluded that it was. The Commission also decided that it could immediately deliberate on both the new and the original modification without hearing again from ANC 6E because the ANC's support for the new modification could be inferred from its support of the initial request.

14. The Commission then approved that the revised modification for No. B.2.e.i., and that and Condition No. B.2.a. could be modified using similar language.

15. The Commission finds neither change impact the use, proffered public benefits and amenities, or required covenants, and the changes do not create any additional relief or flexibility from the Zoning Regulations not previously approved. Although the Applicant did not provide the information when required, the raze permit has not issued and therefore though the letter of the condition was violated, its intent was not.

## CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence means "a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance." (11-Z DCMR § 703.3.) Examples of modifications of consequence "include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (11-Z DCMR § 703.4.)

2. The Commission concludes that the modifications to the Order, as described in the above Findings of Fact, are modifications of consequence and, therefore, can be granted without a public hearing.

3. The Commission cannot grant a modification for the purpose of curing a violation of a condition of approval, but can do so to prevent a violation from resulting in the denial of a permit when the violation did not the frustrate Commission's intent when it imposed the condition. Here, the raze permit was not issued and the information has or will be given before it does.

4. 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 raised in the written report of the affected ANC(s). In this case the affected ANC, ANC 6E, voted to support the original modification request without stating any issues and concerns. (Ex. 8.) The Commission did not seek the ANC's recommendation with respect to the second modification because its potential impact would be the same as the first, which the ANC supported,

5. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP's recommendations. OP did not submit a report to the record.

## DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the consolidated PUD and related Zoning Map amendment application approved in Z.C. Case No. 15-20. The conditions in Z.C. Order No. 15-20, as amended by Z.C. Order No. 15-20A, remain unchanged, except as follows:

**1. Condition No. B.2.a. of Z.C. Order No. 15-20 is hereby amended to read as follows:**

> Reserved Units. The Applicant shall construct 136 residential units on the South Parcel during the first phase of development for the PUD,

which shall be reserved for current Sursum Corda households currently residing at the Property ("Sursum Corda Households") (the "Reserved Units"). Upon application of a raze permit for any of the existing structures on the Property, the Applicant shall certify to the DCRA the list of Sursum Corda Household and their contact information. Violations of this condition shall not result in the denial of a raze permit, building permit, or certificate of occupancy for the PUD.

**2. Condition No. B.2.e.i. of Z.C. Order No. 15-20 is hereby amended to read as follows:**

Demolition of Existing Structures. Within 10 days of applying for a raze permit for any structure on the Property, the Applicant shall notify the Sursum Corda Households of its raze permit application. Certification of said notice, including a copy of same, shall be furnished to DCRA prior to the issuance of a raze permit for any structure of the Property. Violations of this condition shall not result in the denial of a raze permit, building permit, or certificate of occupancy for the PUD.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On July 30, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, 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 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on September 14, 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**
**ZONING COMMISSION ORDER NO. 16-18B**
**Z.C. Case No. 16-18B**
**Georgetown University**
**(Modification of Consequence @ Square 1223, Lot 858)**
**September 25, 2017**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on September 25, 2017. At that meeting, the Commission approved the application of Georgetown University ("University") for a modification of consequence to the 2017-2036 Campus Plan approved in Z.C. Order No. 16-18 ("Campus Plan"). The property that is the subject of this modification is 1233 37th Street, N.W. (Square 1223, Lot 858) ("Property"). The modification request was pursuant to Condition 7 of the Campus Plan and § 703 of the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations ("DCMR").

## FINDINGS OF FACT

1. As a part of the Campus Plan, the Commission approved the continued university use of certain townhouse properties located on portions of four blocks immediately east of the main campus property and 37th Street, N.W. Some of these properties are used for residential/campus life uses; others are used for academic/administrative uses. Condition 7 of the Campus Plan granted the University flexibility to change the use of these properties to either category of use over life of the Campus Plan, subject to approval by the Georgetown Community Partnership ("GCP") and by the Commission as a modification of consequence.

2. The Property is known as the "Green House" and is currently used for residential uses, with a history of housing University faculty, staff, and members of the Jesuit community. By application dated July 14, 2017, the University sought to change the use of the Property to academic/administrative use supporting academic initiatives that further interdisciplinary research and educational programs at the University. (Exhibit ["Ex."] 1.) As required by 11-Z DCMR § 703.13, all parties to the original Campus Plan proceedings were served with the application.

3. By letter dated May 24, 2017, the GCP approved the proposed change in use of the Property. (Ex. 1E.)

4. By report dated September 7, 2017, Advisory Neighborhood Commission ("ANC") 2E, a party to the Campus Plan proceeding and the ANC within which the Property is located, filed a resolution in support of the application. (Ex. 6.) The Citizens Association of Georgetown ("CAG"), also a party to the Campus Plan and the association responsible for the neighborhood where the Property is located, filed a letter in support dated August

16, 2017. (Ex. 4.) No other party to the Campus Plan participated in the proceeding, and no party or person opposed the application.

5. By report dated August 25, 2017, the Office of Planning ("OP") supported the application. OP noted that the property faces the campus, is across the street from Lauinger Library, and is surrounded by other University-owned properties. OP also noted that the change in use was not expected to generate new traffic or parking impacts. (Ex. 5.)

6. The Commission, at its September 11, 2017 public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 703.17(c)(2) to establish a timeframe for the parties in the original proceeding to file a response in opposition to or in support of the request and for the application to respond thereto; and schedule the request for deliberations. The Commission did so, and no other parties to the original proceeding filed a response to the application.

## CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence means a "modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance. (11-Z DCMR § 703.3.) Examples of modifications of consequence "include but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (11-Z DCMR § 703.4.)

The Commission concludes that the change in use of the Property as described in the above findings of fact is a modification of consequence and therefore can be granted without a public hearing.

The Commission finds that the proposed modification is entirely consistent with the Commission's previous approval of the Campus Plan, which specifically anticipated flexibility in the change in use of the University's townhouse properties over the term of the Campus Plan. The change in use was supported by the GCP, the affected ANC, and the affected citizens' association, and no parties to the Campus Plan opposed the change in use.

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. As is reflected in the Findings of Fact, ANC 2E voted to support the and did not note any issues and

concerns in its written report. Because the ANC expressed no issues and concerns, there is nothing for the Commission to give great weight to. The Commission is also required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP's recommendation to approve this modification of consequence application.

The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

## DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the Georgetown University 2017-2036 Campus Plan approved in Z.C. Case No. 16-18 and authorizes the use of 1233 37th Street, N.W. (Square 1223, Lot 858) for academic/administrative use. The conditions of Z.C. Order No. 16-18 remain unchanged.

On September 25, 2016, upon the motion of Commissioner Turnbull, as seconded by Commissioner Shapiro, 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 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on September 7, 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**
**ZONING COMMISSION ORDER NO. 631B**
**Z.C. Case No. 62-19B**
**WASHREIT WATERGATE 600 OP, LP**
**(Minor Modification to PUD @ Square 8)**
**July 30, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on July 30, 2018. At the meeting, the Commission approved an application of WASHREIT WATERGATE 600 OP, LP ("Applicant") for a minor modification to an approved planned unit development ("PUD") for property located at 600 New Hampshire Avenue, N.W. (Lot 811 [part of Record Lot 19] in Square 8) ("Site"). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that the application was properly before it under the provisions of Subtitle Z § 703 and Subtitle C § 1504.3 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

## FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 62-19, dated July 17, 1962, the Commission approved the overall Watergate PUD as a mixed-use project to be developed in four stages with 1,300 residential units, 300 hotel rooms, 185,000 square feet of office space, 94,000 square feet of retail use, below-grade parking, and open space ("Watergate Project").

2. Pursuant to BZA Appeal Nos. 7234 (approved in 1963), 7903 (approved in 1964), 8117 (approved in 1965), and 9303 (approved in 1968), the Board of Zoning Adjustment ("Board") approved further processing for Stages I through IV, respectively, of the Watergate Project.

3. Pursuant to Z.C. Case No. 68-58, dated December 18, 1968, the Commission approved modifications to "Building 1" within Stage IV of the Watergate Project, which is the office building located at the Site ("Office Building"), to provide for the combination of residential and office uses, distributed vertically, with 325 residential units and 260,600 square feet of office use. The type of office use permitted in Z.C. Case No. 68-58 was "restricted to those types of office uses permitted in the SP District." (*See* Finding of Fact No. 1.) Pursuant to BZA Appeal No. 9919, dated January 30, 1969, and effective on February 3, 1969, the Board approved further processing of Building 1 to be constructed in three sub-stages and also approved a reduction in the number of residential units in Building 1 from 325 to no less than 287. Pursuant to BZA Appeal No. 9919, dated March 24, 1970, effective on May 11, 1970, the Board approved a further reduction in residential units in Building 1 from 287 to 260 and a reduction in the number of parking spaces from 580 to 551. Finally, pursuant to Z.C. Order No. 100 (Z.C. Case No. 72-23), dated November 15, 1974, the Commission approved an amendment to Z.C. Case No. 68-58 to expand the types of office uses permitted in the Office Building to include a variety of office uses not otherwise permitted in the SP Zone District.

4. Pursuant to Z.C. Order No. 125 (Z.C. Case No. 75-3), dated February 12, 1976, the Commission approved amendments to the types of office uses permitted within the Stage II Office Building.

5. Pursuant to Z.C. Order No. 631 (Z.C. Case No. 89-6M/62-19), dated September 11, 1989, and effective on November 3, 1989, the Commission approved a modification to the hotel portion of the Watergate Project to permit a 2,000-square-foot expansion to the hotel's health club. Pursuant to Z.C. Order No. 03-16, dated June 14, 2004, and effective on August 6, 2004, the Commission approved a conversion of the hotel into an apartment house use. The hotel was closed in 2007 pending redevelopment, but the conversion never occurred and the Commission's approval in Z.C. Order No. 03-16 expired. Pursuant to Z.C. Order No. 631A (Z.C. Case No. 62-19A), dated January 9, 2012, and effective on June 22, 2012, the Commission approved a minor modification to reopen the hotel and increase the number of hotel rooms to 355 rooms.

6. The Office Building located at the Site was originally constructed in the 1960s. The Applicant acquired the Office Building in April, 2017, at which point it began renovating and upgrading the building to ensure its continued position as a Class A office building. Improvements to the Office Building included renovating the lobby, modernizing the elevators, completing exterior coating repairs, and upgrading the interior tenant amenity spaces.

7. By letter dated June 13, 2018, the Applicant submitted an application to the Commission requesting a minor modification to the approved PUD to incorporate penthouse habitable space on the roof of the Office Building. (Exhibit ["Ex."] 1.) The habitable space would provide opportunities for tenants and their guests to have additional amenity space in the building while enjoying views towards the Kennedy Center and the Potomac River.

8. The application proposes the construction of approximately 1,700 square feet of new penthouse habitable space, with access from the existing elevator bank, as an expansion to the Office Building's existing penthouse. The penthouse habitable space has been designed to integrate with the original design of the Watergate Project and blend with the historic landmark by incorporating simple materials and complimentary curves and ellipses. The interior space will contain an open room designed to support the existing roof deck. The proposed construction also includes upgrading the existing penthouse to support current code design loads, provide for accessibility, and add restrooms to support the space.

9. The proposed penthouse heights and setbacks comply with the requirements of Subtitle C, Chapter 15. The penthouse will have a maximum height of 12 feet, four inches, which is within the maximum penthouse height permitted in the MU-2 zone, which is the zone in which the Office Building is located. (*See* 11-G DCMR § 303.2.) The penthouse will be set back in excess of 1:1 from the edge of the roof upon which it sits in accordance with 11-C DCMR § 1502.1. In addition, a roof deck and guardrail will be added in the area adjacent to the penthouse habitable space, both of which will be set back in excess of the 1:1 requirement. The existing screenwalls, the independent stair tower, and the existing guard rail, all of which are contributing elements of the historic landmark, will not be modified;

however, a small portion of low-rise screenwall will be removed and the equipment will be relocated behind existing screenwalls. This portion of the screenwall proposed to be relocated was constructed after the original construction of the Office Building and does not contribute to the historic landmark. There is no change to the parking or loading previously approved and provided for the PUD.

10. As a result of the proposed habitable space, the Applicant will make a contribution to the Housing Production Trust Fund in accordance with the formula contained in 11-C DCMR §§ 1505.13 through 1505.16, which will be equal to one-half of the assessed value of the proposed penthouse habitable space. The final amount of the total contribution will be determined no earlier than 30 days prior to the date of the building permit application to construct the penthouse habitable space. No less than one-half of the required total financial contribution will be made prior to the issuance of a building permit for construction of the penthouse habitable space, and the balance will be made prior to the issuance of a certificate of occupancy for the building's penthouse habitable space.

11. Pursuant 11-Z DCMR § 703.13, the Applicant was required to formally serve a copy of the application on all parties to the original proceeding at the same time that it filed the application with the Office of Zoning. In 1962, when the original PUD was approved, neither the Commission nor the Board had rules that allowed for parties in contested cases. That changed in 1972 when the Court of Appeals determined that the D.C. Administrative Procedure Act applied to the Commission and the Board. Consequently, the Applicant sent a copy of its request for consent calendar modification to Advisory Neighborhood Commission ("ANC") 2A, the ANC in which the PUD is located, and to the owners of the buildings within the Watergate Project, including: (i) the Boards of Directors of Watergate East, Inc., Watergate West, Inc., and Watergate South, Inc., all of which are the cooperative associations which own the three apartment buildings in the project; (ii) Watergate Hotel LLC, the owner of the hotel building; (iii) Watergate Office Fee Owner LLC, the owner of an office building; and (iv) Watergate Partners, LLC, the owner of the retail leasehold interest.

12. On May 16, 2018, the Applicant presented the application to ANC 2A at its regularly scheduled and duly noticed public meeting at which a quorum of commissioners was present. At that meeting, ANC 2A voted unanimously (7-0-0) to support the application subject to the Applicant entering into a written agreement with the ANC concerning the operation of the penthouse habitable space and adjacent outdoor roof deck. By letter dated June 20, 2018, ANC 2A indicated that following the May 16, 2018, public meeting the Applicant and the ANC were actively engaged in settlement negotiations but had not yet finalized the language for a settlement agreement. (Ex. 4.) The ANC therefore requested to reserve its right to file a formal response to the application after the expiration of the seven-day period established by 11-Z DCMR § 703.15.

13. By letter dated July 25, 2018, ANC 2A submitted a letter indicating that it had executed a settlement agreement with the Applicant and requesting that the following terms be incorporated as conditions of approval to the application and/or the Applicant recording a

covenant in the Land Records of the District of Columbia against the Site that includes the following conditions: (Ex. 6.)

a. The penthouse space and roof deck shall be accessory to the Office Building and shall be used only by an owner or tenant, including the agents, employees, invitees, or guests of an owner or tenant, of the Office Building. The penthouse space and roof deck shall be used only for activities and events associated with or ancillary to the owner or tenant's use and in no event shall be used as a nightclub, bar, cocktail lounge, or restaurant, unless otherwise approved in accordance with 11-C DCMR § 1500.3(c);

b. The roof deck may be used and operated from 8:00 a.m. to 10:00 p.m. on Sunday through Thursday and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday as well as on all Federal holidays; and

c. There shall be no amplified music played on the roof deck at any time. There may be amplified music played in the penthouse space provided that any windows and/or doors remain closed. Notwithstanding this condition, the penthouse space and roof deck shall otherwise be operated in full compliance with the noise ordinances of Title 20 of the District of Columbia Municipal Regulations.

14. On July 26, 2018, the Applicant submitted a letter agreeing to the ANC's conditions. (Ex. 7.)

15. The Office of Planning ("OP") reviewed the request for a minor modification. By report dated July 23, 2018, OP recommended approval of the minor modification. (Ex. 5.)

16. On July 30, 2018, at its regular monthly meeting, the Commission reviewed the application and granted approval of the requested minor modification to the approved PUD. The Commission determined that the ANC's conditions should be made conditions of the order with the except for the portion of the first condition that limits who may use the space as opposed to what the space may be used for. Therefore, the phrase "shall be used only by an owner or tenant, including the agents, employees, invitees, or guests of an owner or tenant," is not included in the condition adopted herein, since it is not relevant to the mitigation of any adverse impacts of the use. (*See Nat'l Black Child Dev. Inst., Inc. v. D.C. Bd. of Zoning Adjustment,* 483 A.2d 687, 691 (D.C. 1984*)* (personal conditions impermissibly regulate the business conduct of the owner, rather than the use of his property, and are unlawful per se.))

17. Based on the foregoing, the Commission finds that the requested modifications are minor and that approval of the modifications is appropriate and not inconsistent with its approval of the original PUD.

## CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703, the Zoning Commission is authorized to approve minor modifications to approved final orders and plans through a consent calendar procedure without a public hearing. Pursuant to 11-Z DCMR § 703.2, minor modifications are those modifications that do not change the material facts upon which the Commission based its original approval. In addition, 11-C DCMR § 1504.3 provides that a request to add penthouse habitable space to a building approved by the Commission as a PUD 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) OP shall submit a report with recommendations a minimum of seven days in advance of the meeting.

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 as a PUD. Accordingly, the Commission finds that the request falls within the scope of a Minor Modification made pursuant to 11-Z DCMR § 703 and 11-C DCMR § 1504.3.

The Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP. OP recommended approval of the application as a Minor Modification, and the Commission concurs in this recommendation.

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 the affected ANC. In this case, ANC 2A submitted two reports indicating its vote in support of the application, subject to the Commission incorporating three conditions into the Order approving the application and/or the Applicant recording a covenant in the Land Records of the District of Columbia that includes the stated conditions. ANC 2A expressed issues and concerns that it believed could be addressed through the Commission's imposition of conditions, to which the Applicant agreed. However, one of these conditions included a restriction on who may use the penthouse space and roof deck, which for the reasons explained above would be unlawful to impose. With this one exception, the Commission will impose the requested conditions, and therefore the ANC's legally relevant issues and concerns have been addressed.

## DECISION

In consideration of the Findings of Fact and Conclusions of Law contained herein, 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 building located at 600 New Hampshire Avenue, N.W., consistent with the architectural plans and elevations included in the record at Exhibit 1C, subject to the following conditions:

1. The penthouse space and roof deck shall be accessory to the Office Building and as such shall be used only for activities and events associated with or ancillary to the owner or tenant's use and in no event shall be used as a nightclub, bar, cocktail lounge, or restaurant, unless otherwise approved in accordance with 11-C DCMR § 1500.3(c);

2. The roof deck may be used and operated from 8:00 a.m. to 10:00 p.m. on Sunday through Thursday and from 8:00 a.m. to 11:00 p.m. on Friday and Saturday as well as on all Federal holidays; and

3. There shall be no amplified music played on the roof deck at any time. There may be amplified music played in the penthouse space provided that any windows and/or doors remain closed. Notwithstanding this condition, the penthouse space and roof deck shall otherwise be operated in full compliance with the noise ordinances of Title 20 of the District of Columbia Municipal Regulations

On July 30, 2018, upon the motion of Commissioner May as seconded by Chairman Hood, 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 G. May, Peter A. Shapiro, and Michael G. Turnbull).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on September 14, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**
A majority of the Commission members approved the issuance of this Order.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

**Mayor's Order 2018-067**
**September 13, 2018**

**SUBJECT:** Rescission - Declaration of Public Emergency

**ORIGINATING AGENCY:** Executive Office of the Mayor

By virtue of the authority vested in the Mayor of the District of Columbia pursuant to section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 7(a) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3- 149, D.C. Official Code § 7-2306(a) (2012 Repl.), it is hereby **ORDERED** that:

1. Mayor's Order 2018-062, dated September 11, 2018 is rescinded.

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

**MURIEL BOWSER**
**MAYOR**

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