



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-458, Fiscal Year 2019 Budget Support Congressional Review Emergency Act of 2018
- D.C. Council schedules a public hearing on the “Environmental and Safety Standards at District Buildings, Fields, and Play Spaces”
- D.C. Council schedules a public oversight roundtable on “The Status of Home Visiting Services in the District”
- Department of Behavioral Health announces funding availability for the DC Social, Emotional and Early Development (DC SEED) Provider Grant
- Department of Consumer and Regulatory Affairs establishes professional license requirements for asbestos workers and supervisors
- Board of Elections publishes the final notice of polling place relocation for Precinct 60, Ward 4
- Office of the Deputy Mayor for Planning and Economic Development releases the 2018 Maximum Income Rent and Purchase Price Schedule for the Inclusionary Zoning Program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-454

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To amend the Historic Landmark and Historic District Protection Act of 1978 to provide that grants available to assist homeowners with the rehabilitation of historic property under the Targeted Homeowner Grant Program may be used to rehabilitate a structure that contributes to the character of the Emerald Street Historic District, bounded by F Street, N.E., 13th Street, N.E., E Street, N.E., and 14th Street, N.E., in Ward 6; the Kingman Park Historic District, bounded by East Capitol Street, N.E., 19th Street, N.E., Maryland Avenue, N.E., M Street, N.E., and the Anacostia River, in Ward 7; and the Wardman Flats Historic Landmark, located within Square 519, bounded by 3rd Street, N.W., R Street, N.W., 4th Street, N.W., and Florida Avenue, N.W., in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Targeted Historic Preservation Assistance Amendment Act of 2018”.

Sec. 2. Section 11b(b) of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02(b)), is amended as follows:

(a) The lead-in language is amended by striking the phrase “one of the following historic districts” and inserting the phrase “one of the following historic districts or historic landmarks” in its place.

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

(c) Paragraph (12) is amended by striking the period and inserting a semicolon in its place.

(d) New paragraphs (13), (14), and (15) are added to read as follows:

“(13) Emerald Street Historic District;

“(14) Kingman Park Historic District; or

“(15) Wardman Flats Historic Landmark.”.


ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To amend the Vending Regulation Act of 2009 to prohibit the Mayor from charging a non-government organization operating a farmer’s market a fee related to temporary parking restrictions caused by the farmer’s market’s occupancy of public space, if the farmer’s market participates in the Women, Infants and Children Farmers Market Nutrition Program and the Supplemental Nutrition Assistance Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Farmer’s Market Meter Fee Elimination Amendment Act of 2018".

Sec. 2. Section 8 of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.07), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Mayor shall not charge a non-government organization operating a farmer’s market a fee related to temporary parking restrictions caused by the farmer’s market’s occupancy of public space, such as a fee described in 18 DCMR § 2407.20; provided, that the farmer’s market participates in the Women, Infants and Children Farmers Market Nutrition Program (“FMNP”) and the Supplemental Nutrition Assistance Program (“SNAP”).

“(2) The Mayor may charge a farmer’s market operated by a District or federal government agency, regardless of participation in FMNP and SNAP, a fee related to temporary parking restrictions caused by the farmer’s market’s occupancy of public space, such as a fee described in 18 DCMR § 2407.20.

“(3) For the purposes of this subsection, the term “farmer’s market” means a food venue composed of vendors where at least 75% of the vendors are selling agricultural produce.”.


Sec. 3. Fiscal impact statement.

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


ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-456

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To amend the Confirmation Act of 1978 to clarify that the nomination of a member of the Housing Production Trust Fund Board shall be deemed disapproved if the Council does not approve the nomination within a 90-day period of review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018".

Sec. 2. 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 Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01).”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

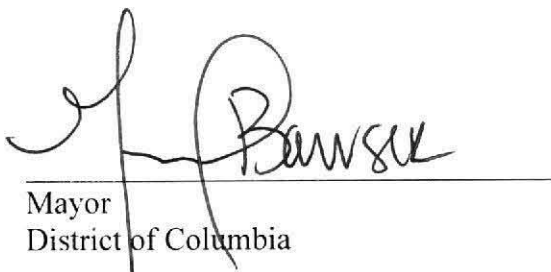
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-457

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To adjust, on an emergency basis, due to congressional review, 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 Congressional Review Emergency 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.

ENROLLED ORIGINAL

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 in 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;

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and

(4) Child and Family Services Agency. – (\$2,362,000) is removed from local funds.

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 increases.

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, effective August 29, 2018 (D.C. Law 22-158; 65 DCR 7346):

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Project No	Project Title	Fund Detail	Total
04002C	PROPERTY ACQUISITION & DISPOSITION	300	(573,216.00)
AA339C	EVIDENCE WAREHOUSE	300	(375,395.99)
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 FACILITIES	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)

ENROLLED ORIGINAL

JE337C	JEFFERSON MS RENOVATION	300	(625.01)
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)
UC201C	PUBLIC SAFETY RADIO SYSTEM UPGRADE	300	(404,135.21)

ENROLLED ORIGINAL

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
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

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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 SELLOWS	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

(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. Applicability.

This act shall apply as of September 30, 2018.

ENROLLED ORIGINAL

Sec. 7. 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. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-458

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To enact and amend, on an emergency basis, due to congressional review, provisions of law necessary to support the Fiscal Year 2019 budget.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2019 Budget Support Congressional Review Emergency Act of 2018”.

ENROLLED ORIGINAL

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 Congressional Review Emergency 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.

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(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 Congressional Review Emergency 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.

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SUBTITLE C. PROJECT LABOR AGREEMENT PROCUREMENT FUNDING

Sec. 1021. Short title.

This subtitle may be cited as the “Project Labor Agreements in Construction Procurement Congressional Review Emergency 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”

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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 Congressional Review Emergency 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)).

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.

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(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 Congressional Review Emergency 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));

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(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;

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(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;

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(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).”.

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 Congressional Review Emergency Amendment Act of 2018”.

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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 Congressional Review Emergency 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 Congressional Review Emergency 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.

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(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.

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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 Congressional Review Emergency 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;

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“(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;

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“(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:

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(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:

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“(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.

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(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.

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(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:

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(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.

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(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.

(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.

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(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;

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“(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).”

(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 §

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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 September 29, 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 Congressional Review Emergency 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

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(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 Congressional Review Emergency 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 September 29, 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 Congressional Review Emergency Amendment Act of 2018”.

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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 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 Congressional Review Emergency 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.”.

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SUBTITLE B. NEIGHBORHOOD PROSPERITY INITIATIVE

Sec. 2011. Short title.

This subtitle may be cited as the “Neighborhood Prosperity Initiative Congressional Review Emergency 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 Congressional Review Emergency Amendment Act of 2018”.

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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 Congressional Review Emergency 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 Congressional Review Emergency 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.

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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 Congressional Review Emergency 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 Congressional Review Emergency 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.”.

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SUBTITLE H. ARTS AND HUMANITIES LICENSE PLATES

Sec. 2071. Short title.

This subtitle may be cited as the “Arts and Humanities License Plates Congressional Review Emergency 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).”.

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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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).”.

**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 Congressional Review Emergency 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 Congressional Review Emergency 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.

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“(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 Congressional Review Emergency 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 September 29, 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 Congressional Review Emergency 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

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(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 Congressional Review Emergency 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., to 10th 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,

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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 Congressional Review Emergency 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 Congressional Review Emergency 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 Congressional Review Emergency Amendment Act of 2018”.

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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 Congressional Review Emergency 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 Congressional Review Emergency 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

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(“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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).”.

SUBTITLE S. LIVING WAGE CERTIFICATION GRANT PROGRAM

Sec. 2181. Short title.

This subtitle may be cited as the “Living Wage Certification Grant Program Congressional Review Emergency 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:

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“(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 Congressional Review Emergency Amendment Act of 2018”.

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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 as follows:

(a) A new section 26e is added 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.”.

(b) A new section 26f is added to read as follows:

“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.

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“(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. 2193. Applicability.

Section 2192(b) shall apply as of September 29, 2018.

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 Congressional Review Emergency 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.”.

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“(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 Congressional Review Emergency 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.

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“(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 Congressional Review Emergency 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).

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Sec. 2223. The Rental Unit Fee Adjustment Amendment Act of 2018, effective July 3, 2018 (D.C. Law 22-113; 65 DCR 5026), is repealed.

Sec. 2224. Applicability.

This subtitle shall apply as of September 29, 2018.

SUBTITLE X. COMMON INTEREST COMMUNITY REPAIRS

Sec. 2231. Short title.

This subtitle may be cited as the “Common Interest Community Repairs Congressional Review Emergency 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.

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(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;

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(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 Congressional Review Emergency 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.

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(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).”.

(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____);

“(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;”.

Sec. 2244. Applicability.

Section 2243(b) shall apply as of September 29, 2018.

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 Congressional Review Emergency 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:

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(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 September 29, 2018.

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 Congressional Review Emergency 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 Congressional Review Emergency 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:

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“(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 Congressional Review Emergency 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:

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“(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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.”.

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(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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.

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“(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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

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Housing Registration Update Amendment Act of 2018, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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 Congressional Review Emergency Amendment Act of 2018”.

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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.

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 Congressional Review Emergency 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 Congressional Review Emergency 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:

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“(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.

This subtitle may be cited as the “Emergency and Non-Emergency Number Telephone Calling Systems Fund Congressional Review Emergency 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.

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“(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 Congressional Review Emergency 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

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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 Congressional Review Emergency 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;

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(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.

(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;

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(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

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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(o) of the Vital Records Modernization Amendment Act of 2018, enacted on September 5, 2018 (D.C. Act 22-438; 65 DCR ____), 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.

(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.

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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

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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.

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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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____). 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), by representatives of the Violence Fatality Review Committee, established by section 3042 of the Fatality Review Committee Amendment Act of 2018, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____).”.

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:

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“(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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:

“(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____);

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“(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:

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(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, effective July 17, 2018 (D.C. Law 22-139; D.C. Official Code § 7-1233.01 *et seq.*), is redesignated as paragraph (59).

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(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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____);

“(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 Congressional Review Emergency 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.

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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 Congressional Review Emergency Amendment Act of 2018”.

Sec. 3072. 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

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“(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.

Sec. 3073. 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:

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“(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 Congressional Review Emergency 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.”.

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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 Congressional Review Emergency 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 striking the phrase “pursuant to this act” and inserting the phrase “pursuant to this act. 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” in its place.

SUBTITLE J. IMMIGRANT LEGAL SERVICES PROGRAM

Sec. 3101. Short title.

This subtitle may be cited as the “Immigrant Legal Services Program Congressional Review Emergency 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

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(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.

SUBTITLE K. CLEMENCY BOARD ESTABLISHMENT

Sec. 3111. Short title.

This title may be cited as the "Clemency Board Establishment Congressional Review Emergency Act of 2018".

Sec. 3112. 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. 3113. 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;

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(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, it shall:

(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 Chair 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. 3114. Composition.

(a) The Board shall consist of the following members:

(1) The Mayor shall appoint 5 individuals with the following qualifications 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)):

(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;

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(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. 3115. 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;

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(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. 3116. 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. 3117. 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.

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(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. 3118. Rules.

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 title.

Sec. 3119. 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 (32) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (33) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (34) is added to read as follows:

“(34) The Clemency Board, established by section 203 of the Youth Rehabilitation Amendment Act of 2018, enacted on September 6, 2018 (D.C. Act 22-451; 65 DCR ____).”.

Sec. 3120. 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, enacted on September 6, 2018 (D.C. Act 22-451; 65 DCR ____).”.

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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 Congressional Review Emergency 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:

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:

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“(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
“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

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“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
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“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
“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

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“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
“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”):

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"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.

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SUBTITLE B. DISTRICT OF COLUMBIA STATE ATHLETICS

Sec. 4011. Short title.

This subtitle may be cited as the “State Athletics Congressional Review Emergency 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 Congressional Review Education Incentive Emergency 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

“(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:

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“(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.”.

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(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 Congressional Review Emergency 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.”.

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 Congressional Review Emergency Amendment Act of 2018”.

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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.”.

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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 Congressional Review Emergency 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 Congressional Review Emergency 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;

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“(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) through (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) through (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, effective August 25, 2018 (D.C. Law 22-157; D.C. Official Code § 38-236.06).”.

Sec. 4064. The Student Fair Access to School Amendment Act of 2018, effective August 25, 2018 (D.C. Law 22-157; 65 DCR 7499), 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, effective August 25, 2018 (D.C. Law 22-157; D.C. Official Code §§ 38-236.04(a) and 38-236.06(a)(4)), 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.”.

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Sec. 4065. Applicability.

This subtitle shall apply as of August 25, 2018.

**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 Congressional Review Emergency 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.”.

Sec. 4073. Applicability.

This subtitle shall apply as of September 29, 2018.

SUBTITLE I. SPECIAL EDUCATION TEACHER PREPARATION GRANT

Sec. 4081. Short title.

This subtitle may be cited as the “Special Education Teacher Preparation Grant Congressional Review Emergency 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

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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 Columbia public schools and public charter schools.

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 Congressional Review Emergency 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:

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“(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:

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“(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;

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“(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.

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“(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

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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

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“(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:

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(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 Congressional Review Emergency 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 Congressional Review Emergency 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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

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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.”.

SUBTITLE D. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT

Sec. 5031. Short title.

This subtitle may be cited as the “Medicaid Hospital Outpatient Supplemental Payment Congressional Review Emergency 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 number “2018” and inserting the number “2019” in its place.

(3) Paragraph (2) is amended by striking the number “2018” and inserting the number “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 number “2015” both times it appears and inserting the number “2016” in its place.

(C) Paragraph (3) is amended by striking the number “2018” and inserting

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the number “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 number “2018” and inserting the number “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 Congressional Review Emergency 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 Congressional Review Emergency Act of 2018”.

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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 Congressional Review Emergency Amendment Act of 2018”.

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.

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“(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.

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(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 Congressional Review Emergency 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 Congressional Review Emergency 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.

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“(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 Congressional Review Emergency 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:

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“(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.”

(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:

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(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:

“(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.

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(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(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 Congressional Review Emergency Amendment Act of 2018”.

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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 Congressional Review Emergency 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 Congressional Review Emergency Amendment Act of 2018”.

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.

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(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 Congressional Review Emergency 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:

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“(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 Congressional Review Emergency Amendment Act of 2018”.

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.

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“(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

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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 Congressional Review Emergency 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

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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 Congressional Review Emergency 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 Congressional Review Emergency 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 Congressional Review Emergency Act of 2018”.

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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. AUTONOMOUS VEHICLES STUDY

Sec. 6101. Short title.

This subtitle may be cited as the “Autonomous Vehicles Study Congressional Review Emergency Amendment Act of 2018”.

Sec. 6102. 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;

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“(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 L. ONLINE PERMITTING FOR SCHOOL FACILITIES

Sec. 6111. Short title.

This subtitle may be cited as the “Online Permitting for School Facilities Congressional Review Emergency Act of 2018”.

Sec. 6112. 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 M. PILOT PASSENGER LOADING ZONE PROGRAM

Sec. 6121. Short title.

This subtitle may be cited as the “Pilot Passenger Loading Zone Program Congressional Review Emergency Act of 2018”.

Sec. 6122. Definitions.

For the purposes of this subtitle, the term:

(1) “DDOT” means the District Department of Transportation

(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. 6123. 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:

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(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.

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SUBTITLE N. PRIVATE VEHICLE-FOR-HIRE DATA SHARING

Sec. 6131. Short title.

This subtitle may be cited as the “Private Vehicle-For-Hire Data Sharing Congressional Review Emergency Amendment Act of 2018”.

Sec. 6132. 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

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“(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.

“(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

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“(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 201(c-1) (D.C. Official Code § 50-301.31(c-1)) is repealed.

Sec. 6133. 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.

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(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 O. DANBURY STATION WATER METER INSTALLATION

Sec. 6141. Short title.

This subtitle may be cited as the “Danbury Station Water Meter Installation Congressional Review Emergency Amendment Act of 2018”.

Sec. 6142. 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 Congressional Review Emergency 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.

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SUBTITLE B. SUBJECT-TO-APPROPRIATIONS AMENDMENTS

Sec. 7011. Short title.

This subtitle may be cited as the “Subject-to-Appropriations Congressional Review Emergency 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.

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“(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.

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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.

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Sec. 7034. Section 3 of the University of the District of Columbia Leased Property Tax Abatement Amendment Act of 2018, effective July 3, 2018 (D.C. Law 22-114; D.C. Official Code § 47-1099.02, note), is repealed.

Sec. 7035. Section 301 of the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; 65 DCR 5064), is repealed.

Sec. 7036. Section 4 of the Home Composting Incentives Amendment Act of 2018, effective July 17, 2018 (D.C. Law 22-146; 65 DCR 5984), is repealed.

Sec. 7037. Applicability.

Sections 7012, 7014, 7025, and 7027 shall apply as of September 29, 2018.

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 Congressional Review Emergency 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) Beginning as of January 1, 2018, 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 September 29, 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 Congressional Review Emergency 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.

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(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 Congressional Review Emergency 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) Beginning as of January 1, 2018, the amount received by a taxpayer pursuant to § 7-2831(b).”.

Sec. 7063. Applicability.

This subtitle shall apply as of September 29, 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 Congressional Review Emergency 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;

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“(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 Congressional Review Emergency 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 Congressional Review Emergency 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;”.

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(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:

“(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 47-1005.01 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.”.

(2) 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.”.

(3) 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.

(c) Chapter 13 is amended as follows:

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(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:

“(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 Congressional Review Emergency 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:

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“(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 Congressional Review Emergency Amendment Act of 2018”.

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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 “fee;”.

(2) Subsection (a) is amended by striking the phrase “shall pay to the Collector of Taxes as an annual license fee the sum of \$5 and”.

(3) Subsection (b) is amended by striking the phrase “and the payment of the fee”.

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 Congressional Review Emergency 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 Congressional Review Emergency 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;

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“(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 Congressional Review Emergency 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;

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(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;

(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

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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 \$1,000,000.”.

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 Congressional Review Emergency 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

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“(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 Congressional Review Emergency 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 Congressional Review Emergency 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.

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(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 Congressional Review Emergency 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 Congressional Review Emergency 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 Congressional Review Emergency Amendment Act of 2018”.

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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.

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 Congressional Review Emergency 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-

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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
REMEDICATION**

Sec. 7221. Short title.

This subtitle may be cited as the “Lot 0807 in Square 1066 Equitable Tax Recalculation and Tax Sale Remediation Congressional Review Emergency 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 cancelled;

(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 Congressional Review Emergency Amendment Act of 2018”.

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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 “decendent dying after December 31, 2002” and inserting the phrase “decendent whose death occurs after December 31, 2002” in its place.

(D) Subparagraph (D) is amended by striking the phrase “decendent dying after December 31, 2016” and inserting the phrase “decendent 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 “decendent whose death occurs prior to January 1, 2008” and inserting the phrase “decendent whose death occurs before January 1, 2008” in its place.

(B) Subparagraph (B) is amended by striking the phrase “decendent

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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.”.

**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 Congressional Review Emergency 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.

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“(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 Congressional Review Emergency 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.

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“(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:

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“(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 Congressional Review Emergency Amendment Act of 2018”.

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.

ENROLLED ORIGINAL

“(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.

“(g) This section shall apply as of January 1, 2018.”.

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Sec. 7263. Applicability.

This subtitle shall apply as of September 29, 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 Congressional Review Emergency 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, 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 Congressional Review Emergency Amendment Act of 2018”.

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:

ENROLLED ORIGINAL

“(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 chapter designation “Chapter 40. Drug Prevention and Children at Risk Tax Check-Off.” and inserting the chapter designation “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 “47-1812.11b. Public Fund for Drug Prevention and Children at Risk” and inserting the phrase “47-1812.11b. 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, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR ____), 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).”.

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(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 section designation “47-4001. Definitions.” and insert the section designation “47-4001. Definitions. [Repealed].” in its place.

(B) Strike the section designation “47-4002. Establishment of the Public Fund for Drug Prevention and Children at Risk; duties.” and insert the section designation “47-4002. Establishment of the Public Fund for Drug Prevention and Children at Risk; duties. [Repealed].” in its place.

(C) Strike the section designation “47-4003. Fund qualifications; terms of office; compensation.” and insert the section designation “47-4003. Fund qualifications; terms of office; compensation. [Repealed].” in its place.

(D) Strike the section designation “47-4004. Rules of procedure; contributions.” and insert the section designation “47-4004. Rules of procedure; contributions. [Repealed].” in its place.

(E) Strike the section designation “47-4005. Rules.” and insert the section designation “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 Congressional Review Emergency Amendment Act of 2018”.

Sec. 7292. Section 47-2402(a)(1) of the District of Columbia Official Code is amended by striking the phrase “\$0.125” and inserting the phrase “\$0.225” in its place.

SUBTITLE CC. UNION MARKET TIF

Sec. 7301. Short title.

This subtitle may be cited as the “Union Market TIF Congressional Review Emergency Amendment Act of 2018”.

ENROLLED ORIGINAL

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 word “and”.

(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 word “and”.

(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 Congressional Review Emergency 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

ENROLLED ORIGINAL

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

ENROLLED ORIGINAL

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 Congressional Review Emergency 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.

ENROLLED ORIGINAL

**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 Congressional Review Emergency 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 Congressional Review Emergency 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 section designation “47-310. [Reserved]” and inserting the section designation “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.

ENROLLED ORIGINAL

“(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.

“(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.

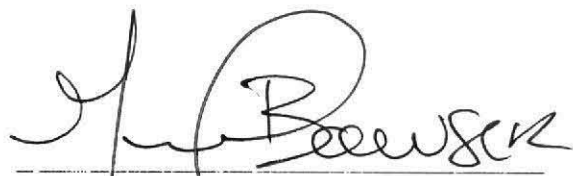
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-459

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To amend, on an emergency basis, due to congressional review, 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 Congressional Review Emergency Amendment Act of 2018”.

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

Sect. 3. Applicability

This act shall apply as of September 20, 2018.

Sect. 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).

Sect. 5. Effective date.

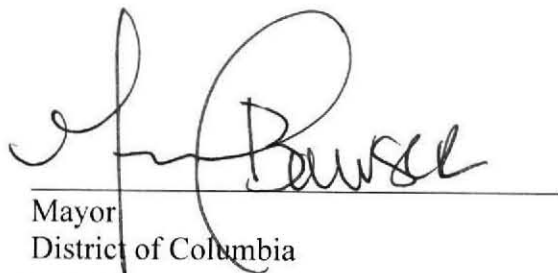
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-460

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To approve, on an emergency basis, Modification Nos. 4 and 5 to Contract No. DCRL-2017-R-0049 with Lutheran Social Services of the National Capital Area to provide unaccompanied refugee minor services, and to authorize payment in the not-to-exceed amount of \$1,513,009.90 for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCRL-2017-R-0049 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 4 and 5 to Contract No. DCRL-2017-R-0049 with Lutheran Social Services of the National Capital Area to provide unaccompanied refugee minor services, and authorizes payment in the not-to-exceed amount of \$1,513,009.90 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

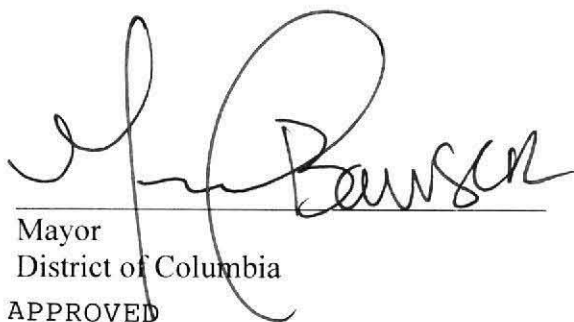
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override that veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 3, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-461

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To approve, on an emergency basis, Modification No. 2 to Contract No. CW56663 with Plexis Healthcare Systems, Inc. to provide software support, maintenance, and third-party administration services, and to authorize payment in the amount of \$1,125,604 for the goods and services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification to Contract No. CW56663 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Council approves Modification No. 2 to Contract No. CW56663 with Plexis Healthcare Systems, Inc. to provide software support, maintenance, and third-party administration services, and authorizes payment in the amount of \$1,125,604 for the goods and services received and to be received under the modification.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

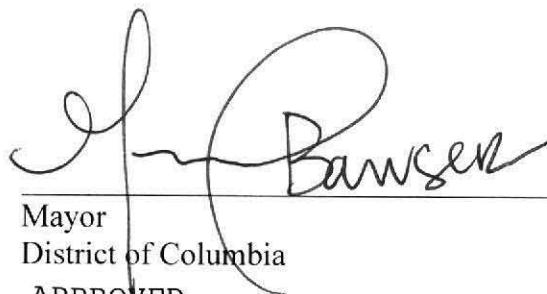
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-462

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2018

To amend, on an emergency basis, the Neighborhood Engagement Achieves Results Amendment Act of 2016 to require that all excess monies remaining in the operating budget of the Office of Neighborhood Safety and Engagement at the end of Fiscal Year 2018 shall be deposited into the Neighborhood Safety and Engagement Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Neighborhood Safety and Engagement Fund Emergency Amendment Act of 2018”.

Sec. 2. Section 103(b) of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413(b)), is amended as follows:

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

(b) Paragraph (3) 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) All excess monies remaining in the operating budget of the ONSE at the end of Fiscal Year 2018.”.

Sec. 3. Applicability.

This act shall apply as of September 30, 2018.

Sec. 4. Fiscal impact statement.


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


Sec. 5. Effective date.

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

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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
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-463

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 10, 2018

To amend, on a temporary basis, the Rental Housing Act of 1985 to prohibit the execution of residential evictions during precipitation, to establish the eviction procedure and requirements that a housing provider shall meet before, during, and immediately after a residential eviction, and to establish standards for the handling of an evicted tenant's personal property; and to clarify, in an eviction not subject to the Rental Housing Act of 1985, the legal status of an evicted tenant's remaining personal property and a landlord's civil liability for such property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eviction Procedure Reform Temporary Amendment Act of 2018".

Sec. 2. 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 501(k) (D.C. Official Code § 42-3505.01(k)) is amended as follows:

(1) Strike the phrase "tenant on any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees fahrenheit or 0 degrees centigrade within the next 24 hours." and insert the phrase "tenant:" in its place.

(2) New paragraphs (1) and (2) are added to read as follows:

"(1) On any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0 degrees centigrade; or

"(2) When precipitation is falling at the location of the rental unit."

(b) A new section 501a is added to read as follows:

"Sec. 501a. Storage and disposal of tenants' personal property upon eviction.

"(a) A housing provider shall not remove an evicted tenant's personal property from a rental unit except as provided in this section.

"(b)(1) In addition to any notification from the United States Marshals Service ("Marshals") to the tenant of the date of eviction, a housing provider shall deliver to the tenant a notice confirming the date of eviction not fewer than 14 days before the date of eviction by using the following methods:

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“(A) Telephone or electronic communication, including by email or mobile text message;

“(B) First-class mail to the address of the rental unit; and

“(C) Conspicuous posting at the tenant’s rental unit in a manner reasonably calculated to provide notice.

“(2) The notice shall:

“(A) State the tenant’s name and the address of the rental unit;

“(B) Specify the date on which the eviction is scheduled to be executed;

“(C) State that the eviction will be executed on that date unless the tenant vacates the rental unit and returns control of the rental unit to the housing provider;

“(D) Prominently warn the tenant that any personal property left in the rental unit will be deemed abandoned 7 days after the time of eviction, excluding Sundays and federal holidays;

“(E) Include the phone numbers of the U.S. Marshals Service, Office of the Chief Tenant Advocate, and the District of Columbia Landlord Tenant Court; and

“(F) State that it is the final notice from the housing provider before the time of eviction, even if the eviction date is postponed by the court or Marshals;

“(c)(1) At the time of eviction, the housing provider shall change the locks on the rental unit in the presence of the Marshals, at the housing provider’s expense, and take legal possession of the rental unit by receipt of a document from the Marshals.

“(2) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

“(d)(1) At the time of eviction, the housing provider shall send by first-class mail to the address of an emergency contact, if provided, and conspicuously post in a manner reasonably calculated to provide notice to the evicted tenant a notice containing the following information:

“(A) The name and phone number of at least one housing provider representative whom the tenant may contact and who can grant access to the rental unit on the housing provider’s behalf pursuant to this subsection;

“(B) The phone number of the Office of the Chief Tenant Advocate;

“(C) The phone number of the United States Marshals Service;

“(D) The phone number of the District of Columbia Landlord Tenant Court; and

“(E) The text of this subsection attached to, or made a part of, the notice.

“(2) Any personal property of the evicted tenant present in the rental unit at the time of eviction shall remain in the rental unit for 7 days after the time of eviction, excluding Sundays and federal holidays, unless removed by the evicted tenant pursuant to this subsection.

“(3) The housing provider shall maintain and exercise reasonable care in the storage of the personal property of the evicted tenant during the period that the property remains in the rental unit pursuant to this subsection.

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“(4)(A) The housing provider shall grant the evicted tenant access to the rental unit to remove the evicted tenant’s personal property during the period that the property remains in the rental unit pursuant to this subsection. Access shall be for no fewer than 8 continuous hours at times agreed to by the parties, without requiring payment of rent or service fees.

“(B) If the housing provider fails to grant access to the evicted tenant to remove the evicted tenant’s personal property as provided in this paragraph, the evicted tenant shall have a right to injunctive relief, including requiring the housing provider to grant access to the evicted tenant at certain dates and times to retrieve the evicted tenant’s personal property and extending the period during which the housing provider must store the evicted tenant’s personal property.

“(5) Any of the evicted tenant’s personal property remaining in the rental unit upon expiration of the period that the property remains in the rental unit pursuant to this subsection shall be deemed abandoned property.

“(6) The housing provider shall remove, or dispose of, any abandoned property in the rental unit upon the expiration of the period that the property remains in the rental unit pursuant to this subsection without any further notice or any other obligation to the evicted tenant.

“(7)(A) The housing provider shall dispose of any abandoned property in any manner not prohibited by paragraph (8) of this subsection or otherwise expressly prohibited by law.

“(B) If the housing provider receives any funds from any sale of such abandoned property, the housing provider shall pay such funds to the account of the evicted tenant and apply any amounts due the housing provider by the evicted tenant, including the actual costs incurred by the housing provider in the eviction process described in this section.

“(C) If any funds are remaining after application, the remaining funds shall be treated as a security deposit under applicable law.

“(8) The housing provider is prohibited from placing or causing the placement of abandoned property in an outdoor space other than a lawful disposal receptacle; provided, that a housing provider may place abandoned property or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the property from the premises for disposal.

“(9) An evicted tenant is prohibited from disposing of or causing the disposal of personal property in an outdoor space other than a lawful disposal receptacle; provided, that an evicted tenant may place personal property or cause personal property to be placed in an outdoor private or public space while in the process of transporting the property from the premises.

“(e) The housing provider and anyone acting on behalf of the housing provider shall be immune from civil liability for loss or damage to the evicted tenant’s abandoned property or claims related to its lawful disposal.

“(f) This section shall not apply to evictions carried out by the District of Columbia Housing Authority.

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“(g) For the purposes of this section, the term “time of eviction” means the time at which the Marshals execute a writ of restitution.”.

Sec. 3. Other evictions.

(a) At the time of an eviction not subject to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), the landlord shall change the locks on the leased premises in the presence of the United States Marshals Service (“Marshals”), at the landlord’s expense, and take legal possession of the leased premises by receipt of a document from the Marshals.

(b) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

(c) Any personal property remaining in or about the leased premises at the time of eviction is deemed abandoned property.

(d)(1) The landlord shall dispose of any abandoned property in any manner not prohibited by subsection (e) of this section or otherwise expressly prohibited by law.

(2) If the landlord receives any funds from any sale of such abandoned property, the landlord shall pay such funds to the account of the evicted tenant and apply any amounts due the landlord by the evicted tenant, including the actual costs incurred by the landlord in the eviction process described in this section.

(3) If any funds are remaining after application, the remaining funds shall be treated as a security deposit under applicable law.

(e) The landlord is prohibited from placing or causing the placement of abandoned property in an outdoor space other than a licensed disposal facility or lawful disposal receptacle; provided, that a landlord may place abandoned property or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the abandoned property from the leased premises for disposal.

(f) The landlord and anyone acting on behalf of the landlord shall be immune from civil liability for loss or damage to the evicted tenant’s abandoned property or claims related to its lawful disposal.

(g) For the purposes of this section, the term “time of eviction” means the time at which the Marshals execute a writ of restitution.

Sec. 4. Repealer.

The Eviction Reform Emergency Amendment Act of 2018, effective July 24, 2018 (D.C. Act 22-425; 65 DCR 7709), is repealed.

Sec. 5. Fiscal impact statement.

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

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Sec. 6. 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
October 3, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-464

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 5, 2018

To amend, on an emergency basis, the District of Columbia Uniform Controlled Substances Act of 1981 to add certain classes and substances to the list of Schedule I controlled substances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Revised Synthetics Abatement and Full Enforcement Drug Control Emergency Amendment Act of 2018".

Sec. 2. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended as follows:

(a) Section 102(27) (D.C. Official Code § 48-901.02(27)) is amended as follows:

(1) Strike the phrase "as used in section 204(3) and section 206(1)(D)" and insert the phrase "as used in section 204(3), (5), and (6) and section 206(1)(D)" in its place.

(2) Strike the phrase "As used in section 204(3)" and insert the phrase "As used in section 204(3), (5), and (6)" in its place.

(b) Section 204 (D.C. Official Code § 48-902.04) is amended as follows:

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

(A) The lead-in language is amended by striking the phrase "(for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers):" and inserting a colon in its place.

(B) New subparagraphs (G-i) through (G-xii) are added to read as follows:

"(G-i) 25I-NBOMe (also known as 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

"(G-ii) 25B-NBOMe (also known as 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

"(G-iii) 25C-NBOMe (also known as 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

"(G-iv) 5-APB (also known as 1-(benzofuran-5-yl)propan-2-amine);

"(G-v) 5-APDB (also known as 1-(2,3-dihydrobenzofuran-5-yl)propan-2-amine);

"(G-vi) 6-APB (also known as 1-(1-benzofuran-6-yl)propan-2-amine);

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“(G-vii) 6-APDB (also known as 1-(2,3-dihydrobenzofuran-6-yl)propan-2-amine);

“(G-viii) 3-methoxy-PCE (also known as *N*-ethyl-1-(3-methoxyphenyl)cyclohexanamine);

“(G-ix) 3-methoxy-PCP (also known as 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine);

“(G-x) 4-methoxy-PCP (also known as 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine);

“(G-xi) 5-MeO-DALT (also known as *N,N*-diallyl-5-methoxytryptamine);

“(G-xii) 4-AcO-DMT (also known as 5-acetoxy-*N,N*-dimethyltryptamine);”.

(C) A new subparagraph (M-i) is added to read as follows:

“(M-i) Methoxetamine (also known as 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone);”.

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

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

(F) A new subparagraph (LL) is added to read as follows:

“(LL) Cathinone;”.

(2) Paragraph (5) is amended to read as follows:

“(5) As used in this paragraph, the term “synthetic cathinones” includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in Schedules II through V, is not approved by the Food and Drug Administration as a drug, and is structurally derived from or contains any quantity of the following substances, their salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

“(A) Classified Synthetic Cathinones:

“(i) Cathinones. Any compound, other than methylnenedioxy cathinones and pyrrolidine cathinones, containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic ring system, with or without alkyl, alkoxy, or halo substitutions, and a substitution at the nitrogen atom by an alkyl group, cycloalkyl group, or incorporation into a heterocyclic structure. Examples of this structural class include:

“(l) Mephedrone, also known as:

“(aa) 2-(methylamino)-1-(4-methylphenyl)-1-propanone;

“(bb) 4-MeMC;

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- "(cc) 4-Methylmethcathinone;
- "(dd) 4-Methylephedrone; or
- "(ee) 4-MMC;
- "(II) Dimethylcathinone, also known as:
 - "(aa) 2-(dimethylamino)-1-phenyl-1-propanone; or
 - "(bb) N,N-Dimethylcathinone;
- "(III) Ethcathinone, also known as:
 - "(aa) 2-(ethylamino)-1-phenyl-1-propanone;
 - "(bb) Ethylcathinone;
 - "(cc) N-Ethylcathinone; or
 - "(dd) 2-Ethylaminobuphedro;
- "(IV) Buphedrone, also known as:
 - "(aa) 2-(methylamino)-1-phenylbutan-1-one; or
 - "(bb) MABP;
- "(V) 3,4-DMMC, also known as:
 - "(aa) 1-(3,4-dimethylphenyl)-2-(methylamino)-1-propanone; or
 - "(bb) 3,4-Dimethylmethcathinone;
- "(VI) EMC, also known as:
 - "(aa) 1-(4-ethylphenyl)-2-(methylamino)propan-1-one;
 - "(bb) 4-EMC; or
 - "(cc) 4-Ethylmethcathinone;
- "(VII) Fluoromethcathinone (also known as 1-(4-fluorophenyl)-2-(methylamino) propan-1-one);
 - "(VIII) 3-FMC, also known as:
 - "(aa) 3-fluoro-N-methylcathinone); or
 - "(bb) 1-(3-fluorophenyl)-2-(methylamino)propan-1-one;
- "(IX) 4-FMC, also known as:
 - "(aa) 1-(4-fluorophenyl)-2-(methylamino)propan-1-one;
 - "(bb) 4-fluoro-N-methylcathinone; or
 - "(cc) Flephedrone;
- "(X) 4-MeBP, also known as:
 - "(aa) 2-(methylamino)-1-(4-methylphenyl)-1-butanone;
 - "(bb) 4-Methylbuphedrone;
 - "(cc) 4-methyl BP; or
 - "(dd) 4-MeMABP;

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- "(XI) 3-MEC, also known as:
 "(aa) 2-(ethylamino)-1-(*m*-tolyl)propan-1-one; or
 "(bb) 3-Methyl-N-ethylcathinone;
- "(XII) 4-MEC, also known as:
 "(aa) 2-(ethylamino)-1-(4-methylphenyl)-1-propanone; or
 "(bb) 4-Methyl-N-ethylcathinone;
- "(XIII) 3-MMC, also known as:
 "(aa) 2-(methylamino)-1-(3-methylphenyl)-1-propanone;
 "(bb) 3-methyl MS; or
 "(cc) 3-Methylmethcathinone;
- "(XIV) Methedrone (also known as 1-(4-methoxyphenyl)-2-(methylamino)-1-propanone); and
 "(XV) Pentedrone (also known as 2-(methylamino)-1-phenylpentan-1-one);
- "(ii) Methylenedioxy Cathinones. Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at any position of the ring system with an alkyl, haloalkyl, halogen, alkylendioxy, or alkoxy group, whether or not further substituted at any position on the ring system to any extent. Examples of this structural class include:
- "(I) 3-fluoromethylone;
- "(II) Methylone, also known as
 "(aa) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-propanone; or
 "(bb) 3,4-Methylenedioxy-N-methylcathinone);
- "(III) N-ethyl Pentylone, also known as:
 "(aa) Ephylone; or
 "(bb) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone;
- "(IV) bk-MDDMA, also known as:
 "(aa) 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)propan-1-one;
 "(bb) Dimethylone;
 "(cc) *N,N*-dimethyl-3',4'-methylenedioxcathinone;
 "(dd) *N,N*-dimethyl-3,4-methylenedioxcathinone;
- or
 "(ee) *N,N*-Dimethyl MDCATH;
- "(V) Butylone, also known as 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one); and

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“(VI) Ethylone, also known as:

“(aa) 3,4-Methylenedioxy-N-ethylcathinone; or

“(bb) MDEC;

“(iii) Pyrrolidine Cathinones. Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with an alkyl, cyclic, or fused polycyclic ring system and a substitution at the 3-position carbon with an alkyl, haloalkyl, halogen, alkoxy or alkylendioxy group, and a substitution at the nitrogen atom incorporation into a heterocyclic structure, with or without further halogen substitutions. Examples include:

“(I) α -PVP (also known as α -pyrrolidinopentiophenone);

“(II) α -pyrrolidinopropiophenone, also known as:

“(aa) 1-phenyl-2-(1-pyrrolidinyl)-1-propanone; or

“(bb) α -PPP;

“(III) α -PBP, also known as:

“(aa) 1-phenyl-2-(1-pyrrolidinyl)-1-butanone; or

“(bb) α -pyrrolidinobutiophenone;

“(IV) MDPBP, also known as:

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-

butanone;

“(bb) 3,4-Methylenedioxy- α -

Pyrrolidinobutiophenone; or

“(cc) 3,4-MDPBP;

“(V) MDPPP, also known as:

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-

propanone; or

“(bb) 3,4-Methylenedioxy- α -

Pyrrolidinopropiophenone;

“(VI) MDPV, also known as:

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-

pentanone; or

“(bb) 3,4-Methylenedioxy Pyrovalerone;

“(VII) 4-MePPP, also known as

“(aa) 4'-methyl- α -Pyrrolidinopropiophenone;

“(bb) 4'-methyl PPP; or

“(cc) 2-(pyrrolidin-1-yl)-1-(p-tolyl)propan-1-one;

“(VIII) 4'-methyl PHP, also known as:

“(aa) 4'-methyl- α -pyrrolidinohexanophenone;

“(bb) MPHP;

“(cc) 4'-methyl- α -PHP; or

“(dd) PV4;

“(IX) Naphyrone, also known as:

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- ylpentan-1-one; or
- "(aa) (RS)-1-naphthalen-2-yl-2-pyrrolidin-1-
- "(bb) Naphpyrovalerone; and
- "(X) C-PVP, also known as:
- "(aa) 4-Chloro- α -PVP; or
- "(bb) 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-
- 1-one; or
- "(iv) Piperazine Stimulants. Any compound containing or structurally derived from a piperazine, or diethylenediamine, structure with or without substitution at one of the nitrogen atoms of the piperazine ring to any extent, including alkyl, cycloalkyl, or fused ring systems, with or without further halogen substitutions. Examples include:
- "(I) BZP, also known as:
- "(aa) 1-(phenylmethyl)-piperazine;
- "(bb) 1-Benzylpiperazine; or
- "(cc) N-Benzylpiperazine; and
- "(II) TMFPP, also known as:
- "(aa) 1-[3-(trifluoromethyl)phenyl]-piperazine;
- "(bb) 1-(m-Trifluoromethylphenyl) piperazine; or
- "(cc) 3-Trifluoromethylphenylpiperazine.
- "(B) Unclassified Synthetic Cathinones:
- "(i) Aminorex (also known as (RS)-5-phenyl-4,5-dihydro-1,3-oxazol-2-amine);
- "(ii) α -ET, also known as:
- "(I) α -ethyl-1H-indole-3-ethanamine;
- "(II) α -ethyltryptamine; or
- "(III) 3-Indolybutylamine;
- "(iii) α -MT, also known as:
- "(I) α -methyl-1H-indole-3-ethanamine; or
- "(II) α -methyltryptamine;
- "(iv) EMA, also known as:
- "(I) N-ethyl- α -methyl-benzeneethanamine; or
- "(II) N-Ethylamphetamine;
- "(v) Fenethylamine (also known as (RS)-1,3-dimethyl-7-[2-(1-bpphenylpropan-2-ylamino)ethyl]purine-2,6-dione);
- "(vi) N-hydroxy MDA, also known as:
- "(I) MDOH;
- "(II) N-hydroxy- α -methyl-1,3-benzodioxole-5-ethanamine;
- or

ENROLLED ORIGINAL

or

“(III) N-Hydroxy-3,4-methylenedioxyamphetamine; and
“(vii) N,N-DMA, also known as:

“(I) N,N, α -trimethyl-benzeethanamine;

“(II) N,N-Dimethylamphetamine;

“(III) Dimetamfetamine; or

“(IV) Metrotonin.”

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

“(6) Synthetic cannabimimetic agents (also known as “synthetic cannabinoids”), which includes, unless specifically exempted, unless listed in another schedule, or unless approved by the Food and Drug Administration as a drug, any material, mixture, preparation, any compound structurally derived from, or that contains any quantity of the following synthetic substances, its salts, isomers, homologues, analogues and salts of isomers, homologues, and analogues, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

“(A) Classified Synthetic Cannabimimetic Agents:

“(i) Adamantanoylindoles: Any compound containing or structurally derived from an adamantanyl-(1H-indol-3-yl)methanone structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. Examples include:

“(I) AB-001, also known as:

“(aa) (1s,3s)-adamantan-1-yl(1-pentyl-1H-indol-3-yl)methanone; or

“(bb) JWH 018 adamantyl analog; and

“(II) AM-1248, also known as:

“(aa) [1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]tricyclo[3.3.1.1^{3,7}]dec-1-yl-methanone; or

“(bb) AM1248;

“(ii) Benzimidazole Ketone: Any compound containing or structurally derived from (benzimidazole-2-yl) methanone structure with or without substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-

ENROLLED ORIGINAL

methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinoliny, or cycloalkyl rings to any extent. Benzimidazole Ketones include:

“(I) FUBIMINA, also known as:

“(aa) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone; or

“(bb) AM2201 benzimidazole analog; and

“(II) JWH-018 benzimidazole analog, also known as:

“(aa) naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-yl)methanone; or

“(bb) BIM-018;

“(iii) Benzoylindoles: Any compound containing or structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples include:

“(I) AM-630, also known as:

“(aa) [6-iodo-2-methyl-1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl](4-methoxyphenyl)-methanone;

“(bb) AM630; or

“(cc) Iodopravadoline ;

“(II) AM-661 (also known as 1-(N-methyl-2-piperidine)methyl-2-methyl-3-(2-iodo)benzoylindole);

“(III) AM-679, also known as:

“(aa) (2-iodophenyl)(1-pentyl-1H-indol-3-yl)methanone; or

“(bb) AM679;

“(IV) AM-694, also known as:

“(aa) [1-(5-fluoropentyl)-1H-indol-3-yl](2-iodophenyl)-methanone;

“(bb) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

or

“(cc) AM694;

“(V) AM-1241, also known as:

“(aa) (2-iodo-5-nitrophenyl)-(1-(1-methylpiperidin-2-ylmethyl)-1H-indol-3-yl)methanone; or

“(bb) AM1241;

“(VI) AM-2233, also known as:

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“(aa) (2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone; or

“(bb) AM2233;

“(VII) RCS-4, also known as:

“(aa) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone; or

“(bb) SR-19; and

“(VIII) WIN 48,098, also known as

“(aa) (4-methoxyphenyl)[2-methyl]-1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-methanone; or

“(bb) “Pravadoline”;

“(iv) Carbazole Ketone: Any compound containing or structurally derived from (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Examples include EG-018 (also known as naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone);

“(v) Indazole Amide: Any compound containing or structurally derived from 3-carboxamide-1H-indazoles, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxamide nitrogen and 3-carboxamide-1H-indoles, whether or not substituted in the indole ring to any extent and substituted to any degree on the carboxamide nitrogen. Examples include:

“(I) AB-CHMINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);

“(II) AB-FUBINACA (also known as N-(1-amino-3-346 methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide);

“(III) AB-PINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide);

“(IV) 5F AB-PINACA, also known as:

“(aa) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); or

“(bb) 5-fluoro AB-PINACA;

“(V) ADB-FUBINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1-H-indazole-3-carboxamide);

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- "(VI) ADB-PINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide);
- "(VII) 5F ADB-PINACA, also known as:
- "(aa) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); or
- "(bb) 5-fluoro ADB-PINACA;
- "(VIII) FUB-AMB, also known as:
- "(aa) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate;
- "(bb) AMB-FUBINACA; or
- "(cc) MMB-FUBINACA;
- "(IX) 5-fluoro-AMB (also known as (S)- methyl 2- (1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate);
- "(X) MAB-CHMINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);
- "(XI) MMB CHMINACA, also known as:
- "(aa) methyl (S)-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate; or
- "(bb) MDMB-CHMICA;
- "(XII) 5F MN-18, also known as:
- "(aa) 1-(5-fluoropentyl)-N-1-naphthalenyl-1H-indazole-3-carboxamide; or
- "(bb) 5-fluoro MN-18;
- "(XIII) 5F-APINACA, also known as:
- "(aa) 5-fluoro-APINACA
- "(bb) 5F-AKB-48;
- "(cc) 5F-AKB48;
- "(dd) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide; or
- "(ee) N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); and
- "(XIV) APINACA, also known as:
- "(aa) AKB-48;
- "(bb) AKB48;
- "(cc) 1-pentyl-N-tricyclo[3.3.1.1.3,7]dec-1-yl-1H-indazole-3-carboxamide; or
- "(dd) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide;
- "(vi) Cyclohexylphenols: Any compound containing or structurally

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derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the cyclohexyl ring to any extent. Examples include:

“(I) CP 47,497 (also known as 2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol);

“(II) CP 47,497 C8 homologue, also known as:

“(aa) rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol; or

“(bb) Cannabicyclohexanol;

“(III) CP 55,490;

“(IV) CP 55,940 (also known as 5-(1,1-dimethylheptyl)-2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol); and

“(V) CP 56,667;

“(vii) Cyclopropanoylindoles: Any compound containing or structurally derived from 3-(cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-(cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, and whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent. Cyclopropanoylindoles include cyclopropylmethanone indoles, as well as other cycloalkanemethanones, whether or not substituted at the nitrogen atom on the indole ring, whether or not further substituted in the indole ring to any extent, and whether or not substituted on the cycloalkane ring to any extent. Examples of this structural class include:

“(I) A-796,260, also known as:

“(aa) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or

“(bb) A-796260;

“(II) A-834,735, also known as:

“(aa) [1-[(tetrahydro-2H-pyran-4-yl)methyl]-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or

“(bb) A-834735;

“(III) AB-034 (also known as [1-[(N-methylpiperidin-2-yl)methyl]-1H-indole-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone);

“(IV) UR-144 (also known as 1-pentyl-3-(2, 2, 3, 3-tetramethylcyclopropoyl)indole);

“(V) 5-bromo-UR-144, also known as:

“(aa) [1-(5-bromopentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or

“(bb) UR-144 N-(5-bromopentyl) analog;

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- “(VI) 5-chloro-UR-144, also known as:
 “(aa) 1-(5-chloropentyl)-3-(2, 2, 3, 3-tetramethylcyclopropoyl)indole; or
 “(bb) 5Cl-UR-144;
- “(VII) XLR11, also known as:
 “(aa) 1-(5-fluoropentyl)-3-(2,2,3, 3-tetramethylcyclopropoyl)indole;
 “(bb) 5-FUR-144; or
 “(cc) 5-fluoro UR-144; and
 “(VIII) FUB-144 (also known as [1-{4-Fluorobenzyl)-1H-indol-3-yl]}{2,2,3 ,3-tetramethylcyclopropyl)methanone);
 “(viii) Hexahydrodibenzopyrans: Any compound containing or structurally derived from Hexahydrodibenzopyrans, whether or not substituted in the tricyclic ring system, except where contained in cannabis or cannabis resin;
 “(ix) Indazole Ester (also known as Carboxylate indazole): Any compound containing or structurally derived from 3-carboxylate-indazoles, whether or not substituted in the indazole ring to any extent or substituted to any degree on the carboxylate, whether or not substituted to any extent in the indazole ring or on the carboxylate oxygen. Examples of indazole esters include 5-fluoro SDB-005, also known as:
 “(I) naphthalen-1-yl 1-(5-fluoropentyl)-1H-indazole-3-carboxylate; or
 “(II) 5F SDB-005;
- “(x) Indole Amides: Any compound containing or structurally derived from or containing a 1H-Indole-3-carboxamide structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxamide group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole amides include:
 “(I) Adamantylamidoindoles, or any compound containing or structurally derived from an N-(adamantyl)-indole-3-carboxamide structure, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent;
 “(II) Adamantylindoles, or any compound containing or structurally derived from an N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any

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extent, and whether or not substituted on the adamantyl ring to any extent;

“(III) 5F ABICA, also known as:

“(aa) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;

“(bb) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide; or

“(cc) 5-fluoro ABICA;

“(IV) ADBICA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide));

“(V) 5F-ADBICA, also known as:

“(aa) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide; or

“(bb) 5-fluoro-ADBICA;

“(VI) NNE1 (also known as N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide);

“(VII) 5F-NNE1, also known as:

“(aa) 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide); or

“(bb) 5-fluoro-NNE1;

“(VIII) SDB-006 (also known as N-benzyl-1-pentyl-1H-indole-3-carboxamide);

“(IX) 5F-SDB-006, also known as:

“(aa) N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide); or

“(bb) 5-fluoro-SDB-006;

“(X) 2NE 1, also known as:

“(aa) APICA;

“(bb) JWH 018 adamantyl carboxamide; or

“(cc) 1-pentyl-N-tricyclo[3.3.1.1.3, 7]dec-1-yl-1H-indole-3-carboxamide;

“(XI) STS-135, also known as:

“(aa) 1-(5-fluoropentyl)-N-tricyclo[3.3.1.1.3, 7]dec-1-yl-1H-indole-3-carboxamide;

“(bb) N-adamantyl-1-fluoropentylindole-3-

Carboxamide;

“(cc) 5F-APICA; or

“(dd) 5-fluoro-APICA;

“(XII) SDB-006 (also known as N-benzyl-1-pentyl-1H-indole-3-carboxamide); and

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"(XIII) 5-fluoro-MDMB-PICA (also known as N-[[1-(5-fluoropentyl)-1H-indol-3-yl]carbonyl]-3-methyl-L-valine, methyl ester);

“(xi) Indole Esters: Any compound containing or structurally derived from a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole esters may also be referred to as Quinolinylindolecarboxylates. Indole esters include:

“(I) Quinolinyl ester indoles, or any compound containing or structurally derived from Quinolinyl ester indoles, being any compound containing or structurally derived from 1H-indole-3-carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;

“(II) BB-22, also known as:

“(aa) 1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid;

“(bb) quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate; or

“(cc) QUCHIC;

“(III) FDU-PB-22 (also known as naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate);

“(IV) FUB-PB-22, also known as:

“(aa) 1-[(4-fluorophenyl)methyl]-1H-indole-3-carboxylic acid, 8-quinolinyl ester; or

“(bb) Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate;

“(V) NM2201, also known as:

“(aa) naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate; or

“(bb) CBL-2201;

“(VI) PB-22, also known as:

“(aa) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid;

“(bb) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate;

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- carboxylate; or
- “(cc) 8-Quinoliny 1-pentyl-1H-indole-3-
- “(dd) “QUPIC”; and
- “(VII) 5F-PB-22, also known as:
- “(aa) 1-(5-fluoropentyl)-8-quinoliny ester-1H-
- indole-3-carboxylic acid;
- “(bb) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-
- carboxylate;
- “(cc) 8-Quinoliny 1-(5-fluoropentyl)-1H-indole-3-
- carboxylate;
- “(dd) 5-fluoro-PB-22; or
- “(ee) 5-fluoro QUPIC;
- “(xii) Naphthoylindoles: Any compound containing or structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl group, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the naphthyl ring to any extent, including the following: AM-678, AM-1220, AM-1221, AM-1235, AM-2232, EAM-2201, JWH-004, JWH-007, JWH-009, JWH-011, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-022, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-164, JWH-166, JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-258, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414, JWH-415, JWH-424, MAM-2201, WIN 55-212. Naphthoylindoles also include:
- “(I) AM-2201 (also known as (1-(5-fluoropentyl)-3-(1-naphthoyl)indole); and
- “(II) WIN 55,212-2, also known as:
- “(aa) (R)-(+)-[2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone; or
- “(bb) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone);
- “(xiii) Naphthoylnaphthalenes: Any compound containing or structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent. Naphthoylnaphthalenes include CB-13 (also known as CRA-13 or 1-naphthalenyl[4-(pentyllox)-1-naphthalenyl]-methanone;
- “(xiv) Naphthoylpyrroles: Any compound containing or

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structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following: JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373, JWH-392;

“(xv) Naphthylamidoindoles: Any compound containing or structurally derived from a N-(naphthyl)-indole-3-carboxamide structure, whether or not further substituted to any extent in the indole ring or in the naphthyl ring;

“(xvi) Naphthylmethyl Indoles: Any compound containing or structurally derived from 1H-indol-3-yl-(1-naphthyl)methane structure, also known as naphthylmethylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include:

“(I) JWH-175 (also known as 3-(1-naphthalenylmethyl)-1-pentyl-1 H-indole);

“(II) JWH-184 (also known as 3-[(4-methyl-1-naphthalenyl)methyl]-1-pentyl-1 H-indole);

“(III) JWH-185 (also known as 3-[(4-methoxy-1-naphthalenyl)methyl]-1 -pentyl-1 H-indole);

“(IV) JWH-192 (also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-4-methylnaphthalen-1-ylmethane);

“(V) JWH-194 (also known as 2-methyl-1-pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane);

“(VI) JWH-195 (also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethane);

“(VII) JWH-196 (also known as 2-methyl-3-(1-naphthalenylmethyl)-1-pentyl-1H-Indole);

“(VIII) JWH-197 (also known as 2-methyl-1-pentyl-1H-indol-3-yl-(4-methoxy-1-naphthyl)methane); and

“(IX) JWH-199 (also known as (1-(2-morpholin-4-ylethyl)indol-3-yl)-4-methoxynaphthalen-1-ylmethane);

“(xvii) Naphthylmethylindenes: Any compound containing or

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structurally derived from a naphthylideneindene structure or that is structurally derived from 1-(1-naphthylmethylene)indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:

"(I) JWH-171;

"(II) JWH-176 (also known as 1-((E)-{3-pentyl-1 H-inden-1-ylidene)methyl]-naphthalene); and

"(III) JWH-220;

"(xviii) Phenylacetylindoles: Any compound containing or structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including: JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-8, SR-18, and Cannabipiperidiethanone (also known as 2-(2-methoxyphenyl)-1-[1-[(1-methyl-2-piperidiny)methyl]-1H-indol-3-yl]-ethanone);

"(xix) Quinolinoyl pyrazole: Any compound containing or structurally derived from Quinolinoyl pyrazole carboxylate (also known as Quinolinyl fluoropentyl fluorophenyl pyrazole carboxylate);

"(xx) Tetrahydrobenzochromen: Any compound containing or structurally derived from (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Includes tetrahydrodibenzopyrans, or any compound containing or structurally derived from tetrahydrodibenzopyrans, whether or not substituted in the tricyclic ring system, but does not include tetrahydrodibenzopyrans that are contained in cannabis or cannabis resin. Examples of this structural class include:

"(I) AM-087 (also known as (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

"(II) AM-411 (also known as (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

"(III) HU-210, also known as:

"(aa) 3-(1,1'-dimethylheptyl)-6aR,7,10,10aR-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol;

"(bb) [(6aR,10aR)-9-(hydroxymethyl)-6,6-

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dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

“(cc) 1,1-Dimethylheptyl-11-

hydroxytetrahydrocannabinol; or

“(dd) 1,1-dimethylheptyl-11-hydroxy-delta8-

tetrahydrocannabinol;

“(IV) HU-211, also known as:

“(aa) 3-(1,1-dimethylheptyl)-6aS,7,10,10aS-

tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol;

“(bb) (6aS,10aS)-9-(hydroxymethyl)-6,6-

dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

“(cc) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-

3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or

“(dd) “Dexanabinol”;

“(V) HU-243, also known as

“(aa) (6aR,8S,9S,10aR)-9-(hydroxymethyl)-6,6-

dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol;

or

“(bb) 3-dimethylheptyl-11-

hydroxyhexahydrocannabinol;

“(VI) JWH-051 (also known as (6aR,10aR)-6,6-dimethyl-

3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol);

“(VII) JWH-133 (also known as (6aR,10aR)-3-(1,1-

Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran); and

“(VIII) JWH-359 (also known as (6aR,10aR)-1-methoxy-

6,6,9-trimethyl-3-[(2R)-1,1,2-trimethylbutyl]-6a,7,10,10a-tetrahydrobenzo[c]chromene);

“(xxi) Δ^8 Tetrahydrocannabinol: Any compound containing or structurally derived from 11-hydroxy- Δ^8 -tetrahydrocannabinol structure, also known as dibenzopyrans, with further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(n-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group;

“(xxii) Tetramethylcyclopropane-thiazole carboxamides: Any compound containing or structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent, including the group Tetramethylcyclopropyl thiazoles, or any compound containing or structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring, whether or not further substituted in the thiazole ring to any

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extent, whether or not substituted in the tetramethylcyclopropyl ring to any extent.

Tetramethylcyclopropane-thiazole carboxamides also include A-836,339, also known as:

“(I) [N(Z)]-N-[3-(2-methoxyethyl)-4,5-dimethyl-2(3H)-thiazolylidene]-2,2,3,3-tetramethyl-cyclopropanecarboxamide;

“(II) N-[3-(2-Methoxyethyl)-4,5-dimethyl-1,3-thiazol-2(3H)-ylidene]-2,2,3,3-tetramethylcyclopropanecarboxamide: and

“(III) A-836339;

“(xxiii) Benzodihydropyrans: Any compound containing or structurally derived from benzodihydropyrans, by substitution on the benzyl ring by hydroxy, alkyl, haloalkyl, alkoxy, cycloalkyl, alkene, haloalkene, cycloalkane, or by substitution on the pyran ring by alkyl, cycloalkyl, cycloalkene, or cycloalkoxy group to any extent. Examples of this structural class include:

“(I) AM-855 (also known as (4aR,12bR)-8-hexyl-2,5,5-trimethyl-1,4,4a,8,9, 10,11,12b-octahydronaphtho[3,2-c]isochromen-1 2-ol);

“(II) AM-905 (also known as (6aR,9R, 10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a, 7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol);

“(III) AM-906 (also known as (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a, 7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol);

“(IV) AM-2389 (also known as (6aR,9R,10aR)-3-(1-hexylcyclobut-1-yl)-6a, 7,8,9, 10, 10a-hexahydro-6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9 diol); and

“(V) JWH-057 (also known as (6aR,10aR)-3-(1,1-dimethylheptyl)-6a, 7, 10, 10a-tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran); and

“(xxiv) Benzimidazole Ketone: Any compound containing or structurally derived from [1H-indazol-3-yl](1-naphthyl)methanone structure with or without substitution at either nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Examples of this structural class include:

“(I) THJ-2201 (also known as [1-(5-Fluoropentyl)-1H-indazol-3-yl](1-naphthyl)methanone); and

“(II) THJ-018 (also known as 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone);

“(B) Unclassified Synthetic Cannabimimetic Agents:

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- “(i) AM-356, also known as:
 “(I) AM356;
 “(II) arachidonyl-1'-hydroxy-2'-propylamide;
 “(III) N-(2-hydroxy-1R-methylethyl)-5Z,8Z,11Z,14Z-
 eicosatetraenamide;
 “(IV) (R)-(+)-Arachidonyl-1'-Hydroxy-2'-Propylamide;
 “(V) Methanandamide; or
 “(VI) R-1 Methanandamide;
 “(ii) BAY38-7271 (also known as (-)-(R)-3-(2-
 Hydroxymethylindanyl -4-oxy) phenyl-4,4,4-trifluorobutyl-1-sulfonate);
 “(iii) CP 50,556-1, also known as:
 “(I) 9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,
 6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;
 “(II) [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-; octahydrophenanthridin-1-yl] acetate;
 “(III) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-
 5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate; or
 “(IV) “Levonantradol”;
 “(iv) HU-308 (also known as (91R,2R,5R)-2-[2,6-dimethoxy-4-
 (2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol);
 “(v) HU-331 (also known as 3-hydroxy-2-[(1R,6R)-3-methyl-6-
 (1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);
 “(vi) JTE-907 (also known as N-(benzol[1,3]dioxol-5-ylmethyl) -
 7-methoxy-2-oxo-8-pentyl-1,2-dihydroquinoline-3-carboxamide);
 “(vii) Mepirapim (also known as (4-methylpiperazin-1-yl)(1-
 pentyl-1H-indol-3-yl) Methanone);
 “(viii) URB597 (also known as [3-(3-carbamoylphenyl)phenyl] -
 N-Cyclohexylcarbamate);
 “(ix) URB602, also known as:
 “(I) [1,1'-Biphenyl]-3-yl'-carbamic acid, cyclohexyl ester;
 or
 “(II) cyclohexyl [1,1'-biphenyl]-3-ylcarbamate;
 “(x) URB754 (also known as 6-methyl-2-[(4-
 methylphenyl)amino] -4H-3,1-benzoxazin-4-one); and
 “(xi) URB937 (also known as 3'-carbamoyl-6-hydroxy-[1,1'-
 biphenyl]-3-yl Cyclohexylcarbamate).

“(7) Synthetic opioids, which includes, unless specifically exempted, unless listed in another schedule, or unless approved by the Food and Drug Administration as a drug, any material, mixture, preparation, any compound structurally derived from, or that contains any quantity of the following synthetic substances, its salts, isomers, homologues, analogues and

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salts of isomers, homologues, and analogues, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

"(A) Classified Synthetic Opioids:

"(i) Fentanyls: Any compound, other than carbomethoxyfentanyls, containing or structurally derived from N-(1-(2-Phenylethyl)-4-piperidinyl)-N-phenylpropanamide, whether or not substituted on the methanone group with an alkyl, alkene, halo, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, cyanoalkyl, hydroxyalkyl, furanyl, or alkoxy, and whether or not substituted on either phenyl ring with an alkyl, halo, cycloalkyl, or alkoxy group. Examples of fentanyls include:

"(I) Fentanyl (also known as N-(1-(2-Phenylethyl)-4-piperidinyl)-N-phenylpropanamide);

"(II) Furanylfentanyl (also known as N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide);

"(III) Acetylfentanyl (also known as N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide);

"(IV) Acrylfentanyl (also known as N-Phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]prop-2-enamide);

"(V) Parafluorofentanyl, also known as:

"(aa) 4-fluorofentanyl; or

"(bb) N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide;

"(VI) Butyryl fentanyl, also known as:

"(aa) Butyr fentanyl;

"(bb) NIH 10486; or

"(cc) N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide, monohydrochloride; and

"(VII) para-Fluorobutyryl fentanyl, also known as:

"(aa) 4-FPF;

"(bb) p-FBF;

"(cc) 4-Fluorobutyryl fentanyl;

"(dd) p-Fluorobutyryl fentanyl; or

"(ee) N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide);

"(ii) Carbomethoxyfentanyls: Any compound containing or structurally derived from 4-((1-oxopropyl)-phenylamino)-1-(2-phenylethyl)-4-piperidinecarboxylic acid methyl ester, whether or not substituted on either phenyl ring with an alkyl, halo, cycloalkyl, or alkoxy group. Carbomethoxyfentanyls include:

"(I) Carfentanil, also known as:

"(aa) 4-Carbomethoxy Fentanyl;

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“(bb) 4-carbomethoxy Fentanyl; or
 “(cc) 4-[(1-oxopropyl)phenylamino]-1-(2-phenylethyl)-4-piperidinecarboxylic acid, methyl ester;
 “(II) Norcarfentanil (also known as: 4-[(1-oxopropyl)phenylamino]-4-piperidinecarboxylic acid, methyl ester; and
 “(III) N-methyl Norcarfentanil, also known as:
 “(aa) N-methyl Carfentanil;
 “(bb) N-methyl Norremifentanil;
 “(cc) N-methyl Remifentanil; or
 “(dd) 1-methyl-4-[(1-oxopropyl)phenylamino]-4-piperidinecarboxylic acid, methyl ester; and

“(iii) Benzamides: Any compound containing or structurally derived from 3,4-Dichloro-N-[(1 R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide, whether or not substituted on the phenyl ring with an alkyl, halo, cycloalkyl, or alkoxy group, and whether or not substituted with an alkyl or hydrogen on the nitrogen of the amide, and whether or not substituted on the nitrogen of the amide with an alkyl, cycloalkyl, tertiary amine, or combination thereof. Benzamides include:

“(I) U-47700 (also known as 3,4-dichloro-N-[(1R,2R)-2-(dimethylamino)cyclohexyl]-N-methylbenzamide); and

“(II) AH-7921 (also known as 3,4-dichloro-N-[(1-dimethylamino)cyclohexyl]methyl} benzamide).

“(B) Unclassified Synthetic Opioids:

“(i) W-18 (also known as 4-chloro-N-[(2Z)-1-[2-(4-nitrophenyl)ethyl]piperidin-2-ylidene]benzene-I-sulfonamide);

“(ii) Sufentanil (also known as N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenyl-propanamide);

“(iii) Alfentanil (also known as N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]-N-phenyl-propanamide);

“(iv) Remifentanil (also known as 4-(methoxycarbonyl)-4-[(1-oxopropyl)phenylamino]-1-piperidinepropanoic acid, methyl ester);

“(v) Lofentanil (also known as methyl (3R,4S)-3-methyl-1-(2-phenylethyl)-4-(N-propanoylanilino)piperidine-4-carboxylate);

“(vi) Benzyl Carfentanil (also known as methyl 1-benzyl-4-(N-phenylpropionamido)piperidine-4-carboxylate); and

“(vii) N-methyl-Norcarfentanil (also known as 1-methyl-4-[(1-oxopropyl)phenylamino]-4-piperidinecarboxylic acid, methyl ester).”

(c) Section 208(a) (D.C. Official Code § 48-902.08(a)) is amended as follows:

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

(2) Paragraph (6) is amended by striking the phrase “; and” and inserting a period.

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(3) Paragraph (7) is repealed.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 5, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 5, 2018

To amend, on an emergency basis, the Initiative No. 77 – Minimum Wage Amendment Act of 2018 to clarify that, as of July 1, 2018, the minimum wage required to be paid to certain employees who receive gratuities shall be not less than \$3.89 per hour and to make the act applicable as of March 31, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Tipped Wage Workers Fairness Emergency Amendment Act of 2018”.

Sec. 2. The Initiative No. 77 – Minimum Wage Amendment Act of 2018, enacted on June 29, 2018 (D.C. Act 22-436; 65 DCR 8513), is amended as follows:

(a) Section 2(b) (amending section 4(f)(2) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)(2)) is amended by striking the phrase “\$4.50” and inserting the phrase “\$3.89” in its place.

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

“Sec. 5a. Applicability.

“This act shall apply as of March 31, 2019.”.

Sec. 3. Applicability.

This act shall apply as the effective date of Initiative No. 77 – Minimum Wage Amendment Act of 2018, enacted on June 29, 2018 (D.C. Act 22-436; 65 DCR 8513).

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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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
October 5, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-466

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 9, 2018

To amend the District of Columbia Traffic Act, 1925 to allow applicants for a license, permit, or identification card issued by the Department of Motor Vehicles to designate their gender as nonbinary.

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

Sec. 2. Section 7 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-1401.01), is amended by adding a new subsection (i) to read as follows:

“(i) The Department shall allow applicants for a license, permit, or identification card issued pursuant to this section, section 8a, or section 8c to designate their gender as nonbinary.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

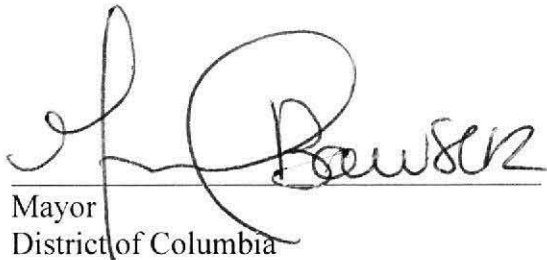
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 9, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-467

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 9, 2018

To amend the District of Columbia Revenue Act of 1937 to require the Mayor to design and issue motor vehicle identification tags with a separate design for each branch of the United States Armed Forces, to require the Mayor to issue a motor vehicle identification tag with a design, identifying words, or emblem that promotes breast cancer awareness, to require the Mayor to issue one or more parks and recreation motor vehicle identification tags to enhance the public's awareness of the District's diverse economic, health, and leisure programming at local parks and recreation centers, to require the Mayor to issue one or more Washington Capitals motor vehicle identification tags to demonstrate support for the Washington Capitals hockey team and celebrate the Washington Capitals Stanley Cup win in 2018, and to make conforming amendments.

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

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

(a) Section 2a(b) (D.C. Official Code § 50-1501.02a(b)), is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "one or more veterans' identification tags" and inserting the phrase "veterans' identification tags, which shall include separate designs for each branch of the United States Armed Forces" in its place.

(2) Paragraph (3) is amended by striking the phrase "If more than one design of veterans' identification tag is available for issue, the" and inserting the word "The" in its place.

(b) New sections 2f, 2g, and 2h are added to read as follows:

"Sec. 2f. Issuance of breast cancer awareness motor vehicle identification tags.

"(a) The Mayor shall design and issue motor vehicle identification tags with a design, identifying words, or emblem that promotes breast cancer awareness.

"(b)(1) A resident ordering a breast cancer awareness motor vehicle identification tag shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25 and the display fee shall be \$20, or other amounts as may be established by the Mayor by rule.

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"(2) The application fee and annual display fee shall be deposited in the Community Health Care Financing Fund, established by section 101 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1931).

"Sec. 2g. Issuance of parks and recreation motor vehicle identification tags.

"(a) The Mayor shall design and make available for issue one or more parks and recreation motor vehicle identification tags to enhance the public's awareness of the District's diverse economic, health, and leisure programming at local parks and recreation centers.

"(b)(1) A resident ordering a parks and recreation motor vehicle identification tag shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25 and the display fee shall be \$20, or other amounts as may be established by the Mayor by rule.

"(2) The application fee and annual display fee shall be deposited in the Recreation Enterprise Fund, established by section 4 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303).

"Sec. 2h. Issuance of Washington Capitals motor vehicle identification tags.

"(a) The Mayor shall design and make available for issue one or more Washington Capitals motor vehicle identification tags to demonstrate support for the Washington Capitals hockey team and celebrate the Washington Capitals Stanley Cup win in 2018.

"(b)(1) A resident ordering a Washington Capitals tag shall pay a one-time application fee and a display fee each year thereafter. The application fee shall be \$25 and the display fee shall be \$20, or other amounts as may be established by the Mayor by rule.

"(2) The application fee and annual display fee shall be deposited into the General Fund of the District of Columbia."

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

(1) Subsection (a)(l) is amended by adding new subparagraphs (J), (K), and (L) to read as follows:

"(J) Any person ordering a breast cancer awareness identification tag shall pay the fees as set forth in section 2f(b)(1).

"(K) Any person ordering a parks and recreation identification tag shall pay the fees as set forth in section 2g(b)(1).

"(L) Any person ordering a Washington Capitals identification tag shall pay the fees as set forth in section 2h(b)(1)."

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

(A) Paragraph (6) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(B) Paragraph (7) is amended by striking the period and inserting a semicolon in its place.

(C) New paragraphs (8), (9), and (10) are added to read as follows:

ENROLLED ORIGINAL

“(8) The fees collected for breast cancer awareness identification tags under section 2f shall be deposited in the Community Health Care Financing Fund, established by section 101 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1931);

“(9) The fees collected for parks and recreation identification tags under section 2g shall be deposited into the Recreation Enterprise Fund, established by section 4 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303); and

“(10) The fees collected for the Washington Capitals identification tags under section 2h shall be deposited into the General Fund of the District of Columbia.”.

Sec. 3. Section 101 of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1931), is amended as follows:

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

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

(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) Fees collected pursuant to section 2f(b)(1) of Title IV of the District of Columbia Revenue Act of 1937, passed on 2nd reading on September 18, 2018 (Enrolled version of Bill 22-500).”.

(b) Subsection (b) is amended by striking the phrase “programs, or” and inserting the phrase “programs, promoting breast cancer prevention and treatment, or” in its place.

Sec. 4. Section 4 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303), is amended by adding a new subsection (f) to read as follows:

“(f) All fees collected pursuant to section 2g(b)(1) of Title IV of the District of Columbia Revenue Act of 1937, passed on 2nd reading on September 18, 2018 (Enrolled version of Bill 22-500), shall be deposited into the Fund.”.


Sec. 5. Fiscal impact statement.

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

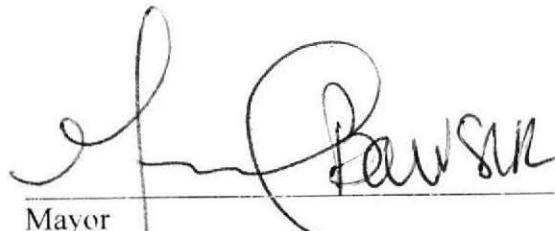
ENROLLED ORIGINAL

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 9, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-468

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 9, 2018

To amend the Recreation Act of 1994 to update nutritional standards for food and beverages provided, offered, or sold at parks and recreation facilities, to require the Department of Parks and Recreation to offer reimbursable suppers on each weekday to children present at a Department of Parks and Recreation facility through the Afterschool Meals Program, to require the Department of Parks and Recreation to publish and implement a written annual plan to expand participation in the Summer Food Service Program and the Afterschool Meals Program, and to require the Department of Parks and Recreation to coordinate with relevant community groups, Advisory Neighborhood Commissions, and the Council in order to develop and implement the written annual plans.

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

Sec. 2. Section 3b of the Recreation Act of 1994, effective April 23, 2013 (D.C. Law 19-280; D.C. Official Code § 10-302.02), is amended as follows:

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

“(a) Except as provided in subsection (b) of this section, all food and beverages sold, offered, or provided by the Department or its agents on buildings, grounds, or other facilities under the Department’s jurisdiction, control, or use shall meet the following requirements:

“(1) For meals, as that term is defined in section 101(5) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.01(5)) (“Healthy Schools Act”), the standards set forth in section 202 of the Healthy Schools Act; and

“(2) For food and beverages other than meals, as that term is defined in section 101(5) of the Healthy Schools Act, including snacks and food and beverages sold through vending machines and concessions, the nutrition standards for competitive food applicable to high school-aged students, as described in 7 C.F.R. § 210.11.”.

(b) Subsection (c) is amended by adding new paragraphs (3) and (4) to read as follows:

“(3) The Department shall offer reimbursable suppers on each weekday to children present at a Department facility through the Afterschool Meals Program, as provided in 7 C.F.R. § 226.17a.

ENROLLED ORIGINAL

“(4)(A) By February 1 of each year, the Department shall publish a written plan to increase participation in the Summer Food Service Program and the Afterschool Meals Program.

“(B) In order to develop and implement the plan required by subparagraph (A) of this paragraph, the Department shall coordinate with relevant community groups, Advisory Neighborhood Commissions, and the Council.”.

Sec. 3. Applicability.

(a) The amendatory section 3b(c)(3) within section 2(b) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of the amendatory section 3b(c)(3) within section 2(b).

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 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
October 9, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-469

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 10, 2018

To amend, on a temporary basis, the Procurement Practices Reform Act of 2010 and the Public-Private Partnership 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 Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018”.

Sec. 2. Section 201(f) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)), is amended by striking the phrase “requirements of this act” and inserting the phrase “requirements of this act, except as provided in section 102(e) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01(e))” in its place.

Sec. 3. Section 102 of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01), is amended by adding a new subsection (e) to read as follows:

“(e)(1) The Office may delegate to the Office of Contracting and Procurement (“OCP”), at the discretion of OCP, the authority to serve as the contracting officer for the Office for public-private partnership agreements entered into pursuant to this act and to carry out other contracting functions related to public-private partnerships on behalf of the Office.

“(2) Any OCP employee exercising authority delegated pursuant to this subsection shall comply with the provisions of this act and any rules and regulations promulgated to effectuate this act.”.

ENROLLED ORIGINAL

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 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
October 9, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-470

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 10, 2018

To require, on a temporary basis, that demolition at the current D.C. General Family Shelter site meet all applicable environmental, health, and safety standards and that current D.C. General Family Shelter residents be relocated into safe, appropriate housing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “D.C. General Resident Relocation Temporary Act of 2018”.

Sec. 2. (a) The abatement, deconstruction, or demolition of any existing structure at the D.C. General Family Shelter site shall meet all applicable environmental, health, and safety standards.

(b) Beginning on July 27, 2018 and weekly thereafter until there are no shelter residents remaining at the D.C. General Family Shelter, the Mayor shall report to the Council the number of samples taken at the D.C. General Family Shelter site for lead or asbestos testing and whether any of those samples exceeds permissible Environmental Protection Agency and Occupational Safety and Health Administration exposure limits for lead or asbestos.

(c)(1) Relocation of shelter residents from the D.C. General Family Shelter shall be to appropriate permanent housing as defined by section 2(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(4)), to the facilities constructed to provide temporary shelter pursuant to the Homeless Shelter Replacement Act of 2016, effective July 29, 2016 (D.C. Law 21-141; 63 DCR 8453), or to any units under contract by the District specifically for the purpose of housing D.C. General Family Shelter residents.

(2) The Mayor shall provide a report to the Council, beginning on July 27, 2018 and weekly thereafter, indicating the current number of families continuing to reside at the D.C. General Family Shelter, the number of exits detailed by program, and the number of families confronting significant barriers to lease-up.

(3) Upon closure of the D.C. General Family Shelter, the Mayor shall provide a report to the Council indicating the number of families that remained at closure that necessitated a swift exit and the status of those families.

ENROLLED ORIGINAL


Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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
October 9, 2018

ENROLLED ORIGINAL

A RESOLUTION

22-594

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to require the Department of Parks and Recreation to issue a grant to an organization providing programming at Fort Dupont Ice Arena to low-income children who are District residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fort Dupont Ice Arena Programming Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Fiscal Year 2017 Local Budget Act of 2016, effective July 29, 2016 (D.C. Law 21-142; 63 DCR 8786) (“Local Budget Act”), allocated \$235,000 in recurring funds to the Department of Parks and Recreation (“the Department”) to support programming at the Fort Dupont Ice Arena for low-income children.

(b) The National Park Service transferred jurisdiction of Fort Dupont to the District in 2010. Currently, a nonprofit organization leases and operates the ice rink on the site, offering a variety of programs, one of which provides free figure skating, hockey, and speed skating lessons to low-income children.

(c) Since the passage of the Local Budget Act, it came to light that the Department lacks grant-making authority, preventing it from distributing the funds allocated to it for programming at the Fort Dupont Ice Arena.

(d) This legislation is necessary to give the Department the authority to issue a grant using funds allocated for programming at Fort Dupont Ice Arena.

(e) This emergency legislation is necessary to ensure that there is no gap between when the Fort Dupont Ice Arena Programming Emergency Amendment Act of 2018, enacted on July 16, 2018 (D.C. Act 22-404; 65 DCR 7523), expires on October 14, 2018, and when the permanent version of this legislation included in the Fiscal Year 2019 Budget Support Act, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR 9388), becomes effective, which is projected to be on October 27, 2018.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fort Dupont Ice Arena Programming Congressional Review Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Procurement Practices Reform Act of 2010 and the Public-Private Partnership 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 Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On July 10, 2018 the Council passed the Office of Public-Private Partnerships Delegation of Authority Emergency Amendment Act of 2018, effective August 2, 2018 (D.C. Act 22-435; 65 DCR 8347) (“Emergency Act”).

(b) Subsequently, the Council passed on second reading a temporary version of the Emergency Act, the Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018, passed on 2nd reading on September 18, 2018 (Enrolled version of Bill 22-894) (“Temporary Act”). The Temporary Act is expected to be transmitted soon to Congress for its 30-day review.

(c) The Emergency Act will expire on October 31, 2018. However, the congressional-review period for the Temporary Act will not conclude until after that date. Therefore, a congressional review emergency act is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-596

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to symbolically designate the 1200 block of U Street, N.W., in Ward 1, as Ben's Chili Bowl Way, in honor of the establishment's 60th anniversary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ben's Chili Bowl Way Congressional Review Emergency Declaration Resolution of 2018".

Sec. 2. (a) On July 10, 2018, the Council passed the Ben's Chili Bowl Way Designation Emergency Act, effective July 20, 2018 (D.C. Act 22-429; 65 DCR 7994) ("Emergency Act").

(b) Subsequently, the Council passed on first reading the Ben's Chili Bowl Way Designation Act of 2018, passed on 1st reading on September 18, 2018 (Engrossed version of Bill 22-793) ("Permanent Act"). The Council will consider the Permanent Act on second reading on October 2, 2018.

(c) The Emergency Act will expire on October 18, 2018. However, the congressional review-period for the Permanent Act will not conclude until after that date. Therefore, a congressional review emergency act is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Ben's Chili Bowl Way Designation Congressional Review Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-597

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “At-Risk Tenant Protection Clarifying Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) By bringing enforcement actions or investigations under the District of Columbia Consumer Protection Procedures Act, D.C. Official Code § 28-3901, *et seq.* (“CPPA”), the District government is increasingly looking to protect tenant-consumers from unscrupulous housing providers that fail to live up to their obligations.

(b) The CPPA provides the Attorney General with flexible enforcement tools to address problem housing providers, including the ability to enjoin bad conduct, recover restitution for tenant-consumers forced to live in substandard conditions, and penalties to deter future violations.

(c) For instance, in one case filed in the Superior Court of the District of Columbia, the Attorney General recently obtained more than \$268,000 in rent refunds that will go to consumers allegedly forced by their housing provider to live in slum-like conditions.

(d) However, there remains the possibility that a District of Columbia court might question whether the District has authority to bring a CPPA enforcement action in the landlord-tenant arena.

(e) This concern is due to language in the CPPA that prevents the Department of Consumer and Regulatory Affairs (“DCRA”) from applying the CPPA to “landlord-tenant relations.” D.C. Official Code § 28-3903(c)(2)(A).

(f) Even though this exclusion, by its express terms, only applies to DCRA, a court might nevertheless wrongly interpret that provision to foreclose an enforcement action brought by the Attorney General under the CPPA.

(g) There are active CPPA enforcement cases and non-public investigations in the landlord-tenant arena that could be jeopardized by a wrong interpretation of the CPPA’s

ENROLLED ORIGINAL

landlord-tenant exclusion. It is therefore necessary to clarify that the Attorney General may enforce the CPPA in the area of landlord-tenant relations.

(h) Therefore, there exists an immediate need to clarify existing law on an emergency basis so that current District tenants that might be helped by the Attorney General's active enforcement in this area are not potentially robbed of the full protections due them under District law.

(i) This congressional review emergency legislation is necessary because the emergency legislation currently in effect, the At-Risk Tenant Protection Clarifying Emergency Amendment Act of 2018, effective July 16, 2018 (D.C. Act 22-402; 65 DCR 7518), will expire on October 14, 2018, and the temporary legislation is not set to take effect until October 27, 2018. The permanent legislation, the At-Risk Tenant Protection Clarifying Amendment Act of 2018, passed on 1st reading on October 2, 2018 (Engrossed version of Bill 22-170), has not yet been passed on final reading by the Council.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the At-Risk Tenant Protection Clarifying Congressional Review Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-598

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to prohibit buses from operating or parking on certain streets near Southwest Waterfront Park.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Southwest Waterfront Park Bus Prohibition Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On June 26, 2018, the Council approved the Southwest Waterfront Park Bus Prohibition Emergency Act of 2018, enacted on July 19, 2018 (D.C. Act 22-419; 65 DCR 7693) (“emergency act”), which will expire on October 17, 2018.

(b) On July 10, 2018, the Council approved the Southwest Waterfront Park Bus Prohibition Temporary Act of 2018, enacted on September 5, 2018 (D.C. Act 22-447; 65 DCR 9542) (“temporary act”), which is currently under congressional review and projected to become law on October 27, 2018.

(c) The Southwest Waterfront Parking Enforcement Congressional Review Emergency Act of 2018 is necessary to ensure that there is no gap in legal authority between the expiration of the emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Southwest Waterfront Park Bus Congressional Review Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-599

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to provide 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 (“Developer”), 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Southwest Waterfront Parking Enforcement Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On June 26, 2018, the Council approved the Southwest Waterfront Parking Enforcement Emergency Act of 2018, enacted on July 19, 2018 (D.C. Act 22-420; 65 DRC 7695) (“emergency act”), which will expire on October 17, 2018.

(b) On July 10, 2018, the Council approved the Southwest Waterfront Parking Enforcement Temporary Act of 2018, enacted on September 5, 2018 (D.C. Act 22-448; 65 DCR 9544) (“temporary act”), which is currently under congressional review and projected to become law on October 27, 2018.

(c) The Southwest Waterfront Parking Enforcement Congressional Review Emergency Act of 2018 is necessary to ensure that there is no gap in legal authority between the expiration of the emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Southwest Waterfront Parking Enforcement Congressional Review Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to amend 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Campaign Finance Reform and Transparency Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On June 26, 2018, the Council passed the Campaign Finance Reform and Transparency Emergency Amendment Act of 2018, effective July 17, 2018 (D.C. Act 22-405; 65 DCR 7525) (“emergency act”), which will expire on October 15, 2018.

(b) On July 10, 2018, the Council passed the Campaign Finance Reform and Transparency Temporary Amendment Act of 2018, enacted on September 6, 2018 (D.C. Act 22-452; 65 DCR 9567) (“temporary act”). The temporary act is under congressional review and is projected to become law on October 27, 2018.

(c) This congressional review emergency legislation is necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Campaign Finance Reform and Transparency Congressional Review Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To confirm the reappointment of Ms. Paula Reichel as a voting member of the Food Policy Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Food Policy Council Paula Reichel Confirmation Resolution of 2018”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Paula Reichel
818 5th Street, N.E., Unit #2
Washington, D.C. 20002
(Ward 6)

as a voting member of the Food Policy Council, established by section 3 of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-312), for a term to end March 1, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To confirm the reappointment of Ms. Tambra Raye Stevenson as a voting member of the Food Policy Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Food Policy Council Tambra Raye Stevenson Confirmation Resolution of 2018”.

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Tambra Raye Stevenson
2609 Douglass Road, S.E., Unit #302
Washington, D.C. 20020
(Ward 8)

as a voting member of the Food Policy Council, established by section 3 of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-312), for a term to end March 1, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To approve the borrowing of funds by the District through the issuance and sale of income tax secured revenue bonds and notes and general obligation bonds and notes in an aggregate principal amount not to exceed \$1,300,000,000, and to approve the execution and delivery of documents connected to the issuance, sale, and delivery of the bonds or notes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2019 Income Tax Secured Revenue Bond, General Obligation Bond and General Obligation and Income Tax Secured Bond Anticipation Note Issuance Authorization Approval Resolution of 2018".

Sec. 2.(a) Pursuant to and in accordance with D.C. Official Code § 47-335.01, the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999 -2004 Authorization Act of 1999, effective July 29, 1999 (D.C. Law 13-22; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002 -2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006, effective March 6, 2007 (D.C. Law 16-212; D.C. Official Code § 1-204.61, note), the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2013-2018 Authorization Act of 2012, effective March 19, 2013 (D.C. Law 19-231; 59 DCR 13617), the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Act of 2017, effective March 29, 2018 (D.C. Law 22-80; 65 DCR 1565), and any successor acts thereto, (the "Bond Acts"), and Subchapter II-D of the District of Columbia Official Code (§ 47-340.26 *et seq.*) ("Income Tax Bond Act"), the Council approves the issuance and sale of:

(1) Income tax secured revenue bonds and general obligation bonds in an aggregate principal amount not to exceed \$1,300,000,000, when aggregated with the principal amount of any bond anticipation notes issued pursuant to paragraph (2) of this subsection, to fund the following capital projects, as that term is defined in the Income Tax Bond Act or the Bond Acts, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, and all costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond

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insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program related costs as provided in the related agreements:

Project Category	Total Borrowing Plan \$
Building Systems Assessments and Improvements	63,200,000
Correctional Facilities	7,500,000
Equipment	17,217,937
Fire/EMS Stations	7,750,000
Fleet	61,154,363
General Support Facilities	16,675,000
Health Care Facilities	45,760,360
Homeless Shelters	28,876,596
Information Systems	121,999,818
Local and Regional Transportation	185,590,604
Major Sports Facilities	15,346,000
Parks, Playgrounds, Athletic Fields	28,697,525
Police Stations	1,000,000
Public Libraries	87,250,000
Recreational Centers and Pools	47,322,000
Redevelopment	49,000,000
Regulatory Compliance and Restoration	14,950,000
School Facilities	352,377,645
Senior Centers	1,500,000
University Facilities	12,202,000
WMATA CIP Contribution	133,130,152
Youth Rehabilitation Facilities	1,500,000
Total	1,300,000,000

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(2) Income tax secured federally tax-exempt and taxable bond anticipation notes or general obligation secured federally tax-exempt and taxable bond anticipation notes in an aggregate principal amount not to exceed \$600,000,000, or \$1,300,000,000 when combined with amounts issued pursuant to paragraph (1) of this subsection, to fund the initial costs of capital projects, as those projects are, from time to time, included in the District's annual Budget and Financial Plan and defined in the Income Tax Bond Act or the Bond Acts, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, and all costs and expenses of issuing and delivering the commercial paper, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the commercial paper, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program related costs as provided in the related agreements.

(b) The capital projects referenced in subsection (a)(1) and (2) of this section have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (Pub. L. No. 93-198; 87 Stat. 801; D.C. Official Code § 1-204.46); the Continuing Appropriations Act, 2014, approved October 17, 2013 (Pub. L. No. 113-46; 127 Stat 558); the Consolidated Appropriations Act, 2014, approved January 17, 2014 (Pub. L. No. 113-76; 128 Stat 5); the Continuing Appropriations Resolution, 2015, approved September 19, 2014 (Pub. L. No. 113-164; 128 Stat 1867); Joint Resolution Making further continuing appropriations for fiscal year 2015, and for other purposes, approved December 12, 2014 (Pub. L. No. 113-202; 128 Stat. 2069); Joint Resolution Making further continuing appropriations for fiscal year 2015, and for other purposes, approved December 13, 2014 (Pub. L. No. 113-203; 128 Stat. 2070); the Consolidated and Further Continuing Appropriations Act, 2015, approved December 16, 2014 (Pub. L. No. 113-235; 128 Stat. 2130); the Continuing Appropriations Act, 2016, approved September 30, 2015 (Pub. L. No. 114-53; 129 Stat. 502); the Further Continuing Appropriations Act, 2016, approved December 11, 2015 (Pub. L. No. 114-96; 129 Stat. 2193); the Joint Resolution Making further continuing appropriations for fiscal year 2016, and for other purposes, approved December 16, 2015 (Pub. L. No. 114-100; 129 Stat. 2202); the Consolidated Appropriations Act, 2016, approved December 18, 2015 (Pub. L. No. 114-113; 129 Stat. 2242); the Fiscal Year 2017 Local Budget Act of 2016, effective July 29, 2016 (D.C. Law 21-142; 63 DCR 8786); the Continuing Appropriations Act, 2017, as amended, approved September 29, 2016 (Pub. L. No. 114-223; 130 Stat. 857); the Consolidated Appropriations Act, 2017, approved May 5, 2017 (Pub. L. No. 115-31; 131 Stat. 135); the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581); the Continuing Appropriations Act, 2018, as amended, approved September 8, 2017 (Pub. L. No. 115-56; 131 Stat. 1129); the Consolidated Appropriations Act, 2018, approved March 23, 2018 (Pub. L. No. 115-141; 132 Stat. 348); and the Fiscal Year 2019 Local Budget Act of 2018, effective August 29, 2018 (D.C. Law 22-158; 65 DCR 7346), and are capital projects for which the District of

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Columbia is authorized to incur indebtedness under the Bond Acts and the Income Tax Bond Act.

(c) The Chief Financial Officer is further authorized to determine whether income tax secured revenue bonds, general obligation bonds, or bond anticipation notes or other notes authorized by the Income Tax Bond Act or the Bond Acts, will be issued to finance or refinance the capital projects described in subsection (a) of this section. If notes are issued to finance the capital projects described in subsection (a) of this section, the Chief Financial Officer shall determine when and whether income tax secured revenue bonds or general obligation bonds will be issued to refund or refinance the outstanding notes in accordance with the Income Tax Bond Act, the Bond Acts, and other applicable laws.

Sec. 3. If the funds allocated to any agency pursuant to this resolution exceed the amount required by that agency to complete any authorized capital project listed in section 2 for that agency, the excess funds shall be made available to finance other capital projects approved by a prior or subsequent Council bond issuance resolution or act.

Sec. 4. Pursuant to sections 7 and 8 of the Bond Acts, section 2 of the Income Tax Bond Act, and other applicable law, the Council approves the execution and delivery by the Mayor, or the Chief Financial Officer, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds or notes or income tax secured revenue bonds or notes pursuant to the Bond Acts or the Income Tax Bond Act.

Sec. 5. Transmittal.

The Council shall submit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To reappoint Mr. Jeff Marootian as an alternate member to the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Jeff Marootian Reappointment Resolution of 2018”.

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

Mr. Jeff Marootian
1623 6th Street, N.W.
Washington, D.C. 20001
(Ward 6)

as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), and section 2 of the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-1108.11), for a term to end June 30, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the Washington Metropolitan Area Transit Authority, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 14, 14a, and 15 to Contract No. CW30657 with On Point Technology, LLC to supply, maintain, support, and modify the District's on-line compensation system and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW30657 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 14, 14a, and 15 to Contract No. CW30657 with On Point Technology, LLC to supply, maintain, support, and modify the District's on-line compensation system and to authorize payment for the goods and services received and to be received under Modification Nos. 14, 14a, and 15.

(b) By Modification No. 14, dated July 25, 2018, the Office of Contracting and Procurement, on behalf of the Department of Employment Services, exercised partial Option Year 4 of Contract No. CW30657 with On Point Technology, LLC to supply, maintain, support, and modify the District's on-line compensation system for the period from August 11, 2018, through October 15, 2018, in the amount of \$873,090.02.

(c) Modification No. 14a was an administrative modification which added no money.

(d) Modification No. 15 is now necessary to exercise the remainder of Option Year 4 for the period from October 16, 2018, through August 10, 2019, in the amount of \$4,115,995.98, which will set the total contract amount for Option Year Four 4 at \$4,989,086.

(e) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), because these modifications increase the contract to more than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, On Point Technology, LLC cannot be paid for goods and services provided in excess of \$1 million for the contract period beginning August 11, 2018, through August 10, 2019.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW30657 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to approve multiyear Contract No CW62223 with Lucky Dog, LLC to provide solid waste hauling and disposal services to the Department of Public Works.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW62223 Emergency Declaration Resolution of 2018".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Department of Public Works, proposes to enter into multiyear Contract No. CW62223 with Lucky Dog, LLC to provide solid waste hauling and disposal services.

(b) The contract price under this multiyear contract with Lucky Dog, LLC is in the amount of \$16,632,000.

(c) Approval is necessary to allow the District to receive the benefit of these vital services in a timely manner from Lucky Dog, LLC.

(d) These critical services can only be obtained through an award of the multiyear contract to Lucky Dog, LLC.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW62223 Emergency Approval Resolution of 2018 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To approve, on an emergency basis, multiyear Contract No. CW62223 with Lucky Dog, LLC to provide solid waste hauling and disposal services to the Department of Public Works.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW62223 Emergency Approval Resolution of 2018”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves multiyear Contract No. CW62223 with Lucky Dog, LLC to provide solid waste hauling and disposal services in the amount of \$16,632,000.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. 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 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 resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-610

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-09A with St Elizabeths I LP for program units at The Residences at St. Elizabeth's East Apartments, located at 1201 Oak Drive, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2016-LRSP-09A Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsor-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In 2016, the DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 10 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term subsidy contract ("ALTSC") with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long-term subsidy contract with St Elizabeths I LP under the LRSP in order to provide long-term affordable housing units for extremely low-income households for units located at 1201 Oak Drive, S.E.

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(d) The emergency legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and St Elizabeths I LP with respect to the payment of a rental subsidy and allow the owner to lease the rehabilitated units at The Residences at St. Elizabeth's East Apartments and house extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2016-LRSP-09A Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-611

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to approve Contract No. CW62890 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW62890 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Contract No. CW62890 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and to authorize payment for the goods and services received and to be received under the contract.

(b) On August 22, 2018, the Office of Contracting and Procurement, on behalf of the Metropolitan Police Department, entered into Contract No. CW62890 with PFC Associates, LLC, to provide occupational and ancillary healthcare services at the Police and Fire Clinic from August 22, 2018, through August 21, 2019, in the amount of \$16,217,162.07.

(c) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), because the unapproved value of the contract is more than \$1 million during a 12-month period.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, PFC Associates, LLC cannot be paid for goods or services provided in excess of \$1 million for the period of August 22, 2018, through August 21, 2019.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW62890 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

22-613

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to amend the Initiative No. 77 – Minimum Wage Amendment Act of 2018 to clarify that, as of July 1, 2018, the minimum wage required to be paid to certain employees who receive gratuities shall be not less than \$3.89 per hour and to make the act applicable as of March 31, 2019.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Tipped Wage Workers Fairness Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On June 21, 2016, the Council passed the Fair Shot Minimum Wage Amendment Act of 2016, effective September 2, 2016 (D.C. Law 21-144; 63 DCR 9275) (“Act”). The Act provides for incremental minimum wage increases, raising the minimum wage to \$15.00 per hour as of July 1, 2020. Additionally, it provides for an incremental increase of the hourly minimum wage required to be paid by employers to employees who receive gratuities, also known as the “tipped minimum wage.” Specifically, under the Act, the hourly “tipped minimum wage” increased from \$2.77 to \$3.33 on July 1, 2017 and to \$3.89 on July 1, 2018. It will increase to \$4.45 on July 1, 2019 and to \$5.00 on July 1, 2020.

(b) Tipped employees are entitled to the “tipped minimum wage” regardless of how much they earn in tips. If a tipped employee’s tips, when combined with the “tipped minimum wage,” do not equal or exceed the minimum wage, his or her employer is required by law to pay the difference, to ensure that that the tipped worker is earning the full minimum wage.

(c) On June 19, 2018, the Initiative No. 77 – Minimum Wage Amendment Act of 2018, enacted on June 29, 2018 (D.C. Act 22-436; 65 DCR 8513) (“Initiative”), was approved in a primary election. The Initiative purports to raise the minimum wage to \$15.00 per hour in 2020 even though that is already required by law. The Initiative also steadily increases the “tipped minimum wage” between July 1, 2018 and July 1, 2025 and eliminates the “tipped minimum wage” entirely by July 1, 2026.

(d) The Initiative was transmitted to Congress on August 28, 2018 for 30-day passive approval and is projected to become District law on October 11, 2018. Under the Initiative, the “tipped minimum wage” is required to increase to \$4.50 as of July 1, 2018. If the Initiative is not

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amended to delay its implementation and to re-establish the current “tipped minimum wage” of \$3.89 per hour, the “tipped minimum wage” will increase automatically from \$3.89 to \$4.50.

(e) Because the Initiative mandates that the increase to \$4.50 per hour is to occur as of July 1, 2018, employers of tipped workers may be subject to claims that they owe their tipped employees back pay.

(f) Additionally, employers will be expected to pay the increased “tipped minimum wage” immediately. This leaves employers with no time to account for this increase, causing them financial strain. The vast majority of tipped workers are restaurant workers, and over 95% of the sit-down restaurants in the District are independently owned and operated. Many restaurants operate with thin margins. Yet, absent emergency legislation, the financial impact of the Initiative will be immediate.

(g) Generally, substantial changes in law or policy such as raising the “tipped minimum wage” or implementing new programs like universal paid leave are accompanied by an implementation period to allow employers the time to absorb the changes. When the “tipped minimum wage” was amended in 2016 by the Act, employers had almost 10 months between the effective date of the law and the date of the first required increase in the “tipped minimum wage.”

(h) Without emergency action by the Council, employers will not only have had no time to ready for the implementation of the Initiative, but will be immediately liable to possible claims for retroactive changes. To avoid this, emergency legislation is necessary to make clear that the “tipped minimum wage” as of July 1, 2018 will remain \$3.89 and to delay the implementation of the Initiative to allow time for permanent revisions to be made.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tipped Wage Workers Fairness Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to amend the Child Development Facilities Regulation Act of 1998 to exempt parent-led play cooperatives from the requirements of the Child Development Facilities Regulation Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Parent-led Play Cooperative Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On September 14, 2018, the Office of the State Superintendent of Education (“OSSE”) indicated to parents participating in playgroups organized through the Capitol Hill Cooperative Play School (“CHCPS”) that CHCPS would have to obtain a license pursuant to the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*) (“the Act”).

(b) Last year, the Petworth Playgroup Coop (“PPC”) received a similar notice from OSSE, but the investigation ended when PPC relocated.

(c) CHCPS, PPC, and other similar parent-led play cooperatives are, generally, a platform for parents, step-parents, and legal guardians (“parents”) of young children to arrange meetings for children younger than school-age to socialize through play. Parents agree to rotate responsibility for supervising the meetings, such that not every child’s parent is necessarily present for every meeting. None of the parents in CHCPS, PPC, and other similar parent-led play cooperatives receive any monetary compensation for participating in the playgroups. Parent-led play cooperatives often collect fees that are used solely to cover expenses such as rent, insurance, equipment, and other activities that the children may participate in as a group. Some parent-led play cooperatives incorporate as a nonprofit organization for the purpose of, for example, entering into a lease for playspace.

(d) CHCPS has been operating since the 1970s, and CHCPS, PPC, and other parent-led play cooperatives had been operating without the need to obtain a license, ostensibly pursuant to an exemption for “informal parent-supervised neighborhood play groups” in section 4(2) of the Act, though it is not clear that the District government ever made a determination regarding the need to obtain a license.

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(e) After an investigation, reportedly based on an anonymous tip, OSSE made an initial determination that CHCPS is not eligible for a statutory exemption from the requirements of the Act, and OSSE indicated that CHCPS must hire a full-time director and apply to be licensed or risk being ordered to close permanently.

(f) The lack of clarity regarding whether parent-led play cooperatives must be licensed pursuant to the Act has left many parents uncertain about the legality of the parent-led play cooperatives in which they participate. There is widespread fear among parents that, by participating in an organized playgroup, they are violating the law. Many parents who are members of parent-led play cooperatives have arranged their schedules in reliance on the parent-led play cooperative's continued operation, and a disruption of any parent-led play cooperative would cause serious disruption for many parents.

(g) Emergency legislation is necessary to ensure that parent-led play cooperatives can operate with certainty while the Council and the Mayor consider a permanent policy solution.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Parent-led Play Cooperative Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 10a, 11, 12, and 12a, and proposed Modification No. 13 to Contract No. CW28295 with Maru Solutions, Inc., to provide Mission Oriented Business Integrated Services, and to authorize payment in the not-to-exceed amount of \$10 million for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW28295 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists a need to approve Modification Nos. 10a, 11, 12, and 12a, and proposed Modification No. 13 to Contract No. CW28295 with Maru Solutions, Inc., to provide Mission Oriented Business Integrated Services (“MOBIS”), and to authorize payment in the not-to-exceed amount of \$10 million for the goods and services received and to be received under the modifications.

(b) By Modification No. 10a, dated June 4, 2018, the Office of Contracting and Procurement exercised Option Year 4 for Contract No. CW28295 to provide MOBIS for the period from June 12, 2018, through June 11, 2019, in the not-to-exceed amount of \$950,000.

(c) Modification Nos. 11, 12, and 12a were administrative modifications.

(d) Modification No. 13 is now necessary to increase the not-to-exceed amount of Option Year 4 of Contract No. CW28295 to \$10 million for the period from June 12, 2018, through June 11, 2019.

(e) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), because the modifications increase the contract to more than \$1 million during a 12-month period.

(f) Council approval is necessary to allow the continuation of these vital services. Without this approval, Maru Solutions, Inc., cannot be paid for goods and services received and to be received for the contract period from June 12, 2018, through June 11, 2019.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW28295 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to confirm the reappointment of Mr. Michael Bennett to the District of Columbia Board of Elections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Board of Elections Michael Bennett Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The District of Columbia Board of Elections (“Board”) is a 3-member, independent agency that convenes to consider and vote on election administration, ballot access, and voter registration matters.

(b) Section 3 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.03) provides that members of the Board shall be appointed for a 3-year term with the advice and consent of Council. Further, “a member may be reappointed and, if not reappointed, the member shall serve until his successor has been appointed or qualifies.” D.C. Official Code § 1-1001.03(c). The day-to-day operations of Board management is conducted by an Executive Director, General Counsel, and a number of support personnel.

(c) On April 17, 2018, Chairman Mendelson introduced, at the request of the Mayor, Proposed Resolution 22-838, the District of Columbia Board of Elections Michael Bennett Confirmation Resolution of 2018, to confirm the reappointment of Mr. Michael Bennett to the Board for a term to end July 7, 2021. The nomination would have been deemed disapproved on October 1, 2018.

(d) On June 20, 2018, the Committee on the Judiciary and Public Safety (“Committee”) held a public roundtable to consider Mr. Bennett’s reappointment. On September 20, 2018, the Committee voted unanimously to approve Mr. Bennett’s reappointment.

(e) In order to ensure a successful election in November, compliance with local and federal law, efficient vote tabulation, and leadership on the Board, there is an immediate need to confirm Mr. Bennett so that the Board has its full complement of members.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the District of Columbia Board of Elections Michael Bennett Emergency Confirmation Resolution of 2018 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To confirm, on an emergency basis, the reappointment of Mr. Michael Bennett to the District of Columbia Board of Elections.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Elections Michael Bennett Emergency Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Michael Bennett
6679 32nd Place, N.W.
Washington, D.C. 20015
(Ward 4)

as a member of the District of Columbia Board of Elections, established by section 3 of the District Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.03), for a term to end July 7, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need amend the District of Columbia Uniform Controlled Substances Act of 1981 to add certain classes and substances to the list of Schedule I controlled substances.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Revised Synthetics Abatement and Full Enforcement Drug Control Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The existing classification system for controlled substances presents difficulties in prosecuting crimes related to the proliferation of fentanyl and synthetic drugs.

(b) Prosecuting crimes related to fentanyl and synthetic drugs is a key component to combating the public health issue of synthetic drug use, including increased overdoses and the provision of related emergency medical services in the District.

(c) According to data provided by the Fire and Emergency Medical Services Department (“FEMS”), from April 1 through September 23, 2018, FEMS treated or transported 1,660 patients to hospitals for symptoms consistent with synthetic cannabinoids. The District experienced 2 significant spikes in calls relating to suspected synthetic cannabinoids during the month of July and beginning in the second week of September. During the July spike, FEMS treated or transported 683 patients to hospitals for symptoms consistent with synthetic cannabinoids. During the September spike, through September 23, 2018, FEMS treated or transported 411 patients to hospitals for symptoms consistent with synthetic cannabinoids.

(d) In the District, which has fewer than 700,000 residents, an average of 30 individuals died per year from opioid overdoses until 2013. According to an Office of the Chief Medical Examiner (“OCME”) report, there were 83 deaths in 2014, 114 deaths in 2015, 231 deaths in 2016, and 279 deaths in 2017. In the first 3 quarters of 2018, there were 134 deaths attributed to opioid overdoses. Disturbingly, more than 67% of those decedents had fentanyl in their systems. Although the data presented represents deaths occurring in the District for which OCME has jurisdiction, the decedent’s place of residence or location of injury may be outside the District.

(e) The Revised Synthetics Abatement and Full Enforcement Drug Control Emergency Amendment Act of 2018 will reform the existing classification system in a way that enhances the effectiveness of prosecutions related to the proliferation of fentanyl and synthetic drugs. This

ENROLLED ORIGINAL

legislation criminalizes synthetic cannabinoids and synthetic cathinones (commonly known as synthetic drugs) based on the class of the chemical compound, not the individual compound. Classifying new substances based on the class of the compound solves 3 problems that have proved troublesome in past prosecution of these cases. First, it minimizes the necessity of enumerating specific synthetic drug compounds on the list of Schedule I controlled substances. Second, it makes laboratory testing for synthetic cannabinoids and synthetic cathinones more efficient. Third, law enforcement will no longer need to rely on an impractical controlled substances “analogue statute” to prosecute emerging synthetic drugs.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Revised Synthetics Abatement and Full Enforcement Drug Control Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

- | | |
|----------|--|
| B22-997 | Fiscal Year 2019 Budget Support Clarification Amendment Act of 2018

Intro. 10-2-18 by Chairman Mendelson and referred to the Committee of the Whole |
| B22-998 | Rent Charged Clarification Amendment Act of 2018

Intro. 10-2-18 by Councilmember Bonds and referred to the Committee on Housing and Neighborhood Revitalization |
| B22-999 | Rent Charged Definition Clarification Amendment Act of 2018

Intro. 10-2-18 by Councilmember Bonds and referred to the Committee on Housing and Neighborhood Revitalization |
| B22-1000 | Alimony Justice for Injured Spouses Amendment Act of 2018

Intro. 10-2-18 by Councilmembers Nadeau, Bonds, and Grosso and referred to the Committee on Judiciary and Public Safety |
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B22-1001 Health Insurance Marketplace Improvement Act of 2018
Intro. 10-2-18 by Councilmembers Gray, Nadeau, and Cheh and referred to the Committee on Health

B22-1002 Special Events Safety Certification Amendment Act of 2018
Intro. 10-2-18 by Chairman Mendelson and referred to the Committee of the Whole

B22-1003 Parent-led Play Cooperative Amendment Act of 2018
Intro. 10-3-18 by Councilmember Allen and Chairman Mendelson and referred to the Committee on Education

PROPOSED RESOLUTIONS

PR22-1037 Sense of the Council Urging Recognition of Indigenous Peoples' Day Resolution of 2018
Intro. 10-2-18 by Councilmembers Grosso, Cheh, Silverman, Nadeau, Allen, and R. White and referred to the Committee of the Whole

PR22-1038 Sense of the Council Supporting Reauthorization of the Violence Against Women Act Resolution of 2018
Intro. 10-2-18 by Councilmembers Todd, Grosso, Silverman, Cheh, Allen, McDuffie, T. White, Nadeau, Gray, Bonds, R. White, Evans, and Chairman Mendelson and Retained by the Council

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

**Bill 22-457, the “Economic Development Return on Investment Accountability Amendment Act of 2017”
Bill 22-577, the “Performing Arts Promotion Amendment Act of 2017”
Bill 22-668, the “Local Work Opportunity Tax Credit Amendment Act of 2018”
Bill 22-909, the “Homestead Exemption Increase Amendment Act of 2018”**

Tuesday, October 30, 2018

10:00 a.m.

**Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Tuesday, October 30th, 2018 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-457, the “Economic Development Return on Investment Accountability Amendment Act of 2017” would amend the Unified Economic Development Budget Transparency and Accountability Act of 2010 to expand the annual reporting of economic development incentives by the Office of the Chief Financial Officer to include an estimate of the market value of additional types of incentives, and to require the Mayor to include as part of her annual budget request to the Council each economic development or affordable housing project that receives incentives from the District of Columbia, any requirements established as a result of that support, as well as the impact of incentivized development over the subsequent five years on certified business enterprises, affordable housing, employment, economic growth, and tax revenue.

Bill 22-577, the “Performing Arts Promotion Amendment Act of 2017” would amend Chapter 18 of Title 47 of the District of Columbia Official Code to create a tax credit against taxes imposed for the sale of food or drink for certain businesses that host performing artists.

Bill 22-668, the “Local Work Opportunity Tax Credit Amendment Act of 2018” would amend Chapter 18 of Title 47 of the District of Columbia Official Code to create a local work opportunity tax credit, to incentivize the employment of District residents with barriers to employment, to establish how businesses qualify for the local work opportunity tax credit, to establish the method for determining the value of the local work opportunity tax credit, and to establish the procedure for granting and administering the local work opportunity tax credit.

Bill 22-909, the “Homestead Exemption Increase Amendment Act of 2018” would amend Subchapter II of Chapter 8 of Title 47 of the District of Columbia Official Code to increase the homestead exemption for residential properties owned by single families and cooperative housing associations to \$125,000.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Monday, October 29th, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0686, "Senior Strategic Plan Amendment Act of 2018"

and

Bill 22-0964, "District of Columbia Department on Aging and Community Living
Amendment Act of 2018"

on

Friday, November 2, 2018, at 10:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, November 2, 2018, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0686, "Senior Strategic Plan Amendment Act of 2018", and Bill 22-0964, "District of Columbia Department on Aging and Community Living Amendment Act of 2018". The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

Bill 22-0686, "Senior Strategic Plan Amendment Act of 2018", would require the Office on Aging to develop a comprehensive strategic plan that shall serve as a long-term blueprint for the District.

Bill 22-0964, "District of Columbia Department on Aging and Community Living Amendment Act of 2018", would designate the District of Columbia Office on Aging as the Department on Aging and Community Living and codify its mission statement.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on November 1, 2018. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 16, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC HEARING**

on

B22-0840, the “LGBTQ Health Data Collection Amendment Act of 2018”

on

**Wednesday October 17, 2018
11:00 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 on B22-0840, the “LGBTQ Health Data Collection Amendment Act of 2018.” The hearing will be held at 11:00 a.m. on Wednesday October 17, 2018 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of B22-0840 is to require the Department of Health, in coordination with the Office of Gay, Lesbian, Bisexual, and Transgender Affairs, to annually publish a comprehensive report on the health of the District’s LGBTQ community on its website.

The Committee invites the public to testify or submit written testimony. 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 5:00 p.m. Monday, October 15, 2018. Persons wishing to testify are encouraged to bring 10-15 copies of their written testimony.

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, Committee Assistant, at 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, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, October 31, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
 COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
 NOTICE OF PUBLIC HEARING
 1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
 COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0919, “Fair Condominium Withdrawal Amendment Act of 2018”

Bill 22-0949, “Rental Housing Smoke Free Common Area Amendment Act of 2018”

Bill 22-0998, “Rent Charged Clarification Amendment Act of 2018”

and

Bill 22-0999, “Rent Charged Definition Clarification Amendment Act of 2018”

on

Monday, October 29, 2018, at 10:00 AM
 John A. Wilson Building, Room 412
 1350 Pennsylvania Avenue, NW
 Washington, DC 20004

On Monday, October 29, 2018, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0919, “Fair Condominium Withdrawal Amendment Act of 2018”, Bill 22-0949, “Rental Housing Smoke Free Common Area Amendment Act of 2018”, Bill 22-0998, “Rent Charged Clarification Amendment Act of 2018”, and Bill 22-0999, “Rent Charged Definition Clarification Amendment Act of 2018”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

Bill 22-0919, “Fair Condominium Withdrawal Amendment Act of 2018”, would require owner’s association to allow condominium contraction and establishes the steps to do so.

Bill 22-0949, “Rental Housing Smoke Free Common Area Amendment Act of 2018”, would prohibit smoking in common areas and within 25 feet of an entrance or window of a multifamily rental accommodation.

Bill 22-0998, “Rent Charged Clarification Amendment Act of 2018”, would clarify that the abolition of rent ceilings applies to all unimplemented and expired rent increases; resets rents charged based on the rent charged and any unexpired rent surcharges in effect on the effective date of the act; clarifies that rent increases may not be implemented more than 30 days after a housing provider is

first eligible to take the increase; provides an exception to the expiration when a rent concession is offered that represents at least a 10% reduction in rent; and generally regulates rent concessions.

Bill 22-0999, “Rent Charged Definition Clarification Amendment Act of 2018”, would amend the Rental Housing Act of 1985 to define “rent charged” and would require the definition of “rent charged” to be included on all Rental Accommodations Division forms that include the phrase “rent charged”.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on October 26, 2018. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 404, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 12, 2018.

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

NOTICE OF PUBLIC HEARING ON

**B22-946, the Safe Fields and Playgrounds Act of 2018,
B22-937, the Northwest One Surplus and Disposition Approval Omnibus Act of
2018,
PR22-987, the Eastern Branch Boys and Girls Club Surplus Declaration and
Approval Resolution of 2018, and
Environmental and Safety Standards at District Buildings, Fields, and Play Spaces**

November 1, 2018 at 12:30 p.m.
Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On November 1, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-946, the Safe Fields and Playgrounds Act of 2018, B22-937, the Northwest One Surplus and Disposition Approval Omnibus Act of 2018, PR22-987, the Eastern Branch Boys and Girls Club Surplus Declaration and Approval Resolution of 2018, and environmental and safety standards at District buildings, fields, and play spaces. The hearing will begin at 12:30 p.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-946 would set clear standards for how the Department of General Services is to test artificial turf fields owned or maintained by the District. It also prescribes specific field safety standards, and requirements for when and how DGS must close and repair a field following a failed safety test. Finally, the legislation lays out how DGS is to provide notice to community members, agency partners, and the Council of field closures, remediation plans, and other information regarding field safety. B22-937 would declare and approve as surplus District-owned property located in Ward 6 at 33 K St., N.W. and 1010 North Capitol Street, N.W., known as Northwest One. PR 22-987 would declare and approve as surplus District-owned property located in Ward 6 at 261 17th Street, S.E., known as the Eastern Branch Boys and Girls Club.

At the hearing, the Committee will also seek testimony on environmental and safety standards at District buildings, fields, and play spaces. Specifically, the Committee will seek updates on implementation of the Healthy Schools Act, lead testing at our public schools, ongoing sustainability and energy management initiatives, and best practices for ensuring our schools, parks, playgrounds, and other public spaces are safe and properly maintained.

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 November 15, 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

B22-0951, the “School Safety Act of 2018,”

B22-0967, the “Student Safety and Consent Education Act of 2018,”

And

B22-1003, the “Parent-led Play Cooperative Amendment Act of 2018”

On

**Thursday, November 1, 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 B22-0951, the “School Safety Act of 2018”, B22-0967, the “Student Safety and Consent Education Act of 2018,” and B22-1003, the “Parent-led Play Cooperative Amendment Act of 2018.” The hearing will be held at 10:00 a.m. on Thursday, November 1, 2018 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of B22-0951 is to require schools to adapt and implement a policy to prevent and address child sexual abuse, including protocols for responding to and reporting allegations. The stated purpose of B22-0967 is to require schools to adapt and implement a policy to prevent and address peer-to-peer sexual harassment, sexual assault, and dating violence among students. The stated purpose of B22-1003 is to exempt parent-led play cooperatives from the requirements of the Child Development Facilities Regulation Act of 1998.

Those who wish to testify may sign-up online at <http://bit.do/EducationHearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, October 30, 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 roundtable, 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 Thursday, November 15, 2018.

This revised notice reflects the addition of B22-1003, the “Parent-led Play Cooperative Amendment Act of 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

**PR 22-814, District of Columbia Sentencing Commission Molly M. Gill Reappointment
Resolution of 2018**

on

**Thursday, November 1, 2018
10:30 a.m., Hearing Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 22-814, the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018.” The hearing will be held on Thursday, November 1, 2018 at 10:30 a.m. in Hearing Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 22-814 is to reappoint Ms. Gill to the District of Columbia Sentencing Commission (“Commission”) to a 3-year term. The mission of the Commission is to promulgate, implement, and revise a system of voluntary sentencing guidelines, to promote fair and consistent sentencing policies, and to evaluate the effectiveness of the guidelines system in order to recommend changes. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of this nominee for the Commission.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday, **October 30, 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 30, 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 November 15, 2018.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON HUMAN SERVICES**

AND

**COUNCILMEMBER DAVID GROSSO, CHAIRPERSON
COMMITTEE ON EDUCATION**

ANNOUNCE A PUBLIC OVERSIGHT ROUNDTABLE ON

THE STATUS OF HOME VISITING SERVICES IN THE DISTRICT

**Wednesday, November 28, 2018, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, November 28, 2018, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services and Councilmember David Grosso, Chairperson of the Committee on Education, will hold a public oversight roundtable on the need for home visiting services in the District. The roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 10:00 a.m.

Home visiting services are evidence-based programs that include visits to a participant's residence as a primary service delivery strategy. The programs are offered on a voluntary basis primarily to pregnant women or families with children. The focus of home visiting is to help parents meet measured goals to support and enhance the child-parent relationship. The skills gained from these home visiting programs can create environments which have a positive impact on the child's emotional, social and intellectual development. This roundtable will provide an opportunity to further explore the availability and need for home visiting services offered by District agencies in the community.

The Committees invite the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Human Services via email at humanservices@dccouncil.us or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, November 26, 2018**. 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 **ten single-sided copies** of their written testimony.

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 either to the Committee at humanservices@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 December 12, 2018.**

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

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC ROUNDTABLE**

on

PR22-1029, the “Public Charter School Board Lea Crusey Confirmation Resolution of 2018”

On

**Monday, October 15, 2018
11:00 a.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public roundtable of the Committee on Education on PR22-1029, the “Public Charter School Board Lea Crusey Confirmation Resolution of 2018”. The roundtable will be held at 11:00 a.m. on Monday, October 15, 2018 in Hearing Room 500 of the John A. Wilson Building.

The stated purpose of PR22-1029 is to confirm the appointment of Lea Crusey as a member of the Public Charter School Board in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), and pursuant to section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14).

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 Thursday, October 11, 2018. Persons wishing to testify are encouraged, but not required, to submit 10 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, October 29, 2018.

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

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC ROUNDTABLE**

On

PR22-1033, the “Deputy Mayor for Education Paul Kihn Confirmation Resolution of 2018”

On

**Thursday, November 8, 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 roundtable of the Committee on Education on PR22-1033, the “Deputy Mayor for Education Paul Kihn Confirmation Resolution of 2018.” The roundtable will be held at 10:00 a.m. on Thursday, November 8, 2018 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PR22-1033 is to confirm the Mayoral appointment of Paul Kihn as the Deputy Mayor for Education of the District of Columbia in accordance with section 202 of the Department of Education Establishment Act of 2007, effective June 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(a) and section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01).

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Tuesday, November 6, 2018. Persons wishing to testify are encouraged, but not required, to submit 10-15 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 to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 22, 2018.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 12, 2018
Protest Petition Deadline: November 26, 2018
Roll Call Hearing Date: December 10, 2018
Protest Hearing Date: February 6, 2019

License No.: ABRA-111665
Licensee: ANXO Logistics, LLC
Trade Name: ANXO
License Class: Retailer's Class "C" Tavern
Address: 5419 1st Street, N.W.
Contact: Sam Fitz: (202) 997-6499

WARD 4

ANC 4B

SMD 4B08

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 December 10, 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 February 6, 2019 at 4:30 p.m.

NATURE OF OPERATION

New Tavern with a Wine Pub Permit endorsement that will make and sell cider for consumption on and off premises. Summer Garden with 8 seats. Total Occupancy Load is 80 with seating for 57.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 7am - 2am, Friday and Saturday 7am - 3am

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

Sunday through Thursday 8am - 2am, Friday and Saturday 8am - 3am

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Thursday 7am - 12am, Friday and Saturday 7am - 1am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 8am - 12am, Friday and Saturday 8am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**READVERTISEMENT

Placard Posting Date: **October 12, 2018
Protest Petition Deadline: **November 26, 2018
Roll Call Hearing Date: **December 10, 2018

License No.: ABRA-111227
Licensee: BB240MASS, LLC
Trade Name: Buffalo & Bergen
License Class: Retailer's Class "C" Tavern
Address: 240 Massachusetts Avenue, N.E.
Contact: Risa Hirao: (202) 544-2200

WARD 6 ANC 6C SMD 6C02

Notice is hereby given that this licensee has requested to transfer the license to a new location with Substantial Changes 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 **December 10, 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 OPERATION/SUBSTANTIAL CHANGES

Licensee requests to transfer license from 1300 4th Street N.E., to a new location at 240 Massachusetts Avenue, N.E. Total Occupancy Load of 49 with seating for 22 patrons. Applicant is also requesting the following Substantial Changes to the license: To add a Sidewalk Café with 16 seats and to change the hours of operation and alcoholic beverage sales and consumption.

CURRENT HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDEN

Saturday and Sunday 8am – 2am, Monday through Friday 10am – 2am

PROPOSED HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 6am – 1am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday through Saturday 8am – 1am

PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday through Saturday 6am – 11pm

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFE

Sunday through Saturday 8am – 11pm

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

Placard Posting Date: **September 28, 2018
Protest Petition Deadline: **November 13, 2018
Roll Call Hearing Date: **November 26, 2018

License No.: ABRA-111227
Licensee: BB240MASS, LLC
Trade Name: Buffalo & Bergen
License Class: Retailer's Class "C" Tavern
Address: 240 Massachusetts Avenue, N.E.
Contact: Risa Hirao: (202) 544-2200

WARD 6

ANC 6C

SMD 6C02

Notice is hereby given that this licensee has requested to transfer the license to a new location with Substantial Changes 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 26, 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 OPERATION/SUBSTANTIAL CHANGES

Licensee requests to transfer license from 1300 4th Street N.E, to a new location at 240 Massachusetts Avenue, N.E. Total Occupancy Load of 49 with seating for 22 patrons. Applicant is also requesting the following Substantial Changes to the license: To add a Sidewalk Café with 16 seats and to change the hours of operation and alcoholic beverage sales and consumption.

CURRENT HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDEN

Saturday and Sunday 8am – 2am, Monday through Friday 10am – 2am

PROPOSED HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 6am – 1am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday through Saturday 8am – 1am

PROPOSED HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday through Saturday 6am – 11pm

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR SIDEWALK CAFE

Sunday through Saturday 8am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 12, 2018
Protest Petition Deadline: November 26, 2018
Roll Call Hearing Date: December 10, 2018
Protest Hearing Date: February 6, 2019

License No.: ABRA-111654
Licensee: J R Cigar (DC), Inc.
Trade Name: Casa de Montecristo
License Class: Retailer's Class "C" Tavern
Address: 1132 19th Street, N.W.
Contact: Stephen O'Brien: (202) 625-7700

WARD 2

ANC 2B

SMD 2B06

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 December 10, 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 February 6, 2019 at 1:30 p.m.

NATURE OF OPERATION

New Tavern. Modern cigar lounge serving craft beers and cocktails. Entertainment Endorsement requested to provide live entertainment indoors only. Sidewalk Café with 15 seats. Total Occupancy Load is 99 with seating for 55.

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

Sunday 11am - 11pm, Monday through Saturday 10am - 2am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ

Sunday 11am - 9pm, Monday through Saturday 10am - 12am

HOURS OF LIVE ENTERTAINMENT INDOORS ONLY

Sunday 11am - 9pm, Monday through Thursday 10am - 12am, Friday and Saturday 10am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 12, 2018
Protest Petition Deadline: November 26, 2018
Roll Call Hearing Date: December 10, 2018
Protest Hearing Date: February 6, 2019

License No.: ABRA-111359
Licensee: 701 Jolo, LLC
Trade Name: Rotonda
License Class: Retailer's Class "C" Tavern
Address: 701 Kennedy Street, N.W.
Contact: George Aguilar: (301) 467-3411

WARD 4 ANC 4D SMD 4D01

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 December 10, 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 February 6, 2019 at 1:30 p.m.

NATURE OF OPERATION

New Tavern serving pizza. Sidewalk Café with 42 seats. Total Occupancy Load is 49 with seating for 35.

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

Sunday through Thursday 8am – 12am, Friday and Saturday 8am – 1am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Thursday 8am – 11pm, Friday and Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 12, 2018
Protest Petition Deadline: November 26, 2018
Roll Call Hearing Date: December 10, 2018
Protest Hearing Date: February 6, 2019

License No.: ABRA-111709
Licensee: P St Hospitality, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 2100 P Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2B

SMD 2B02

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 December 10, 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 February 6, 2019 at 4:30 p.m.

NATURE OF OPERATION

New Restaurant that will serve Mediterranean and international cuisine. Sidewalk Cafe with 40 seats. Total Occupancy Load is 162 with seating for 100.

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

Sunday through Thursday 8am - 1am, Friday and Saturday 8am - 2am

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFE

Sunday through Thursday 9am - 12am, Friday and Saturday 9am - 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: September 21, 2018
Protest Petition Deadline: November 5, 2018
Roll Call Hearing Date: November 19, 2018
Protest Hearing Date: January 16, 2019

License No.: ABRA-111311
Licensee: West End DC, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Restaurant
Address: 1118-34 23rd Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2A

SMD 2A02

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 19, 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 16, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Class “C” Restaurant offering ****fine dining** with a Sidewalk Café endorsement with 90 seats. Total Occupancy Load of 708 with seating for 330 patrons. Licensee is requesting an Entertainment Endorsement to include Live Entertainment and Dancing indoors only.

PROPOSED HOURS OF OPERATION (INSIDE PREMISES)

Sunday – Thursday 8am – 2am
Friday – Saturday 8am – 3am

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

Sunday – Thursday 11am – 2am
Friday – Saturday 11am – 3am

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

Sunday – Saturday 8am – 12am

PROPOSED HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday – Thursday 6pm – 2am
Friday – Saturday 6pm – 3am

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

****RESCIND**

Placard Posting Date: September 21, 2018
 Protest Petition Deadline: November 5, 2018
 Roll Call Hearing Date: November 19, 2018
 Protest Hearing Date: January 16, 2019

License No.: ABRA-111311
 Licensee: West End DC, LLC
 Trade Name: TBD
 License Class: Retailer's Class "C" Restaurant
 Address: 1118-34 23rd Street, N.W.
 Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2A

SMD 2A02

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 19, 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 16, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant offering **fast-casual Greek food with a Sidewalk Café endorsement with 90 seats. Total Occupancy Load of 708 with seating for 330 patrons. Licensee is requesting an Entertainment Endorsement to include Live Entertainment and Dancing indoors only.

PROPOSED HOURS OF OPERATION (INSIDE PREMISES)

Sunday – Thursday 8am – 2am
 Friday – Saturday 8am – 3am

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

Sunday – Thursday 11am – 2am
 Friday – Saturday 11am – 3am

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

Sunday – Saturday 8am – 12am

PROPOSED HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday – Thursday 6pm – 2am
 Friday – Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **October 12, 2018
Protest Petition Deadline: **November 26, 2018
Roll Call Hearing Date: **December 10, 2018
Protest Hearing Date: **February 6, 2019

License No.: ABRA-110432
Licensee: Whole Foods Market Group, Inc.
Trade Name: Whole Foods Market
License Class: Retailer’s Class “D” Restaurant
Address: 101 H Street, S.E.
Contact: Andrew Kline: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 **December 10, 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 ****February 6, 2019 at 1:30pm**.

NATURE OF OPERATION

New Class “D” Restaurant located inside of a Full-Service Grocery Store. Serving a variety of hot and cold meals. Sidewalk Café with 30 seats. Total Occupancy Load of 71 seats.

HOURS OF OPERATION

Sunday through Saturday 7am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **September 28, 2018
Protest Petition Deadline: **November 13, 2018
Roll Call Hearing Date: **November 26, 2018
Protest Hearing Date: **January 16, 2019

License No.: ABRA-110432
Licensee: Whole Foods Market Group, Inc.
Trade Name: Whole Foods Market
License Class: Retailer’s Class “D” Restaurant
Address: 101 H Street, S.E.
Contact: Andrew Kline: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 26, 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 16, 2019 at 1:30pm**.

NATURE OF OPERATION

New Class “D” Restaurant located inside of a Full-Service Grocery Store. Serving a variety of hot and cold meals. Sidewalk Café with 30 seats. Total Occupancy Load of 71 seats.

HOURS OF OPERATION

Sunday through Saturday 7am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **October 12, 2018
 Protest Petition Deadline: **November 26, 2018
 Roll Call Hearing Date: **December 10, 2018
 Protest Hearing Date: **February 6, 2019

License No.: ABRA-109870
 Licensee: Whole Foods Market Group, Inc.
 Trade Name: Whole Foods Market
 License Class: Retailer’s Class “B” Full-Service Grocery
 Address: 101 H Street, S.E.
 Contact: Andrew Kline: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 **December 10, 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 ****February 6, 2019 at 1:30pm**.

NATURE OF OPERATION

New Class “B” Full-Service Grocery Store with Tasting Permit.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, AND TASTING

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **September 28, 2018
Protest Petition Deadline: **November 13, 2018
Roll Call Hearing Date: **November 26, 2018
Protest Hearing Date: **January 16, 2019

License No.: ABRA-109870
Licensee: Whole Foods Market Group, Inc.
Trade Name: Whole Foods Market
License Class: Retailer’s Class “B” Full-Service Grocery
Address: 101 H Street, S.E.
Contact: Andrew Kline: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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 26, 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 16, 2019 at 1:30pm**.

NATURE OF OPERATION

New Class “B” Full-Service Grocery Store with Tasting Permit.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, AND TASTING

Sunday through Saturday 7am – 12am

**DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING**

Notice is hereby given that, pursuant to the requirements of D.C. Official Code Section 42-3171.03, the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Monday, November 5, 2018 at 6:00 p.m. at DHCD 1st Floor Conference Room, 1800 Martin Luther King Avenue, SE, Washington, DC 20020, to consider the proposed disposition of the property noted below.

SSL	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
5799: Lot: 0976,	2352, 2356, 2360 High Street SE	Vacant Land	8	R-3	No	Anacostia

The above property was offered as part of a Solicitation For Offer (SFO). The Premises was Solicited on May 2, 2017. The SFO sought proposals for the acquisition and development of the subject property. The competitive process resulted in the selection of The Neighborhood Development Corporation (NDC), the “Developer”, who has been awarded the property. The offer was approved by DHCD management and the Public Hearing is scheduled for Monday, November 5, 2018.

The public hearing is being conducted in order to assure that citizens are informed about the disposing and development of the properties identified above to the named Developer, and to ensure that all citizens have the opportunity to present publicly their views concerning such disposition.

If you would like to present oral testimony, you are encouraged to register in advance either by e-mailing Ms. Chantese Rogers, chantese.rogers@dc.gov or by calling 202-478-1355. Please provide your name, address, telephone number, and organization affiliation, if any. Telecommunications Device for the Deaf (TDD) relay service is available by calling (800) 201-7165. A sign language interpreter and language translation services are available upon request by calling Pamela Hillsman at 202-442-7251. If you require language translation, please specify which language (Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language translation services will be provided to pre-registered persons only. Deadline for requiring services of an interpreter is 7 days prior to the hearing. Bilingual staff will provide services on an availability basis to walk-ins without registration.

Written statements may be submitted at the hearing, or until 4:45 p.m., Friday November 9, 2018, and should be addressed to: Polly Donaldson, Director, DC Department of Housing and Community Development, ATTN: PADD, 1800 Martin Luther King Jr., Avenue, SE, Washington, D.C. 20020.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.10(a)(12) (2015 Repl.)), and Mayor's Order 2000-70, dated May 2, 2000, hereby adopts the following amendments to Title 17 (Business, Occupations, and Professionals), by creating a new Chapter 1 (Occupational and Professional Licensing Boards) and amending Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking deletes the mostly outdated provisions of the existing Chapter 1, and establishes professional license regulations to govern the licensure of asbestos abatement workers and supervisors seeking to operate in the District of Columbia. Specifically, this rulemaking creates licensure requirements for Asbestos Abatement Supervisors, and codifies the pre-existing licensure requirements and practice standards which have been implemented in the District.

This rulemaking is also being undertaken in a broad effort with respect to our licensing boards to move away from categorical exclusions for our returning citizens, to provide pathways to the middle class and second chances. Specifically, it establishes clear guidelines for the boards in how to evaluate prior criminal convictions, transparency for returning citizens in how their past offenses will be evaluated in terms of the relationship of the offense to the license, the time elapsed since the offense, the person's age at the time of offense, and other criteria.

The Notice of Proposed Rulemaking was published into the *D.C. Register* on July 20, 2018 at 65 DCR 7573. No comments were received and no changes were made to the text of the rule as proposed. The rules were adopted as final September 5, 2018 and will be effective upon publication of this notice in the *D.C. Register*.

Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Chapter 1, OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS, is deleted, and a new Chapter 1, ASBESTOS ABATEMENT WORKERS AND SUPERVISORS, is added to read as follows:

CHAPTER 1 ASBESTOS ABATEMENT WORKERS AND SUPERVISORS

- 100 APPLICABILITY**
- 101 CLASSES OF LICENSURE**
- 102 APPLICATIONS FOR LICENSURE**
- 103 PRE-LICENSURE TRAINING REQUIREMENTS**
- 104 ISSUANCE AND DISPLAY OF LICENSE**
- 105 TERM OF LICENSE**

106 CONTINUING EDUCATION REQUIREMENTS
107 REQUIRED NOTIFICATIONS
108 STANDARDS OF PRACTICE
109 EXEMPTIONS FROM LICENSURE REQUIREMENT
199 DEFINITIONS

100 APPLICABILITY

- 100.1 This chapter applies to applicants for licenses and licensed asbestos workers and supervisors.
- 100.2 Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers) of this title supplements this chapter.

101 CLASSES OF LICENSURE

- 101.1 The following classes of licenses shall be issued to qualified applicants in accordance with D.C. Official Code § 47-2853.52 (2015 Repl.):
 - (a) Asbestos Worker; and
 - (b) Asbestos Supervisor.

102 APPLICATIONS FOR LICENSURE

- 102.1 Each applicant for a license as an Asbestos Worker or Asbestos Supervisor in the District of Columbia shall duly file with the Board an application on a form prescribed and provided by the Board.
- 102.2 Each application shall be sworn to or affirmed before a notary public or, if applicable, by electronic signature or other authentication methods as authorized by the Council of the District of Columbia or the Mayor.
- 102.3 The proper fees and all required documents shall accompany the application at the time of filing.
- 102.4 Each applicant shall provide the following:
 - (a) A copy of an official government-issued photo identification card, such as a driver’s license or permanent resident card, as proof that the applicant is at least eighteen (18) years of age;
 - (b) Two (2) recent passport-type photographs of the applicant’s face measuring two inches by two inches (2 in. x 2 in.);
 - (c) A business or a home address, which cannot be a post office box number;

- (d) Proof of having completed the training requirements specified by the Board for the level of licensure desired by the applicant; or
- (e) Proof of his or her current licensure as an asbestos worker or supervisor in another jurisdiction with requirements that are substantially equivalent to those of the District;
- (e) Proof of having been declared capable of working while wearing a respirator by a physician within the twelve (12) months immediately preceding the application; and
- (f) Proof that the applicant has met any other requirements established by the Board or the federal government to ensure the applicant is qualified and has had the proper training to engage in or supervise asbestos abatement.

102.5 If an applicant has been convicted of a criminal offense, other than a minor traffic violation, the applicant shall provide the following:

- (a) Copies of the relevant court records which describe the nature of the conviction;
- (b) A written statement from the applicant explaining the circumstances surrounding the conviction; and
- (c) Any information regarding the applicant's rehabilitation and good conduct.

103 PRE-LICENSURE TRAINING REQUIREMENTS

103.1 To be eligible for licensure as an Asbestos Worker, an applicant who is not currently and comparably licensed in another jurisdiction shall, not more than two (2) years prior to the date of application, complete a course of instruction on asbestos abatement for workers that has been accredited by the Environmental Protection Agency (EPA) in accordance with the EPA Asbestos Model Accreditation Plan (MAP) issued under the Asbestos Hazard Emergency Response Act of 1986, as amended (AHERA), or a course that has been approved by another state or territory which meets or exceeds the standards of the MAP.

103.2 To be eligible for licensure as an Asbestos Supervisor, an applicant who is not currently and comparably licensed in another jurisdiction shall, not more than two (2) years prior to the date of application, complete a course of instruction on asbestos abatement for contractors or supervisors that has been accredited by the EPA in accordance with the MAP issued under AHERA, or a course that has been approved by another state or territory which meets or exceeds the standards of the MAP.

103.3 Any applicant that has completed a course prescribed by § 103.1 or § 103.2 more than one (1) year prior to the date of his or her application, must submit proof of having completed a course of Annual Refresher Training which meets the requirements of § 106.4 of this chapter within one (1) year of the date of application.

104 ISSUANCE AND DISPLAY OF LICENSE

104.1 The Director shall issue a license to any applicant who has met the requirements of the Act and this chapter.

104.2 The Director shall issue a license only for the individual named as applicant in the application. The license is not assignable or transferable, or valid for use by any individual other than that designated on the license.

104.3 A licensee shall carry proof of valid licensure on his or her person, and make it available for inspection by District officials, during the performance of any asbestos abatement in the District.

105 TERM OF LICENSE

105.1 All licenses issued pursuant to this chapter shall be valid from the date of issuance through the close of the two (2) year licensing period, which ends on July 31 of each odd-numbered year.

105.2 The Board may change the license cycle for administrative convenience.

105.3 If the Board changes the license cycle, the term of a license that is in effect on the date of the Board's determination to change the cycle may, at the Board's discretion, be extended up to three (3) years in order to permit an orderly transition. Any extension of the license term implemented under this section shall only be made by Board resolution.

106 CONTINUING EDUCATION REQUIREMENTS

106.1 This section shall apply to all applicants for the renewal or reinstatement of a license as an Asbestos Worker or Asbestos Supervisor.

106.2 An applicant for renewal of a license shall submit to the Board proof of having completed a course of Annual Refresher Training on asbestos abatement during each year of the previous license cycle.

106.3 An applicant for reinstatement of a license shall submit to the Board proof of having completed, no more than one (1) year prior to the date of application, one of the following courses:

- (a) Annual Refresher Training; or
 - (b) If an applicant has failed to complete a course of Annual Refresher Training within the two (2) years preceding the date of the application, a pre-licensure course prescribed by § 103.1 or § 103.2 of this chapter.
- 106.4 To be acceptable for credit, the Annual Refresher Training must have been obtained through an in-person or online program that has been accredited by the Environmental Protection Agency (EPA) in accordance with the EPA Asbestos Model Accreditation Plan (MAP) issued under the Asbestos Hazard Emergency Response Act of 1986, as amended (AHERA), or approved by another state or territory which meets or exceeds the standards of the MAP.
- 106.5 Applicants are responsible for ensuring that continuing education courses taken to satisfy the Board's renewal or reinstatement requirements are properly accredited.
- 106.6 An applicant for the renewal of a license who fails to submit proof of having completed the continuing education requirements by or before the expiration date may renew the license within sixty (60) days after expiration by submitting proof of course completion and by paying the required late fee. Upon renewal, the Board shall deem the applicant to have possessed a valid license during the period between the expiration of the license and its renewal.
- 106.7 If an applicant for the renewal of a license fails to submit proof of completion of continuing education requirements within sixty (60) days after the expiration of the applicant's license, the license shall be deemed to have lapsed on the date of expiration, and the applicant shall be required to apply for reinstatement of the expired license pursuant to § 3308 of this chapter.
- 106.8 The Board may grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion of continuing education requirements was for good cause. For purposes of this subsection, "good cause" includes proof of the following:
- (a) Serious and protracted illness of the applicant who submits a doctor's statement verifying the illness;
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family, which death or illness resulted in the applicant's inability to complete the continuing education requirements within the specified time. For the purposes of this subsection, the term "immediate family" means the applicant's spouse and any parent, brother, sister, or child of the applicant and the spouse of any such parent, brother, sister, or child; or
 - (c) Active military service.

107 REQUIRED NOTIFICATIONS

107.1 A licensee shall notify the Board in writing within thirty (30) days of any name change, or any change of business, email, or residence address.

107.2 A licensee shall inform the Board in writing within thirty (30) days of pleading guilty or *nolo contendere*, or being convicted or found guilty of any felony.

107.3 A licensee shall inform the Board in writing within thirty (30) days of the suspension, revocation, or surrender of his or her license or certificate held in any other jurisdiction to perform or supervise asbestos abatement.

108 STANDARDS OF PRACTICE

108.1 A licensee shall conduct all asbestos abatement in compliance with the Act, the Asbestos Licensing and Control Act of 1990, effective May 1, 1990 (D.C. Law 8-116; D.C. Official Code §§ 6-991 *et seq.*), as amended, the requirements set forth in 20 DCMR Chapter 8, and all other federal and District laws and regulations governing the treatment and removal of asbestos.

108.2 A licensee shall not knowingly engage in or attempt to engage in asbestos abatement at any site for which a valid permit has not been issued under 20 DCMR Chapter 8.

108.3 A licensee shall report any unsafe condition that he or she observes in the course of performing asbestos abatement to the Board, the Department of Consumer and Regulatory Affairs, or the District Department of the Environment.

108.4 A licensee shall not offer, give, or promise anything of value or benefit to any federal or District employee for the purpose of influencing that employee to circumvent, in the performance of his or her duties, any federal or District law, regulation, or ordinance governing the occupation of asbestos abatement.

109 EXEMPTIONS FROM LICENSURE REQUIREMENT

109.1 A license issued under this chapter and the Act shall not be required for the following activities:

(a) Removal of non friable asbestos containing material; and

(b) Removal, or other activity involving, resilient floor covering materials, including sheet vinyl, resilient tile, and associated adhesives.

109.2 Nothing in this section shall be construed to exempt any person from the permitting or notification requirements set forth in 20 DCMR Chapter 8.

199 **DEFINITIONS**

199.1 When used in this chapter, the words and phrases set forth in this section shall have the following meanings:

Act - The Non-Health Related Occupations and Professions Licensure Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code §§ 47-2853.01, *et seq.* (2015 Repl.)).

Asbestos – any material that contains chrysotile, amosite, crocidolite, tremolite, anthophyllite, actinolite, and any of these minerals that have been chemically treated or altered, that can be crumbled, pulverized, or reduced to powder by the pressure of the ordinary human hand.

Asbestos abatement - the removal, encapsulation, enclosure, disposal, or transportation of asbestos or material that contains asbestos.

Asbestos worker – an individual who is licensed in the District to engage in asbestos abatement.

Asbestos supervisor – an individual who is licensed in the District to engage in or supervise asbestos abatement.

Encapsulation - the coating, binding, or resurfacing of a wall, ceiling, pipe, or other structure to prevent friable asbestos or material that contains asbestos from becoming airborne.

Non friable asbestos – any material that contains more than one percent (1%) of asbestos, but cannot be crumbled, pulverized, or reduced to powder by the pressure of the ordinary human hand.

Chapter 33, GENERAL RULES: FUNERAL DIRECTORS, VETERINARIANS, INTERIOR DESIGNERS, AND REAL ESTATE APPRAISERS, is amended as follows:

Section 3300, APPLICABILITY, is amended as follows:

Subsection 3300.1 is amended to read as follows:

3300.1 This chapter shall apply to applicants for and holders of a license to practice a profession or occupation regulated by the following boards:

- (a) The Board of Funeral Directors for the District of Columbia, established by § 4 of the District of Columbia Funeral Services Regulatory Act of 1984 (D.C. Law 5-84; D.C. Official Code §§ 3-401 *et seq.* (2016 Repl.));

- (b) The Board of Veterinary Examiners for the District of Columbia, established by § 6 of the Veterinary Practice Act of 1982 (D.C. Law 4-171; D.C. Official Code § 3-505 (2016 Repl.));
- (c) The Board of Real Estate Appraisers, established by § 2(c) of the Non-Health Related Occupations and Professions Licensure Amendment Act of 2006 (D.C. Law 16-130; D.C. Official Code § 47-2853.06(g) (2015 Repl.));
- (d) The Barber and Cosmetology Board, established by the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.06(c) (2015 Repl.));
- (e) The Board of Professional Engineering, established by the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.06(c) (2015 Repl.));
- (f) The Board of Architecture and Interior Designers, established by the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.06(a) (2015 Repl.)); and
- (g) The Board of Industrial Trades, established by The Non-Health Related Occupations and Professions Licensure Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 47-2853.06(d) (2015 Repl.)).

Section 3312, [RESERVED], is amended to read as follows:

3312 STANDARD OF REVIEW FOR EVALUATING THE CRIMINAL HISTORY OF AN APPLICANT FOR LICENSURE OR CANDIDATE FOR SUSPENSION OR REVOCATION OF A LICENSE

3312.1 No application for any license shall be denied and no licensee shall have his or her license suspended or revoked, by reason of the applicant or licensee having been convicted of one or more criminal offenses in the District of Columbia or another jurisdiction, unless the board with jurisdiction over the matter first evaluates the applicant's or licensee's fitness to engage in the profession or occupation in accordance with § 3312.4, § 3312.5, or both.

3312.2 The fitness of applicants and holders of the following licenses shall be evaluated in accordance with both § 3312.4 and § 3312.5:

- (a) Asbestos worker or supervisor;

- (b) Barber;
- (c) Body artist
- (d) Cosmetologist;
- (e) Electrician;
- (f) Funeral director;
- (g) Operating engineer;
- (h) Plumber/gasfitter;
- (i) Refrigeration and air conditioning mechanic; and
- (j) Steam engineer.

3312.3 When a board seeks to deny, revoke, or suspend a license that is not listed in § 3312.2, the board shall only be required to apply the criteria set forth in § 3312.5.

3312.4 When a board bases a decision to deny, suspend, or revoke licensure for a license listed in § 3312.2 on the criminal history of an applicant or licensee, the board must show:

- (a) There is a potential direct relationship between the nature of one or more of the criminal offenses and the specific license sought or held; or
- (b) The issuance or retention of the license could involve an unreasonable risk to property, safety, or welfare of specific individuals or the general public

3312.5 In making a determination of fitness in light of a criminal history, the board shall consider the following factors:

- (a) The specific duties and responsibilities necessarily related to the license;
- (b) The bearing, if any, the criminal offense or offenses for which the person was convicted will have on his fitness or ability to perform one or more such duties or responsibilities under the license;
- (c) The time that has elapsed since the occurrence of the criminal offense or offenses;
- (d) The age of the person at the time of occurrence of the criminal offense or offenses;

- (e) The nature and seriousness of the offense or offenses;
- (f) Any information produced by the person, or produced on his behalf, concerning his or her rehabilitation and good conduct; and
- (g) The legitimate interest of the public agency in protecting property, the safety, or welfare of specific individuals or the general public.

3312.6 In making a determination pursuant to § 3312.5, the board or commission shall also consider a certificate of relief from disabilities or a certificate of good conduct issued to the applicant or licensee. Only a certificate issued by the District of Columbia shall create a presumption of rehabilitation. Certificates that have been issued by other jurisdictions may be provided as evidence of rehabilitation.

3312.7 If a conviction of a criminal offense, which bears directly on the fitness of the person to be licensed, forms the basis of a board's decision to deny, suspend or revoke a license under this section, the board shall provide the applicant or licensee with a notice of the intended action and an opportunity for a hearing in accordance with § 3315 of this chapter.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking and Zoning Commission Order No 17-18, issued by the Zoning Commission of the District of Columbia and published in the *D.C. Register* on August 17, 2018, at 65 DCR 8555.

The final rulemaking amended, among others, Chapter 3 (General Rules of Measurement) of Title 11 (Zoning Regulations of 2016), Subtitle B (Definitions, Rules of Measurement, and Use Categories), of the District of Columbia Municipal Regulations (DCMR).

In the introductory language to the edits to Section 307 (Rules of Measurement for Building Height: Non-Residential Zones), the rulemaking incorrectly stated that a new Subsection 307.8 was added to the section. No Subsection 307.8 exists; this errata notice corrects the phrasing of the introductory paragraph.

The corrections to the final rulemaking are made below (deletions are shown in ~~striketrough~~ text):

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

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of August 17, 2018.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****AND****ZONING COMMISSION ORDER NO. 17-11****Z.C. Case No. 17-11****3200 Penn Ave PJV, LLC****(Zoning Map Amendment @ Square 5539, Lots 835 and 840)****September 17, 2018**

The Zoning Commission for the District of Columbia (Zoning Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2016 Repl.)), hereby amends the Zoning Map to rezone Lots 835 and 840 in Square 5539 from R-1-B to the MU-3B zone.

A notice of final rulemaking containing the text amendment that creates the MU-3B zone is being published concurrently with this notice.

The subject site is approximately 1.98 acres. The site is bordered by Branch Avenue, S.E., to the west, and the Penn Branch shopping center to the south. To the north and east of the subject site are single family houses along O Street, S.E., and a laundromat with surface parking lot on Pennsylvania Avenue. The subject site is currently the associated parking lot for the Penn Branch shopping center, which the Petitioner hopes to redevelop with retail and residential uses.

The Petitioner originally requested that the lots being rezoned to MU3B, as well as Lots 838 and 839 (zoned MU-3), be rezoned to the MU-4 district.

Advisory Neighborhood Commission (ANC) 7B submitted a report dated September 20, 2017. The report stated that ANC 7B supported limiting development of the subject site to certain height, density, and lot occupancy requirements.

During the October 2, 2017 public hearing, the Commission heard similar concerns over the additional height, density, and lot occupancy that would be available from the rezoning requested. In response, the Commission inquired whether the process established under the Zoning Regulations of 2016 (ZR 16) for the creation of a new zone could potentially address the concerns over the impact of development on the site, while still allowing the height and density needed to permit the successful mixed-use redevelopment of the site.

On October 30, 2017, the Petitioner submitted, and the Commission granted, a request to defer consideration of Case No. 17-11 to allow the Petitioner to work with the community to resolve the concerns expressed. Through a letter dated April 23, 2018, the Petitioner informed the Commission that it had reached consensus with community stakeholders on the parameters of a new zone, which the Petitioner communicated to the Office of Planning (OP). The letter further stated that OP soon would request the Commission to set down for hearing the text needed to establish the new zone. If the Commission set down the case, the Petitioner requested that its

petition be deemed modified to request a map amendment to the new zone, and to eliminate Lots 838 and 839 from consideration.

On April 30, 2018, the Commission agreed to setdown for hearing Case No. 18-06 to create a new MU-4A zone and to change the name of the MU-4 zone to MU-4B. The petition filed in Case No. Case 17-11 was deemed to be modified as requested.

Separate hearings for Case Nos. 17-11 and 18-06 were held on July 23, 2018. At the end of each hearing, the Zoning Commission voted to refer the case to the National Capital Planning Commission for review pursuant the Home Rule Act and to publish a notice of proposed rulemaking as required by the District of Columbia Administrative Procedure Act. As part of its motion in Case No. 18-06, the Commission voted to change the proposed new zone name from MU-4A to MU-3B, to reflect that it is more restrictive than MU-4. This required that the MU-3 zone be renamed “MU-3A”.

A Notice of Proposed Rulemaking for this case was published in the *D.C. Register* on August 17, 2018, at 65 DCR 8573. In response, the Commission received no comments.

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) (2016 Repl.)) to give great weight to the issues and concerns raised in an affected ANC’s written report. The Zoning Commission recognized the legitimacy of the concerns expressed by ANC 7B when it suggested the creation of a new zone, which became MU-3B, and to which it is now mapping the subject site.

The Commission therefore took final action at a public meeting on September 17, 2018, to adopt the map amendment as proposed.

The Zoning Map of the District of Columbia is amended as follows:

SQUARE	LOT(S)	Map Amendment
5539	835 and 840	R-1-B to MU-3B

This map amendment shall become final and effective upon publication of this notice in the *DC Register*.

On July 23, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the petition at the conclusion of the public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

On September 17, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public

meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on October 12, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****AND****Z.C. ORDER NO. 18-06****Z.C. Case No. 18-06****Office of Planning****(Text Amendment to Subtitle G Creating a New MU-3B Zone and to Amend the Zoning Map to Change All Existing References from the MU-3 Zone to the MU-3A Zone)****September 17, 2018**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2016 Rep1.)), hereby gives notice of the adoption of amendments to the Zoning Map and to Subtitle G (Mixed-Use (MU) Zones) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

These amendments create a new MU-3B zone. The new MU-3B zone permits a maximum floor area ratio (FAR) of 2.4, which is more density than permitted in the existing M-3 zone, but less than allowed in the existing MU-4 zone. The new zone allows a maximum height of fifty feet (50 ft.), which is higher than permitted in the existing MU-3 zone, and the same as permitted in the MU-4 zone. The new zone includes setback and buffer requirements and imposes a sixty percent (60%) lot occupancy limit for non-residential uses in Square 5539, for which there is presently no lot occupancy limit. The amendments also amend the Zoning Map to change all existing references from the MU-3 zone to the MU-3A zone to reflect the creation of the new MU-3B zone.

In this same edition of the *D.C. Register*, through Z.C. Order No. 17-11, the Commission gave notice that it adopted an amendment to the Zoning Map to rezone Lots 835 and 840 in Square 5539 from R-1-B to the new MU-3B zone. The Petitioner in that case originally requested that these two lots, as well as lots 838 and 839 (zoned MU-3), be rezoned to the MU-4 district. The subject site is currently the associated parking lot for the Penn Branch shopping center, which the Petitioner hopes to redevelop with retail and residential uses.

During the October 2, 2017 public hearing for that map amendment, the Commission heard testimony expressing concern over the additional height, density, and lot occupancy that would be available from the rezoning requested. In addition, the Commission received a written report from Advisory Neighborhood Commission (ANC) 7B expressing similar concerns. In response, the Commission inquired whether the process established under the Zoning Regulations of 2016 (ZR 16) for the creation of a new zone could potentially address the concerns over the impact of development on the site, while still allowing the height and density needed to permit the successful mixed-use redevelopment of the site.

On October 30, 2017, the Petitioner submitted, and the Commission granted, a request to defer consideration of Case No. 17-11 to allow the Petitioner to work with the community to resolve the concerns expressed. Through a letter dated April 23, 2018, the Petitioner informed the Commission that it had reached consensus with community stakeholders on the parameters of a

new zone, which the Petitioner communicated to the Office of Planning (OP). The letter further stated that OP soon would request the Commission to set down for hearing the text needed to establish the new zone. If the Commission set down the case, the Petitioner requested that its petition be deemed modified to request a map amendment to the new zone, and to eliminate Lots 838 and 839 from consideration.

On April 30, 2018, the Commission agreed to setdown for hearing Case No. 18-06 to create a new MU-4A zone and to change the name of the MU-4 zone to MU-4B. The petition filed in Case No. 17-11 was deemed to be modified as requested. The two cases were scheduled to be heard on July 23, 2018, and notices of the two public hearings were given as required, with the notice for this case being given to all ANCs.

On July 19, 2018, ANC 3D submitted a report to the record of this case. The Commission's response to the ANC's issues and concerns appears later in this Notice.

Separate hearings for Case Nos. 17-11 and 18-06 were held on July 23, 2018. At the end of each hearing, the Commission voted to refer the case to the National Capital Planning Commission for review pursuant the Home Rule Act and to publish a notice of proposed rulemaking as required by the District of Columbia Administrative Procedure Act. As part of its motion in Case No. 18-06, the Commission voted to change the proposed new zone name from MU-4A to MU-3B, to reflect that it is more restrictive than MU-4. This required that the MU-3 zone be renamed "MU-3A".

A Notice of Proposed Rulemaking for this case was published in the *D.C. Register* on August 17, 2018, at 65 DCR 8574. No comments were received.

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) (2016 Repl.)) to give great weight to the issues and concerns raised in an affected ANC's written report. In this case, all ANCs are potentially affected by the creation of a new, non-geographically specific zone. As noted, ANC 3D submitted a report stating that it had become aware that the Commission intended to create a "special zone" for the Penn Branch Shopping Center site. The ANC expressed its opposition to what it considered to be a "special carve out." Further the ANC considered it to be imprudent for the Zoning Commission to create a new zone so soon after adopting the Zoning Regulations of 2016, which became effective September 6, 2016. In the ANC's view, the creation of a new zone and the mapping of a property into it should only occur if the inclusion of the property in its current zone was erroneous and the burden of proving that should be high. Lastly, ANC 3D stated it was opposed to what it considered "wholesale changes to zoning regulations perpetuated through a particular case outside of broad public awareness."

The Commission must respectfully disagree with the ANC's characterization that the Commission is creating a special zone district for the proposed redevelopment of the Penn Branch Shopping Center. A special zone, such as Union Station North, Capital Gateway, and Hill East, applies only to a single discrete geographic area. Such zones are created in a single proceeding and notice is given only to the ANC within which the new zone will be located. The proposed MU-3B zone is not intended to be confined to a single geographic area, but as OP

notes, has the potential to be useful to other areas where the FAR and height allowed are not inconsistent with their designated Comprehensive Plan Land Use Category, but for which setback and buffer requirements are needed. Thus, the creation of the MU-3B zone does not create a “special carve out” for a particular site, but provides a set of zoning tools that the Commission believes will benefit many.

The Commission is not making wholesale changes to zoning regulations. Rather, it is adopting discrete text amendments to accomplish the objective it has just described. In fact, the Commission’s action is similar to its decision to adopt the C-2-B-1 zone (now MU-5B) in March 2016, just three months after it took final action to adopt the Zoning Regulations of 2016. Thus, while Case No, 08-06 certainly had “broad public awareness”, the Commission need not wait until the next comprehensive revision to the Zoning Regulations to create new zones. In fact, few new zones were created as part of ZR16. For the most part, the map amendments made did not change the maximum FAR or height within the zone district’s shown on the 1958 map, but simply changed their names. As explained, the need for an MU-3B zone has nothing to do with the Commission renaming C-2-A as MU-3 or C-2-B as MU-4.

In its order adopting the Zoning Regulations of 2016, the Commission stated:

The Commission notes that the rules it adopts through this Order are not set in stone. As with the 1958 regulations it replaces, the new Title 11 will doubtless be the subject of numerous amendments over the years, for which any member of the public may petition.

(Z.C. Order No. 08-06A at 29.)

The new zone adopted by this Commission through this case is exactly the type of amendment anticipated by the Commission when it adopted ZR16.

The Commission took final rulemaking action to adopt these amendments at a public meeting on September 17, 2018.

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

The following map amendment action is taken:

The Zoning Map is amended to change all existing references to “MU-3” to “MU-3A”.

The following amendments to the text of Title 11-G DCMR, MIXED-USE (MU) ZONES, are adopted:

Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, is amended as follows:

Subsection 400.2, of § 400, PURPOSE AND INTENT, is amended as follows:

400.2 The MU-3 zones are intended to:

- (a) Permit low-density mixed-use development; and
- (b) Provide convenient retail and personal service establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development.

Subsection 402.1, of § 402, DENSITY - FLOOR AREA RATIO (FAR), is amended as follows:

402.1 The maximum permitted FAR in the MU-3 through MU-10 zones shall be as set forth in the following table:

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3A	1.0	1.0
	1.2 (IZ)	
MU-3B	2.0	1.5
	2.4 (IZ)	
MU-4	2.5	1.5
	3.0 (IZ)	
MU-5-A	3.5	1.5
MU-5-B	4.2 (IZ)	
MU-6	6.0	2.0
	7.2 (IZ)	
MU-7	4.0	2.5
	4.8 (IZ)	
MU-8	5.0	4.0
	6.0 (IZ)	
MU-9	6.5	6.5
	7.8 (IZ)	
MU-10	6.0	3.0
	7.2 (IZ)	

Subsections 403.1 and 403.3, of § 403, HEIGHT, are amended as follows:

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3A	40	3
MU-3B	50	4
MU-4	50	N/A

Zone	Maximum Height (Feet)	Maximum Stories
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
MU-10	90	N/A
	100 (IZ)	
MU-30	110	NA

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3A MU-3B MU-4	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10 MU-30	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

Section 404, LOT OCCUPANCY is amended as follows:

Subsections 404.1 is amended as follows:

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3A	60%
	60% (IZ)
MU-3B	60%
	75% (IZ)

Zone	Maximum Lot Occupancy for Residential Use
MU-4	60%
	75% (IZ)
MU-5-A MU-5-B	80%
	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A (IZ)
MU-30	N/A

A new 404.2 is added to read as follows:

404.2 Notwithstanding Subtitle G § 404.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60 %) maximum lot occupancy for all residential and non-residential uses.

A new § 411, TRANSITION SETBACK REQUIREMENTS, is added to read as follows:

411 TRANSITION SETBACK REQUIREMENTS

411.1 In the MU-3B zone the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone district:

- (a) A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the 20-foot transition setback; and
- (b) An additional upper-story transition setback of 10 feet minimum shall be provided above a building height of 40 feet, or top of third story.

411.2 Any required transition setback area shall not be used for loading.

411.3 A minimum of six feet (6 ft.) of the transition setback area, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:

- (a) The trees shall be maintained in a healthy growing condition;

- (b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and
 - (c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.
- 411.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.
- 411.5 No residential communal outdoor recreation space shall be located within 50 feet of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.

On July 23, 2018, upon the motion of Chairman Hood, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the petition at the conclusion of the public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

On September 17, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on October 12, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

OFFICE OF THE ATTORNEY GENERAL**NOTICE OF PROPOSED RULEMAKING**

The Attorney General for the District of Columbia, pursuant to the authority set forth in Section 822 of the District of Columbia Procurement Practices Act of 1985 (the Act), effective March 19, 2013 (D.C. Law 19-232; D.C. Official Code § 2-381.10 (2016 Repl.)), hereby gives notice of his intent to add a new Chapter 51 (Civil False Claims Penalty Inflation Adjustment) to Title 27 (Contracts and Procurement), of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the rule is to implement an increase to the District's civil false claims penalties to match the inflation adjustments that the Attorney General of the United States has made to the federal civil false claims penalties authorized by 31 USC § 3729.

Section 822 of the Act states:

“Sec. 822. Civil penalty inflation adjustment.

“The Attorney General for the District of Columbia is granted the authority to, at least once every 4 years, promulgate rules to adjust the amounts of the civil penalties listed in section 814 by the same amount that the Attorney General of the United States shall, from time to time, adjust the civil monetary penalties found in 31 U.S.C. § 3729 pursuant to the procedures described in the Federal Civil Penalties Inflation Adjustment Act of 1990, approved October 5, 1990 (104 Stat. 890; 28 U.S.C. § 2461, note). Any increase to a civil penalty as provided in this section shall only apply to violations which occur after the date the increase takes effect.”

It has been more than four years since Section 822 became effective. Currently the District's civil false claims penalties shall be ordered at an amount between Five Thousand Five Hundred Dollars (\$5,500.00) and Eleven Thousand Dollars (\$11,000.00). Since the March 19, 2013 effective date of Section 822, the Attorney General for the United States has adjusted the federal civil false claims penalties twice pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

On June 16, 2016, the Attorney General of the United States issued an interim final rule that increased the civil monetary penalties applicable to the federal false claims act in 31 USC § 3729 to not less than Ten Thousand Seven Hundred Eighty-One Dollars (\$10,781.00) and not more than Twenty-one Thousand Five Hundred Sixty-Three Dollars (\$21,563.00). 81 *Fed. Reg.* 42491. Thereafter, on January 29, 2018, the Attorney General of the United States issued a final rule again adjusting the civil monetary penalties applicable to the federal false claims act in 31 USC § 3729 to not less than Eleven Thousand One Hundred Eighty-One Dollars (\$11,181.00) and not more than Twenty-Two Thousand Three Hundred Sixty-Three Dollars (\$22,363.00). 83 *Fed. Reg.* 3944. By operation of law, the District's civil false claims penalties will be equal to the federal false claims penalties upon the effective date of these rules.

A new Chapter 51, CIVIL FALSE CLAIMS PENALTY INFLATION ADJUSTMENT, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is added to read as follows:

CHAPTER 51 CIVIL FALSE CLAIMS PENALTY INFLATION ADJUSTMENT

5100 AUTHORITY FOR INFLATION ADJUSTMENT

5101 INFLATION ADJUSTED CIVIL FALSE CLAIMS PENALTIES

5100 AUTHORITY FOR INFLATION ADJUSTMENT

5100.1 Pursuant to Section 822 of the District of Columbia Procurement Practices Act of 1985 (Act), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-381.10), the Attorney General for the District of Columbia (OAG) is authorized at least once every four (4) years to promulgate rules to adjust the amounts of the civil penalties listed in Section 814 of the Act.

5101 INFLATION ADJUSTED CIVIL FALSE CLAIMS PENALTIES

5101.1 By operation of law and the application of procedures described in Section 822 of the Act, after January 1, 2019, for each false claim or fraudulent claim described in the Act the amount of the civil penalty a person is liable to the District shall be not less than Eleven Thousand One Hundred Eighty-One Dollars (\$11,181.00) and not more than Twenty-Two Thousand Three Hundred Sixty-Three Dollars (\$22,363.00).

Persons desiring to comment on these proposed rules should submit comments, in writing, to Natalie O. Ludaway, Chief Deputy Attorney General, Chief Administrative Officer, Office of the Attorney General, 441 4th Street, N.W., Suite 1100S, Washington, D.C. 20001, or natalie.ludaway@dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules may be obtained between 8:30 a.m. and 5:00 p.m. at the address stated above. Questions may be directed to 202.724.3400.

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia (CPO), pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl. & 2017 Supp.)), hereby gives notice of the intent to amend Chapter 16 (Procurement by Competitive Sealed Proposals) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking updates the regulations and implements Section 3(k), of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2015, effective October 8, 2016 (D.C. Law 21-158; D.C. Official Code § 2-354.03 (2016 Repl. & 2017 Supp.)), which establishes a contractor's past performance as an evaluation criteria when using the competitive sealed proposals method of procurement.

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

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

Section 1613, EVALUATION FACTORS OF PROPOSALS, is amended by amending § 1613.2 to read as follows:

1613.2 The contracting officer shall include in the solicitation the evaluation factors, including price or cost, the quality of the goods or services, the past performance of the offeror, and any significant subfactors. The solicitation shall include the minimum requirements that apply to each evaluation factor and any significant subfactors.

Section 1630, PROPOSAL EVALUATION, is amended to read as follows:

1630 PROPOSAL EVALUATION

1630.1 The contracting officer shall evaluate each proposal using only the evaluation criteria stated in the RFP and in accordance with the weightings provided in the RFP.

1630.2 The contracting officer shall evaluate the cost or price to determine reasonableness.

1630.3 The contracting officer shall evaluate the quality of the goods or services using at least one non-cost evaluation factor.

- 1630.4 The contracting officer shall evaluate the offeror's performance under past or current government or private sector contracts with requirements similar to those stated in the statement of work.
- 1630.5 The evaluation should take into account past performance information regarding predecessor companies, key personnel who have relevant experience, and subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the procurement.
- 1630.6 The contracting officer shall evaluate past performance in a manner consistent with the criteria specified in the solicitation, including the approach that will be used for evaluating offerors with no relevant performance history, and those criteria shall be applied consistently among all offerors.
- 1630.7 If an offeror has no record of relevant past performance, or if that information is not available, the offeror may not be evaluated favorably or unfavorably on the factor of past performance.
- 1630.8 If any technical evaluation is necessary beyond ensuring that the proposal meets the minimum requirements in the solicitation, the contracting officer shall forward the proposals to the appropriate technical official for technical evaluation.
- 1630.9 If a technical evaluation is done, a technical evaluation report shall be prepared by the technical official and shall contain the following:
- (a) The basis for evaluation;
 - (b) An analysis of the technically acceptable and unacceptable proposals, including an assessment of each offeror's ability to accomplish the technical requirements;
 - (c) A summary, matrix, or quantitative ranking of each technical proposal in relation to the best rating possible; and
 - (d) A summary of findings.
- 1630.10 When evaluating a cost-reimbursement contract, the cost proposal shall not be controlling. The contracting officer shall consider which offeror can perform the contract in a manner most advantageous to the District as determined by evaluation of proposals according to the established evaluation criteria.
- 1630.11 The contracting officer may reject all proposals received in response to a solicitation by a written determination that to do so would be in the best interest of the District. The contracting officer's determination shall be approved by the Director.

- 1630.12 The reasons given for rejection may include, but are not limited to, the following:
- (a) All otherwise acceptable proposals received are at unreasonable prices; or
 - (b) The proposals were not independently arrived at in open competition, were collusive or were submitted in bad faith.
- 1630.13 When all proposals are rejected and no award will be made as a result of the RFP, the contracting officer shall cancel the RFP.
- 1630.14 The contracting officer shall prepare supporting documentation for the selection decision that shows the relative differences among the proposals and their strengths, weaknesses, and risks in terms of the evaluation factors. The supporting documentation shall include the basis for the selection.

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

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in Section 16 of the Personal Property Tax Amendment Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Official Code § 47-1535 (2015 Repl.)), and Section 2 of the Title 47, D.C. Code Enactment Act of 1996, effective April 9, 1997 (D.C. Law 11-254; D.C. Official Code § 47-1535 (2015 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 7 (Personal Property Tax), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by amending Section 707.

The newly amended regulations provide updated technical guidance regarding the exemptions from personal property taxes. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District personal property tax exemption requirements.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 7, PERSONAL PROPERTY TAX, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 707, PERSONAL PROPERTY TAX EXEMPTION, is amended to read as follows:

707 EXEMPT ORGANIZATIONS

707.1 The responsibility for establishing the right to exemption from the personal property tax shall rest upon the organization claiming the exemption.

707.2 An organization shall not be exempt merely because it is not organized and operated for profit.

707.3 Personal property tax exemptions shall only be valid for the period stated on the personal property tax exemption certificate.

707.4 The effective date for a personal property tax exemption granted shall be the July 1st following the date of the initial application request.

707.5 Exemptions Applications for Exempt Organizations

- (a) In order to establish a personal property tax exemption, the organization shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the institution is entitled to the exemption. No exemption shall be allowed without a valid exemption certificate.

- (b) Beginning with exemption certificates issued on or after November 1, 2018, exemption certificates issued to exempt organizations shall be valid only for a period of up to five years from the date issued.
- (c) Exemption certificates issued to exempt organizations prior to June 1, 2018, shall expire upon notice by the Office of Tax and Revenue.
- (d) In order to receive an exemption certificate, an exempt organization shall follow the Office of Tax and Revenue's electronic application process.
- (e) All exemption applications filed by exempt organizations shall include, but are not limited to, the following information:
 - (1) Taxpayer ID Number;
 - (2) Name;
 - (3) Address;
 - (4) Sales Tax Account Number;
 - (5) NAICS Code;
 - (6) Federal Exemption Status;
 - (7) Proof of IRS exemption (e.g., IRS Determination Letter or Application for Recognition of Exemption);
 - (8) Organizational details; and
 - (9) Articles of Incorporation.

Comments on this proposed rulemaking should be submitted to Jessica Brown, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Jessica Brown may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6462; or, email at jessica.brown@dc.gov. Copies of this rule and related information may be obtained by contacting Jessica Brown as stated herein.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF SECOND PROPOSED RULEMAKING**

The Director of the District Department of Transportation (DDOT), pursuant to the authority in Sections 3(b), 5(a)(3)(Q) (allocating and regulating on-street parking), 6(b) and (c) (transferring certain transportation related functions to DDOT), and 7 (delegating and redelegating all transportation related authority to DDOT) 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(b), 50-921.04(a)(3)(Q), 50-921.05(b) and (c), and 50-921.06 (2014 Repl. & 2017 Supp.)), and Section 6(a)(1), (a)(6), and (b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6), and (b) (2014 Repl.)), hereby gives notice of this proposed action to adopt rules that amend Chapters 24 (Stopping, Standing, Parking, and Other Non-Moving Violations), 26 (Civil Fines For Moving And Non-Moving Infractions), and 99 (Definitions) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

These regulations will: (1) revise and add definitions to related terms identified in this rulemaking; (2) clarify the criteria for the modification of residential permit parking (RPP) and resident-only parking restrictions on established RPP streets; (3) establish a fine for parking unlawfully in a resident-only parking area without a visitor parking permit or annual visitor parking pass; (4) remove any provisions in Chapter 24 with location-specific details; (5) update citations to violations in Chapter 26 of Title 18 DCMR; (6) repeal Section 2403, Emergency Parking Permits; (7) include parking meters as a traffic control device to indicate the times that parking, stopping, or standing applies according to Chapter 24; (8) add a no parking, stopping, or standing with no sign required reference for a shared use path; and (9) repeal references to specific visitor permits issued to residents in Performance Parking Pilot Zone.

The first Notice of Proposed Rulemaking was published on August 12, 2016 at 63 DCR 10480. The public comment period ended on October 10, 2016 (60 days). DDOT received one hundred thirty-six (136) comments from sixty (60) commenters including eleven (11) Advisory Neighborhood Commissions (ANCs), four (4) organizations and forty-five (45) residents. DDOT received nine (9) supportive and twenty-two (22) opposing comments on Section 2437 (Residential Permit Parking – Resident-Only Parking). Eleven (11) ANCs commented on the RRP rulemaking, three (3) were in favor and eight (8) were opposed to the proposed Section 2437. Commenters stated that an ANC-based resident-only program is not appropriate since it is a one-size fits all approach, since ANCs often cover several blocks with different land use characteristics. Forty-five (45) residents commented on the rulemaking; of those, fourteen (10) were opposed and six (6) were in favor of Section 2437, the proposed ANC-based resident only rules. The majority of the comments submitted by residents were not responsive to the proposed changes. For example, residents commented on the need to increase the fees and revisit the boundaries of the Residential Permit Parking (RPP) program. In addition, residents commented on the need for limiting the number of temporary visitor permits. None of the commenters raised major concerns regarding proposed changes to the process for modifying the RPP days and hours of operation. All four (4) organizations who commented on the rules were opposed to Section 2437.

Since the majority of commenters expressed concerns regarding the proposed resident-only rules, DDOT proposes to republish the rulemaking with changes to the resident-only section. This Notice of Second Proposed Rulemaking includes revised criteria for establishment of resident-only blocks. The remainder of the rulemaking is administrative changes made to existing Residential Permit Parking (RPP) regulations for clarity purposes.

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 2400, PROPER PARKING: GENERAL REQUIREMENTS AND PROHIBITIONS, is amended as follows:

Subsection 2400.6 is amended to read as follows:

2400.6 The provisions of this chapter prohibiting the stopping, standing, or parking of a vehicle shall apply at all times, or at those times herein specified, or as indicated on official signs and parking meters, except when it is necessary to stop a vehicle to avoid conflict with other traffic or when complying with the direction of a police officer or official traffic control device.

Section 2401, LOADING AND UNLOADING VEHICLES, is amended by repealing Subsection 2401.9 in its entirety.

Section 2403, EMERGENCY PARKING PERMITS, is repealed in its entirety.

Section 2405, STOPPING, STANDING, OR PARKING PROHIBITED: NO SIGN REQUIRED, is amended as follows:

Subsection 2405.1(g) is amended to read as follows:

2405.1
... (g) In a bicycle lane or shared use path;

Subsection 2405.2(c) is amended to read as follows:

2405.2
... (c) Except as provided in § 2440.2 of this title, within forty feet (40 ft.) of the intersection of curb lines of intersecting streets or within twenty-five feet (25 ft.) of the intersection of curb lines on the far (non-approach) side of a one-way street; except that trucks vending ice cream shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or obstructing the pedestrian crosswalk and without unduly interfering with the flow of traffic.

A new Subsection 2405.7 is added to read as follows:

2405.7 A motor vehicle parked within a legal driveway pursuant to 11-C DCMR § 710 shall not extend into or obstruct the sidewalk.

Section 2411, RESIDENTIAL PERMIT PARKING, Section 2412, ESTABLISHMENT AND APPROVAL OF RESIDENTIAL PERMIT PARKING AREAS, and Section 2413, ISSUANCE OF RESIDENTIAL PARKING PERMITS, are repealed in their entirety and replaced by new Sections 2431 through 2441.

Section 2414, VISITOR OR TEMPORARY PERMITS, is amended as follows:

Subsection 2414.11 is amended to read as follows:

2414.11 Each housing unit located on a residential permit parking block or an Enhanced Residential Permit Parking (ERPP) block as defined by § 2438 in the VPP program area shall be eligible to receive one (1) annual visitor parking pass.

Section 2416, PENALTY, is amended as follows:

Subsection 2416.1 is amended to read as follows:

2416.1 It shall be a violation of the provisions of §§ 2414 through 2415, and §§ 2432 through 2441, for any person to falsely represent himself or herself as eligible for a residential permit parking sticker or permit, annual visitor parking pass, or temporary visitor parking permit, or to furnish any false information in an application for a residential permit parking sticker or permit, annual visitor parking pass, or temporary visitor parking permit. A violation of this subsection shall be punishable by a fine of three hundred dollars (\$300) and any sticker or permit issued as a result of false information shall be void.

Subsection 2416.3 is amended to read as follows:

2416.3 Failure, when requested, to surrender a residential permit parking sticker or permit, annual visitor parking pass, or temporary visitor parking permit revoked by the Director or the Chief of Police shall constitute a violation of the provisions under §§ 2414 through 2415 and §§ 2432 through 2441.

Subsection 2416.4 is amended to read as follows:

2416.4 Any person who violates any of the provisions of §§ 2414 through 2415 and §§ 2432 through 2441 shall, upon determination of liability, be subject to a civil fine established 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.*).

Section 2424, PERFORMANCE PARKING PILOT ZONE, is amended as follows:

The section heading is amended to read as follows:

2424 PERFORMANCE PARKING ZONE

Subsection 2424.2(c) is amended to read as follows

2424.2

...

- (c) DDOT shall publish online a map showing the boundaries of the Ballpark Performance Parking Pilot Zone.

The lead-in text of Subsection 2424.4 is amended to read as follows:

2424.4 Notwithstanding §§ 2402, 2404, 2414, and 2431 through 2441, the operator of a motor vehicle shall pay the rate posted on the applicable parking meter and abide by the associated time restrictions in the Ballpark Performance Parking Zone, except as provided below:

...

Subsection 2424.5 is amended to read as follows:

2424.5 Notwithstanding §§ 2402, 2404, 2414, and 2431 through 2441, the Director at his or her discretion may designate any blocks within the Ballpark Performance Parking Zone to be included in the Residential Permit Parking Program. A current listing of the designated blocks shall be posted for public access on the DDOT website.

Subsection 2424.6 is amended to read as follows:

2424.6 All blocks within the Ballpark Performance Parking Zone that are west of South Capitol Street will be restricted where appropriate to state “Zone 6 Resident Parking Only, 7 A.M. to Midnight, Monday through Sunday, Zone 6 Residential Parking Permit Holders and Zone 6 Visitor Pass Permit Holders Exempt”, and all streets within the Ballpark Performance Parking Zone that are east of South Capitol Street with “Zone 6 Resident Parking Only, 7 A.M. to 9:30 P.M., Monday through Saturday, Zone 6 Residential Parking Permit Holders and Zone 6 Visitor Pass Permit Holders Exempt”.

The lead-in text of Subsection 2424.8 is amended to read as follows:

2424.8 Notwithstanding §§ 2402, 2404, 2414, 2424.7, 2428, and 2431 through 2441, the initial rates for parking meters in the Ballpark Performance Parking Zone shall be as follows:

...

Subsection 2424.9 is repealed in its entirety.

Insert new Sections 2431 through 2441 to read as follows:

2431 [RESERVED]

2432 **RESIDENTIAL PERMIT PARKING – GENERAL**

2432.1 The Residential Permit Parking (“RPP”) program is established to restrict parking on designated blocks in the District as follows:

- (a) Parking on a block may be restricted so that only motor vehicles registered to residents who live in the applicable RPP parking zone may be parked on the block; provided that motor vehicles not registered to residents who live in the applicable RPP parking zone may be parked on the block for up to two (2) hours; and
- (b) Parking on a block may be restricted so that only motor vehicles registered to residents who live in the applicable RPP parking zone, or motor vehicles with annual visitor parking passes as established in § 2414 of this title, may be parked on the block.

2433 **RESIDENTIAL PERMIT PARKING – BOUNDARIES OF RESIDENTIAL PERMIT PARKING ZONES**

2433.1 Each Ward of the District shall constitute a separate RPP parking zone; provided, that census tract 79.03 (starting at the corner of Nineteenth Street, N.E., and Benning Road, N.E., east along said Benning Road, N.E., to Oklahoma Avenue, N.E.; thence in a southerly direction along said Oklahoma Avenue, N.E., to C Street, N.E.; thence west along said C Street, N.E., to Nineteenth Street, N.E.; thence north along said Nineteenth Street, N.E., to the point of beginning) shall be included in the RPP parking zone for Ward 6.

2433.2 A vehicle displaying a valid residential parking permit may park on any residential permit parking block within one (1) block of any street that serves as the boundary of a residential permit parking zone.

2434 **RESIDENTIAL PERMIT PARKING – STANDARDS AND PROCESS FOR DESIGNATING RESIDENTIAL PERMIT PARKING BLOCKS**

2434.1 Notwithstanding the notice requirements in §§ 6 and 10 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204; D.C. Official Code §§ 2-505 and 2-509 (2012 Repl.)), the Director may at his or her discretion designate any residential block as a residential permit parking (“RPP”) block, if residents on that block petition the Director for such designation, provided that:

- (a) Based on at least three (3) distinct observations during any weekday between 7:00 a.m. and 6:30 p.m., DDOT determines that the motor vehicles parked on the street occupy at least seventy percent (70%) of the parking spaces of the block; and
- (b) Based on at least three (3) distinct observations during any weekday between 7:00 a.m. and 6:30 p.m., DDOT determines that at least ten percent (10%) of the motor vehicles parked on the block are not registered in that residential permit parking zone.

2434.2 When designating a block as part of the RPP program, the Director shall determine whether curb space abutting a place of worship, healthcare facility, school, park, or recreational facility on that block will be included in the RPP program. This determination shall be made based on the existing parking supply and the demand for parking for the place of worship, healthcare facility, school, park, or recreational facility, as well as the residential parking demand in adjacent blocks.

2434.3 For the Director to consider designating any residential block as a residential permit parking block, the petition referred to in § 2434.1 must be signed by at least one (1) adult resident of a majority of the households on that block.

2434.4 The Director will accept petitions from residents on blocks that: (1) are subject to parking prohibitions, including but not limited to, weekday a.m. and p.m. hour restrictions; and (2) are surrounded by blocks which are designated as RPP blocks.

2434.5 A petition is not necessary, and the Director may at his or her discretion designate for residential permit parking, any block where any one of the following criteria is met:

- (a) The block to be designated has no residences fronting on it, and the block abuts the side or rear of residences already included in the RPP program;
- (b) The block to be designated abuts a park or recreational facility, and the block is adjacent to a block that is in the RPP program;
- (c) The block to be designated is within five (5) blocks of a commercial district or any other private or public facility that accommodates five hundred (500) or more people, such as a theater, concert hall, convention center, stadium, nightclub, university, or any other major traffic generator; or
- (d) Less than twenty percent (20%) of curbside space in the block to be designated is available for resident parking.

2434.6 In cases where a petition represents less than a majority of the individual households on the block, but where circumstances suggest to the Director that a majority of the residents may support residential permit parking, the Director may, at his or her discretion, initiate a vote on whether or not the block shall be part of the residential permit parking program.

2434.7 For the vote referred to in § 2434.6, one ballot shall be distributed to each household on the block. A majority of those ballots returned to DDOT within fifteen (15) days of their date of distribution shall be regarded as indicating the will of the residents of the block as to residential permit parking.

2435 RESIDENTIAL PERMIT PARKING – DAYS, HOURS, AND RESTRICTIONS FOR RESIDENTIAL PERMIT PARKING

2435.1 If a block is designated as a residential permit parking (“RPP”) block pursuant to § 2434 of this chapter, the times and days during which the RPP restrictions shall apply shall be from 7:00 a.m. to 8:30 p.m., Monday through Friday; unless stopping, standing, or parking is restricted during that time period pursuant to a separate provision of this chapter or by provision of law.

2435.2 During the times the residential permit parking restrictions apply, no vehicle without a valid RPP sticker for that RPP zone may park for more than two (2) hours.

2435.3 Pursuant to § 2436, the days or hours during which residential permit parking restrictions apply on a block designated as an RPP block may be expanded or modified.

2435.4 Pursuant to § 2437, Resident Only Parking restrictions may be applied to all blocks participating in the RPP program within an ANC; provided, that no more than one side of the street in each residential block, as determined by the Director, shall be designated with Resident Only Parking restrictions.

2435.5 Additional restrictions specific to parking a motor vehicle on a residential permit parking block may be imposed within a performance parking zone. Any such restrictions shall be included in the implementation plan for the applicable performance parking zone.

2436 RESIDENTIAL PERMIT PARKING MODIFYING THE DAYS OR HOURS OF RESIDENTIAL PERMIT PARKING RESTRICTIONS

2436.1 Notwithstanding the notice requirements in §§ 6 and 10 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204; D.C. Official Code §§ 2-505 and 2-509 (2012 Repl.)), within each residential permit parking zone, the Director may re-designate, at his or her

discretion, the days or hours for residential permit parking on any specific block which meets all of the following criteria:

- (a) A petition has been submitted to the Director, signed by at least one (1) adult resident of a majority of the households on the block, supporting the proposed change to the days or hours for residential permit parking restrictions for their specific block;
- (b) At least one (1) year has passed between the date on which the block was designated by DDOT as a residential permit parking block and the date on which the petition is filed;
- (c) The petition is accompanied by a resolution from the Advisory Neighborhood Commission within which the block is located, supporting the change to the days or hours; and
- (d) The block meets the following criteria:
 - (1) Based on at least one (1) distinct observation during the requested hours, DDOT determines that the motor vehicles parked on the block occupy at least seventy percent (70%) of the parking spaces on the block; and
 - (2) Based on at least one (1) distinct observation during the requested hours, DDOT determines that at least ten percent (10%) of the motor vehicles parked on the block are not registered in that residential permit parking zone.

2436.2 Notwithstanding § 2436.1, the Director shall determine whether a block abutting a place of worship, healthcare facility, school, park, or recreational facility shall be included in the modified RPP zone. This determination shall be made based on the existing parking supply and the demand for parking for the place of worship, healthcare facility, school, park, or recreational facility, as well as the residential parking demand in adjacent blocks.

2436.3 Before taking action on the petition, DDOT shall publish a Notice of Intent on the DDOT website.

2437 RESIDENTIAL PERMIT PARKING – RESIDENT-ONLY PARKING

2437.1 Notwithstanding the notice requirements in §§ 6 and 10 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204; D.C. Official Code §§ 2-505 and 2-509 (2012 Repl.)), the Director may re-designate residential permit parking (“RPP”) blocks as resident-only parking blocks if all of the following criteria are met:

- (a) An Advisory Neighborhood Commission (“ANC”) passes a resolution petitioning DDOT to designate all or a portion of the blocks participating in the RPP program within that ANC, or specific Single Member Districts within the ANC as resident-only parking blocks;
- (b) At least one (1) year has passed between the date on which the majority of blocks in the ANC were designated as residential permit parking blocks and the date of the resolution;
- (c) The resolution lists at least five (5) blocks within the ANC as being impacted by increased parking demands and requiring additional parking restrictions; and
- (d) The standards set forth in § 2437.2 are satisfied.

2437.2 After receiving a petition from an ANC requesting resident-only parking, the Director may modify the RPP restrictions on any blocks participating in the RPP program within the ANC if all of the following conditions are met:

- (a) There is a major traffic generator within or abutting the ANC;
- (b) The parking needs, in excess of two (2) hours, of visitors to any place of worship, healthcare facility, school, park, or recreational facility within the ANC are considered according to the following criteria:
 - (1) More than seventy-five percent (75%) of parking demand from the place of worship, healthcare facility, school, park, or recreational facility is unmet by off-street parking; and
 - (2) The place of worship, healthcare facility, school, park, or recreational facility does not require parking for more than twenty-five percent (25%) of the requested hours and days during which residential permit parking restrictions would apply;
- (c) Based on at least three (3) distinct observations of the five (5) or more blocks listed in the ANC petition required by § 2437.1 during any weekday between 7:00 a.m. and 8:30 p.m., the motor vehicles parked on the block occupy at least eighty-five percent (85%) of the parking spaces; and
- (d) Based on at least three (3) distinct observations during any weekday between 7:00 a.m. and 8:30 p.m., at least fifty percent (50%) of the motor vehicles parked within the five (5) or more blocks listed in the ANC petition required by § 2437.1 are not registered in that RPP zone.

- (e) The Director may, at his or her discretion, modify the observation hours described in § 2437.2(c) and (d).

- 2437.3 Notwithstanding § 2437.2, the Director shall determine whether a block abutting a place of worship, healthcare facility, school, park, or recreational facility shall be included in the Resident Only Parking zone. This determination shall be made based on the existing parking supply and the demand for parking for the place of worship, healthcare facility, school, park, or recreational facility, as well as the residential parking demand in adjacent blocks.
- 2437.4 Pursuant to § 2437.1, Resident Only Parking restrictions shall be applied to all blocks participating in the RPP program within an ANC; provided, that no more than one side of the street in each residential block, as determined by the Director, shall be designated with Resident Only Parking restrictions.
- 2437.6 Prior to taking action on the ANC petition, DDOT shall publish a Notice of Intent on the DDOT website.
- 2437.7 DDOT will evaluate petitions received by ANCs twice during a calendar year
- 2437.8 An Advisory Neighborhood Commission may, pursuant to a resolution passed by the ANC, petition DDOT to redesignate all or a portion of the blocks participating in the resident only program within that ANC, back to residential permit parking blocks.

2438 ENHANCED RESIDENTIAL PERMIT PARKING PROGRAM

- 2438.1 The Enhanced Residential Permit Parking (“ERPP”) program as established by the Residential Parking Protection Pilot Act of 2010, effective October 26, 2010 (D.C. Law 18-240; D.C. Official Code §§ 50-2551 *et seq.* (2012 Repl.)), applies only within the boundaries of Ward 1.
- 2438.2 The ERPP program is established as follows:
- (a) The ERPP program includes the following elements:
 - (1) One side of the street in each residential block, as determined by the Director, shall be reserved for Zone 1 Resident Only Parking; the opposite side of each residential block shall be designated as described in § 2432.1(a);
 - (2) A motor vehicle without a valid Zone 1 Resident Only Parking sticker shall not park on any portion of a street in Ward 1 that has been reserved for Zone 1 Resident Only Parking pursuant to this subsection; and

- (3) Any resident owning a vehicle registered at an address within the ERPP program area shall be eligible to apply for a Ward 1 residential permit parking zone sticker as provided by the Department of Motor Vehicles.
- (b) Each Ward 1 ANC may, by resolution voted upon in accordance with the law governing ANCs, choose not to participate in the ERPP program. Absent such a resolution, all of the provisions of paragraph (a) of this subsection shall apply to each residential block of the Ward 1 ANC unless prohibited by paragraph (c) of this subsection.
- (c) Any blocks within a streetscape construction project impact zone in Ward 1 shall be excluded from the ERPP program until the Director declares that all major construction associated with the streetscape construction project impact zone is complete.
- (d) For purposes of this section, the phrase "streetscape construction project impact zone" means an area designated by DDOT where, due to the nature and duration of a streetscape project (that is, a roadway construction project on a commercial street), a local or small business as defined in D.C. Official Code §§ 2-218.31 and 2-218.32 (2012 Repl.) may experience demonstrated losses during the construction period.
- (e) The ERPP program shall not apply within one (1) block of a residential permit parking zone boundary. Streets within one (1) block of a residential permit parking zone boundary shall instead be designated so that motor vehicles displaying a valid residential permit for either adjacent residential permit parking zone may park on any such block that was a residential permit parking block before the institution of the ERPP program.

2439**RESIDENTIAL PERMIT PARKING – ENFORCEMENT**

2439.1

Except as provided in §§ 2406, 2414, and 2424, parking a motor vehicle on a residential permit parking block shall be restricted as follows:

- (a) A vehicle without the necessary residential permit parking zone sticker shall not park in the same zone for more than two (2) consecutive hours. This restriction applies even if the vehicle is moved from one location within the zone to another location in the same zone. A separate violation of this provision shall exist for each additional two (2) hour period the vehicle has been parked in the same zone.
- (b) If the restrictions on a residential permit parking block (or portion of such block) prohibit non-permit holders during posted times, a vehicle shall not park for any such period of time on that block (or portion of that block) without the necessary residential permit parking zone sticker. An initial

violation shall exist when the non-permit holder first parks his or her vehicle on the restricted block and a separate violation shall exist for each additional two (2) hour period the vehicle has been parked in the same zone.

2440 RESIDENTIAL PERMIT PARKING – ADDITIONAL RESIDENTIAL PERMIT PARKING PRIVILEGES

2440.1 Between the hours of 9:00 p.m. and 7:30 a.m., a vehicle displaying a valid residential parking permit may park, within a designated residential permit parking zone, in the following locations:

- (a) In loading zones, except loading zones used by hotels; and
- (b) In entrances, except entrances to hospitals.

2440.2 Unless posted signage specifies otherwise, no vehicle may park within forty (40) feet of an intersection, except that a motor vehicle displaying a valid residential permit parking sticker for the zone may park within twenty-five (25) feet of an intersection at all times. At no time may any vehicle park within forty (40) feet of a stop or a yield sign.

2440.3 The Director may exempt an intersection from the parking restriction moratorium of § 2405.2(c) as established by this subsection, where the Director determines parking would be inappropriate and unsafe.

2440.4 A residential permit parking (“RPP”) sticker shall not authorize the vehicle displaying the sticker to stand or park in any place or during any time when the stopping, standing, or parking of motor vehicles is prohibited or set aside for specific types of vehicles, nor shall it provide an exemption from the observance of any traffic regulation other than the RPP two (2) hour parking limit, where available, and the exemptions listed in §§ 2439.1 and 2440.

2441 RESIDENTIAL PERMIT PARKING – RESIDENTIAL PERMIT PARKING STICKERS

2441.1 Each residential permit parking sticker shall indicate at least the following:

- (a) Its expiration date;
- (b) The residential permit parking zone in which it is valid;
- (c) The identification tag number of the motor vehicle for which it is valid; and
- (d) The last six (6) digits of the motor vehicle’s VIN number.

- 2441.2 A residential permit parking sticker shall be issued or reissued for a period of either one (1) year or two (2) years at the discretion of the resident, unless the Director specifies a different time period.
- 2441.3 A residential permit parking sticker shall be valid only if it is affixed by its own adhesive to the lower left (driver's) side of the windshield so that its contents are clearly visible through the windshield of the vehicle; provided; that in the case of a motorcycle, motorized bicycle, or autocycle, the RPP sticker shall be affixed to a mounting tab which shall be bolted to either corner of the license plate. An expired RPP sticker shall not be left visible on a vehicle.
- 2441.4 A motor vehicle shall not display more than one (1) residential permit parking sticker. Simultaneous display of current residential permit parking stickers for more than one (1) zone shall render all the residential permit parking stickers invalid and shall be *prima facie* evidence of misrepresentation on the residential permit parking sticker application.
- 2441.5 A residential permit parking sticker shall not guarantee or reserve to the holder a parking space within the designated residential permit parking zone.
- 2441.6 No sticker or permit for residential permit parking shall be used or displayed on any vehicle other than the vehicle for which it was issued. Any sticker or permit so displayed shall be void, and any unauthorized display of stickers or permits shall constitute a violation of this section by the sticker holder and by the owner or the operator of the vehicle displaying the permit.
- 2441.7 An application for a residential permit parking sticker shall contain the name of the owner or operator of the motor vehicle, the vehicle's make, body style, serial or VIN number, identification tag number, and, when appropriate, the vehicle's reciprocity number.
- 2441.8 The motor vehicle registration and related documentation may, at the discretion of the Director, be required to be presented when filing an application in order to verify the application.
- 2441.9 The Director may issue a residential permit parking sticker, upon application and payment of the fee established pursuant to § 2415, to a motor vehicle owner who resides on:
- (a) Property abutting a block that normally would qualify as a residential permit parking block but which is not eligible for residential permit parking because of existing parking restrictions, and is surrounded by streets which have been designated as residential permit parking blocks or have other restrictions which prohibit all day parking; or

(b) A private street which is not eligible for residential permit parking because of its roadway designation.

2441.10 Residential permit parking stickers may be issued only for, and shall be valid only on, motor vehicles which are registered in the District, or which have valid reciprocity privileges in the District.

2441.11 Buses, commercial vehicles, sightseeing vehicles, trailers, and motor vehicles longer than twenty-two feet (22 ft.) shall not be issued residential permit parking stickers.

2441.12 The Director may replace current residential permit parking stickers, without extension of their duration, when: (1) the sticker holder changes address from one zone to a block designated for residential permit parking in a different zone; or (2) where a residential permit parking sticker holder provides satisfactory evidence of the destruction of the original sticker.

2441.13 The residential permit parking sticker shall expire on the same date that the vehicle registration expires.

2441.14 Notwithstanding Subsection 2441.11, a commercial vehicle registered to a business at a residential property where the business owner resides is eligible for a residential permit parking sticker.

Chapter 26, CIVIL FINES FOR MOVING AND NON-MOVING INFRACTIONS, Section 2600, CIVIL FINES FOR MOTOR VEHICLE MOVING INFRACTIONS, is amended as follows:

The chart set forth in Subsection 2600.1 is amended as follows:

The row labeled “Stopping, standing, or parking a vehicle in a bicycle lane [§ 2405.1]” in the section labeled “Right-of-way” is amended to read as follows:

Stopping, standing, or parking a vehicle in a bicycle lane or shared use path [§ 2405.1]	\$65.00
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Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, is amended as follows:

The chart set forth in Subsection 2601.1 is amended as follows:

The section labeled “Residential Permit Parking” is amended to read as follows:

Residential Permit Parking	Fine
Fail to properly display current sticker [§ 2424.4, § 2424.5, § 2424.6, §	\$ 15.00

2441.3]			
Fail to remove expired sticker [§ 2424.4, § 2424.5, § 2424.6, § 2441.3]			\$ 15.00
Improper use of annual visitor parking pass [§ 2414.18]			\$ 300.00
Resident-Only Permit Parking block, without valid permit [§ 2432.1(b), § 2438.2(a)(2)]			In each calendar year: first offense \$30, second offense \$30, third and any subsequent offense \$60
	Fine	In Ballpark Performance Parking Zone [§ 2404.24, § 2424.12]	During Ballpark Events [§ 2424.12]
Residential permit parking block, beyond consecutive two-hour period without valid permit [§ 2439.1(a), § 2432.1(a)]	In each calendar year: First offense \$35, Second offense \$35, Third and any subsequent offense \$65.	In each calendar year: First offense \$35, Second offense \$35, Third and any subsequent offense \$65	In each calendar year: First offense \$60, Second offense \$60, Third and any subsequent offense \$60.

Chapter 99, Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended as follows:

The definition of “Annual Visitor Parking Pass” is amended to read as follows:

Annual Visitor Parking Pass - a certificate of permission which provides the permit holder the same parking rights as those provided by a residential parking permit sticker for a period of one (1) year from the date of issuance.

The following definition is added after the definition of “Authorized Emergency Vehicle”:

Autocycle - a 3-wheeled motor vehicle that has a steering wheel, seating that does not require the operator or passenger to straddle or sit astride, is equipped with safety belts for all occupants, and is manufactured to comply with federal safety requirements for motorcycles.

The following definition is added after the definition of “Emissions Recall Notice”:

Entrance – the point of entry intended for the use of pedestrians into a building or other structure from a public street, private street, or alley

The following definition is added after the definition of “Low-speed vehicle”:

Major Traffic Generator – a place of worship, healthcare facility, school, park, or recreational facility, or other group of land uses that, on regular basis, attracts five hundred (500) or more people.

The definition of “Residential Permit Parking Sticker” is amended to read as follows:

Residential Permit Parking Sticker - a certificate of permission issued to a resident of a residential permit parking zone in the District to park a motor vehicle in that zone beyond the limits generally imposed upon motor vehicles parked in the zone.

The following definition is added after the definition of “Residential Permit Parking Sticker”:

Residential Permit Parking Zone – all residential areas located in a specific Ward, except that census tract 79.03 (starting at Nineteenth Street, N.E., and Benning Road, N.E., east on Benning Road, N.E., to Oklahoma Avenue, N.E.; south on Oklahoma Avenue, N.E., to C Street, N.E.; west on C Street, N.E., to Nineteenth Street, N.E.; north to Nineteenth Street, N.E.) shall be included in residential permit parking Zone 6.

The following definition is added after the definition of “Service Vehicle”:

Shared Use Path – a pathway, designated for non-motorized transportation users, which is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

The definition of “Temporary Permit” is amended to read as follows:

Temporary Visitor Parking Permit - a certificate of permission which temporarily provides the permit holder the same parking rights as those provided by a residential permit parking sticker for a period of up to fifteen (15) days.

The definition of “Visitor Permit” is repealed.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C.*

Register, with Cameron Stokes, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

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

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Section 7 of An Act To control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia, approved January 24, 1934 (48 Stat. 322; D.C Official Code § 25-211 (2012 Repl. & 2017 Supp.)), and Section 101 of the Title 25, D.C. Official Code Enactment and Related Amendments Act of 2001, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351 (2012 Repl.)), as amended, hereby gives notice of the following emergency amendment to Chapter 3 (Limitation on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

These emergency rules extend the existing Adams Morgan Moratorium Zone (AMMZ) in order to maintain the current limit on the number of retailer's licenses, Class CN, DN, CT, DT, CX, and DX issued in a portion of Adams Morgan.

The existing AMMZ expired August 27, 2018. The Board recently received two resolutions from the Adams Morgan Partnership Business Improvement District and the Advisory Neighborhood Commission 1C. Both resolutions ask the Board to extend the moratorium with modifications. The Board believes both of these proposals merit further evaluation. Thus the Board seeks an extension of the existing AMMZ on an emergency basis to avoid its expiration and to hold a public hearing pursuant to D.C. Official Code § 25-354(a) (2012 Repl.).

In accordance with Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), the Board finds that emergency action is necessary for the preservation of the health, safety and welfare of the District residents by: (1) ensuring that the limitations placed on the issuance of various new retailer's licenses are maintained; and (2) keeping the existing AMMZ in place until the Board can adopt final rules regarding its renewal.

These emergency rules were adopted by the Board on August 15, 2018, by a six (6) to zero (0) vote and became effective on that date. The emergency rules will remain in effect for one hundred twenty (120) days, expiring on December 13, 2018, unless earlier superseded by an emergency rulemaking or final rulemaking.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 304, ADAMS MORGAN MORATORIUM ZONE, is amended to read as follows:

304 ADAMS MORGAN MORATORIUM ZONE

304.1 No new Retailer's License Class CN, CT, CX, DN, DT, or DX shall be issued for a period of three (3) years from the effective date of this section in the area that

extends approximately fourteen hundred (1400) feet in all directions from the intersection of 18th Street and Belmont Road, N.W., Washington D.C. This area shall be known as the Adams Morgan Moratorium Zone.

- 304.2 The Adams Morgan Moratorium Zone is more specifically described as beginning at 18th Street and Vernon Street, NW; and proceeding on both sides of all streets, unless otherwise noted; West on Vernon Street to 19th Street; Northwest on 19th Street to Wyoming Avenue; Southwest on Wyoming Avenue to 20th Street; Northwest on 20th Street to Belmont Road; East on Belmont Road to 19th Street; Northwest on 19th Street to Biltmore Street; East on Biltmore Street to Cliffbourne Street; North on Cliffbourne Street to Calvert Street; East on Calvert Street to Lanier Place; Northeast on Lanier Place to Adams Mill Road; Southeast on Adams Mill Road to Columbia Road; Northeast on Columbia Road to Ontario Road; South on Ontario Road to Euclid Street; East on Euclid Street to 17th Street; South on 17th Street to Kalorama Road; Southwest on Kalorama Road to Ontario Road; South on Ontario Road to Florida Avenue; Southwest on Florida Avenue to U Street; and West on U Street (North side only); across 18th Street to the South corner of 18th and Vernon Streets, N.W., Washington D.C.
- 304.3 The following license classes shall be exempt from the Adams Morgan Moratorium Zone:
- (a) All restaurants, whether present or future;
 - (b) All hotels, whether present or future; and
 - (c) Retailer's licenses Class A and B.
- 304.4 The number of Retailer's licenses Class CT, CX, DT, or DX located within the Adams Morgan Moratorium Zone shall not exceed ten (10). The number of Retailer's licenses Class CN or DN shall not exceed zero (0). The holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone shall be prohibited from changing its license class except when the number of Retailer's licenses Class CT, CX, DT, or DX in the Adams Morgan Moratorium Zone is fewer than ten (10). Nothing in this subsection shall prohibit the Board from approving a change of license class application that was filed with the Board by the holder of a Retailer's license Class CR or DR located within the Adams Morgan Moratorium Zone prior to August 2, 2006.
- 304.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class CR, CT, CX, DR, DT, and DX within the Adams Morgan Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.

- 304.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Adams Morgan Moratorium Zone to a new location within the Adams Morgan Moratorium Zone.
- 304.7 A license holder outside the Adams Morgan Moratorium Zone shall not be permitted to transfer its license to a location within the Adams Morgan Moratorium Zone, unless exempt by Subsection 304.3.
- 304.8 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 304.9 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 304.10 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, OCTOBER 17, 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 Status (Hearing)** **9:30 AM**
Case # 18-PRO-00065; Addis Ethiopian Restaurant, LLC, t/a Addis Ethiopian Restaurant, 707 H Street NE, License #97534, Retailer CR, ANC 6C
Substantial Change (Request to Expand to the Second and Third Floor, Increase Seating from 59 to 122. Total Occupancy Load will be 269 for all Three Floors)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-CMP-00142; Connexion Group, LLC, t/a 1230 DC, 1230 9th Street NW, License #100537, Retailer CR, ANC 2F
Exceeded Capacity, No ABC Manager on Duty, Operating After Hours, Cover Charge Without Endorsement, Summer Garden Endorsement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-CC-00069; Glen's Garden Market, LLC, t/a Glen's Garden Market 2001 S Street NW, License #90082, Retailer B, ANC 2B
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age
- Show Cause Hearing (Status)** **9:30 AM**
Case # 18-CMP-00145; 801 Restaurant, LLC, t/a 801 Restaurant & Bar, 801 Florida Ave NW, License #103120, Retailer CT, ANC 1B
Exceeded Capacity
- Show Cause Hearing*** **10:00 AM**
Case # 18-CC-00013; Prester John's Corporation, t/a Wisemiller's Grocery & Deli, 1236 36th Street NW, License #5950, Retailer B, ANC 2E
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Board's Calendar
October 17, 2018

Show Cause Hearing*	11:00 AM
Case # 18-CC-00037; E & K, LLC, t/a 13th Street Market, 3582 13th Street NW, License #78245, Retailer B, ANC 1A	
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, No ABC Manager on Duty, Failed to Post the License in a Conspicuous Place	

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Show Cause Hearing*	1:30 PM
Case # 18-CIT-00111; Southeast Restaurant Group, LLC, t/a DCity Smokehouse, 203 Florida Ave NW, License #98368, Retailer CT, ANC 5E	
No ABC Manager on Duty	

Show Cause Hearing*	1:30 PM
Case # 18-CC-00029; Foggy Bottom Grocery, LLC, t/a FoBoGro, 2140 F Street NW, License #82431, Retailer B, ANC 2A	
Sale to Minor Violation, Failed to Post the License in a Conspicuous Place	

Show Cause Hearing*	3:30 PM
Case # 18-CIT-00349; 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 Quarterly Statements	

Show Cause Hearing*	3:30 PM
Case # 18-CMP-00119; Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B	
Failed to Comply with Board Orders No. 2017-603 and No. 2017-151, Operating After Board Approved Hours, Violation of Settlement Agreement (Three Counts)	

Show Cause Hearing*	4:30 PM
Case # 18-AUD-00027; 3566 14th Street, LLC, t/a La Dulce Noche, 3566 14th Street NW, License #92426, Retailer CR, ANC 1A	
Failed to Meet Food Sales Requirements	

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Board's Calendar

October 17, 2018

Protest Hearing*

4:30 PM

Case # 18-PRO-00042; Sylvia Liquors, 1818 Benning Road NE, License
#104606, Retailer A, ANC 5D

Application to Renew the License

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

WEDNESDAY, OCTOBER 17, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-060813 – **T.G.I. Friday’s** – Retail – C – Restaurant – 2100 Pennsylvania Avenue NW
[Licensee requested cancellation.]

ABRA-060689 – **Capitol Hill Tandor and Grill** – Retail – C – Restaurant – 419 8th Street SE
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-072626 – **Petworth Liquors** – Retail – A – Liquor Store – No Location
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-079896 - **6th & Q Market** – Retail – B – 523 Q Street NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-088815 – **Capitol Food Mart** – Retail – B - 1634 North Capitol Street NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-094922 - **American City Diner** – Retail – D – Restaurant - 5532 Connecticut Avenue
NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-104783 - **The Uptown Tap House** – Retail – C – Tavern - 3412 Connecticut Avenue
NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-086078 - **Family Food and Delicatessen Store** – Retail – B – Grocery – 3713 New
Hampshire Avenue NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-078591 - **Kearney's Grocery** – Retail – B – Grocery – 90 O Street NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-105723 – **#1 Juicy Cajun Seafood** – Retail – C – Restaurant – 2418 18th Street NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-096294 - **Staples Beer & Wine Grocery** – Retail – A – Liquor Store – 1364 Florida
Avenue NE
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, OCTOBER 17, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, October 17, 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-CMP-00206, Bread & Salt, 4619 41st Street N.W., Retailer CR, License # ABRA-090853

2. Case# 18-CMP-00194, Capitol Fine Wine & Spirits, 415 H Street N.E., Retailer A, License # ABRA-082981

3. Case# 18-CMP-00209, Shaw Howard Deli, 1911 7th Street N.W., Retailer B, License # ABRA-095169

4. Case# 18-CC-00116, Open Door Market, 2160 California Street N.W., Retailer B, License # ABRA-109402

5. Case# 18-CMP-00218, 12 Twelve DC/Kyss Kyss, 1210-1212 H Street N.E., Retailer CT, License # ABRA-072734

6. Case# 18-CC-00118, Reyna Mkt & Deli, 4201 Massachusetts Avenue N.W., Retailer A, License # ABRA-093799

7. Case# 18-CMP-00213, Capitol City Brewing Company, 1100 New York Avenue N.W., Retailer CT, License # ABRA-016838

8. Case# 18-CC-00113, Dean & Deluca, 3276 M Street N.W., Retailer B, License # ABRA-018083

-
9. Case# 18-CC-00121, Decades, 1219 Connecticut Avenue N.W., Retailer CN, License # ABRA-103505
-
10. Case# 18-CC-00120, Tico, 1926 14th Street N.W., Retailer CR, License # ABRA-093610
-
11. Case# 18-CC-00119, Gold Coast Café & Mart, 5501 Colorado Avenue N.W., Retailer B, License # ABRA-098589
-
12. Case# 18-CMP-00214, Etete Ethiopian Cuisine, 1942 9th Street N.W., Retailer CT, License # ABRA-070728
-
13. Case# 18-CMP-00216, The Green Island Café/Heaven & Hell, 2327 18th Street N.W., Retailer CT, License # ABRA-074503
-
14. Case# 18-251-00144, Cloak & Dagger, 1359 U Street N.W., Retailer CT, License # ABRA-098733
-
15. Case# 18- 251-00145, Cobalt/30 Degrees/Level One, 1636-1641 R Street N.W., Retailer CT, License # ABRA-071833
-
16. Case# 18-CMP-00210, American Ice Company, 917 V Street N.W., Retailer CT, License # ABRA-084577
-
17. Case# 18-AUD-00070, Santa Rosa Taqueria, 313 Pennsylvania Avenue S.E., Retailer CR, License # ABRA-089622
-
18. Case# 18-251-00156, Judy Restaurant, 2212 14th Street N.W., Retailer CR, License # ABRA-020468
-
19. Case# 18-251-00158. DC Eagle, 3701 Benning Road N.E., Retailer CT, License # ABRA-093984
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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, OCTOBER 17, 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 6A. SMD 6A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Avery's Bar & Lounge*, 1370 H Street NE, Retailer CT, License No. 090527.

2. Review Application for Safekeeping of License – Original Request. ANC 4D. SMD 4D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Macombo Lounge*, 5335 Georgia Avenue NW, Retailer CN, License No. 000771.

3. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Creme*, 2436 14th Street NW, Retailer CR, License No. 093542.

4. Review Request to Extend Safekeeping of License – Number of Extensions Requests Unknown. Original Safekeeping Date: 5/28/2010. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Heat*, No Location, Retailer CN, License No. 084620.

5. Review Request to Extend Safekeeping of License – Eighth Request. Original Safekeeping Date: 7/1/2005. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Skylark Lounge (formerly)*, 1943 New York Avenue NE (formerly), Retailer CN, License No. 090611.

6. Review Request to Extend Safekeeping of License – Sixth Request. Original Safekeeping Date: 4/1/2009. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Mr. Henry's**, 1836 Columbia Road NW (formerly), Retailer CR, License No. 017006.
-
7. Review Request to Extend Safekeeping of License – Sixth Request. Original Safekeeping Date: 12/23/2013. ANC 3E. SMD 3E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Dancing Crab**, 4615 41st Street NW, Retailer CR, License No. 090297.
-
8. Review Request to Extend Safekeeping of License – Sixth Request. Original Safekeeping Date: 3/1/2013. ANC 1D. SMD 1D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Sangria Café**, 3636 16th Street NW A, Retailer CR, License No. 090781.
-
9. Review Request to Extend Safekeeping of License due to ongoing renovations – Fifth Request. Original Safekeeping Date: 3/2/2016. ANC 3B. SMD 3B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Bourbon**, 2348 Wisconsin Avenue NW, Retailer CR, License No. 060605.
-
10. Review Request to Extend Safekeeping of License – Fifth Request. Original Safekeeping Date: 4/8/2015. ANC 1C. SMD 1C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **TBD (456, LLC)**, 1723 Columbia Road NW, Retailer CT, License No. 098732.
-
11. Review Request to Extend Safekeeping of License – Fourth Request. Original Safekeeping Date: 9/7/2016. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **The Rhino Bar & Pumphouse**, 3295 M Street NW, Retailer CT, License No. 000523.
-
12. Review Request to Extend Safekeeping of License – Third Request. Original Safekeeping Date: 2/2/2017. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **TBD (64 High, LLC)**, No Location, Retailer B, License No. 107282.

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13. Review Request to Extend Safekeeping of License – Third Request. Original Safekeeping Date: 6/7/2017. ANC 2A. SMD 2A08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Marvin Center**, 800 21st Street NW, Retailer CX, License No. 001070.
-
14. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 8/2/2017. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **International Spy Museum**, 800 F Street NW, Retailer CX, License No. 060573.
-
15. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 8/2/2017. ANC 1A. SMD 1A09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Alfie's**, 3301 Georgia Avenue NW, Retailer CR, License No. 101301.
-
16. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping 6/20/2018. ANC 1B. SMD 1B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Mulebone**, 2121 14th Street NW, Retailer CR, License No. 078882.
-
17. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 11/15/2017. ANC 7F. SMD 7F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **M&M Market**, 3544 East Capitol Street NE, Retailer B Grocery, License No. 078461.
-
18. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 2/17/2018. ANC 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Restaurant Nora**, 2130 Florida Avenue NW, Retailer CR, License No. 000979.
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19. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 2/28/2018. ANC 5E. SMD 5E07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Han's Market**, 1942 1st Street NW, Retailer B Grocery, License No. 103200.
-
20. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 3/28/2018. ANC 6A. SMD 6A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Touche Live**, 1123 H Street NE, Retailer CT, License No. 104866.
-
21. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 4/25/2018. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Agora**, 1523 17th Street NW, Retailer CR, License No. 109636.
-
22. Review Application for Class Change from Retailer B Beer and Wine Store to Retailer A Liquor Store. ANC 7D. SMD 7D06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **MZ Market**, 547 42nd Street NE, Retailer B, License No. 107806.
-
23. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 9pm. **Proposed Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 2pm to 10pm. ANC 6E. SMD 6E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **10th Street Market**, 1000 S Street NW, Retailer A Liquor Store, License No. 095251.
-
24. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 10pm. **Proposed Hours of Operation and Alcoholic Beverage Sales:** Sunday-Saturday 9am to 12am. ANC 7D. SMD 7D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Benning Liquors**, 3445 Benning Road NE, Retailer A Liquor Store, License No. 110789.
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25. Review Application for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption Inside Premises:* Sunday-Thursday 10am to 1am, Friday-Saturday 10am to 2am. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:* Sunday-Thursday 10am to 10pm, Friday-Saturday 10am to 11pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption Inside Premises:* Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:* Sunday-Thursday 8am to 11:30pm, Friday-Saturday 8am to 12:30am. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Duffy's Irish Pub*, 1016 H Street NE, Retailer CT, License No. 111076.

26. Review Application for Entertainment Endorsement to provide live entertainment, with Cover Charge, indoors and outside in the Summer Garden. *Proposed Hours of Live Entertainment Indoors:* Sunday-Saturday 9am to 1am. *Proposed Hours of Live Entertainment Outdoors for Summer Garden:* Sunday-Saturday 9am to 9pm. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Duffy's Irish Pub*, 1016 H Street NE, Retailer CT, License No. 111076.

27. Review Request for an off-site storage permit to store alcohol in the warehouse basement of the licensed premises. ANC 3B. SMD 3B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Wide World of Wines*, 2201 Wisconsin Avenue NW, Retailer A Liquor Store, License No. 096780.

28. Review Application for Tasting Permit. ANC 3D. SMD 3D08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Ace Beverage*, 3301 New Mexico Avenue NW, Retailer A Liquor Store, License No. 014553.

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

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FUNDING AVAILABILITY****RFA No. RM0 DC SEED 102618****DC Social, Emotional and Early Development (DC SEED) Provider Grant****Purpose/Description of Project**

The Government of the District of Columbia seeks to sub-grant funding to support the implementation of the System of Care Expansion and Sustainability Cooperative Agreement titled DC Social, Emotional and Early Development (DC SEED) Initiative. The DC SEED Initiative addresses the highly specific, largely unmet needs of infants and young children (birth – 6 years old) residing in the District who are at high imminent risk for or diagnosed with serious emotional disturbance (SED).

DBH will allocate funding to develop and further expand the early childhood System of Care within the children's provider network, implement early childhood specific interventions, such as Child Parent Psychotherapy (CPP), Parent Child Interaction Therapy (PCIT) and Strengthening Families Coping Resources (SFCR). The selected provider will participate in the overall evaluation of the DC SEED Initiative in partnership with Georgetown University Center for Child and Human Development.

Eligibility

Applicant must:

1. Have 2 years experience providing child and youth behavioral health services;
2. Comply with all DC licensing, accreditation, and certification requirements, and;
3. Have at least one service location physically within the District of Columbia.

**Please see Request for Application for implementation requirements.*

Length of Award

The grant award will be made for a period of one (1) year from the date of award. The grant may be continued for up to one (1) additional year based on documented project success and availability of funding for a total of two (2) years. The grant recipient will be expected to begin project implementation on or after December 1, 2018.

Available Funding

Approximately one hundred thousand dollars (\$100,000.00) is available to fund one grant award. The grant will be awarded by DBH utilizing funds provided by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services. No mini-grants or sub-grants are permitted for any entity awarded funding. The grant award is contingent upon available funding.

Anticipated Number of Awards

DBH will fund one (1) project.

Request for Application (RFA) Release

The RFA will be released October 26, 2018. The RFA will be posted on the DBH website, www.dbh.gov under Opportunities, and on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. A copy of the RFA may be obtained at DBH located at 64 New York Avenue, NE, Washington, DC 20002, 3rd Floor, from Meghan Sullivan during the hours of 8:15 a.m. – 4:45 p.m. beginning October 26, 2018.

Pre-Application Conference

A pre-application conference will be held at DBH, 64 New York Avenue NE, Washington, DC 20002, 2nd Floor, Rm. 255 on Tuesday, October 30, 2018 from 10:00 a.m.—12:00 p.m. ET.

For more information, please contact Meghan Sullivan, DC SEED Project Director at meghan.sullivan@dc.gov or (202) 673-4307.

Deadline for Application

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

EAGLE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****PAYROLL SERVICES**

Eagle Academy Public Charter School, in accordance with Section 2204©(XV)(A) of the District of Columbia School Reform Act of 1995, hereby seeks proposals to provide PAYROLL SERVICES for a Public Charter School with 150 + employees.

Submittal is Due: Monday, October 15, 2018 by 5:00pm

Submittal Requirements – Please submit your proposal by the time and date specified in electronic form. No late submittals will be accepted.

Questions and proposals should be directed to the attention of HR@eagleacademypcs.org

Eagle Academy PCS reserves the right to reject any and all bids at its sole discretion.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT
ANNOUNCES OCTOBER 18, 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. – 2:00 p.m.
Thursday Oct. 18, 2018
1050 First St. NE, Washington, DC 20002
Conference Room 536 (LeDroit Park)

For additional information, please contact:

Debra Roane
Financial Program Specialist
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) 478-5940
Debra.Roane@dc.gov

The draft agenda for the above-referenced meeting will be:

- I. Call to Order
- II. Approval of agenda for the Oct. 18, 2018, committee meeting
- III. Approval of minutes from Sept. 20, 2018, committee meeting
- IV. Review Conflict of Interest – Transaction Disclosure Checklist
- V. Charter School Incubator Initiative - \$1,312,500 direct loan

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**

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of final action taken at its October 3, 2018 meeting in relocating Precinct #60, Ward 4 Polling Place.

The public is advised that the voting area for Precinct #60 will be changed from:

**Nativity Catholic Church
6000 Georgia Avenue, N.W.
“Gymnasium”**

and moved to:

**St. John United Baptist Church
6343 13th Street, N.W.
“Church Hall”**

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.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF A REQUEST FOR A
VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION****South Capitol Shopping Center: 4001 – 4031 South Capitol Street, SW****Case No. VCP2016-040**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property addressed as 4001 – 4031 South Capitol Street, SW, in an area known as South Capitol Shopping Center, consisting of Square 6172 and Lot 0807. The applicant is the South Capitol Improvements, LLC, 2900 K Street, NW, Suite 401, Washington, DC 20007.

The application identified the presence of chlorinated solvents and petroleum hydrocarbons in soil and groundwater and proposed a remediation action plan. The applicant is developing the property into a mixed-use redevelopment consisting of commercial and multi-family residential. A Cleanup Action Plan (CAP) for this site was approved by the Program on August 18, 2016. Based on the cleanup oversight and review of the site completion report, the Voluntary Cleanup Program has determined the issuance of a Certificate of Completion is warranted.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-8D) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2600 or by e-mailing kokeb.tarekegn@dc.gov.

Written comments on the proposed approval of the application must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

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

Wednesday, October 17, 2018, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

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

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

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

DEPARTMENT OF HEALTH**NOTICE OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

**Tuesday, October 23, 2018, from 10:00 a.m. until 12:00 p.m.
At 899 North Capitol St., NE, 2nd Floor, Room 216
Washington, D.C. 20002**

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp

Please monitor the Department's Prescription Drug Monitoring Program website at doh.dc.gov/pdmp for updates. Phone inquiries will not be accepted regarding this topic.

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

Limited Equity Cooperative Task Force Meeting Agenda

October 17th, 2018
6:00 pm to 8:00 pm
John A. Wilson Building
1350 Pennsylvania Ave NW, Room #401
Washington, DC 20004

Members: Sandra Butler-Truesdale, Grady Canady, Jade Hall, Paul Hazen, Louise Howells, Amanda Huron, Janene Jackson, Vernon Oakes, Lolita Ratchford, Ana Van Balen, Risha Williams, Elin Zurbrigg

1. Call To Order
2. Approval of Agenda
3. Review of 9/19/18 Meeting Notes
4. Understanding the Need — Guest Speakers Invited
 - a. Kathryn Howell — Understanding Co-op Data
 - b. Susan Bennett — Understanding Collective Management
 - c. DC Attorney General Office — Legal Issues for Co-ops
5. Discussion of Program Teams
 - a. LEC Stakeholders
 - b. Financing
 - c. Asset Management, Governance, Compliance
6. Other Business
7. Adjourn

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**DISTRICT OF COLUMBIA FINANCIAL LITERACY COUNCIL****NOTICE OF PUBLIC MEETING**

The Members of the District of Columbia Financial Literacy Council (DCFLC) will hold a meeting 3:00 PM, Thursday, October 18, 2018. The meeting will be held at the DC Department of Insurance, Securities and Banking, 1050 First Street, NE, 8th Floor Conference Room, Washington, D.C. 20002. Below is the draft agenda for this meeting. A final agenda will be posted to the Department of Insurance, Securities, and Banking's website at <http://disb.dc.gov>. Please RSVP to Idriys J. Abdullah, idriys.abdullah@dc.gov, for additional information call (202) 442-7832 or e-mail idriys.abdullah@dc.gov

DRAFT AGENDA

I. Call to Order

II. Welcoming Remarks

III. Minutes of the Previous Meeting

IV. Unfinished Business

DC Financial Literacy Council Bi-Monthly E-Newsletter
DC Financial Literacy Council Website Content Update
DC Financial Literacy Council Recommendations Report

V. New Business-Financial Literacy Presentations

Cynthia V. DuRant, Community Affairs Specialist
Federal Deposit Insurance Corporation-Money Smart for Adults Curriculum
Joseph Leitmann-Santa Cruz, Associate Director
Capital Area Asset Builders-Earned Income Tax Credit Program

VI. Adjournment

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Fresh Fruits and Vegetables Food Program**

KIPP DC is soliciting proposals from qualified vendors for a Fresh Fruits and Vegetables Food Program. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on October 26, 2018. Questions can be addressed to dionna.day@kippdc.org.

MONUMENT ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Company Services**

Monument Academy is advertising the opportunity to bid on the management of breakfast, lunch, snack and/or CACFP supper program to children enrolled at the school for the 2018-2019 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposal (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **October 12, 2018** from **Tasliym Lester at 804.986.8097 or tasliym.lester@monumentacademydc.org**

Proposals will be accepted at 500 19th Street, NE. Washington, DC 20002 on **November 7, 2018** not later than **5:00 PM.**

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

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
INCLUSIONARY ZONING PROGRAM
2018 MAXIMUM INCOME,
RENT AND PURCHASE PRICE SCHEDULE

This 2018 Maximum Income, Rent and Purchase Price Schedule is published pursuant to the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*, as amended) and the Inclusionary Zoning Regulations codified in Chapter 10 of Title 11-C and Chapter 22 of Title 14 of the DCMR. This schedule is effective upon publication in the D.C. Register.

Maximum Annual Income¹ limits, Minimum Annual Income limits², rents and purchase prices are based on the Washington Metropolitan Statistical Area Median Family Income (MFI), previously referred to as Area Median Income (AMI). The MFI for a household of 4, as published by the U.S. Department of Housing and Urban Development (HUD) on April 1, 2018, is \$117,200. The limits are adjusted for household size in this schedule.

Inclusionary Zoning (IZ) units currently exist only at the 50%, 60%, and 80% MFI levels. However, this schedule also includes the 30%, 100%, and 120% MFI maximum and minimum income levels and maximum rent and purchase price amounts, which are often used in residential developments that include Affordable Dwelling Units (ADUs). For ADUs that are subject to Affordable Housing Covenants that include specific formulas for calculating income limits, rents, and purchase prices, all figures provided herein are for guidance only. Individuals must consult the particular affordability requirements imposed by the terms of the applicable Affordable Housing Covenants to determine the requirements applicable to the subject ADU.

For further information, please contact the IZ Program Office, Department of Housing and Community Development, 1800 Martin Luther King Jr. Avenue, SE, Washington, DC 20020 at (202) 442-7221 or iz.adu@dc.gov.

¹ The term “Maximum Annual Income” is used throughout this schedule to include both the Maximum Annual Household Income for ADU and maximum Household Annual Income for IZ purposes.

² The term “Minimum Annual Income” is used throughout this schedule to include both the Minimum Annual Household Income for ADU and minimum Household Annual Income for IZ purposes.

Household Size	Maximum Annual Income (\$s)					
	30% of MFI	50% of MFI	60% of MFI	80% of MFI	100% of MFI	120% of MFI
1	24,600	41,000	49,200	65,650	82,050	98,450
2	28,150	46,900	56,250	75,000	93,750	112,500
3	31,650	52,750	63,300	84,400	105,500	126,600
4	35,150	58,600	70,300	93,750	117,200	140,650
5	38,700	64,450	77,350	103,150	128,900	154,700
6	42,200	70,300	84,400	112,500	140,650	168,750
7	45,700	76,200	91,400	121,900	152,350	182,850
8	49,200	82,050	98,450	131,250	164,100	196,900

Unit Size	Recommended Minimum Annual Income, based on Housing Costs not exceeding 38% of the Household's Annual Income (\$s)					
	30% of MFI	50% of MFI	60% of MFI	80% of MFI	100% of MFI	120% of MFI
Studio	18,950	31,250	37,600	50,200	62,850	75,450
1 bedroom	20,200	33,800	40,400	53,700	67,250	80,850
2 bedroom	24,300	40,400	48,300	64,400	80,850	96,950
3 bedroom	28,100	47,050	56,550	75,450	94,100	113,050
4 bedroom	32,200	53,700	64,400	86,200	107,700	129,150

Unit Size	Minimum Annual Income, based on Housing Costs not exceeding 50% of the Household's Annual Income (\$s)					
	30% of MFI	50% of MFI	60% of MFI	80% of MFI	100% of MFI	120% of MFI
Studio	14,400	23,750	28,550	38,150	47,750	57,350
1 bedroom	15,350	25,700	30,700	40,800	51,100	61,450
2 bedroom	18,500	30,700	36,700	48,950	61,450	73,700
3 bedroom	21,350	35,750	42,950	57,350	71,500	85,900
4 bedroom	24,500	40,800	48,950	65,500	81,850	98,150

Note: Minimum Annual Incomes are only applicable for rental Inclusionary Units and are not applicable if a Household has rental assistance, such as a rent voucher or subsidy.

Multi-Family Developments

Note: IZ units currently exist only at the 50%, 60%, and 80% MFI levels.

Bed-rooms	Est. Utilities (\$s)	Est. Condo Fees (\$s)	50% of MFI Units		60% of MFI Units		80% of MFI Units	
			Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)
Studio	111 - 160	341	990	110,400	1,190	141,400	1,590	203,200
1	169 - 241	406	1,070	111,500	1,280	144,700	1,700	210,900
2	226 - 322	601	1,280	114,800	1,530	154,600	2,040	234,100
3	285 - 404	683	1,490	135,500	1,790	181,900	2,390	274,700
4	342 - 484	715	1,700	163,700	2,040	216,700	2,730	322,700

Bed-rooms	Est. Utilities (\$s)	Est. Condo Fees (\$s)	30% of MFI Units		100% of MFI Units		120% of MFI Units	
			Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)
Studio	111 - 160	341	600	48,600	1,990	265,100	2,390	326,900
1	169 - 241	406	640	45,300	2,130	277,200	2,560	343,500
2	226 - 322	601	770	35,300	2,560	313,600	3,070	393,100
3	285 - 404	683	890	42,700	2,980	367,400	3,580	460,200
4	342 - 484	715	1,020	57,600	3,410	428,700	4,090	534,800

Single-Family Developments

			50% of MFI Units		60% of MFI Units		80% of MFI Units	
Bed-rooms	Est. Utilities (\$s)	Est. HOA Fees (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)
2	269 - 426	143	1,280	166,000	1,530	205,700	2,040	285,300
3	336 - 529	169	1,490	193,500	1,790	239,900	2,390	332,700
4	401 - 629	195	1,700	213,300	2,040	266,300	2,730	372,300

			30% of MFI Units		100% of MFI Units		120% of MFI Units	
Bed-rooms	Est. Utilities (\$s)	Est. HOA Fees (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)	Max. Rent (\$s)	Max. Purchase Price (\$s)
2	269 - 426	143	770	86,500	2,560	364,800	3,070	444,300
3	336 - 529	169	890	100,700	2,980	425,500	3,580	518,300
4	401 - 629	195	1,020	107,200	3,410	478,400	4,090	584,400

The Maximum Purchase Price or Maximum Allowable Rent is calculated based on a Household at the benchmark income spending no more than 30% of its income toward housing costs.

The 2018 MFI represents a 6.3% increase over the prior year MFI for the region (\$110,300), the largest year-to-year increase of the MFI in the short history of the DC IZ program. Historically, however, for statistical and economic reasons the HUD MFI has often varied significantly from year to year declining as well as increasing. To facilitate the operation of the program and the planning of housing providers and residents alike, rents and purchase prices in this schedule are based on a 3% increase over the prior year. Any decreases that occur in future years will also be limited by 3% of the previous year's MFI.

Maximum Allowable Rent is equal to the rent published in the above tables minus any utility expenses paid by the tenant for water, sewer, electricity, natural gas, trash, and any other fees required in order to occupy the unit, including, but not limited to, mandatory amenity fees or administrative fees. Utilities are estimated above, and the range is based on the difference between gas or electric heat. Actual costs to be deducted for each utility are itemized in Schedule 1 below.

An owner of an IZ unit or ADU may lower the rents or prices below the maximum rates identified in the tables to achieve a larger marketing band of incomes for marketing purposes to assure occupancy.

Maximum Purchase Prices are calculated using the following assumptions:

1. A conventional 30 year, fixed-rate, fully amortizing mortgage at the national average mortgage rate as published by the Federal Housing Finance Agency at www.fhfa.gov (4.54% as of September 6, 2018) plus a 1.5% cushion to protect for future interest rate increases and a 5% down payment.
2. Real estate property taxes are assessed based on the control price at the current real estate tax rate of \$0.85 per \$100 of valuation and a homestead deduction of \$73,350.
3. Condominium fees are estimated at \$0.64 per square foot per month applied to the assumed unit square footages. Single-Family homeowner association fees are estimated at \$0.13 per square foot per month applied to the assumed unit square footages. Estimated unit sizes are:

	Multi-Family Inclusionary Development				Single-Family Inclusionary Development		
Bed-rooms	Studio	1	2	3	2	3	4
Unit Size	525	625	925	1,050	1,100	1,300	1,500
Hazard Insurance	Included in Condominium Fee				120	130	190

NOTE 1. If the actual homeowner association/condominium fee for a specific unit is more than 10% higher than the fees assumed in this Schedule, then DHCD may use the actual fees to determine the Maximum Purchase Price.

NOTE 2. If the condominium fees for any given unit do not include hazard insurance, then DHCD may add the actual or estimated insurance costs to determine the Maximum Purchase Price.

NOTE 3. For unit types or target MFI not listed above, contact DHCD’s IZ Program.

NOTE 4. Maximum Annual Incomes and Minimum Annual Incomes are rounded to the nearest 50, Maximum Allowable Rents are rounded to the nearest 10 and Maximum Purchase Prices are rounded to the nearest 100. Incomes within 1% of the Maximum Annual Incomes and Minimum Annual Incomes will be considered by DHCD.

NOTE 5. More information on IZ and ADUs is available at www.dhcd.dc.gov

Schedule 1: Estimated Utilities By Unit Type

The following utility estimates are produced by the District of Columbia Housing Authority. The estimates shall be deducted from the Maximum Allowable Rent if the tenant pays all or a portion of the required utilities. Only those utilities for which the tenant is responsible shall be deducted from the rental rate. For example, an 80% of MFI one-bedroom apartment for which the tenant pays electricity, but not water and sewer charges, will have a maximum rent of \$1,520 (\$1,700 Maximum Allowable Rent minus \$180 estimated electricity cost).

Required fees are also deducted from the Maximum Allowable Rent. If this same property also charges a \$500/year amenity fee, the pro-rated amount of \$42/month would also be deducted from the rent, yielding a maximum allowable rent of \$1,478.

Multi-family Developments

Unit type	Electricity	Gas	Water	Sewer	Total
Electric heat, hot water, and cooking					
Studio	130	N/A	13	17	160
1-bedroom	180	N/A	26	35	241
2-bedroom	231	N/A	39	52	322
3-bedroom	282	N/A	52	70	404
4-bedroom	332	N/A	65	87	484
Gas heat, hot water, and cooking					
Studio	36	45	13	17	111
1-bedroom	48	60	26	35	169
2-bedroom	60	76	39	52	226
3-bedroom	72	91	52	70	285
4-bedroom	84	106	65	87	342

Single-family Developments

Unit type	Electricity	Gas	Water	Sewer	Total
Electric heat, hot water, and cooking					
2-bedroom	335	N/A	39	52	426
3-bedroom	407	N/A	52	70	529
4-bedroom	477	N/A	65	87	629
Gas heat, hot water, and cooking					
2-bedroom	72	106	39	52	269
3-bedroom	86	128	52	70	336
4-bedroom	101	149	65	87	401

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
American Federation of)	PERB Case No. 18-RC-01
Government Employees, AFL-CIO)	
Local 2798)	
	Petitioner)	
)	Opinion No. 1676
and)	
)	
Health and Emergency Preparedness and)	
Response Administration,)	
Department of Health)	
)	
	Respondent)	
_____)	

CERTIFICATION OF ELECTION RESULTS

The results of a secret ballot election in the above-captioned proceeding have been duly reported to the parties on July 18, 2018, as follows:

Pursuant to the Decision and Order of the Public Employee Relations Board in Slip Opinion No. 1670, an on-site, secret ballot election was conducted for the following unit:

All professional and non-professional employees of the Health Emergency Preparedness and Response Administration, excluding: all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1979 [sic], D.C. Law 2-139.

The on-site election was conducted by Board agents on July 18, 2018, in the 6th floor conference room of the Department of Health. Each party had one observer present for the duration of the election and the ballot tally.

Group A encompassed all professional employees in the bargaining unit. The ballot for Group A stated: “Do you wish to be included in a bargaining unit with nonprofessional employees” and offered a choice of yes or no.

Certification of Election Results

PERB Case No. 18-RC-01

Page 2

The results are hereby reported as follows:

Yes	3 votes
No	1 vote
Spoiled ballots	0 ballots
Challenged ballots	0 ballots
Void ballots	0 ballots

Four professional employees of the Health and Emergency Preparedness and Response Administration were eligible to vote in Group A. No ballot was challenged.

Groups A and B included all professional and nonprofessional employees in the bargaining unit. The ballot for Groups A and B stated: “Do you wish to be represented for the purpose of exclusive recognition under the Comprehensive Merit Personnel Act of 1979 [sic] by the American Federation of Government Employees, AFL-CIO Local 2978 (AFGE, Local 2978)” and offered a choice of yes or no.

The results are hereby reported as follows:

Yes	16 votes
No	0 votes
Spoiled ballots	0 ballots
Challenged ballots	0 ballots
Void ballots	0 ballots

Eighteen employees of the Health and Emergency Preparedness and Response Administration were eligible to vote in the election. No ballot was challenged.

Pursuant to Board Rule 512.2, “within seven (7) days after the tally of ballots has been served, any party to the election may file with the Board objections to the election procedure, or to any conduct which may have improperly affected the results of the election.” The Board did not receive any objections from the parties regarding this election.

Having received no objections concerning the conduct of the above-described election proceeding, pursuant to Board Rule 515.3, the results of the election, as reported, are hereby certified.

Certification of Election Results

PERB Case No. 18-RC-01

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BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

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

Washington, D.C.

August 16, 2018

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 18-RC-01, Op. No. 1676 was transmitted to the following parties on this the 22nd day of August, 2018.

Rushab Sanghvi
American Federation of Government
Employees, AFL-CIO, District 14
80 M Street, SE
Suite 340
Washington, D.C. 20003

Kathryn A. Naylor
Office of Labor Relations and
Collective Bargaining
441 4th Street, NW
Suite 820 North
Washington, D.C. 20001

/s/ Sheryl Harrington
Public Employee Relations Board
1100 4th Street, SW
Suite E630
Washington, D.C. 20024
Telephone: (202) 727-1822

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
)	
American Federation of State,)	
County and Municipal Employees,)	
District Council 20)	PERB Case No. 17-N-04
)	
Petitioner)	Opinion No. 1679
)	Motion for Reconsideration
and)	
)	
Office of the State Superintendent of)	
Education)	
)	
Respondent)	
_____)	

DECISION AND ORDER

Before the Board is a Motion for Reconsideration (“Motion”) filed on April 17, 2018, by the Office of the State Superintendent of Education (“OSSE”) in response to the Board’s Decision and Order in Slip Opinion 1659, PERB Case No. 17-N-04 (March 27, 2018). OSSE alleges that the Board erred in its conclusion that the proposed “Article XVI: Leave” was negotiable. OSSE contends that the proposal is nonnegotiable on the grounds that the Mayor and City Council intended section 1-612.03 of the D.C. Official Code to implement a leave program for all district employees hired after September 30, 1987. On May 3, 2018, the American Federation of State, County and Municipal Employees, District 20 (“Union”) filed an opposition. For the reasons stated herein, OSSE’s Motion is denied.

I. Background

In Slip Opinion 1659, the Board determined that the following proposal is negotiable:

Decision and Order
PERB Case No. 17-N-04
Page 2

A. Article XVI: Leave

1. Starting on the first full pay period of their employment employees covered by the terms of this agreement shall accrue annual leave as follows:
 - a. Less than three (3) full-time equivalent years of service: Two (2) hours annual leave earned for every twenty (20) hours of work;
 - b. Three (3) years full-time-equivalent years of service but fewer than ten (10) full-time-equivalent years of service: One and one half (1 and ½) Three (3) hours annual leave earned for every twenty (20) hours of work;
 - c. Ten (10) or more full-time-equivalent years of service: Four (4) hours annual leave earned for every twenty (20) hours of work.
2. Request for annual leave shall be submitted by the employee, on a form provided by the Department, to the employee's Assistant Terminal Manager. The Assistant Terminal Manager shall approve or disapprove, pursuant to Section C. of this Article, prior to the date such leave is to begin.
3. The rate of annual pay shall be the employee's regular straight time rate of pay at the time the leave is earned.
4. Annual leave that is not used by an employee shall be accumulated from year to year for use in succeeding year. The maximum allowable leave balance shall not exceed three hundred twenty (320) hours.
5. Upon the execution of this agreement, an employee's "use or lose" annual leave balance will not be reduced to the maximum number of carryover hours until the beginning of the first full pay period after the pay period that includes January 10 of each year.

Before the Board, OSSE contended, *inter alia*, that the proposed section conflicts with section 1-612.03(e)(1)(B) and (C) of the D.C. Official Code. The Board disagreed. In Slip Opinion 1659, the Board explained that section 1-612.03(a) of the D.C. Official Code outlines employee annual and sick leave and is only applicable to employees first hired before October 1, 1987. All employees hired thereafter are exempt from that section.¹ The Board concluded that there is no explicit statutory restriction on employee leave for all employees and that the Union's proposal is negotiable.

¹ D.C. Official Code § 1-612.03(a)(6).

Decision and Order
PERB Case No. 17-N-04
Page 3

II. Positions of the Parties

OSSE disputes the Board's conclusion that the District has not adopted a statutory leave program for employees first hired after September 30, 1987. OSSE contends that through promulgating municipal regulations, the Mayor and City Council intended to implement the statutory leave program under section 1-612.03 of the D.C. Official Code for employees hired after September 30, 1987.² OSSE asserts that section 1232.1 of Title 6-B of the District of Columbia Municipal Regulations ("DCMR") titled "Accrual of Annual Leave" "specifically adopts the crux of the leave program set forth under D.C. Official Code §1-612.03(e)(1) . . ."³

Further in support of this request, OSSE points to three instances when the City Council amended section 1-612.03 of the D.C. Official Code as evidence of the section's applicability to all employees, regardless of their hire date. OSSE contends that because the amendments to the statute do not explicitly state that it is restricted to employees hired before October 1, 1987, the Council intended that the statute apply to all District employees.⁴ Lastly, OSSE asserts that the Union did not argue before the Board in its Negotiability Appeal that section 1-612.03 is inapplicable to employees hired after September 30, 1987.⁵

III. Discussion

A motion for reconsideration cannot be based upon a mere disagreement with the Board's initial decision.⁶ The Board has repeatedly held that a moving party must provide authority which compels reversal of the Board's decision.⁷ Absent such authority, the Board will not overturn its decision.⁸

First, Title 6-B of the DCMR does not implement a statutory leave program for employees hired after September 30, 1987. As the Union notes, section 1201, titled "Statutory Authority and Applicability," contains the following clause: "The provisions of a collective bargaining agreement shall take precedence over the provisions of this chapter for those employees covered by such an agreement, to the extent that there is a difference."⁹ The Board finds that Title 6-B of the DCMR specifically yields to the parties' collective bargaining agreement. Therefore, the cited regulation does not compel reversal of the Board's decision.

Second, as the Board stated in Slip Opinion 1659, section 1-612.03(a)(6) of the D.C. Official Code explicitly states that the annual and sick leave system established therein is not

² Motion at 4.

³ Motion at 5.

⁴ Motion at 6.

⁵ Motion at 8.

⁶ *Washington Teachers Union, Local #6 Am. Fed'n of Teachers v. Dist. of Columbia Pub. Schs.*, Slip Op. No. 1657 at 1, PERB Case No. 14-U-02 (Mar. 27, 2018).

⁷ *Id.*

⁸ *Id.*

⁹ 6-B DCMR § 1201.3.

Decision and Order
PERB Case No. 17-N-04
Page 4

applicable to employees first hired after September 30, 1987.¹⁰ Nonetheless, OSSE points to three separate instances when the City Council amended the statute as evidence that the Mayor and City Council intended it to be applicable to employees hired after September 30, 1987. However, despite these changes, the Council never amended the language that limits the statute's applicability to employees hired before October 1, 1987. Accordingly, the cited amendments do not prove that the Mayor and City Council intended that section 1-612.03 of the D.C. Official Code is applicable to employees hired after September 30, 1987. Therefore, the Board finds that the cited amendments do not compel reversal of the Board's Order.

Finally, the Union's failure to argue in its Negotiability Appeal that section 1-612.03 of the D.C. Official Code is only applicable to employees hired before October 1, 1987, does not compel reversal of the Board's decision. Pursuant to section 1-605.02(5) of D.C. Official Code, the Board is authorized to make a determination in disputed cases as to whether a matter is within the scope of collective bargaining. The Board reviews the disputed proposals and addresses each in light of the statutory dictates and relevant case law.¹¹ The Board's jurisdiction to decide such questions is invoked by the party presenting a proposal that has been declared nonnegotiable.¹²

IV. Conclusion

The Board finds that OSSE's Motion for Reconsideration fails to provide authority which compels reversal of the Board's initial decision in Slip Opinion 1659. Therefore, the Motion is denied.

IT IS HEREBY ORDERED THAT:

1. The Office of the State Superintendent of Education's Motion for Reconsideration is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

¹⁰ The parties did not address the applicability of the proposal to employees hired before October 1, 1987. However, as the Board determined in *American Federation of State, County and Municipal Employees, District Council 20 v. District of Columbia Public Schools, Office of the State Superintendent of Education & Department of General Service*, Slip Op. No. 1677, PERB Case No. 18-N-02 (August 16, 2018), employees hired prior to October 1, 1987 are subject to the statutory leave program outlined in section 1-612.03 of the D.C. Official Code.

¹¹ *F.O.P./Protective Servs. Police Dep't Labor Comm. v. Dep't of Gen. Servs.*, 62 D.C. Reg. 16505, Slip Op. No. 1551 at p. 2, PERB Case No. 15-N-04 (2015).

¹² See Board Rule 532.1.

Decision and Order
PERB Case No. 17-N-04
Page 5

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

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

August 16, 2018

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 17-N-04, Opinion No. 1679 was sent by File and ServeXpress to the following parties on this the 23rd day of August, 2018.

Brenda Zwack, Esq.
Murphy Anderson PLLC
1401 K Street, NW, Suite 300
Washington, D.C. 20005

Kathryn Naylor, Esq.
Office of Labor Relations and
Collective Bargaining
441 4th Street, SW, Suite 820 North
Washington, D.C. 20001

/s/ Sheryl Harrington
Administrative Assistant

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, November 1, 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.dewater.com.

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

DRAFT AGENDA

- | | |
|---|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of October 4, 2018 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

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, October 25, 2018 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

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

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. September, 2018 Financial Report | Committee Chairperson |
| 3. Agenda for November, 2018 Committee Meeting | Committee Chairperson |
| 4. Adjournment | Committee Chairperson |

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

Application No. 14096-B of Wilson NPB LLC, pursuant to 11 DCMR Subtitle Y § 705.1, for a two-year time extension of BZA Order No. 14096-A approving a special exception under the Zoning Regulations of 1958 from the unused bonus density requirements under § 768, to permit the interior renovation of an existing building in the D-7 Zone District (formerly DD/C-5 Zone District) at premises 529 14th Street, N.W. (Square 254, Lot 53).

Hearing Date (14096-A): July 6, 2016
Decision Date (14096-A): July 6, 2016
Final Date of Order (14096-A): July 8, 2016
Time Extension Decision: September 19, 2018

**SUMMARY ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 14096-A**

The Underlying BZA Order

On July 6, 2016, the Board of Zoning Adjustment (the "Board") approved the Applicant's request for a special exception under the Zoning Regulations of 1958¹ from the unused bonus density requirements under § 768, to permit the interior renovation of an existing building in the D-7 Zone District (formerly DD/C-5 Zone District²) at premises 529 14th Street, N.W. (Square 254, Lot 53) (the "Subject Property" or "Site"). In Order No. 14096-A (the "Order"), the Board granted a special exception to modify the plans approved in Order No. 14096 to utilize unused bonus density for an interior-only renovation of the building located on the Subject Property (the "Building"), as well as other special exception and variance relief, pursuant to Order No. 13507. In the Order, the Board approved a modification of the previously-approved plans, which, in turn, changed the amount of bonus density previously granted. The Building was constructed pursuant to the plans approved in Order No. 14096, but used less bonus density than the Board found was available pursuant to the bonus incentive system. The bonus density was generated and awarded pursuant to § 768 of the 1958 Zoning Regulations. The Order allows the Applicant

¹ The 1958 Zoning Regulations were in effect when BZA Case No. 14096-A was heard and decided by the Board. The 1958 Zoning Regulations were repealed and replaced in their entirety by the 2016 Zoning Regulations on September 6, 2016. Pursuant to Subtitle A § 106 of the 2016 Zoning Regulations, the construction authorized by BZA Order No. 14096-A is vested and is subject only to the provisions of the 1958 Zoning Regulations. (Exhibit 3.)

² The zone districts were renamed in the 2016 Zoning Regulations. Thus, the DD/C-5 District is now the D-7 District under the 2016 Regulations. This is reflected on the Zoning Map. This change in nomenclature has no effect on the vesting or validity of the original application.

to utilize the remaining excess available bonus density to add approximately 20,500 square feet of gross floor area to the Building.

The application was granted on July 6, 2016, and the Board issued its written order, No. 14096-A (the "Order") on July 8, 2016. Pursuant to 11 DCMR § 3125.9 in the 1958 Zoning Regulations (now Subtitle Y § 604.11 of the 2016 Regulations), the Order became final on July 8, 2016 and took effect ten days later, on July 18, 2016. Under the Order and pursuant to § 3130.1 of the 1958 Regulations (now Subtitle Y § 702.1 of the 2016 Regulations), the Order was valid for two years from the time it was issued.

Motion to Extend

On July 17, 2018, the Applicant submitted an application for a time extension requesting that the Board grant a two-year extension of BZA Order No. 14096-A. This request for extension is pursuant to Subtitle Y § 705 of the 2016 Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

In its request for a two-year extension, the Applicant stated that the time extension is needed due to economic and market conditions beyond the Applicant's reasonable control which are contributing to the vacancy percentage of the Building. As attested to by the Applicant's affidavit in the record at Exhibit 3B, the Building is currently 41% vacant despite the Applicant's active efforts to attract additional tenants since the Order was issued. The Applicant is now undertaking renovations to enhance the building's lobby and common spaces in order to remain competitive in the rental market and attract new tenants to fill the vacancies. Because of the existing vacancy of the Building, the Applicant states that proceeding with the expansion before completing the renovations would negatively impact the Building's economic viability and that it could not, at this time, justify the expense and effort of utilizing the unused bonus density to increase the density of the Building as adding the bonus density would only serve to further increase the Building's vacancy. Before adding the density approved by the Order, the Applicant intends to complete the renovations to the Building's common spaces and lease up additional tenant space to reduce the vacancy percentage. The Applicant indicated that it intends to file for a building permit and utilize the approved excess bonus density after it has filled the existing vacancies. Consequently, the Applicant needs additional time to complete its renovation of the common spaces and to lease up vacant tenant space. The Applicant states that a two-year extension of the Order will provide it the necessary time before embarking on an addition of density. (Exhibit 3.)

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the

following criteria: (1) an inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

The Board finds that the motion has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order. Pursuant to Subtitle Y § 705.1(a), the record reflects that the Applicant served the parties to the original application, including Advisory Neighborhood Commission ("ANC") 2C, as well as the Office of Planning. (Exhibit 3.)

ANC 2C was the only party to the application in BZA Case No. 14096-A. The ANC did not submit a report regarding the time extension request.

The Office of Planning ("OP") submitted a report, dated September 7, 2018, recommending approval of the request for the time extension. (Exhibit 6.)

As required by Subtitle Y § 705.1(b), the Applicant demonstrated that there has been no substantial change in any of the material facts upon which the Board based its original approval in Order No. 14096-A. There have also been no substantive changes³ to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order that would affect the application.

To meet the burden of proof for good cause required under Subtitle Y § 705.1(c), the Applicant provided a statement and other evidence regarding factors causing a delay in obtaining a building permit and utilizing the full amount of bonus density. As detailed in an affidavit signed by Maria Blake, Senior Vice President of Normandy Real Estate Partners, which manages the property that is subject to Order No. 14096-A on behalf of the Applicant, the Building has only a 41% occupancy rate and that proceeding with the expansion before completing the existing renovations and increasing the Building's occupancy would negatively impact the Building's economic viability. The Applicant indicated that it is now undertaking renovations to enhance the building's lobby and common spaces to attract new tenants to fill the vacancies. The renovations include modernizing elevators; upgrading the HVAC system; renovating common corridors, elevator lobbies, and restrooms; renovating the atrium; adding a lobby with concierge desk at one of the entrances; adding a fitness center and bike storage room; and adding a tenant amenity center with conferencing center, café, and lounge/entertainment space. The Applicant stated that it intends to file for a building permit and utilize the excess bonus density after filling the existing vacancies and that it needs the requested two-year extension of the Order to

³ Although the zone districts were renamed in the 2016 Zoning Regulations, this change in nomenclature does not constitute a substantive change as contemplated by Subtitle Y § 705.1(b), and has no effect on the vesting or validity of the original application.

complete the renovation of the common spaces and to lease up vacant tenant space before adding bonus density. (Exhibits 3 and 3C.)

The Board finds that the Applicant has demonstrated good cause under Subtitle Y § 705.1(c)(1) by showing an inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control. The Applicant stated that since the issuance of the Order, the Applicant had been diligently working to resolve the tenant vacancies in the Building, including undertaking to complete extensive renovations in the common areas of the Building. The Applicant stated that the Building has only a 41% occupancy rate and therefore that proceeding with the expansion before completing the existing renovations and increasing the Building's occupancy would have a negative impact on its economic viability. (Exhibits 3 and 3C.)

Given the totality of the conditions and circumstances described above and after reviewing the information that was provided, the Board finds that the Applicant satisfied the "good cause" requirement under Subtitle Y § 705.1(c), specifically meeting the criteria for Subtitle Y § 705.1(c) (1). The Board finds that the inability of the Applicant to use the excess bonus density approved in the Order where the current 41% tenant vacancies would make incurring the expense and effort of adding density unjustifiable constitutes good cause and is beyond the Applicant's reasonable control and that the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order.

Having given the written report of OP great weight, the Board concludes that extension of the approved relief is appropriate under the current circumstances and that the Applicant has met the burden of proof for a time extension under Subtitle Y § 705.1.

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

Pursuant to 11 DCMR Subtitle Y § 702, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of a two-year time extension of Order No. 14096-A, which Order shall be valid until **July 18, 2020**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

VOTE: 5-0-1 (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Michael G. Turnbull to APPROVE.)

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

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

**BZA APPLICATION NO. 14096-B
PAGE NO. 4**

FINAL DATE OF ORDER: October 2, 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.

**BZA APPLICATION NO. 14096-B
PAGE NO. 5**

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

Application No. 19672 of Milton Halem, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a third-story and rear addition to an attached building in the R-20 zone at premises 3608 S Street, N.W. (Square 1305, Lot 47).

HEARING DATES: January 24 and February 21, 2018¹

DECISION DATE: February 28 and March 7, 2018

DECISION AND ORDER

Milton Halem (the “Applicant”) filed an application with the Board of Zoning Adjustment (the “Board” or “BZA”) on November 8, 2017, for a special exception under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 1206.4, to construct a third-story and rear addition to an attached building in the R-20 zone at premises 3608 S Street, N.W. (Square 1305, Lot 47) (the “Subject Property”). For the reasons explained below, the Board voted to approve the application.

PRELIMINARY MATTERS

Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibit 54 (Corrected); Exhibit 5 (Original).) In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Notice of Application and Notice of Hearing. By memoranda dated December 12, 2017, the Office of Zoning (“OZ”) sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 2E, the ANC within which the Property is located, Single Member District 2E01 representative, the Councilmember for Ward Two, and the At-Large Councilmembers and the Council Chair. A public hearing was scheduled for January 31, 2018. Pursuant to 11-Y DCMR § 402.1(a), the Office of Zoning published notice of the hearing on the application in the *D.C. Register*. (64 DCR 12437.) On December 12, 2017, OZ sent notice of the public hearing to the Applicant, ANC 2E, and all owners of property within 200 feet of the Property.

¹ The Board first heard this application on January 24, 2018, and at that time, continued the hearing to February 21, 2018. The Board originally scheduled its decision for February 28, 2018, but postponed the decision to March 7, 2018 to allow for absent Board members to participate in the deliberations.

Request for Party Status. The parties to this case were the Applicant and ANC 2E. There were no requests for party status.

OP Report. OP submitted two reports to the record. In its first report dated January 12, 2018, OP recommended approval of the request for special exception relief. (Exhibit 55.) At the public hearing on January 24, 2018, the Board asked the Office of Planning to provide a supplemental report with analysis of additional shadow studies and drawings submitted by the Applicant. In its supplemental report, OP continued to recommend approval and indicated that “[a]nalysis of the study shows that there would not be a significant difference between the shadow cast by the proposed addition and the shadow cast by the addition if it were constructed as a matter of right.” (Exhibit 69.)

DDOT Report. DDOT submitted a timely report indicating that it had no objection to the approval of the application. (Exhibit 51.)

ANC Report. ANC 2E submitted a written report, dated January 8, 2018, indicating that at a duly noticed and scheduled public meeting on January 3, 2018, at which a quorum was present, it voted 6-0-0 to recommend denial. (Exhibit 50.) Specifically, the ANC raised issues and concerns related to: (1) the privacy impacts of the proposed balcony and two decks; (2) its inability to confirm the adequacy of the Applicant’s shadow study; and (3) the visual impact of the third story addition on the character and scale of houses on the block. (Exhibit 50.) The ANC submitted a supplemental written report dated February 8, 2018, confirming that Commissioner Ed Solomon is authorized to represent ANC 2E before the Board in all matters related to this application. (Exhibit 70.)

Persons in Support. The Board received eight letters in support of the application. (Exhibits 16, 33-36, 39, 40, and 58.) Two of the letters in support were from the adjacent neighbors of the Subject Property. (Exhibits 36 and 40.)

Persons in Opposition. The Board received 24 letters in opposition to the application. (Exhibits 15, 17, 37, 38, 41-49, 56, 57, 59-65, 72, and 73.) The Single Member District Commissioner for ANC 2E01 submitted two letters in opposition to the Applicant’s revised plans. (Exhibit 71 and 74.) At the public hearing on January 24, 2018, testimony in opposition was provided by Pauline Lewis, Ed Levy, Carol Baume, Ann Carper, Michael Perkins, and Nan Coughlin. At the continued hearing on February 21, 2018, further testimony in opposition was given by Pauline Lewis and Ed Levy.

FINDINGS OF FACT

The Property and the Surrounding Neighborhood

1. The property is located at premises 3608 S Street, N.W. (Square 1305, Lot 47) (the “Subject Property”).

2. The Subject Property is in the R-20 zone. The surrounding neighborhood is predominantly comprised of attached buildings with principal dwelling units.
3. The Subject Property is currently improved with a two-story, one-family attached building. (Exhibit 3.)
4. The lot area of the Subject Property is approximately 2,250 square feet and the existing structure on the Subject Property has a lot occupancy of 26%. (Exhibit 54.)
5. The Subject Property abuts a 20-foot public alley at the rear of the lot. (Exhibit 10.)

Project Description

6. The Applicant proposes to construct a third-story and rear addition to the existing building, as well as an accessory garage structure at the rear of the lot. (Exhibit 68.)
7. The Applicant originally proposed to construct a rooftop deck as part of the addition, with a spiral staircase at the rear. (Exhibit 2.) The architectural plans were subsequently amended to remove the roof deck and staircase. (Exhibits 52 and 68.)
8. With the proposed addition, the resulting lot occupancy for the Subject Property would be 58% and the rear yard setback would be 41.5 feet. (Exhibit 68.) The maximum lot occupancy permitted in the R-20 zone is 60% and the minimum rear yard required is 20 feet. (11-D DCMR §§ 1204.1 and 1206.2.)
9. The proposed addition would extend approximately 22 feet beyond the rear wall of the existing structure on the Subject Property. (Exhibit 68.)
10. The proposed rear addition would extend ten feet beyond the rear wall of the structure to the west, 3610 S Street, N.W. (Exhibit 68; BZA Public Hearing Transcript (“Tr.”) for January 24, 2018 at p. 48.) The proposed addition would extend 22 feet past the rear wall of the structure to the east, 3606 S Street, N.W. (Exhibit 68; Tr. of January 24, 2018 at p. 48.)
11. The proposed addition has a rear deck on the first floor and third-story balcony with privacy screens on the east and west sides. (Exhibit 68.) The rear addition would have no windows on the sides facing east and west. (Exhibit 68; Tr. of January 24, 2018 at p. 53.)
12. The Applicant also proposes to construct a one-story accessory garage at the public alley with off-street parking for two automobiles. (Exhibit 68.)

Zoning Relief

13. Pursuant to Subtitle D § 1206.3, “a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.”
14. The proposed rear addition will extend 22 feet beyond the rear wall of the adjacent property to the east, therefore zoning relief from Subtitle D § 1206.3 is required.
15. This relief is available as a special exception pursuant to Subtitle D § 1206.4, as evaluated against the criteria of Subtitle D §§ 5201.3 through 5201.6. (11-D DCMR § 1206.4.)
16. The height of the proposed addition is within the matter-of-right limitations in Subtitle D § 1203.1 and does not require zoning relief.
17. The proposed accessory garage structure complies with the Zoning Regulations and does not require zoning relief.

Impact of the Proposal

18. The Applicant provided a shadow study showing the proposed addition in the context of the adjacent properties. (Exhibit 52, p. 15-17.) At the Board’s request, the Applicant provided a second shadow study showing the impact on properties beyond the two adjacent neighbors. (Exhibit 68, p. 15-17.) The shadow studies also show the potential impact of a matter-of-right rear addition as a source of comparison. (Exhibit 68, p. 17.)
19. The Applicant’s shadow studies demonstrate that, during the summer and winter solstice, the proposed addition would cast shadows on the adjacent properties, as well as create some shadowing on the property at 3612 S Street, N.W. in the morning. (Exhibit 68, p. 15-16.) The matter of right addition, as depicted in the shadow study, would have a similar impact – creating more significant shadowing on the two adjacent properties during solstice events, as well as casting some shadows on the property at 3612 S Street, N.W. (Exhibit 68, p. 17.)
20. The Applicant’s agent testified that the sun studies were “created in good faith with industry standard software and are consistent from view to view.” (Tr. of February 21, 2018 at p. 15.) The Applicant’s agent indicated that the model of the project was “designed and drawn in a software called Revit, which is a building information modeling tool.” He further explained that the project is “drawn in real scale in an absolute geographic location and oriented as it is in real life” and that they “apply the solar tool that’s in that software and export these frames for these times.” (Tr. of February 21, 2018 at pp. 43-44.)

21. The shadow studies demonstrate that, although the proposed addition would cause some shadowing, the impacts of the addition on light available to neighboring properties is comparable to the light available if the Applicant were to construct a matter-of-right addition. The Board finds that the impact on light is therefore not undue.
22. The proposed rear addition's impact on the air flow to neighboring properties would not be undue, as the 41.5-foot rear yard provided would allow for adequate air flow to both adjacent neighbors.
23. In response to concerns regarding privacy, the Applicant revised its plans to add privacy screens at the third-story balcony and to increase the insulation in the party walls to mitigate potential sound impacts. (Tr. of January 24, 2018 at p. 49.)
24. The two immediate neighbors at 3606 S Street, N.W. and 3610 S Street, N.W. submitted letters in support the proposed addition. (Exhibits 36 and 40.)
25. The proposed rear addition would not be visible from the street frontage on S Street, N.W. The third-floor addition is within the matter-of-right height for the R-20 zone and would be in keeping with the design of nearby attached buildings.
26. The accessory garage structure, as well as the second and third floor of the rear addition, would be visible from the public alley to the rear of the property, but would not visually intrude on the character of the public alley.
27. The Applicant provided photographs showing the context of the Subject Property, including views from the front, rear, and overhead. (Exhibit 68, p. 2.) The photographs demonstrate that other attached buildings on the block have rear additions. OP testified that, based on her observations of the neighborhood, there was a "variety of two and three-story additions on this block" and that she "did not feel that this proposal was significantly different than what you could see in a variety of other houses along the block." (Tr. of February 21, 2018 at pp. 18-19.)
28. Of the 15 north-facing properties on the block, three other properties have a third-story addition. (Tr. of January 24, 2018 at p. 56.)
29. Pursuant to Subtitle D § 1200.3, the purpose and intent of the R-20 zone is "to retain and reinforce the unique mix of housing types including detached, semi-detached and attached dwellings and permit attached row houses on small lots, and includes areas where attached houses are mingled with detached houses and semi-detached houses."
30. The purposes of the R-19 and R-20 zones include to "[l]imit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood" and to "[r]etain the quiet residential character of these areas" (11-D DCMR § 1200.1(d)-(e).)

CONCLUSIONS OF LAW

The Applicant requests special exception relief under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 1206.4, to construct a third-story and rear addition to an existing attached building in the R-20 zone at premises 3608 S Street, N.W. (Square 1305, Lot 47). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (11-X DCMR § 901.2.)

In addition to meeting the general special exception standard, the Applicant must satisfy the “specific conditions” of Subtitle D § 5201 to be granted special exception relief. Specifically, an applicant must show that: (a) the light and air available to neighboring properties shall not be unduly affected; (b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (c) the addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage. (Subtitle D § 5201.3.) In order to demonstrate compliance with paragraphs (a), (b) and (c), an applicant must provide graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways. (11-D DCMR § 5201.3(d).) Finally, the Board may approve lot occupancy of all new and existing structures on the lot up to a maximum of 70% for attached residential buildings in the R-20 zone. (11-D DCMR § 5201.3(e).)

Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Based on the findings of fact, the Board concludes that the request for special exception relief satisfies the requirements of Subtitle D § 5201. The Board finds that the Applicant has provided sufficient plans, photographs, and elevations to meet the requirement of Subtitle D § 5201.3(d), and finds that the addition would increase the lot occupancy to 58%; therefore, the requirement of Subtitle D § 5201.3(e) is met. The Board will address the criteria of Subtitle D § 5201.3 (a), (b), and (c) in turn.

First, the Board finds that the Applicant has demonstrated that the light and air available to neighboring properties shall not be unduly affected. Although the addition extends 12 feet beyond what is permitted as a matter of right, the project provides a rear yard of 41.5 feet to allow for adequate air flow to neighboring properties. The Board credits the shadow studies provided by the Applicant in finding that the proposed addition will not have an undue impact on the light available to neighbors. Though the ANC and several neighbors raised concerns regarding the validity of the shadow studies submitted by the Applicant, the Board has determined that the studies were created by the Applicant in good faith and with standard building information modeling software. Thus, the Board relies on the information provided in the shadow studies to conclude that during the summer and winter solstice, the proposed addition would cast shadows on the adjacent properties, as well as create some shadowing on the property at 3612 S Street, N.W. in the morning. The Board finds that the shadows cast on neighboring properties are not an undue impact, however, as similar shadowing would be caused by a matter-of-right rear addition. For this reason, the Board concludes that granting special exception relief to allow the proposed addition to extend 12 feet beyond the matter-of-right length would not unduly affect neighboring properties with regard to light and air impacts.

The Board finds that the privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the rear addition. In response to concerns raised by the ANC and neighbors, the Applicant revised its plans to remove a proposed roof deck, add privacy screens at the third-story balcony, and increase the insulation in the party walls to mitigate potential sound impacts. At the public hearing on January 24, 2018, the ANC Commissioner representing ANC 2E acknowledged the removal of the originally-proposed roof deck, but continued to raise the issue that the addition creates privacy concerns based on the second floor balcony and the deck at rear of third floor. (Tr. of January 24, 2018 at p. 54.) Commissioner Solomon opined that the privacy screens do not alleviate the ANC's concerns. (Tr. of January 24, 2018 at p. 54.) After evaluating the architectural plans and the testimony in the record, the Board was not persuaded by the ANC's argument on this issue. The Board finds that the absence of any windows on the side of the addition, along with the elimination of roof deck, significantly reduces the potential for privacy impacts on adjacent neighbors. Further, the Board finds that the use of privacy screens would mitigate any potential remaining impacts on the privacy of neighbors. The Board also credits the letters of support from both adjacent neighbors in finding that the use and enjoyment of neighboring properties will not be unduly compromised. The ANC and neighbors raised concerns regarding the support of the adjacent neighbors, indicating that the owners of the adjacent properties are not residents of the neighborhood, but rather "absentee landlords." (Tr. of January 24, 2018 at pp. 20-21.) In considering the special exception criteria, the Board must weigh how granting the relief requested would impact "neighboring properties." (11-D DCMR § 5201.3(a)&(b).) As the adjacent neighbors of the Subject Property are most directly impacted, the Board would be remiss to disregard their support, as filed to the record. The support of adjacent neighbors, however, does not require automatic approval of the special exception. Thus, the Board has also weighed the architectural plans, photographs, shadows studies, and testimony of neighbors in considering the potential impacts of the proposed addition. In this case, the Board concludes that the proposed addition would not unduly compromise the privacy

and enjoyment of neighboring properties, as the design includes several features to address privacy concerns, such as a lack of windows on each side facing neighboring properties, privacy screens at the balcony, and insulation in the party walls to mitigate potential sound impacts.

Finally, the Board finds that the addition, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage and from the rear alley. The ANC specifically raised its concerns about the third-story addition being out of character with the rest of the block, as viewed from street frontage. The Board determined that the height of the addition is within the matter-of-right limitation and credits OP's finding that the proposed addition would have a similar appearance to other existing dwellings on the block. For these reasons, the Board does not consider the third-story addition to intrude on the character of the neighborhood. With regard to the rear addition, the second and third stories would be visible from the public alley. The Board concurs with OP's finding that the proposed rear addition would not substantially intrude on the character of the block as viewed from the public alley though, as there are various existing two- and three-story rear additions and the proposed addition would have a residential design similar to that of other nearby additions. The Board therefore concludes that the proposed addition will be in keeping with the character, scale, and pattern of houses in the neighborhood.

For these same reasons, the Board concludes that the request for special exception relief meets the general special exception standards in Subtitle X § 901.2. The Board specifically finds that granting special exception in this case would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps as required by Subtitle X § 901.2(a). The proposed addition would allow the Applicant to construct a rear addition to an existing attached residential building with one dwelling unit, which is consistent with the purpose of the R-20 zone. Under Subtitle D § 1200.3, the purpose and intent of the R-20 zone is "to retain and reinforce the unique mix of housing types including detached, semi-detached and attached dwellings and permit attached row houses on small lots." The purposes of the R-19 and R-20 zones include to "[l]imit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood" and to "[r]etain the quiet residential character of these areas ..." (11-D DCMR § 1200.1(d)-(e).) The Board determined that the proposed addition maintains the character of the R-20 zone, as the attached dwelling contributes to the unique mix of housing types and retains the residential character of the area. The Board finds that the proposed addition demonstrates "general compatibility between the siting of new or expanded buildings and the existing neighborhood" as the addition is in keeping with other similar additions on the block. Further, the Board concludes that the proposed addition would not adversely affect the use of neighboring properties, as required by Subtitle X § 901.2(b). As discussed in the analysis of the special exception standard of Subtitle D § 5201, the proposed addition would not have an adverse impact on light and air available to adjacent properties, privacy of use and enjoyment of adjacent properties, or the visual character of the street frontage or public alley.

The Board concludes that the Applicant has met its burden of proof for the special exception requested.

Great Weight to ANC and OP

Section 13 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)(A)) (2014 ed.) requires that the Board's written orders give "great weight" to the issues and concerns raised in the written recommendations of the affected ANC. To give "great weight" the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC's issues and concerns.

In this case, ANC 2E submitted a written report recommending denial. (Exhibit 50.) The ANC specifically raised issues and concerns related to the potential privacy impacts of the balcony and two decks proposed by the Applicant. The ANC also raised as an issue its inability to confirm the adequacy of the Applicant's shadow study, as well as its concern with the visual impact of the third story addition on the character and scale of houses on the block. As discussed in more detail above, the Board considered each of these issues and concerns, but ultimately was not persuaded by the ANC's recommendation to deny the relief requested. With regard to the ANC's concerns about privacy impacts, the Board concluded that the Applicant's design, especially with the removal of the roof deck and the addition of privacy screens, would not have a substantial adverse impact on the privacy of neighboring properties. The Board addressed the ANC's concern regarding the validity of the shadow study, but found that the studies were credible, created using standard software, and created in good faith. Finally, the Board considered the ANC's concern about the impact of the addition on the character and scale of houses. As the ANC primarily cited the incompatibility of the third-story addition with other two-story residential buildings on the block, the Board addressed this concern by noting that the height of the addition proposed conforms with the matter-of-right requirements for the R-20 zone. Nonetheless, the Board found that the third-story and rear addition would not have a detrimental impact of the character of the neighborhood and noted that the addition was consistent with several other additions on the block.

The Board is also required under D.C. Official Code § 6-623.04(2001) to give "great weight" to OP recommendations. For reasons stated in this Order, the Board concurs with OP's recommendation to approve the relief requested.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 68.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter A. Shapiro² to APPROVE; Lorna L. John not participating).

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: October 1, 2018

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

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

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

² Commissioner Shapiro reviewed the record of the February 21, 2018 hearing in order to participate in the deliberations and decision.

DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 19788 of the Royal Norwegian Embassy, pursuant to 11 DCMR Subtitle X, Chapter 2, to renovate and expand a chancery by renovating the exterior, and constructing an addition to the existing Norwegian chancery building in the R-12 Zone at premises 2720 34th Street N.W. and 3401 Massachusetts Avenue, N.W. (Square 1939, Lot 39).

HEARING DATE: July 25, 2018

DECISION DATE: July 25, 2018

NOTICE OF FINAL RULEMAKING

and

DETERMINATION AND ORDER

The Board of Zoning Adjustment (the “Board”), pursuant to the authority set forth in § 306 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code § 6-1306 (2012 Repl.)) and Chapter 2 of Subtitle X of the Zoning Regulations of the District of Columbia, Title 11 DCMR, and after having held a public hearing on July 25, 2018, hereby gives notice that it took final action not to disapprove the application of the Royal Norwegian Embassy (“Applicant”) to renovate and expand a chancery by renovating the exterior, and constructing an addition to the existing Norwegian chancery building in the R-12 Zone at premises 2720 34th Street, N.W. and 3401 Massachusetts Avenue, N.W. (Square 1939, Lot 39)(the “Subject Property”).

A notice of proposed rulemaking was published in the June 8, 2018 edition of the *D.C. Register*. (65 DCR 6314.) In accordance with Subtitle Y § 402.1, the Board provided written notice to the public more than 40 days in advance of the public hearing. On June 5, 2018, the Office of Zoning referred the application to the United States Department of State, the District of Columbia Office of Planning (“OP”), Advisory Neighborhood Commission (“ANC”) 3C, whose boundaries encompass the Subject Property, the Single Member District Commissioner for ANC 3C08, the District Department of Transportation (“DDOT”), Historic Preservation Review Board (“HPRB”), the Department of Housing and Community Development, the National Capital Planning Commission, and the Councilmember for Ward 3.

The Office of Zoning scheduled a public hearing on the application for June 5, 2018 and provided notice of the hearing by mail to the Applicant, ANC 3C, and the owners of all property within 200 feet of the Subject Property. Notice of the hearing was published in the *D.C. Register* on June 8, 2018. (65 DCR 6153.)

Background

The Subject Property is owned by the Royal Norwegian Government and is currently improved with two buildings, including the ambassador's residence and the chancery, with offices for diplomatic services. The Applicant proposes to renovate the existing chancery and to construct an approximately 4,272 square foot addition to create a garden room connecting the two structures. The Applicant also proposes to reconfigure the chancery entrance and a stairwell/common area, as well as undertake associated improvements to the public space abutting the Subject Property.¹

Location in a Mixed Use Area

The Subject Property is located in the R-12 Zone, which is a low-density residential zone. For applications requesting to locate, replace, or expand a chancery in a low- to medium-density residential zone, the Board must first determine that the proposed location is in a mixed-use area on the basis of existing uses. (11-X DCMR §§ 201.3 – 201.7.) Pursuant to Subtitle X § 201.4, the "area" shall be the area that the Board determines most accurately depicts the existing mix of uses adjacent to the proposed location of the chancery. Pursuant to Subtitle X § 201.5, an area shall be considered to be a mixed-use area if more than 50% of the zoned land within the area is devoted to uses other than residential uses.

The Board finds that the area relevant to this determination includes Square 1939 and the portions of Square 2122 adjacent to 34th Street, N.W. The Board determines that this area is mixed-use and thus meets the requirement of Subtitle X § 201.3. The Board credits the information provided by the Applicant to establish that the area relevant to the Board's analysis consists of approximately 300,967 square feet of land area and, of such area, approximately 190,157 square feet of land area is utilized for nonresidential, religious, or diplomatic uses. (Exhibits 6 and 10.) Based on this analysis, nonresidential uses account for approximately 63.2% of the area, which exceeds the 50% threshold for presumptive treatment as mixed-use.

As the Board has concluded that the area that includes the Subject Property is a mixed-used area, the Board shall determine the merits of the application based on the criteria provided in the Foreign Missions Act, also found in Subtitle X § 201.8 of the Zoning Regulations. (11-X DCMR § 201.6.)

¹ The proposed project does not comply with the Zoning Regulations for the lot occupancy requirements under Subtitle D § 704.1 nor the penthouse setback requirements under Subtitle C § 1502.1. The Board, in addition to not disapproving the location of chanceries in certain zones, has the authority to hear requests for special exceptions or variances required for chancery applications, but the Board must exclusively evaluate these requests using the six criteria cited in the Foreign Missions Act. (11-X DCMR § 203.7; *See Embassy of the People's Republic of Benin v. D.C. Bd. of Zoning Adjustment*, 534 A.2d 310 (D.C. 1987).)

Foreign Missions Act Criteria

Pursuant to § 406(d) of the Foreign Missions Act, D.C. Official Code § 6-1306(d), the Board must consider six enumerated criteria when reviewing a chancery application. The provision further dictates who is to make the relevant finding for certain factors. The factors and relevant findings are as follows:

1. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

In a letter dated July 6, 2018, the Department of State determined that favorable action on this application would fulfill the international obligation of the United States to facilitate the Embassy of the Kingdom of Norway in acquiring adequate and secure premises to carry out their diplomatic mission. (Exhibit 44.)

2. Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

The Subject Property is not a historic landmark, nor is it located in a historic district. The Office of Planning ("OP"), which includes the Historic Preservation Office, noted that the Applicant nonetheless "solicited feedback from D.C.'s Historic Preservation staff regarding the proposed exterior design and use of material." (Exhibit 45.) Based on the evidence and testimony in the record, the Board finds this criterion is met.

3. The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

The Applicant proposes to increase the off-street parking provided from 17 spaces to 23 spaces, which exceeds the requirement of the Zoning Regulations. Fifteen long-term bicycle spaces, as well as accessory locker and showers below-grade, and seven short-term bike-space would also be provided at the front entryway. The Board concurs with the findings reached by the District Department of Transportation ("DDOT") that the impacts of the expansion of the chancery building will have no adverse impacts on the travel conditions of the District's transportation network. (Exhibit 46.)

The Department of State, after consulting with the Federal agencies authorized to perform protective services, determined that there exist no special security requirements relating to parking in this case. (Exhibit 44.)

4. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.

After consulting with Federal agencies authorized to perform protective services, the Department of State determined that the subject site and area are capable of being adequately protected. (Exhibit 44.) The Board finds this criterion is met.

5. The municipal interest, as determined by the Mayor.

OP, on behalf of the Mayor of the District of Columbia, determined that approving the application was in the municipal interest. (Exhibit 45.) OP found that the renovation and expansion of the chancery buildings, although not meeting the Zoning Regulations for lot occupancy and penthouse setback, would not create an adverse impact on the surrounding neighborhood to harm the public good or the intent of the Regulations. OP also made the following specific findings regarding the areas of zoning relief required.

The proposed additions would increase the lot occupancy from 41.7% to 45.4%, while a maximum lot occupancy is 40% permitted in the R-12 Zone. Based on the locations of the proposed additions, OP found that neither should have an undue impact on the light and air to neighboring property, nor should they create privacy concerns for the abutting neighbors to the north or west of the site.

The chancery's proposed elevator override at the southeast corner of the chancery structure does not meet the 1:1 setback required by Subtitle C § 1502.1(a). The proposed setback is the result of the unique programmatic needs of this use, and OP found that this satisfies the intent of the Regulations, which is to reduce visibility from public space.

In addition, OP worked with the Applicant, DDOT's Public Space staff, and the Historic Preservation Office on public space design issues. Based on the Applicant's revised plans in Exhibit 42A, OP noted that those issues had been addressed.

6. The federal interest, as determined by the Secretary of State.

The Department of State determined that there is federal interest in this project. Specifically, the Department of State acknowledged the Government of the Kingdom of Norway's assistance in addressing the United States' land use needs in Oslo. Such cooperation was essential for successfully achieving the Federal Government's mission for providing safe, secure, and functional facilities for the conduct of U.S. diplomacy and the promotion of U.S. interests worldwide. (Exhibit 44.)

Great Weight

The Board is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)) to give great weight to the issues and concerns raised in the written report of the affected ANC, which is ANC 3C. The ANC submitted a resolution dated May 21, 2018, indicating that at its regularly scheduled, duly noticed public hearing on May 21, 2018, with a quorum present, the ANC voted in support of the project as proposed. (Exhibit 39.) The ANC noted that it worked with the Applicant to address concerns regarding parking, lighting, and trash, that were raised by neighbors during the process. The Applicant revised its plans to respond to neighbors' feedback, therefore the ANC has no issues or concerns with the Applicant's proposal. Absent any issues or concerns, the Board has nothing to afford "great weight." See *Metropole v. Bd. of Zoning Adjustment*, 141 A.3d 1079 (D.C. 2016).

Based upon its consideration of the six criteria discussed above, and having given great weight to the ANC, the Board has decided not to disapprove the application. Accordingly, it is hereby **ORDERED** that the application is **NOT DISAPPROVED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE PLANS AT EXHIBIT 42A.**

VOTE: 5-0-0 (Frederick L. Hill, Peter G. May, Lesylleé M. White, Lorna L. John, and Marcel C. Acosta to Not Disapprove).

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: October 3, 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.

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

Application No. 19827 of Amy and Jay Hariani, 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 rear addition to an existing principal dwelling unit and convert it to a flat in the RF-1 Zone at premises 60 Randolph Place N.W. (Square 3102, Lot 107).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: September 26, 2018 (Expedited Review Calendar)

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the Applicant's waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC did not submit a report to this application.

The Office of Planning ("OP") submitted a timely report, dated September 14, 2018, in support of the application. (Exhibit 45.) The District Department of Transportation ("DDOT") submitted a report, dated September 14, 2018, of no objection to the approval of the application. (Exhibit 43.)

Letters of support from both adjacent neighbors were submitted to the record. (Exhibits 11 and 12.)

No objections to expedited calendar consideration were made by any person or entity entitled to do so by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear addition to an existing principal dwelling unit and convert it to a flat in the RF-1 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 41.**

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

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

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y

BZA APPLICATION NO. 19827

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§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-07D
Z.C. CASE NO. 08-07D
Four Points Development, LLC
(PUD Time Extension @ Square 5785, Lot 839 and Part of Lot 906)
June 11, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on June 11, 2018. At the meeting, the Commission approved a request from Four Points Development, LLC (“Applicant”) for a two-year extension of the time in which to begin construction of the approved building (“Building 1”) located at Lot 839 and part of Lot 906 in Square 5785 (“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. 08-07, having an effective date of October 25, 2013, the Commission approved applications for a first-stage planned unit development (“PUD”) and a related Zoning Map amendment from the C-2-A and C-M-1 Zone Districts to the C-3-A Zone District for Square 5772, Lots 827, 829, 831, 880, 984, 1017, and 1019; Square 5783, Lots 829 and 1018; Square 5784, Lots 898, 899, and 900; and Square 5785, Lots 839 and 906 (collectively, the “PUD Site”).¹
2. Pursuant to Z.C. Order No. 08-07A, having an effective date of May 22, 2015, the Commission approved a second-stage PUD and modifications to the approved first-stage PUD to allow development of Building 1 with a six-story residential building with approximately 71 residential units, 80% of which would be set aside for households earning up to 60% of the area median income (“AMI”).
3. Decision No. C.1. of Z.C. Order No. 08-07A required the Applicant to file a building permit application for Building 1 no later than May 22, 2017, with construction to begin no later than May 22, 2018. The Applicant filed a building permit application for Building 1 on June 15, 2015, thus meeting the first condition in Decision No. C.1. However, due to unforeseen litigation regarding the PUD, the Applicant was unable to begin construction by May 22, 2018.
4. On May 1, 2018, the Applicant filed a request for a two-year extension of the time to begin construction of Building 1, such that if approved construction must begin no later than May 22, 2020.

¹ The original PUD was approved under the 1958 Zoning Regulations. On September 6, 2016, the provisions of ZR58 were repealed and replaced with the 2016 Zoning Regulations. Under the 2016 Zoning Regulations, the approved C-3-C Zone District converts to the MU-9 zone, although PUD related map amendments granted prior to September 6, 2016 are unaffected.

5. The Applicant's request for a two-year time extension was supported by evidence describing the Applicant's actions following submission of the building permit application to move forward with development of Building 1. The Applicant submitted the following documentation in support of its case that it could not reasonably comply with the time limit set forth in Z.C. Order No. 08-07A to commence construction:
 - a. Following submission of the building permit application, the Applicant undertook the following actions to move forward with development of Building 1:
 - i. On July 16, 2015, the Applicant participated in a preliminary design review meeting ("PDRM") meeting with DDOT;
 - ii. On August 14, 2015, the Applicant filed a Sheeting and Shoring permit application with the Department of Consumer and Regulatory Affairs ("DCRA") (Permit No. SH1500070); on August 27, 2015, the Applicant filed a Sheeting and Shoring permit application with DDOT (Tracking No. 114354); and on August 31, 2015, the Applicant filed a Sheeting and Shoring permit application with DC Water (Tracking No. 15-329563);
 - iii. On August 28, 2015, the Applicant filed an application to DC Water for Large Water Service (Tracking No. 15-329571);
 - iv. On November 25, 2015, the Applicant filed a tree removal permit to the District Department of Transportation ("DDOT"), which was approved on February 10, 2016 (Permit No. PA119720);
 - v. On December 1, 2015, the Applicant paid \$13,540.53 for the issuance of the building permit;
 - vi. On December 18, 2015, the Applicant filed a public space permit application with DDOT, which was approved with conditions on April 28, 2016 (Tracking No. 120696); and
 - vii. Throughout this process, the Applicant worked closely with District agencies and received approvals on the building permit application and the DCRA sheeting and shoring permit application from all agencies other than DDOT and DC Water. The DDOT Sheeting and Shoring permit has been fully approved pending payment; and
 - b. During this time, the Applicant also applied for and secured a variety of debt and equity financing sources for Building 1 as follows:
 - i. On November 1, 2014, the Applicant submitted a request to the DC Housing Finance Agency ("DCHFA") for acquisition and new construction financing for Building 1, and on March 24, 2015, DCHFA issued a resolution confirming the Applicant's eligibility to receive Low Income Housing Tax

Credits, and recommending the issuance of both taxable and tax exempt multifamily housing mortgage revenue bonds in an amount up to \$14,000,000.00 for the project; and

- ii. On June 2, 2014, the Applicant submitted a funding proposal to the DC Department of Housing and Community Development (“DHCD”), and on October 8, 2014, the Applicant received a letter from DHCD indicating that funding had been reserved for the development of Building 1, with the final funding recommendation to be determined at a later date.
6. Despite the Applicant’s diligent efforts to move forward with development of Building 1, in the fall of 2015 the Applicant recognized the existence of a disagreement with its development partner regarding the proposed phasing and uses for the PUD Site, including for the Property. Although the Applicant’s initial dispute was resolved through a First Amendment to Option Agreement, dated September 21, 2015, disputes reemerged shortly thereafter and were followed by several months of negotiation.
7. On January 13, 2016, the Applicant filed a complaint against its development partner in the Superior Court of the District of Columbia. Following almost a year of litigation, on October 18, 2016, the case was ultimately settled and dismissed.
8. As a result of the litigation that was unforeseen at the time that the second-stage PUD for Building 1 was approved, the Applicant had to suspend all development work on Building 1 for almost a year, which remained suspended due to a subsequent related dispute, which was finally resolved and memorialized in an amendment to Four Points’ Option Agreement on September 18, 2017. Since that time, the Applicant focused development efforts on preparing a second-stage PUD application for Square 5784, Lots 899, 900, and 1101 (“Building 4”), which it filed with the Commission on March 9, 2018. (*See Z.C. Case No. 08-07C.*)
9. In its application materials, the Applicant stated that following settlement of the litigation and the remaining disagreements, the Applicant was finally able to continue to pursue development of Building 1. However, the Applicant indicated that there are a variety of additional actions and approvals that need to occur prior to beginning construction of Building 1, including the following:
 - a. The Applicant must reengage its permit expediter to reinstate all permit applications that were previously filed, reviewed, and/or granted for Building 1, but have since lapsed;
 - b. The Applicant must resubmit a proposal, review bids, and reengage a new general contractor for development of Building 1;
 - c. The Applicant must re-secure all financing that was lost during the litigation process, since the debt and equity sources previously secured for Building 1 are

no longer valid and will need to be reengaged. For example, as noted in DHCD's October 8, 2014 letter filed in the case record, failure to submit all requested items can result in the withdrawal of a funding reservation, and that being the case, awardees are encouraged to resubmit their applications through future DHCD requests for proposals; and

- d. Throughout the litigation process and subsequent renegotiations, the Applicant continued to actively solicit financing for the project (e.g. letter dated September 2, 2016, to Enterprise Community Investment outlining the terms and conditions under which Enterprise could make an equity investment in Building 1 (Exhibit M to the Affidavit, and letter dated February 24, 2017, from Bellwether Enterprise submitting a non-binding debt financing proposal for Building 1).
10. The Applicant indicated that it has begun to collect materials to resume the development process but that another 24 months are necessary to complete the process and obtain all necessary permits to begin construction of Building 1. As a result of this lengthy process, prolonged by unanticipated litigation and additional time needed to renegotiate various terms set forth in the Applicant's Option Agreement, the Applicant is unable to begin construction of Building 1 within the time limits set forth in Z.C. Order No. 08-07A.
11. Other than the Applicant, the only party to this case was Advisory Neighborhood Commission ("ANC") 8A. As indicated on the Certificate of Service, the Applicant served the PUD extension request on ANC 8A on May 2, 2018. (Ex. 1.) The ANC did not submit a resolution on the application to the record.
12. The Office of Planning ("OP") submitted a report to the record, dated June 1, 2018 recommending that the Commission approve the requested two-year extension. (Ex. 4.) OP indicated that the Applicant demonstrated good cause for the extension request due to litigation between the development partners that prevented the Applicant from moving forward with construction of Building 1.
13. Because the Applicant demonstrated good cause with substantial evidence pursuant to 11-Z DCMR § 705.2(c), the Commission finds that the request for the two-year time extension to begin construction of Building 1 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 § 702.2(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
 3. The Commission concludes 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). Specifically, the Applicant provided substantial evidence that due to litigation that commenced following submission of the building permit application, the Applicant had to suspend all development work on Building 1 for almost a year, which remained suspended due to a subsequent related dispute. The litigation was beyond the Applicant's reasonable control and prevented the Applicant from proceeding with construction of Building 1.

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 affected ANC's written issues and concerns. In this case, ANC 8A did not submit a written report with respect to the application, and therefore there is nothing to give great weight to.
 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 recommendations. The Commission agrees with OP that approval of the requested two-year time extension is warranted.

6. Subsection 705.7 of Subtitle Z provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD 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.
7. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a two-year extension of the time in which to begin construction of Building 1, located at Lot 839 and part of Lot 906 in Square 5785 such that construction must begin no later than May 22, 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 identity 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.

At its public meeting of June 11, 2018, upon the motion of Commissioner Turnbull as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter A. Shapiro not present, not voting).

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 October 12, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 17-11
Z.C. Case No. 17-11
3200 Penn Ave PJV, LLC
(Zoning Map Amendment @ Square 5539, Lots 835 and 840)
September 17, 2018**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

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

Z.C. ORDER NO. 18-06

Z.C. Case No. 18-06

Office of Planning

**(Text Amendment to Subtitle G Creating a New MU-3B Zone and to Amend the Zoning
Map to Change All Existing References from the MU-3 Zone to the MU-3A Zone)**

September 17, 2018

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 79-19A
Z.C. Case No. 79-19A/78-07
BDC Van Ness, LLC
(PUD Modification of Consequence @ Square 2047, Lot 1)
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 BDC Van Ness, LLC (“Applicant”) for a modification of consequence to an approved planned unit development (“PUD”) for property located at 4250 Connecticut Avenue, N.W. (Square 2047, Lot 1) (“PUD Site”). The modification request was made pursuant to Subtitle Z § 703 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

BACKGROUND INFORMATION

1. The PUD Site is located in the northwest quadrant of the District and is bounded by Windom Place to the north, Connecticut Avenue to the east, Veazey Terrace to the south, and the University of the District of Columbia (“UDC”) to the west. The Van Ness-UDC Metrorail station is located adjacent to the PUD Site at the northwest corner of Connecticut Avenue and Veazey Terrace.
2. The PUD Site is generally shaped as a parallelogram, with the majority of its frontage located along the west side of Connecticut Avenue, N.W. The PUD Site has a land area of approximately 65,601 square feet and is improved with an office building that was constructed in 1981 pursuant to Z.C. Order No. 318. The PUD Site is zoned MU-7 (C-3-A under the 1958 Zoning Regulations which were in effect at the time that the PUD was approved).
3. Pursuant to Z.C. Order No. 245, dated December 14, 1978, and effective on December 15, 1978, the Commission approved an application filed by the Washington Metropolitan Area Transit Authority (“WMATA”) for a preliminary PUD at the PUD Site. At the time, the PUD Site was owned and utilized by WMATA as a staging area for construction of the Metrorail system, and had been acquired by WMATA to accommodate the west entrance to the Van Ness-UDC Metrorail Station, 25 “kiss n ride” parking spaces, and five off-street bus bays. (See Z.C. Order No. 245, Findings of Fact (“FF”) No. 7 and Z.C. Order No. 318, FF Nos. 7-8.) The preliminary project approved in Z.C. Order No. 245 was for a “commercial retail/office development under, over, and adjacent to the west entrance of the Van Ness-UDC Metro Station” with 40,000 square feet of retail space, eight floors of office space, and two subgrade levels of parking. (See Z.C. Order No. 245 at FF Nos. 8-9.) WMATA’s intent was to develop the project over the Metrorail facilities by means of a long-term lease.

4. Pursuant to Z.C. Order No. 318, dated July 10, 1980, and effective on July 18, 1980, the Commission approved an application filed jointly by WMATA and Prudential Insurance Company of America to construct a new multi-story office, retail, and commercial structure on the PUD Site, incorporating Metrorail, Metrobus, and the kiss n ride transit facilities. The project was approved to have 40,919 square feet of rentable retail commercial space on the first two floors and the first below-grade level, and 162,359 square feet of rentable office space on the five top floors. (*See* Z.C. Order No. 318, FF. Nos. 9-10.) The project was approved to have a maximum density of 3.5 floor area ratio (“FAR”) and a maximum building height of 38 feet, six inches (three stories) on the southern portion of the building and 78 feet, six inches (seven stories) on the northern portion of the building. (*Id.* at Decision Nos. 4 and 6.) The approved massing was intended to provide an effective and attractive transition from the proposed three-story plaza level to the five-, six-, and seven-story buildings along Connecticut Avenue. (*Id.* at FF. No. 11(c).) In addition, the Commission approved a lot occupancy of 65%, 252 parking spaces (including 27 vault spaces), and three loading berths. (*Id.* at FF. No. 11(d)-(f) and Decision Nos. 7-9.)

MODIFICATION OF CONSEQUENCE

5. By letter dated May 4, 2018 (Exhibit [“Ex.”] 1), and pursuant to 11-Z DCMR § 703, the Applicant submitted a request for a Modification of Consequence to modernize and upgrade the existing building’s façade, replace and improve exterior elements, and introduce internal re-programming within the building’s garage. As shown on the architectural drawings included with the application (“Architectural Drawings”), the Applicant proposed to infill the existing retail arcade along Connecticut Avenue, push out the retail storefront glazing, replace the fabric retail awnings with a new solid spandrel, and infill the existing third-story arcade at the building entry. (Ex. 1F.) On the upper floors, the Applicant proposed to replace the existing glass panels to match the new retail storefront and create outdoor terraces for building tenants.
6. In addition, the Applicant proposed to expand the PUD Site’s existing courtyard; upgrade the courtyard landscaping with new planters, trees, and vegetation; and enlarge the building’s entrance into the courtyard. Renovations to the courtyard would also include removing the existing vacant retail and storage spaces and exterior stair. The Applicant also proposed to replace the existing retaining wall and planters at the entry plaza on the south side of the PUD Site with a lower, landscaped planter, and replace the mezzanine level in this location with low planters to provide seating and soften the landscape. The rear of the PUD Site would be fully landscaped and all existing paving within the property line would be replaced with a new smaller-scale paver.
7. The building’s intermediate parking level, which is currently inaccessible from the building’s main parking level, would remain, but the Applicant proposed to introduce openings into the existing walls that separate this intermediate level from the adjacent building parking. A new elevator lobby would also be constructed to serve the combined parking level.

8. Based on the foregoing, the Applicant requested to modify the language of Decision Nos. 2 and 11 of Z.C. Order No. 318, which relate to the architectural and landscape drawings approved in the original PUD. Decision Nos. 2 and 11 state the following in relevant part:
 2. The planned unit development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated May 19, 1980, prepared by HartmanCox Architects and marked as Exhibit No. 42 of the record, as modified by drawings marked as Exhibit No. 64 of the record, except as those plans may be modified to conform to the guidelines, conditions and standards of this order.
 11. Landscaping shall be provided as shown on the landscape plan, marked as Exhibits No. 45 and Sheets 6 and 26 of Exhibit No. 42, as modified by sheets 1 (C1) and 1 (C2) of Exhibit No. 65... In addition, the design of the planter on the fourth floor terrace shall be as shown on sheet 1 (A1) of Exhibit No. 65.
9. The Applicant requested to modify the above-quoted language to reference updated architectural and landscape plans submitted in this modification application as follows:
 2. The planned unit development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated May 19, 1980, prepared by HartmanCox Architects and marked as Exhibit No. 42 of the record, as modified by drawings marked as Exhibit No. 64 of the record, and as further modified by the revised plans filed with the Zoning Commission, dated May 1, 2018, prepared by Perkins +Will Architects and marked as Exhibit No. 1F1-1F2 of the record in Z.C. Case No. 79-19A/78-07, as modified by the revised plans dated June 20, 2018 and marked as Exhibit No. 5A of the record in Z.C. Case No. 79-19A/78-07, except as those plans may be modified to conform to the guidelines, conditions and standards of this order.
 11. Landscaping shall be provided as shown on the landscape plan, marked as Exhibits No. 45 and Sheets 6 and 26 of Exhibit No. 42, as modified by sheets 1 (C1) and 1 (C2) of Exhibit No. 65... In addition, the design of the planter on the fourth floor terrace shall be as shown on sheet 1 (A1) of Exhibit No. 65. Landscaping shall be provided as further modified and revised as shown on the landscape plans included in the plans dated May 1, 2018, prepared by Perkins +Will Architects and marked as Exhibit No. 1F1-1F2 of the record in Z.C. Case No. 79-19A/78-07.
10. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service (Ex. 1, p. 7) which noted that Advisory Neighborhood Commission (“ANC”) 3F and the Forest Hills Neighborhood Association, the only parties to the original proceeding, were served with the application.

11. On June 1, 2018, the Office of Planning (“OP”) submitted a report (Ex. 4) recommending that the Commission approve the application, including the revised language to Decision Nos. 2 and 11. In its report, OP found that the proposed modifications were properly considered as a modification of consequence because the application sought to modify a condition of the final order and the approved project’s architectural elements and open spaces, and would not increase the FAR of the building or make any other change that would increase the intensity of the building. (*See* OP Report, pp. 3, 6-7.) OP also found that the proposed changes to the building would be consistent with the Comprehensive Plan, the Van Ness Commercial District Action Strategy, and Shades of Green: Green Infrastructure and Pavement Removal Strategy. (*See* OP Report, p. 5.)
12. At the Commission’s June 11, 2018, public meeting, the Commission determined that the application was properly submitted as 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 was therefore required by 11-Z DCMR § 703.17(c)(2) to establish a timeframe for the parties to file a response in opposition to or in support of the request, and for the Applicant to respond thereto; and to schedule the application for deliberations.
13. On June 20, 2018, the Applicant submitted a letter and corresponding architectural drawings requesting the following modifications to the application based on feedback from the community: (i) that the 25 existing kiss n ride parking spaces in the existing building’s garage be converted to retail and office parking spaces for the building; (ii) that a portion of the existing bus lane on the eastern portion of the PUD Site be utilized for up to four new kiss n ride parking spaces; and (iii) that Condition No. 10 of Z.C. Order No. 318 relating to the construction of a pedestrian bridge that was never built be removed. (Ex. 5, 5A.) The Applicant’s letter noted that the kiss n ride parking spaces and the bus lane are owned and controlled by WMATA, and therefore requested flexibility to maintain the kiss n ride parking level and bus lane in their current conditions if WMATA does not formally agree to the proposed modifications.
14. On June 21, 2018, ANC 3F submitted a resolution to the record stating that at its regularly scheduled and duly noticed meeting of June 19, 2018, with a quorum of commissioners and the public present, ANC 3F voted unanimously (5-0-0) to support the application. The revised proposal included in the Applicant’s June 20, 2018 submission was presented to the ANC at its June 19, 2018 meeting and the ANC supported those changes to the application. The ANC’s support was conditioned on the following recommendations:
 - a. ANC 3F recommended that the Commission include in its findings and order that the Applicant request that WMATA allow at least four kiss n ride parking spaces on the ground-level bus lane on the west side of the property at ground level;
 - b. ANC 3F recommended that the Commission include in its findings and order that the Applicant request that WMATA allow the conversion of the existing kiss n ride level into retail parking;

- c. ANC 3F recommended that the Commission includes in its findings and order that the Applicant work with ANC 3F and Van Ness Main Street, and other interested organizations, to ensure appropriate plantings and maintenance be performed on the street-side tree boxes adjacent to the project;
 - d. ANC 3F recommended that the Commission include in its findings and order that the Applicant seek DDOT input and advice about the suitability of the extensive public space curb cut on the north end of the property and, in addition, consult with ANC 3F and other interested parties in addressing the aesthetic and public safety concerns associated with the loading dock area; and
 - e. ANC 3F recommended that the pedestrian bridge provisions be deleted.
15. At its June 25, 2018 public meeting, the Commission reviewed the application and decided to postpone its decision on the case to allow OP and Forest Hills to respond to the Applicant's June 20, 2018 submission.
 16. On July 2, 2018, OP submitted a supplemental report indicating its support for the modifications to the application included in the Applicant's June 20, 2018 submission (conversion of the existing kiss n ride parking spaces to retail and office parking spaces; conversion of the bus lane to up to four kiss n ride spaces; and removal of Condition No. 10 of Z.C. Order No. 318). (Ex. 6.) OP noted in its supplemental report that it had shared the proposed changes with the District Department of Transportation ("DDOT") which expressed no concern with the requests.
 17. Despite receiving notice of the modifications, Forest Hills did not submit a response to the Applicant's June 20, 2018 submission. However, a letter of support for the modification of consequence application from Forest Hills was included in the record at Exhibit 1H.
 18. At its July 30, 2018, public meeting, the Commission reviewed OP's supplemental report and deliberated on the overall application. The Commission found that none of the proposed modifications impact the use, proffered public benefits and amenities, or required covenants, and do not create any additional relief or flexibility from the Zoning Regulations not previously approved. Therefore, the Commission voted to approve the Applicant's request for a modification of consequence.

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 described in this Order and shown on the architectural drawings included at Exhibit 1F, as supplemented by Exhibit 5A, are modifications of consequence and therefore can be granted without a public hearing.
3. The Commission concludes that the proposed modifications are entirely consistent with the Commission’s previous approval of the project. The Applicant only proposes the redesign and relocation of architectural elements of the Existing Building that do not diminish or detract from the Commission’s original approval.
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 contained in the written report of the affected ANC. In this case, ANC 3F submitted a report stating its unanimous (5-0-0) vote in support of the modification application subject to the conditions recommended above in Finding of Fact No. 14 of this Order. The ANC recommended that the Applicant request for WMATA to allow at least four kiss n ride parking spaces on the ground level bus lane on the west side of the property at the ground level, and allow the conversion of the existing kiss n ride parking level into retail parking. The ANC also recommended that the Applicant work with it and other interested organizations to ensure that appropriate plantings are installed and maintained on the street-side tree boxes adjacent to the PUD site and to address the aesthetic and public safety concerns of the loading dock area. Finally, the ANC recommended that the Applicant seek DDOT input about the suitability of the extensive public space curb cut on the north end of the PUD site. The Commission does not find any of the conditions recommended by the ANC to be legally relevant to this modification application.¹ Nevertheless, the Applicant agreed to the conditions and they are included in the Decision section of this Order.
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. The Commission has carefully considered OP’s recommendation in support of the application and agrees that approval of the requested modification of consequence should be granted.
6. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

¹ The conditions recommended by ANC 3F would not typically be adopted in a Commission order because they involve the Applicant’s First Amendment right to associate with others, and they do not mitigate any adverse impacts associated with the modification requested. Further, this modification application made no request for zoning flexibility; therefore, the Applicant did not proffer any new public benefits and project amenities for the Commission to evaluate and then impose conditions to enforce. Accordingly, the ANC’s proposed conditions are not legally relevant to the application, but the Applicant agreed to the conditions and the Commission consents to their inclusion in the Order.

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 the application for a modification of consequence to the approved PUD located at 4250 Connecticut Avenue, N.W. (Square 2047, Lot 1), subject to the architectural drawings at Exhibit 1F, as supplemented by the architectural drawings at Exhibit 5A. Condition Nos. 2 and 11 of Z.C. Order No. 318 shall be revised as follows:

2. The planned unit development shall be developed in accordance with the revised plans filed with the Zoning Commission, dated May 19, 1980, prepared by HartmanCox, Architects and marked as Exhibit No. 42 of the record, as modified by drawings marked as Exhibit No. 64 of the record, and as further modified by the revised plans filed with the Zoning Commission, dated May 1, 2018, prepared by Perkins + Will Architects and marked as Exhibit No. 1F1-1F2 of the record in Z.C. Case No. 79-19A/78-07, as modified by the revised plans dated June 20, 2018 and marked as Exhibit No. 5A of the record in Z.C. Case No. 79-19A/78-07, except as those plans may be modified to conform to the guidelines, conditions and standards of this order.
11. Landscaping shall be provided as shown on the landscape plan, marked as Exhibits No. 45 and Sheets 6 and 26 of Exhibit No. 42, as modified by sheets 1 (C1) and 1 (C2) of Exhibit No. 65. In addition, the applicant shall substitute for the red oak located between the loading dock and the parking garage entrance, a tree of columnar shape to allow trucks to pass under the tree without damaging the branches. In addition, the design of the planter on the fourth floor terrace shall be as shown on sheet 1 (A1) of Exhibit No. 65. Landscaping shall be provided as further modified and revised as shown on the landscape plans included in the plans dated May 1, 2018, prepared by Perkins + Will Architects and marked as Exhibit No. 1F1-1F2 of the record in Z.C. Case No. 79-19A/78-07.

In addition, Condition No. 10 of Z.C. Order No. 318 shall be deleted:

10. ~~The applicant shall construct a pedestrian bridge, which shall be a minimum of ten feet wide, connecting the pedestrian plaza adjacent to the Student Center and Engineering buildings of the University campus with the fourth floor terrace of the building, generally as shown on sheet 8 of Exhibit No. 42 of the record.~~

The Commission's approval is subject to the following conditions, as requested by ANC 3F and agreed to by the Applicant:

1. The Applicant shall request that WMATA allow at least four kiss n ride parking spaces on the ground-level bus lane on the west side of the PUD Site at ground level;
2. The Applicant shall request that WMATA allow the conversion of the existing kiss n ride parking level into retail parking;

3. The Applicant shall work with ANC 3F, Van Ness Main Street, and other interested organizations to ensure appropriate plantings are installed and maintenance is performed on the street-side tree boxes adjacent to the PUD Site; and
4. The Applicant shall seek DDOT input and advice about the suitability of the extensive public space curb cut on the north end of the PUD Site and consult with ANC 3F and other interested parties in addressing the aesthetic and public safety concerns associated with the loading dock area.

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 identity 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. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On July 30, 2018, upon the motion of Commissioner Shapiro, 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 *DC Register*; that is on October 12, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

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