



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council enacts Act 22-471, Revised Uniform Law on Notarial Acts Act of 2018
- D.C. Council schedules a public hearing on Bill 22-1001, Health Insurance Marketplace Improvement Act of 2018
- D.C. Council schedules a public roundtable on the “Implementation of 5G Small Cell Technology in the District”
- Department of Health announces funding availability for the Tobacco Cessation and Health Systems Change Program
- Board of Elections publishes the Monthly Report of Voter Registration Statistics as of September 30, 2018
- Office of the Chief Financial Officer announces “Increases in the Schedule H Maximum Credit and Income Thresholds for Tax Year 2019”
- Office of the State Superintendent of Education updates the District’s interscholastic athletics regulations
- D.C. Water and Sewer Authority (DC Water) schedules a public hearing to discuss amendments to DC Waters’ customer assistance programs

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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AN ACT

**D.C. ACT 22-471**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 15, 2018**

To enact the Uniform Law Commission’s Revised Uniform Law on Notarial Acts, to provide for enhanced integrity of notarial transactions to ensure the authenticity of the information notarial officers certify, to recognize and facilitate notarizations using electronic records and harmonize the use of electronic notarizations with District and federal law concerning electronic transactions, to permit the notarization of signatures of individuals outside the United States by communications technology and identity proofing, and to prohibit certain fraudulent or deceptive practices; to make conforming amendments to section 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001 and sections 15-501(a) and 47-2853.04(c)(2) of the District of Columbia Official Code; and to repeal the Uniform Law on Notarial Acts of 1991, sections 558 through 573 of An Act To establish a code of law for the District of Columbia, and sections 4 and 5 of An Act To authorize the commissioners of the District of Columbia to appoint notaries public.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Uniform Law on Notarial Acts Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Acknowledgment” means a declaration by an individual that states the individual has signed a record for the purposes stated in the record, and if the record is executed in a representative capacity, that the person signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology that has electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic notary” means an individual who has received an endorsement from the Mayor to perform a notarial act with respect to electronic records under section 20(i).

(4) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

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(5) "Foreign state" means a government other than the United States, a state, or a federally recognized Indian tribe.

(6) "In a representative capacity" means acting as:

(A) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(B) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(C) An agent or attorney-in-fact for a principal; or

(D) An authorized representative of another in any other capacity.

(7) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of the District. The term "notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, noting a protest of a negotiable instrument, taking and certifying the acknowledgment or proof of powers of attorney, mortgages, deeds, other instruments of writing, and taking affidavits to be used before any court, judge, or officer within the District.

(8) "Notarial officer" or "officer" (except as used in paragraphs (6) and (7) of this section) means a notary public or other individual authorized to perform a notarial act.

(9) "Notarial sealer" means:

(A) A physical device capable of affixing to or embossing on a tangible record an official seal;

(B) An electronic device or process capable of attaching to or logically associating with an electronic record an official seal; or

(C) A stamping device.

(10) "Notary public" means an individual commissioned by the:

(A) Mayor to perform notarial acts in the District; or

(B) Commissioning authority of the federal government, a state, or a federally recognized Indian tribe.

(11) "Official seal" means a physical image affixed to or embossed on a tangible record or an electronic image securely attached directly to or logically associated with an electronic record.

(12) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) "Sign" means, with present intent to authenticate or adopt a record, to:

(A) Execute or adopt a tangible symbol; or

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(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

(15) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

(16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17) "Tamper-evident technologies" means technology that is designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record.

(18) "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

Sec. 3. Applicability to future notarial acts.

This act, except for sections 20(i), 21, and 22(b), shall apply to notarial acts performed on or after the effective date of this act. Sections 20(i), 21, and 22(b) shall apply to notarial acts performed on or after the applicability date of these provisions.

Sec. 4. Authority to perform notarial act.

(a) A notarial officer may perform a notarial act authorized by this act or by law of the District other than this act.

(b) A notarial officer shall not perform a notarial act if:

- (1) The record is incomplete or blank;
- (2) The notarial officer or the officer's spouse is a party to the record; or
- (3) The notarial officer or the officer's spouse has a direct beneficial interest in

the record.

(c) A notarial act performed in violation of this section is voidable.

Sec. 5. Requirements for certain notarial acts.

(a) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(b) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

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(c) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(d) A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(e) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in D.C. Official Code § 28:3-505(b).

Sec. 6. Personal appearance required.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

Sec. 7. Identification of individual.

(a) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(b) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual by means of:

(1) Current government-issued identification that is:

(A) A passport, driver's license, or government-issued nondriver identification card; or

(B) Another form of government identification issued to an individual, which contains the signature or a photograph of the individual and is satisfactory to the officer; or

(2) A verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify based on a current passport, driver's license, or government-issued nondriver identification card.

(c) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

Sec. 8. Authority to refuse to perform notarial act.

(a) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(1) The individual executing the record is competent or has the capacity to execute the record; or

(2) The individual's signature is knowingly and voluntarily made.

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(b) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by a law other than this act.

Sec. 9. Signature if individual unable to sign.

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by [name of other individual] at the direction of [name of individual]" or words of similar import.

Sec. 10. Notarial act in the District.

(a) A notarial act may be performed in the District by:

- (1) A notary public of the District;
- (2) A judge, clerk, or deputy clerk of a court of the District; or
- (3) Any other individual authorized to perform the specific act by the law of the

District.

(b) The signature and title of an individual performing a notarial act in the District shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 11. Notarial act in another state.

(a) A notarial act performed in another state shall have the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial act performed in that state is performed by:

- (1) A notary public of that state;
- (2) A judge, clerk, or deputy clerk of a court of that state; or
- (3) Any other individual authorized by the law of that state to perform the notarial

act.

(b) The signature and title of an individual performing a notarial act in another state shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 12. Notarial act under authority of a federally recognized Indian tribe.

(a) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of the District, if the notarial act performed in the jurisdiction of the tribe is performed by:

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- (1) A notary public of the tribe;
- (2) A judge, clerk, or deputy clerk of a court of the tribe; or
- (3) Any other individual authorized by the law of the tribe to perform the notarial

act.

(b) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of a notarial officer described in subsection (a)(1) or (2) of this section shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 13. Notarial act under federal authority.

(a) A notarial act performed under federal law has the same effect under the law of the District as if performed by a notarial officer of the District, if the notarial act performed under federal law is performed by:

- (1) A judge, clerk, or deputy clerk of a court;
- (2) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(3) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

- (4) Any other individual authorized by federal law to perform the notarial act.

(b) The signature and title of an individual acting under federal authority and performing a notarial act shall be prima facie evidence that the signature is genuine and that the individual holds the designated title.

(c) The signature and title of an officer described in subsection (a)(1), (2), or (3) of this section shall conclusively establish the authority of the officer to perform the notarial act.

Sec. 14. Foreign notarial act.

(a) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the notarial act shall have the same effect under the law of the District as if performed by a notarial officer of the District.

(b) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts shall be conclusively established.

(c) The signature and official stamp of an individual holding an office described in subsection (b) shall be prima facie evidence that the signature is genuine and the individual holds the designated title.



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(d) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Hague Convention conclusively shall establish that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(e) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively shall establish that the signature of the notarial officer is genuine and that the officer holds the indicated office.

Sec. 15. Certificate of notarial act.

(a) Notarial acts performed shall be evidenced by a certificate. The certificate shall:

- (1) Be executed contemporaneously with the performance of the notarial act;
- (2) Be dated;
- (3) Identify the jurisdiction in which the notarial act is performed;
- (4) Contain the notarial officer's title of office; and
- (5) If the notarial officer is a notary public:

(A) Be signed by the notary public in the same manner as on file with the Mayor; and

(B) Indicate the date of expiration, if any, of the notary's commission.

(b)(1) If a notarial act regarding a tangible record is performed by a notary public, an official seal shall be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection (a)(2), (3), and (4) of this section, an official seal may be affixed to or embossed on the certificate.

(2) If a notarial act regarding an electronic record is performed by an electronic notary and the certificate contains the information specified in subsection (a)(2), (3), and (4) of this section, an official seal shall be attached to or logically associated with the certificate.

(c) A certificate of a notarial act is sufficient if it meets the requirements of subsections (a) and (b) of this section and it:

- (1) Is in a short form as set forth in section 16;
- (2) Is in a form otherwise permitted by the law of the District;
- (3) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(4) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 5, 6, and 7 or law of the District other than this act.

(d) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 4, 5, and 6.

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(e) A notarial officer shall not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(f) If a notarial act is performed regarding a tangible record, a certificate shall be part of, or securely attached directly to, the record. If a notarial act is performed regarding an electronic record, the certificate shall be affixed to, or logically associated with, the electronic record. If the Mayor has issued rules establishing standards pursuant to section 32 for attaching, affixing, or logically associating the certificate, the process shall conform to the standards.

Sec. 16. Short forms.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 15(a) and (b):

(1) For an acknowledgment in an individual capacity:

District of Columbia

This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

\_\_\_\_\_  
Signature of notarial officer  
[Seal]  
[ ]

\_\_\_\_\_  
Title of office  
[My commission expires: \_\_\_\_\_]

(2) For an acknowledgment in a representative capacity:

District of Columbia

This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

\_\_\_\_\_  
Signature of notarial officer  
[Seal]  
[ ]

\_\_\_\_\_  
Title of office  
[My commission expires: \_\_\_\_\_]

(3) For a verification on oath or affirmation:

District of Columbia

Signed and sworn to (or affirmed) before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)  
making statement

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\_\_\_\_\_  
Signature of notarial officer  
[Seal]  
[\_\_\_\_\_]

Title of office  
[My commission expires: \_\_\_\_\_]

(4) For witnessing or attesting a signature:

District of Columbia

Signed [or attested] before me on \_\_\_\_\_ by \_\_\_\_\_  
Date Name(s) of individual(s)

\_\_\_\_\_  
Signature of notarial officer  
[Seal]  
[\_\_\_\_\_]

Title of office  
[My commission expires: \_\_\_\_\_]

(5) For certifying a copy of a record:

District of Columbia

I certify that this is a true and correct copy of a record in the possession  
of \_\_\_\_\_  
Dated \_\_\_\_\_

\_\_\_\_\_  
Signature of notarial officer  
[Seal]  
[\_\_\_\_\_]

Title of office  
[My commission expires: \_\_\_\_\_]

Sec. 17. Official seal.

(a) The official seal of a notary public in the District shall:

(1) Include the following:

- (A) The notary public's name, exactly stated on the commission;
- (B) The words "District of Columbia";
- (C) The commission expiration date; and
- (D) Other information required by the Mayor; and

(2) Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(b) The Mayor shall issue rules regarding the size and form of the seal.

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## Sec. 18. Notarial sealer.

(a) A notary public shall be responsible for the security of the notary's notarial sealer and shall not allow another individual to use the notarial sealer to perform a notarial act. Upon the death, resignation, or removal from office of a notary public, the notary's records, including all the official papers, shall be deposited with the Mayor.

(b) If a notary public's notarial sealer or signature is lost, stolen, damaged, or otherwise incapable of affixing a legible image, the notary, or the notary's personal representative or guardian shall promptly notify the Mayor.

## Sec. 19. Journal.

(a) A notary public shall maintain a journal in which the notary public records all notarial acts that the notary public or electronic notary performs. The notary public shall retain the journal until required to transmit the journal to the Mayor under subsections (e) and (f) of this section.

(b)(1) A journal may be created on a tangible medium or in an electronic format.

(2) A notary public may maintain a separate journal for tangible records and for electronic records. If the journal is maintained on a tangible medium, it shall be a permanent bound register with numbered pages. If the journal is maintained in an electronic format, it shall be in a tamper-evident electronic format complying with the rules issued by the Mayor.

(c) An entry in a journal shall be made contemporaneously with performance of the notarial act and contain the following information:

(1) The date and time of the notarial act;

(2) A description of the record, if any, and type of notarial act;

(3) The full name and address of each individual for whom the notarial act is performed;

(4) If the identity of the individual is based on personal knowledge, a statement to that effect;

(5) If the identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of an identification credential when such a credential is used;

(6) The fee, if any, charged by the notary public; and

(7) The signature of each individual for whom the notarial act is performed.

(d) If a notary public's journal is lost or stolen, the notary promptly shall notify the Mayor upon discovering that the journal is lost or stolen.

(e) On resignation from, or the revocation or suspension of, a notary public's commission, the notary shall transmit the journal to the Mayor.

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(f) On the death or adjudication of incompetency of a current or former notary public, the notary’s personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the Mayor.

Sec. 20. Commission as notary public; endorsement as an electronic notary; qualifications; no immunity or benefit.

(a) An individual qualified under subsection (c) of this section may apply to the Mayor for a commission as a notary public. An applicant shall comply with and provide the information required by the rules issued by the Mayor and pay the application fee.

(b) The Mayor shall issue rules setting an application fee; provided, that the application fee shall not be less than \$75; provided further, that there is no application fee for a notary public in the service of the governments of the United States or District of Columbia whose notarial duties are confined solely to official government business.

(c) An applicant for a commission as a notary public shall:

- (1) Be at least 18 years of age;
- (2) Be a citizen or permanent legal resident of the United States;
- (3) Be a resident of or have a primary place of employment or practice in the

District;

- (4) Not be disqualified to receive a commission under section 23; and
- (5) Meet any other qualifications prescribed by rules issued by the Mayor.

(d) Before issuance of a commission as a notary public, an applicant for the commission shall:

- (1) Take the oath prescribed for civil officers in the District;
- (2) Complete a training class provided by the Mayor;
- (3) File the notary’s signature and deposit an impression of the notary’s official seal with the Mayor; and

(4) Indicate, on a form provided by the Mayor, the language(s) of records in which the applicant intends to perform notarial acts; provided, that the applicant shall be required to read and write in the language of any record on which the applicant performs a notarial act.

(e) Except as provided in subsection (f) of this section, before issuance of a commission as a notary public, the applicant shall submit to the Mayor an assurance in the form of a surety bond or its functional equivalent in the amount of \$2,000, or other amount prescribed by rules issued by the Mayor. The assurance shall be issued by a surety or other entity licensed or authorized to do business in the District. The assurance shall cover acts performed during the term of the notary public’s commission and shall be in the form prescribed by the Mayor. If a notary public violates law with respect to notaries public in the District, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give 30-days’ notice to the Mayor before canceling the assurance. The surety or issuing entity shall notify the Mayor not later than 30 days after making a payment to a claimant under the assurance. A notary public

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may perform notarial acts in the District only during the period that a valid assurance is on file with the Mayor.

(f) A notary public commissioned on behalf of the government of the District of Columbia is exempt from the requirement of a surety bond under subsection (e) of this section.

(g) Upon an applicant's compliance with this section, the Mayor shall issue a commission as a notary public to an applicant for a term of 5 years subject to removal pursuant to section 23. A certificate issued by the Mayor granting this commission shall be signed by the Secretary of the District of Columbia or the Secretary's designee.

(h) A commission to act as a notary public authorizes the notary public to perform notarial acts only within the District. The commission does not provide the notary public any immunity or benefit conferred by law of the District on public officials or employees.

(i) An individual who holds a commission as a notary public may apply to the Mayor for an endorsement as an electronic notary. The applicant shall comply with and provide the information required by rules issued by the Mayor and pay an application fee for such endorsement.

Sec. 21. Requirement of endorsement as electronic notary; selection of technology.

(a) A notary public shall not perform notarial acts with respect to electronic records unless the notary public has received an endorsement as an electronic notary pursuant to section 20(i).

(b) An electronic notary may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. An electronic notary shall not be required to perform a notarial act with respect to an electronic record with a technology that the electronic notary has not selected.

(c) Before a notary public holding an endorsement as an electronic notary performs the notary's initial notarial act with respect to an electronic record, the notary shall complete a training course provided by the Mayor, shall take the oath prescribed for civil officers in the District of Columbia, identify the tamper-evident technologies the electronic notary intends to use, and file an exemplar of the electronic notary's electronic signature and official seal. If the Mayor has issued rules establishing standards for approval of technology pursuant to section 32, the technology shall conform to the prescribed standards. If the technology conforms to the standards, the Mayor shall approve the use of the technology.

Sec. 22. Mandatory training of a notary public.

(a) An applicant for a commission as a notary public in the District that does not already hold such a commission from the Mayor shall satisfactorily complete the training provided by the Mayor.

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(b) The Mayor shall establish courses of study for notary publics and applicants for endorsement as electronic notaries. Trainings shall cover laws, rules, procedures, and ethics relevant to notarial acts.

Sec. 23. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.

(a) The Mayor may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

- (1) Failure to comply with this act;
- (2) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Mayor;
- (3) A conviction of an applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit, including fraud, forgery, deceptive labeling, counterfeiting, false personation, perjury, false statements, tampering with physical evidence, or theft previously known as larceny, larceny by trick, larceny by trust, embezzlement, or false pretenses;
- (4) A finding against, or admission of liability by, an applicant or notary public in any legal proceeding or disciplinary action based on an applicant's or notary public's fraud, dishonesty, or deceit;
- (5) Failure by the notary public to discharge any duty required of a notary public, whether by this act, rules of the Mayor, or any federal or state law;
- (6) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;
- (7) Violation by the notary public of a rule issued by the Mayor regarding a notary public;
- (8) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or
- (9) Failure of the notary public to maintain an assurance as provided in section 20(e).

(b) If the Mayor denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing before the Office of Administrative Hearings pursuant to section 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-20)).

(c) The authority of the Mayor to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public shall not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

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## Sec. 24. Fees.

(a)(1) A notary public may charge fees for performing notarial acts as established by the Mayor by rule issued pursuant to section 32.

(2) A notary public who is exempted from the payment of the application fee pursuant to section 20(b) shall not collect a notary fee.

(b) A notary public may charge, upon agreement of the person to be charged, an amount not-to-exceed the actual and reasonable expense of traveling to a place where a notarial act is to be performed if it is not the usual place where the notary public performs notarial acts. Traveling expenses shall be in writing, itemized, and separate from the fee for the notarial act.

(c) A notary public may waive a scheduled fee or charge an amount less than the scheduled fee.

(d) A notarial officer other than a notary public shall not charge a fee for performing notarial acts.

## Sec. 25. Notaries public electronic database.

The Mayor shall maintain an electronic database of notaries public commissioned in the District that is accessible to the public and available at no cost. The database shall note whether a notary public has the electronic notary endorsement pursuant to section 20(i).

## Sec. 26. Prohibited acts.

(a) A commission as a notary public shall not authorize an individual to:

(1) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

(2) Act as an immigration consultant or an expert on immigration matters;

(3) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(4) Receive compensation for performing any of the activities listed in this subsection.

(b) A notary public shall not engage in false or deceptive advertising.

(c) A notary public, other than an attorney licensed to practice law in the District, shall not use the term "notario" or "notario publico".

(d) A notary public, other than an attorney licensed to practice law in the District, shall not advertise or represent that the notary may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in the District in any manner advertises or represents that the notary offers notarial services, whether orally or in a record, including broadcast media, print media, and the Internet, then the notary shall include the following statement, or an alternate statement pursuant to rules issued by the Mayor, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in the District. I



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am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.” If the form of advertisement or representation is not broadcast media, print media, or the Internet and does not permit inclusion of the statement required by this subsection because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(e) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(f) A notary public shall not charge a higher fee than permitted in rules issued by the Mayor.

Sec. 27. Validity of notarial acts.

Except as otherwise provided in section 4(c), the failure of a notarial officer to perform a duty or meet a requirement specified in this act shall not invalidate a notarial act performed by the officer. The validity of a notarial act under this act shall not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of the District other than this act or law of the United States. This section shall not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

Sec. 28. Existing notary public commission.

A commission as a notary public in effect on the effective date of this act shall continue until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this act is subject to and shall comply with this act. A notary public, in performing notarial acts after the effective date of this act, shall comply with this act.

Sec. 29. Savings clause.

(a) This act shall not affect the validity or effect of a notarial act performed before the effective date of this act.

(b) A notary public appointed before the effective date of this act shall continue in such capacity until the expiration of the notary’s commission.

Sec. 30. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of this act with respect to its subject matter among states that enact it.

Sec. 31. Relation to electronic signatures in global and national commerce act.

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not

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modify, limit, or supersede section 101(c) (15 U.S.C. § 7001(c)) of that act, or authorize electronic delivery of any of the notices described in section 103(b) (15 U.S.C. § 7003(b)) of that act.

## Sec. 32. Rules.

(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

(b) Rules issued regarding the performance of notarial acts with respect to electronic records shall not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification.

## Sec. 33. Conforming amendments.

(a) Section 6(b-20) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-20)), is amended by striking the phrase “the denial or revocation by the Mayor, or the Mayor’s designees, of a notary commission pursuant to 17 DCMR § 2410.” and inserting the phrase “the Mayor’s denial, refusal to renew, revocation, suspension, or imposition of conditions on a commission on an applicant or notary public pursuant to section 23(b) of the Revised Uniform Law on Notarial Acts Act of 2018, as approved by the Committee on Government Operations on June 29, 2018 (Committee print of Bill 22-324).” in its place.

(b) Section 15-501(a) of the District of Columbia Official Code is amended as follows:

(1) Paragraph (13) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (14) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (15) is added to read as follows:

“(15) if the debtor is a notary public, the debtor’s official seal, as defined in section 2(11) of the Revised Uniform Law on Notarial Acts Act of 2018, passed on 1st reading on July 10, 2018 (Engrossed version of Bill 22-324), and official documents.”.

(c) Section 47-2853.04(c)(2) of the District of Columbia Official Code is amended by striking the phrase “as provided in § 1-1201.” and inserting the phrase “as provided in the Revised Uniform Law on Notarial Acts Act of 2018, passed on 1st reading on July 10, 2018 (Engrossed version of Bill 22-324).” in its place.

## Sec. 34. Repealers.

(a) The Uniform Law on Notarial Acts of 1991, effective March 6, 1991 (D.C. Law 8-205; D.C. Official Code § 42-141 *et seq.*), is repealed.

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(b) Sections 558 through 573 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1279; D.C. Official Code §§ 1-1201 through 1-1215), are repealed.

(c) Sections 4 and 5 of An Act To authorize the commissioners of the District of Columbia to appoint notaries public, approved December 16, 1944 (58 Stat. 811; D.C. Official Code §§ 1-1216 and 1-1217), are repealed.

Sec. 35. Applicability.

(a) Sections 20(i), 21, and 22(b) shall apply upon the date of inclusion of each provision's fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of sections 20(i), 21, and 22(b).

Sec. 36. 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. 37. 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

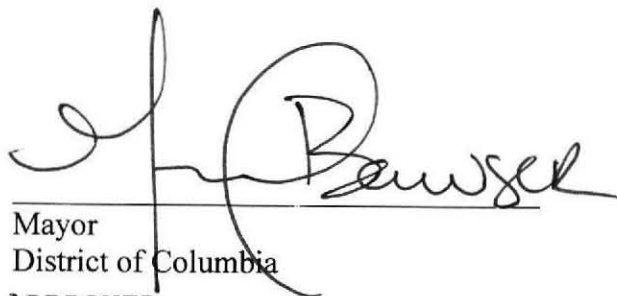
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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED  
October 15, 2018

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AN ACT

**D.C. ACT 22-472**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 15, 2018**

To amend the District of Columbia Housing Authority Act of 1999 to establish a Public Housing Resident Bill of Rights and require that the Public Housing Resident Bill of Rights be distributed to the residents of each currently occupied unit of public housing and thereafter to new residents of a unit and made available online.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Housing Resident Bill of Rights Amendment Act of 2018”.

Sec. 2. 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 by adding a new section 26e to read as follows:

“Sec. 26e. Public Housing Resident Bill of Rights.

“(a)(1)(A) Within 120 days after the effective date of the Public Housing Resident Bill of Rights Amendment Act of 2018, passed on 2nd reading on September 18, 2018 (Enrolled version of 22-444), the Authority shall provide a written copy of the Public Housing Resident Bill of Rights (“Bill of Rights”), described in subsection (b) of this section, to the residents of each occupied unit in each Housing Property owned, operated, or managed by the Authority, and thereafter shall provide a copy of the Bill of Rights to new residents of a unit upon occupation of the unit.

“(B) Copies of the Bill of Rights provided to residents shall be in a readily legible font and format.

“(2) Within 30 days after the effective date of the Public Housing Resident Bill of Rights Amendment Act of 2018, passed on 2nd reading on September 18, 2018 (Enrolled version of 22-444), the Authority shall make a copy of the Bill of Rights available on its website in at least 12-point font, and shall conspicuously post the Bill of Rights at each Housing Property owned, operated, or managed by the Authority.

“(b)(1) The Bill of Rights shall reference existing rights of residents of Housing Properties that the Authority owns, operates, or manages, and shall explain that it may not be interpreted to expand upon or limit an existing right or to create a new right under District or federal laws or regulations.

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“(2) The Bill of Rights shall include descriptions of the following rights of residents:

“(A) To organize a tenant association, convene meetings, distribute literature, post information, and provide building access to an outside tenant organizer, as provided in section 506 of the Rental Housing Act of 1985, effective September 19, 2006 (D.C. Law 16-160; D.C. Official Code § 42-3505.06);

“(B) To observe all meetings of the Board and to provide public comments, except for those meetings or portions of meetings lawfully closed to the public, and to inspect minutes recorded at meetings, as provided in section 12(w) and the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*);

“(C) To stand for election as a resident commissioner and to vote for candidates for resident commissioner to serve on the Board, as provided in section 12;

“(D) To be free from discrimination by reason 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, status as a victim of an intrafamily offense, and place of residence or business, as provided in the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 *et seq.*);

“(E) To file a complaint, no later than one year following the action to be grieved, which requests an administrative determination of the resident’s rights when the resident believes that the resident has been aggrieved or adversely affected by an act or a failure to act by an Authority official, as provided in section 6301 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 6301), and subject to section 6113.8(c) of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 6113.8(c));

“(F) To reasonable accommodations for a resident’s disability that may be necessary to afford the resident equal opportunity to use and enjoy the housing, and to reasonable modifications of the resident’s housing and related facilities at the expense of the resident that may be necessary to afford the resident full enjoyment of the housing, as provided in section 221(d) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.21(d)), and section 804 of An Act To prescribe penalties for certain acts of violence or intimidation, and for other purposes, approved April 11, 1968 (82 Stat. 83; 42 U.S.C. § 3604);

“(G) To have a lease terminated only for serious or repeated violations of the material terms of the lease, as provided in section 6404 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 6404);

“(H) To 30 days’ notice of any action to correct, cure, or vacate for violation of a lease, except where the Authority has determined that the head of household responsible for the dwelling unit under the lease is deceased and there are no remaining household members, as provided in section 6404 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 6404);

## ENROLLED ORIGINAL

“(I) To be relocated away from living conditions that represent an emergency or a threat to life, health, or safety as determined by the Authority, another governmental entity, or as a result of a judicial proceeding; to alleviate threat of attack by criminal elements as verified and documented by the Authority Police Department or any other police department or law enforcement agency authorized to operate in the District; and in certain other circumstances, as provided in section 6401 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 6401);

“(J) To be provided with a copy of an Environmental Protection Agency-approved lead hazard information pamphlet, for residents living in Housing Properties constructed before 1978, as provided in 24 C.F.R. Part 35, Subpart A.

“(K) To have the housing provider or designee inspect any unit or common area containing mold or suspected mold, upon written notice from a resident of such condition, and to remediation within 30 days of inspection, as provided in section 305 of the Air Quality Amendment Act of 2014, effective September 9, 2014 (D.C. Law 20-135; D.C. Official Code § 8-241.04);

“(L) To safe and sanitary residential units and common areas in good repair, as provided in Chapter 4 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 400 *et seq.*), and 24 C.F.R. § 902.21; and

“(M) To request a unit inspection from the Department of Consumer and Regulatory Affairs with respect to compliance with the District of Columbia Housing Code, found at chapters 5 through 9 of Title 14 of the District of Columbia Municipal Regulations.

“(c) Nothing in this section may be interpreted as expanding or limiting existing rights or creating new rights under the District or federal laws cited herein.”.

### 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 15, 2018



ENROLLED ORIGINAL

## A RESOLUTION

22-601

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To confirm the reappointment of Ms. Joelle Robinson 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 Joelle Robinson Confirmation Resolution of 2018”.

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

Ms. Joelle Robinson  
3353 Alden Place, N.E.  
Washington, D.C. 20019  
(Ward 7)

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

22-602

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To confirm the reappointment of Mr. Alexander Moore 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 Alexander Moore Confirmation Resolution of 2018”.

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

Mr. Alexander Moore  
3872 Porter Street, N.W., Unit #F360  
Washington, D.C. 20016  
(Ward 3)

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

22-612

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 2, 2018

To declare the existence of an emergency with respect to the need to make minor, technical, and clarifying amendments to various budget-related provisions of law.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2019 Budget Support Clarification Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On June 26, 2018, the Council passed the Fiscal Year 2019 Budget Support Act of 2018, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR 9388) (“Act”), which is currently under congressional review. Following the passage of the Act, staff at the Council and the Office of the Chief Financial Officer identified certain provisions that need to be clarified or amended to effectuate their intent.

(b) The proposed modifications include conforming amendments, clarifying provisions, technical amendments, or other minor amendments that must go into effect immediately to clarify the law and implement the Fiscal Year 2019 Budget and Financial Plan as approved by the District.

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 Fiscal Year 2019 Budget Support Clarification Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-616

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 District of Columbia Public Assistance Act of 1982 to extend the prohibition on the denial of cash or food assistance benefits to adults who are drug felons to include benefits obtained through the Supplemental Nutrition Assistance Program, the Program on Work, Employment, and Responsibility, the General Assistance for Children Program, and the Interim Disability Assistance Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Access to Public Benefits Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need for the District to enact the Access to Public Benefits Emergency Amendment Act of 2018 to extend its current opt-out from section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2180; 21 U.S.C. § 862a) (“Act”), which requires the District to deny the provision of Supplemental Nutrition Assistance Program (“SNAP”) and Temporary Assistance for Needy Families (“TANF”) benefits to individuals who have been convicted of any offense which is classified as a felony by the law of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance (“drug felons”).

(b) Although the Act renders drug felons ineligible to receive SNAP and TANF benefits, it also authorizes states, including the District, to opt out from this prohibition. The District exercised this option with the passage of the Self-Sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; 46 DCR 905).

(c) This emergency legislation will extend the District’s opt-out from the Act to encompass individuals who are applicants for or recipients of SNAP and will prohibit drug felons from being denied benefits obtained through the Program on Work, Employment, and Responsibility, the General Assistance for Children Program, and the Interim Disability Assistance Program.

(d) This emergency legislation is now necessary to grant the Department of Human Services the legal authority to provide SNAP benefits to individuals who are otherwise eligible for SNAP, but are drug felons.

**ENROLLED ORIGINAL**

(e) This emergency is also necessary to increase the availability of critical benefits for residents of the District who have struggled with drugs. Without this expanded opt-out, the District will not be able to assist otherwise qualified District residents with access to nutritious foods—solely because of an individual’s status as a drug felon—without risking adverse action by federal auditors.

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 Access to Public Benefits 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**  
**COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON**  
**COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 22-0845, THE “LOCAL COMMUNITIES HAVING OPPORTUNITIES TO PROMOTE EQUITY GRANT FUND ESTABLISHMENT ACT OF 2018”; AND**

**BILL 22-0948, THE “SMALL BUSINESS BONDING PROGRAM ESTABLISHMENT ACT OF 2018”**

**Thursday, November 8, 2018, 10:00 a.m.**  
**Room 123, John A. Wilson Building**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004**

On Thursday, November 8, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Bill 22-0845, the Local Communities Having Opportunities to Promote Equity Grant Fund Establishment Act of 2018”; and Bill 22-0948, the “Small Business Bonding Program Establishment Act of 2018”.

The stated purpose of Bill 22-0845 is to establish a special fund, the Local Communities Having Opportunities to Promote Equity (HOPE Fund) to be administered by the Department of Small and Local Business Development (DSLBD) to finance community area priorities located within designated qualified opportunity zones.

The stated purpose of Bill 22-0948 is to establish a small business bonding program and initiative to provide training, financial, and technical assistance to eligible participants. It also requires that 5% of certain penalties and fees collected by DSLBD be used for the administration of the program.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at [bmcclore@dccouncil.us](mailto:bmcclore@dccouncil.us) or at (202) 727-3888, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Tuesday, November 6<sup>th</sup>**. 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 **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to [bmclure@dccouncil.us](mailto:bmclure@dccouncil.us).

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at [bmclure@dccouncil.us](mailto:bmclure@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 Thursday, November 15<sup>th</sup>.**

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

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**NOTICE OF PUBLIC HEARING ON**

**B22-902, the Sustainable Straws and Stirrers Amendment Act of 2018, and  
B22-1014, the Limitations on Products Containing Polycyclic Aromatic  
Hydrocarbons Amendment Act of 2018**

November 9, 2018 at 11:00 a.m.  
Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On November 9, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-902, the Sustainable Straws and Stirrers Amendment Act of 2018, and B22-1014, the Limitations on Products Containing Polycyclic Aromatic Hydrocarbons Amendment Act of 2018. The hearing will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-902 would prohibit the sale, use, or provision of non-compostable straws and stirring implements by food service entities beginning on January 1, 2019. B22-1014 would prohibit the sale or use of sealant products containing more than de minimis levels of polycyclic aromatic hydrocarbons on impermeable surfaces.

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](mailto: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](mailto: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](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on November 23, 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 hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley

Strange, [astrange@dccouncil.us](mailto: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 Monday, November 12, 2018.

*This second revised notice reflects the change in the record closing date of November 15, 2018 to November 12, 2018.*

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

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**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON  
THE COMMITTEE ON HEALTH**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 22-1001, "HEALTH INSURANCE MARKETPLACE IMPROVEMENT ACT OF 2018"**

**WEDNESDAY, NOVEMBER 7, 2018  
11:00 A.M., ROOM 123, JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-1001, the "Health Insurance Marketplace Improvement Act of 2018." The hearing will be held on Wednesday, November 7, 2018, at 11:00 a.m., in Room 123 of the John A. Wilson Building.

Bill 22-1001, the "Health Insurance Marketplace Improvement Act of 2018" would limit the sale of short-term, limited-duration health insurance and ensure multiple employer welfare arrangements are covered by small employer market rules.

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

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

**Council of the District of Columbia  
Committee on Government Operations  
Notice of a Public Hearing**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon T. Todd, Chair  
Committee on Government Operations  
Announces a Public Hearing**

on

**B22-1009 - Salary Adjustment Amendment Act of 2018**

**Wednesday, November 7, 2018, 11:00 A.M.  
John A. Wilson Building, Room 412  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004**

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on *B22-1009, the Salary Adjustment Amendment Act of 2018*. The public hearing is scheduled for Wednesday, November 7, 2018 at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

**B22-1009** amends the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the compensation of the Mayor, Chairman of the Council, and Attorney General.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Manny Geraldo of the Committee on Government Operations at (202) 724-6663 or by email at [GovernmentOperations@dccouncil.us](mailto:GovernmentOperations@dccouncil.us) and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Tuesday, November 6, 2018. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Friday, November 9, 2018. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

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**NOTICE OF PUBLIC ROUNDTABLE**

**Implementation of 5G Small Cell Technology in the District**

November 19th, 2018, at 11:00 AM  
in Room 412 of the John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

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On Monday, November 19, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on the implementation of 5G small cell technology in the District. The roundtable will begin at 11:00 AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to discuss and to hear testimony from the District Department of Transportation (DDOT) regarding the implementation of 5G small cell technology in the District. The telecom industry is preparing to roll out new technology designed to increase the speed of internet on mobile devices. This technology, known as "5G" requires small cells to be located throughout city blocks. Unlike 4G technology, which uses towers located .25 - .5 miles apart in urban areas, 5G uses small boxes, called small cells, spaced 200-400 feet apart. Because small cells must be placed at a higher density around the city, there are challenges in implementing this new technology and the protection of District infrastructure. As the agency responsible for issuing public space permits, DDOT is responsible for approving requests to install small cells throughout the city.

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](mailto: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](mailto: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](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 3, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION  
NOTICE OF PUBLIC ROUNDTABLE**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**REVISED**

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**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 Tuesday, November 13, 2018.

*This revised notice reflects the change in the record closing date of November 22, 2018 to November 13, 2018.*

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B22-933**, Prevention of Child Abuse and Neglect Act Temporary Amendment Act of 2018, and **B22-1019**, Clarification of Hospital Closure Procedure Temporary Amendment Act of 2018 were adopted on first reading on October 16, 2018. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on November 13, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
EXCEPTED SERVICE APPOINTMENTS AS OF SEPTEMBER 30, 2018**

**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>			
<b>NAME</b>	<b>POSITION TITLE</b>	<b>GRADE</b>	<b>TYPE OF APPOINTMENT</b>
Wogoman, Cole	Deputy Legislative Counsel	5	Excepted Service - Reg Appt
Streeter, Nicole	General Counsel	3	Legal Supervisory Service - Reg Appt



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

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

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

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**Reprog. 22-166** Request to reprogram \$1,208,788 of Capital funds budget authority and allotment within the Department of Corrections (DOC) was filed in the Office of the Secretary on October 11, 2018. This reprogramming is needed to conduct critical repairs for the prevention of widespread leakage and plumbing issues at DOC facilities.

RECEIVED: 14 day review begins October 12, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: October 19, 2018
Protest Petition Deadline: December 3, 2018
Roll Call Hearing Date: December 17, 2018

License No.: ABRA-098029
Licensee: Agora, Inc.
Trade Name: Agora
License Class: Retailer's Class "C" Restaurant
Address: 1527 17th Street, N.W.
Contact: Ismail Uslu: (202) 332-6767

WARD 2 ANC 2B SMD 2B05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on December 17, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to expand to the adjacent building at 1523 17th Street, N.W. Interior Total Occupancy Load will increase from 122 to 152. Sidewalk Café seating will increase from 34 to 62.

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

Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

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

Sunday through Tuesday 11am – 11pm, Wednesday through Saturday 11am – 12am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: October 19, 2018  
 Protest Petition Deadline: December 3, 2018  
 Roll Call Hearing Date: December 17, 2018  
 Protest Hearing Date: February 13, 2019

License No.: ABRA-111599  
 Licensee: S-Square, LLC  
 Trade Name: Cheers DC!  
 License Class: Retailer’s Class “A” Liquor Store  
 Address: 1402 H Street, N.E.  
 Contact: Bernard Dietz, Esq.: (703) 244-3028

WARD 6

ANC 6A

SMD 6A06

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 17, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 13, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

A new retailer class A liquor store.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 8am – 12am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: October 19, 2018  
Protest Petition Deadline: December 3, 2018  
Roll Call Hearing Date: December 17, 2018  
Protest Hearing Date: February 13, 2019

License No.: ABRA-110719  
Licensee: Petite Lou Lou Union Market, LLC  
Trade Name: Petite Lou Lou  
License Class: Retailer's Class "C" Restaurant  
Address: 1309 5<sup>th</sup> Street, N.E.  
Contact: Stefano Frigerio: (571) 286-8711

WARD 5

ANC 5D

SMD 5D01

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 17, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 13, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Restaurant specializing in French cuisine. Seating Capacity of 4 on the inside of the premises, with a Summer Garden Endorsement with 30 seats, for a Total Occupancy Load of 34.

**HOURS OF OPERATION FOR INSIDE THE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN**

Tuesday through Sunday 8am – 8pm (closed Mondays)

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE THE PREMISES AND FOR THE OUTDOOR SUMMER GARDEN**

Tuesday through Sunday 10am – 8pm (closed Mondays)

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

Placard Posting Date: October 19, 2018  
Protest Petition Deadline: December 3, 2018  
Roll Call Hearing Date: December 17, 2018  
Protest Hearing Date: February 13, 2019

License No.: ABRA-110062  
Licensee: Wyoming Cube & Bale, LLC  
Trade Name: Sandbox Restaurant  
License Class: Retailer's Class "C" Restaurant  
Address: 3251 Prospect Street, N.W.  
Contact: Robert Elliott: (202) 338-5835

WARD 2

ANC 2E

SMD 2E03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on December 17, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 13, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Restaurant that will offer casual dining, serving appetizers, sandwiches, and salads. The restaurant will have several pool tables, and is requesting an Entertainment Endorsement to provide occasional live entertainment, cover charge, and dancing. The Total Occupancy Load will be 200 on the inside, to include 121 seats inside and a 168-seat Summer Garden, for a Total Occupancy Load of 368.

**HOURS OF OPERATION (INSIDE PREMISES)**

Sunday through Saturday 12am – 12am (24 hour operations)

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

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

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

Sunday – Saturday 8am – 10pm

**HOURS OF LIVE ENTERTAINMENT (INDOORS ONLY)**

Sunday – Saturday 12pm – 10pm

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

Placard Posting Date: October 19, 2018  
Protest Petition Deadline: December 3, 2018  
Roll Call Hearing Date: December 17, 2018  
Protest Hearing Date: February 13, 2019

License No.: ABRA-111822  
Licensee: The Village Café, LLC  
Trade Name: The Village Café  
License Class: Retailer's Class "C" Tavern  
Address: 1272 5<sup>th</sup> Street, N.E.  
Contact: Risa Hirao: (202) 544-2200

WARD 5

ANC 5D

SMD 5D01

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 17, 2018 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 13, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

New Class "C" Tavern serving café-style foods and drinks with a Sidewalk Café endorsement with 10 seats. Total Occupancy Load of 35 with interior seating for 20 patrons.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND SIDEWALK CAFÉ)**

Sunday through Saturday 8am – 10pm

**HISTORIC PRESERVATION REVIEW BOARD****NOTICE OF PUBLIC HEARINGS**

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

**Case No. 18-17: Georgetown Retaining Wall and Exorcist Steps  
36<sup>th</sup> Street NW  
Square 1202, Lot 840; and part of 36<sup>th</sup> Street right-of-way  
Affected Advisory Neighborhood Commission: 2E**

The hearing will take place at **9:00 a.m. on Thursday, November 15, 2018**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4<sup>th</sup> Street, SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic designation application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates a property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects

affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.



**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 (a)(1), the District of Columbia Department of Housing and Community Development (DHCD) has scheduled a public hearing on Wednesday, November 14, 2018 at 6 p.m. at the DHCD 1<sup>st</sup> Floor Conference Room, located at 1800 Martin Luther King Jr. Avenue, SE, Washington, DC 20020, to consider the proposed disposition of the property noted below.

Square	Lot	Property Address	Property Type	Ward	Zoning	Historic District	Neighborhood
5867	0192	2629 Martin Luther King Jr. Ave. SE	Residential Apartment	8	RA-1	No	Barry Farms

The above property is being disposed of via the Negotiated Sale process. A draft Property Disposition Agreement was negotiated with the purchaser; 2629 MLK LLC.

The public hearing is being conducted to assure that citizens are informed about the selling of the property identified above to the named buyer, and to ensure that all citizens have the opportunity to present publicly their views concerning such sale.

If you would like to present oral testimony, you are encouraged to register in advance either by e-mailing Chantese Rogers at [chantese.rogers@dc.gov](mailto: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., Thursday, November 15, 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 HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING NOTICE  
Thursday, November 15, 2018District of Columbia's Fiscal Year 2018 Consolidated Annual  
Performance Evaluation Plan (CAPER)

Polly Donaldson, Director, DC Department of Housing and Community Development (DHCD or the Department) will conduct a public hearing on Thursday, November 15, 2018, to discuss the District's Fiscal Year (FY) 2018 performance in its use of funds received from the U.S. Department of Housing and Urban Development (HUD). DHCD received approximately \$33,000,000 from HUD in Fiscal Year 2018 through four programs: the Community Development Block Grant (CDBG) Program; the HOME Investment Partnerships Program; the Emergency Shelter Grant (ESG) Program; and the Housing for Persons with AIDS (HOPWA) Program. DHCD administers the CDBG and HOME funds directly; the Department entered into an agreement with the DC Department of Human Services (DHS) for the Prevention of Homelessness to administer the ESG grant; and transferred the HOPWA grant to the DC Department of Health (DOH).

In preparation for the submission of the FY 2018 Consolidated Annual Performance and Evaluation Report (CAPER) to HUD, DHCD is soliciting public comment on the District's effectiveness during FY 2018 using federal funds to meet the District's housing and community development needs. These comments will be included in part of DHCD's and the District's evaluation, as required by federal regulations (24 CFR 91.520). This hearing is reserved for a discussion of the District's FY 2018 performance.

This year's hearing will be held on Thursday, November 15, 2018 at Marshall Heights Community Development Organization, 3939 Benning Rd, NE, Washington, DC at 6:30pm (accessible from the Orange Line Minnesota Ave Metro Station). If you would like to testify, you are encouraged to register in advance either by e-mail at [DHCDEVENTS@dc.gov](mailto:DHCDEVENTS@dc.gov) or by calling Tilla Hall on (202) 442-7239. Please provide your name, address, telephone number, and organization affiliation, if any.

Telecommunications Device for the Deaf (TDD) relay service will be provided by calling (800) 201-7165. Sign language interpretation and language translation services will be available upon request by calling Pamela Hillsman, seven days prior to the hearing on (202) 442-7251. Persons, who require interpretation or language translation, must specify the language of preference (i.e. Spanish, Vietnamese, Chinese-Mandarin/Cantonese, Amharic, or French). Language interpretation service will be provided to pre-registered persons only.

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**

**NOTIFICATION OF PUBLIC HEARING FOR A NEW SCHOOL APPLICATION**

The DC Public Charter School Board (DC PCSB) gives notice of its intent to hold a public hearing on a new charter school application received by the August 31, 2018 deadline at the board meeting on October 15, 2018. DC PCSB will hold a vote on the application during the board meeting on November 19, 2018. Please see below for more information about the application. If you have questions or comments, please contact 202-328-2660 or [applications@dcpcsb.org](mailto:applications@dcpcsb.org).

LEARN Charter School Network	
Mission	The mission of LEARN Charter School Network is to provide children with the academic foundation and ambition to earn a college degree.
Grades	PK3-8
Link to Redacted Application in Egnyte	<a href="https://dcpcsb.egnyte.com/dl/uV18V1PYc6">https://dcpcsb.egnyte.com/dl/uV18V1PYc6</a>

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS****PUBLIC HEARING NOTICE****FISCAL YEAR 2020 BUDGET**

**Wednesday, November 7, 2018; 6:00PM – 8:00PM**  
**Phelps Architecture, Construction and Engineering High School**  
**704 26<sup>th</sup> St NE, Washington, DC 20002**

The District of Columbia Public Schools (DCPS) will convene a public budget hearing on Wednesday, November 7, 2018 from 6:00PM – 8:00PM at Phelps Architecture, Construction and Engineering High School on 704 26<sup>th</sup> St NE, Washington, DC 20002. The purpose of the hearing is to gather feedback from the public about the upcoming Fiscal Year 2020 (School Year 2019-2020) budget.

Members of the public are invited to provide testimony at the hearing. Individuals or groups wishing to testify should register online at <http://bit.ly/DCPS2018BudgetHearing>. Testimony will be limited to three minutes during the hearing. Witnesses should bring five (5) copies of their documentation, including a written copy of their testimony and any supplemental information. All documents will be included as part of the official record.

The registration deadline is 3:00PM on Monday, November 5, 2018. If an individual or group is unable to register online, please contact the School Funding Team at (202) 297-2048.

The official record of this hearing will be transmitted to the Mayor and Council of the District of Columbia pursuant to DC Official Code § 38-917(1).

Interpretation services are available upon request. Please include any requests for interpretation services during the registration process.

Any additional questions or concerns should be directed to the School Funding Team at 202-297-1048 or [dcps.schoolfunding@dc.gov](mailto:dcps.schoolfunding@dc.gov).

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## NOTICE OF PUBLIC HEARING

Tuesday, October 30, 2018

6:30 p.m.

Department of Employment Services  
4058 Minnesota Avenue, N.E. Suite, 1300 (Community Room)  
Washington, D.C. 20019

The Board of Directors of the District of Columbia Water and Sewer Authority (the Board), in accordance with Section 216 of 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 § 34-2202.16(b) (2012 Repl. & 2015 Supp.)) and Board Resolution #18-68, dated October 4, 2018, which, if adopted, would amend Section 4102 (Customer Assistance Programs) of Chapter 41 (Retail Water and Sewer Rates) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR). Pursuant to 21 DCMR Chapter 40 (Retail Ratemaking), the Board will conduct a public hearing at the above stated date, time, and place to receive written and oral comments on the proposed rulemaking to amend the Customer Assistance Programs, published in the October 19, 2018 edition of the *D.C. Register* (DCR).

Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization (if any) by calling (202) 787-2332 or emailing the request to [Lmanley@dewater.com](mailto:Lmanley@dewater.com) no later than 5:00 p.m., Friday October 26, 2018. Other persons wishing to present testimony may testify after those on the witness list. Persons making presentations are urged to address their statements to relevant issues.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes. Statements should summarize extensive written materials so there will be time for all interested persons to be heard. Oral presentations will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. The hearing will end when all persons wishing to make comments have been heard.

Submit written testimony and/or comments on the proposed rulemaking no later than thirty (30) days after the date of publication of the notice of proposed rulemaking in the *D.C. Register* by mail to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, or by email to [Lmanley@dewater.com](mailto:Lmanley@dewater.com) or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

**PUBLIC HEARING ON  
Proposal to Expand DC Water’s Customer Assistance Program (CAP)  
to Eligible Customers**

Tuesday, October 30, 2018

6:30 p.m.

**AGENDA**

- 1. Call to Order .....Tommy Wells, Chairman
- 2. Opening Statement.....Tommy Wells, Chairman
- 3. DC Water Management Presentation..... Matthew Brown, Chief Financial Officer  
Proposal to Expand DC Water’s Customer  
Assistance Program (CAP) to Eligible Customers
- 4. Public Witnesses
  - Pre-registered Speakers
  - Other comments (time permitting)
- 5. Closing Statement .....Tommy Wells, Chairman
- 6. Adjournment .....Tommy Wells, Chairman

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, DECEMBER 12, 2018  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

**TO CONSIDER THE FOLLOWING:** The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**TIME: 9:30 A.M.**

**WARD SEVEN**

19872            **Application of Rupsha 2011 LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, ANC 7B            for a special exception under the new residential development requirements of Subtitle U § 421.1, to construct a new eight-unit apartment house in the RA-1 Zone at premises 1735 28<sup>th</sup> Street S.E. (Square 5635, Lot 44).

**WARD SEVEN**

19873            **Application of Julia Bunch**, pursuant to 11 DCMR Subtitle X, Chapter 9, for ANC 7E            special exceptions under Subtitle D §§ 306.4 and 5201 from the rear addition requirements of Subtitle D § 306.3, and under Subtitle D § 5201 from the side yard requirements of Subtitle D § 307.5, to construct a one-story, rear addition to an existing, semi-detached principal dwelling unit in the R-2 Zone at premises 724 Burns Street S.E. (Square 5378, Lot 13).

**WARD FIVE**

19874            **Application of New Columbia Solar**, pursuant to 11 DCMR Subtitle X, Chapter ANC 5D            10, for area variances from the rear yard requirements of Subtitle E § 306.1 and the side yard requirements of Subtitle E § 307.3, to construct solar canopies in the RF-1 Zone at premises 1405 Brentwood Parkway N.E. (Square 3593, Lot 800).

**WARD ONE**

19882            **Application of Jubilee Housing, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter ANC 1C            9, for special exceptions under Subtitle C § 703.2 from the parking requirements of Subtitle C § 701.5, and under Subtitle K § 716 from the lot occupancy requirements of Subtitle K § 703, to construct a one-story and penthouse addition and convert the existing office building to a mixed-use building in the RC-3 Zone at premises 1724 Kalorama Road N.W. (Square 2567, Lot 90).

## BZA PUBLIC HEARING NOTICE

DECEMBER 12, 2018

PAGE NO. 2

WARD SIX

19885            **Application of Lorens Helmchen**, pursuant to 11 DCMR Subtitle X, Chapter 9, ANC 6A            for special exceptions under the penthouse requirements of Subtitle C § 1500.4, and under Subtitle C § 1504 from the penthouse enclosing walls requirement of Subtitle C § 1500.9 and the penthouse setback requirements of Subtitle C § 1502.1 (b) and (c), to repair and replace the existing roof access stair and roof deck in the RF-1 Zone at premises 16 10<sup>th</sup> Street N.E. (Square 941, Lot 821).

WARD TWO

19886            **Application of Giuseppe and Teresa Farruggio**, pursuant to 11 DCMR Subtitle ANC 2E            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 rear addition to the existing attached principal dwelling unit in the R-20 Zone at premises 2602 Prospect Street N.W. (Square 1202, Lot 838).

WARD FIVE

19888            **Application of SOME, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a ANC 5E            special exception under Subtitle C § 909.2 from the loading requirements of Subtitle C § 901.1, to construct 139 affordable housing units, in a new 14-story building in the D-5 Zone at premises 1509-1519 North Capitol Street N.E. (Square 668, Lots 41, 67, 810, 809).

**PLEASE NOTE:**

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application**



BZA PUBLIC HEARING NOTICE

DECEMBER 12, 2018

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Form.\* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: [www.dcoz.dc.gov](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

\*Note that party status is not permitted in Foreign Missions cases.

Do you need assistance to participate?

Amharic

ለመነተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

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Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

**BZA PUBLIC HEARING NOTICE****DECEMBER 12, 2018****PAGE NO. 4**

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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**FREDERICK L. HILL, CHAIRPERSON  
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CARLTON HART, VICE-CHAIRPERSON,  
NATIONAL CAPITAL PLANNING COMMISSION  
A PARTICIPATING MEMBER OF THE ZONING COMMISSION  
CLIFFORD W. MOY, SECRETARY TO THE BZA  
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

The State Superintendent of Education, pursuant to the authority set forth in Section 113 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code §§ 38-2661.31 *et seq.* (2012 Repl.)) (“Athletics Act”); and Mayor’s Order 2017-293, dated November 8, 2017, hereby gives notice of her adoption of a new Chapter 27 (Interscholastic Athletics) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (“DCMR”).

**I. Purpose**

The purpose of this final rulemaking is to align the District’s interscholastic athletics regulations with the governance structure recently established in the Athletics Act. In addition, the purpose of this final rulemaking is to support student-athletes, and their families, and improve the overall quality of interscholastic athletics in the District.

**II. District of Columbia State Athletics Consolidation Act**

Prior to the passage of the District of Columbia State Athletics Consolidation Act (“Athletics Act”), the District of Columbia State Athletic Association (DCSAA) was established within the Office of the State Superintendent of Education on January 2, 2012. Then in August of 2012, DCSAA was unanimously approved and recognized by the National Federation of State High School Associations (NFHS) membership as the governing authority for interscholastic athletics in the District of Columbia. Since 2012, DCSAA has served to ensure that student-athletes and teams from the traditional public, public charter sector, and the private sector to compete equally and equitably for District of Columbia championships.

On April 7, 2017, the Council enacted the Athletics Act to provide a transparent District-wide athletics governance structure and direct accountability of athletic leaders across the District by establishing a new governing body, known as the D.C. State Athletics Commission (Commission). The Commission, composed of nine (9) voting members and six (6) ex-officio members, was established as an independent agency that oversees the functions and operations of the DCSAA and establishes athletics appeals panels. The Athletics Act became effective on October 1, 2017 and the Commission members were appointed by the Mayor and approved by the Council shortly thereafter.

**III. The Emergency and Proposed Rulemaking**

Once the Athletics Act was enacted, OSSE convened and moderated a working group, consisting of stakeholders from the Commission, the DCSAA, DCPS, public charter schools, the Public Charter School Board, private schools, and Friends of Choice Urban Schools, moderated by OSSE, to ensure engagement in the rulemaking process. On November 16, 2017, the Commission held its first public meeting and began its work in reviewing the work of the working group on draft regulations. Additionally, although not statutorily required, the

Commission held three (3) community roundtables to provide the public with an opportunity to have input on the rules on the following dates: March 27, 2017, April 5, 2017 and April 10, 2017. Based on the working group's contributions and the public's comments during the roundtables, the DCSAA put forth a *draft* of the proposed rules for the Commission's initial approval on April 17, 2018. The Commission voted in approval of the *draft* of proposed rules to be presented to the Office of the State Superintendent of Education (OSSE), as the rulemaking agency. The Commission discussed and unanimously voted in approval of the Notice of Emergency and Proposed Rulemaking on June 18, 2018.

The Notice of Emergency and Proposed Rulemaking was adopted on June 1, 2018 and became effective on that date. On August 3, 2018, the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register*, for a thirty (30) day public comment period at 65 DCR 31. The public comment period officially closed on September 4, 2018 with the State Superintendent having received comments from one stakeholder. OSSE, in consultation with the Commission, has reviewed and thoroughly considered all of the comments.

A number of the comments were about technical drafting errors that required clarifying edits. For example, one comment correctly noted that the language providing the right to appeal a Commission's Athletics Appeal Panel decision to D.C. Superior Court was omitted. OSSE agrees that the language was omitted as a drafting error and has included the language in § 2711.9. Similarly, the commenter requested that "parent(s) and adult student" in § 2703.5 was changed to "parent(s) or adult student." OSSE, in consultation with the Commission, has made this minor technical change. Additionally, the commenter requested clarification of the phrase "demonstrated compliance" in § 2702.3(f)(2). To ensure clarity around the requirements for membership application, OSSE, in consultation with the Commission, has amended the phrase to state "Agreement to comply". This amendment did not change the intent of § 2702.3(f)(2) but rather makes a technical edit to alleviate confusion. Finally, the commenter noted that the cross-cite to § 2702 in § 2701.4 was incorrect. OSSE, in consultation with the Commission, agrees and updated the cross cite to § 2711. These changes do not substantially alter or change the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the notice of emergency and proposed rulemaking.

The commenter noted that the timeline for when a parent must submit an insurance policy was omitted from § 2704.7. OSSE considered these comments, however OSSE, in consultation with the Commission, has elected not to incorporate the commenter's suggested changes because the timeline, specifically as set forth by the school, is included in § 2704.7(b) "A student shall be covered by appropriate accident insurance, obtained either by his member school or his or her parent, and approved by his or her member school, during each season the student participates *within the time specified by the member school.*" (Emphasis added).

The commenter also requested an amendment to limit the documentation that can be requested by DCSAA in § 2701.5. OSSE considered these comments, however OSSE, in consultation with the Commission, has elected not to incorporate the commenter's suggested changes because the Athletics Act provides the DCSAA with broad and exclusive authority to implement and enforce these regulations, as well as ensure member compliance with laws and regulations related to health and safety, hear complaints, and provide for fair competition. Further, any DCSAA

decision based on any documentation may always be appealed to the Commission's Athletics Appeal Panel.

The commenters other concerns revolve around the eligibility requirements set forth in Sections 2704 to 2708. There are two methods by which eligibility may become an issue. One is participant eligibility which is raised via complaint by one school against another, and is governed by § 2710 of these rules. In those cases, the DCSAA renders a finding and/or decision which may be appealed to the AAP. The other is student eligibility determination that is made by a member school concerning a student's eligibility to play. The member school makes the initial eligibility determination pursuant to § 2703 of these rules. The DCSAA may challenge the member schools eligibility determination and submit an appeal to the Commission's Athletics Appeal Panel pursuant to § 2701.4. Additionally, a student-athlete may submit an appeal to the Commission's Athletics Appeal Panel concerning eligibility determination. The commenter requested that timelines for review and a procedural framework were added to § 2710. OSSE, in consultation with the Commission, has not made any changes in response to this comment because the timelines for review and a procedural framework are already in both Sections 2710 and 2711.

The commenter also raised concerns about the timelines set forth in § 2704.3, which requires a student be enrolled within the twenty (20) calendar days of a semester in the school where he or she wishes to participate in interscholastic athletics, unless the student-athlete is a transfer student-athlete, and in § 2707.2, which requires that a student who has not previously participated in the sport for which they are interested in competing is eligible forty-five (45) days after the date on the signed enrollment forms. The purpose of both of these timelines is to provide safeguards against student-athletes bending or circumventing athletic rules to gain eligibility by either enrolling late or transferring from one school to another. The 45 day timeline was based on conversations in the working group, however to address concerns of misunderstanding regarding this provision, OSSE, in consultation with the Commission, is striking the language "forty-five (45) days after the date on the signed enrollment forms" in § 2702.2. Striking the 45 day timeline language does not alter the intent of this provision and therefore this non-substantive change does not require further request for comment. Regarding the 20 day timeline, OSSE, in consultation with the Commission, has considered these comments has decided to retain the 20 day timeline as proposed. The 20 day timeline requirement is not new and has been part of the DCSAA handbook since the 2015-16 school year. OSSE and the Commission recognize that there are multiple circumstances unique to the student-athlete that may make compliance with these timelines difficult. In those situations, upon application, the DCSAA may waive the stated timeline for such student. If, in the event, the DCSAA does not grant the waiver, the student may appeal the DCSAA's decision to the Commission's Athletics Appeal Panel.

Section 2709 sets forth the requirements for seeking a waiver of the eligibility requirements. The commenter requested that while the DCSAA could determine eligibility waivers, all hardship waivers would immediately go to the Commission's Athletics Appeal Panel. This interpretation is incorrect. As the entity that is provided exclusive jurisdiction to enforce and implement these regulations, the DCSAA is authorized to waive the eligibility requirements. Waiver of eligibility requirements are not determined at the school or LEA level. All waivers, including hardship

waivers, are first submitted by the LEA, or by the student with the LEA’s approval, to the DCSAA. If the LEA or the student disagrees with the DCSAA’s waiver decision, then the LEA or student may appeal DCSAA’s waiver decision to the Commission’s Athletics Appeal Panel.

The commenter raised concerns that the “and/or” language in § 2709.3(b) indicated that a student could request a waiver without the LEA’s approval. OSSE and the Commission recognize the commenters concern, however because the Commission oversees athletics for the District with various size LEAs and schools, that language is necessary. However, OSSE, in consultation with the Commission, has amended § 2709.3 by amending (b) to state “signature of the athletic director of the member school and the athletic director of the LEA, if a member school does not have an athletic director then only the LEA’s athletic director’s signature is required”, moving “signature of parents” to subparagraph (c) and the supporting documentation language to subparagraph (d). The amendment does not alter the original intent but has been made to ensure no misunderstanding occurs.

Finally, the commenter expressed concerns that the Commission was not provided with full opportunity to review the Notice of Emergency and Proposed Rulemaking prior to voting on June 18, 2018. While OSSE, in consultation with the Commission, recognizes the commenter’s concern, it is not necessary to insert additional regulatory language to address the issue raised. The process to engage the Commission and stakeholders in the rulemaking process is described above. While the Athletics Act provides the Commission with authority, it does not expressly provide the Commission with authority to approve the rulemaking. Requesting the Commission’s approval was necessary to ensure support of the rulemaking, but not required for promulgation. This final rulemaking was published with proper notice and comment, in accordance with the D.C. Administrative Procedures Act.

On September 18, 2018, the final rulemaking was presented to the Commission for approval and the Commission voted unanimously to adopt the final rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

**Chapter 27, INTERSCHOLASTIC ATHLETICS, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended in its entirety to read as follows:**

**CHAPTER 27                    INTERSCHOLASTIC ATHLETICS**

- 2700    GENERAL PROVISIONS**
- 2701    STATE ATHLETIC ASSOCIATION: DUTIES**
- 2702    MEMBER SCHOOLS**
- 2703    MEMBER SCHOOL: CERTIFICATION OF ELIGIBILITY**
- 2704    STUDENT ELIGIBILITY TO PARTICIPATE**
- 2705    STUDENT ELIGIBILITY TO PARTICIPATE: INTERNATIONAL STUDENT**
- 2706    STUDENT ELIGIBILITY TO PARTICIPATE: DESIRED SPORT AT OTHER SCHOOL**
- 2707    STUDENT ELIGIBILITY TO PARTICIPATE: TRANSFERS**
- 2708    STUDENT INELIGIBILITY TO PARTICIPATE**

- 2709 WAIVER OF STUDENT ELIGIBILITY REQUIREMENTS**
- 2710 COMPLAINTS OR CHALLENGES PROCEDURES**
- 2711 STATE ATHLETIC COMMISSION: ATHLETICS APPEALS PANEL**
- 2712 ALL-STAR CONTESTS**
- 2713 MEMBER SCHOOL AND LEA REGULATIONS**
- 2799 DEFINITIONS**

**2700 GENERAL PROVISIONS**

- 2700.1 The purpose of this chapter is to establish standards, procedures and requirements for the following:
  - (a) The operation and governance of the District of Columbia State Athletic Commission (DCSAC);
  - (b) The operation of the District of Columbia State Athletic Association (DCSAA); and
  - (c) Student eligibility and participation in interscholastic athletic programs and competitions.

**2701 STATE ATHLETIC ASSOCIATION: DUTIES**

- 2701.1 The DCSAA shall interpret to enforce and implement the provisions set forth in the Act, this chapter and the DCSAA Handbook.
- 2701.2 The DCSAA shall update and publish the DCSAA Handbook annually, including an update of all sanctioned sports and/or activities.
- 2701.3 DCSAA shall establish policies addressing probationary actions based on determinations of ineligibility in accordance with this chapter. The member school shall provide copies of their athletic policies and guidelines to DCSAA no later than August 1 of each school year.
- 2701.4 DCSAA may challenge the member’s schools eligibility determination in accordance with § 2711.
- 2701.5 DCSAA may request any documentation maintained by a member school and/or Local Education Agency (LEA) to verify a member school’s compliance with the Act, this chapter and the DCSAA Handbook.

**2702 MEMBER SCHOOLS**

- 2702.1 Each District of Columbia Public School with an interscholastic athletics program serving grades 9 to 12 shall be a member of the DCSAA.

- 2702.2 Any secondary school located within the boundaries of the District of Columbia containing grades 9 through 12, or any grouping of such grade levels including nonpublic, private, public and public charter schools may voluntarily become a member school of the DCSAA.
- 2702.3 Each member school shall:
- (a) Be subject to the DCSAA membership standards as set forth in this chapter or in the DCSAA Handbook;
  - (b) Ensure that students with disabilities consistently have appropriate opportunities to participate in extracurricular athletic activities;
  - (c) Annually publish their schedules for interscholastic competition;
  - (d) Provide additional football accident insurance to enrolled students participating on football team;
  - (e) Prior to the first official contest of each sport, establish and maintain a record of a student's eligibility for each school year of a student's participation on a junior varsity or varsity team for the duration of the student's enrollment in the school, unless otherwise provided for in federal or local law; and
  - (f) By June 1 of each year preceding the next school year, submit a membership application and declaration form, in the manner provided by DCSAA, that includes:
    - (1) Affirmation of the obligations of membership;
    - (2) Agreement to comply with the Act, this chapter and the Handbook; and
    - (3) Declaration of the sports in which they will compete for any District of Columbia State Championships.
- 2702.4 Each member school shall ensure all coaches, officials and other personnel, including volunteers engaged with students participating in interscholastic athletic programs at a member school biannually obtain a required background check and demonstrate expertise with regard to a respective sport, applicable rules, safety and first aid standards. Officials shall submit background clearances direct to DCSAA and Coaches shall submit background clearances to their member school.
- 2702.5 All high school coaches coaching interscholastic athletics at a DCSAA member school shall meet the coaching certification requirements set forth in the DCSAA handbook and all high school officials officiating interscholastic athletic contests



at a DCSAA member school shall meet the certification requirements set forth in the DCSAA handbook. Certifications are good for two (2) years from the date of issuance and shall be submitted to the member school.

- 2702.6 A member school shall not exclude a student from participation in interscholastic athletics, deny the benefits of, treat differently from other students, or otherwise unlawfully discriminate against based on, 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, status as a victim of an intra-family offense, or place of residence or business.
- 2702.7 A member school shall limit a high school varsity team to eligible students enrolled in that member school in grades nine (9), ten (10), eleven (11), and twelve (12), except as provided in § 2706.
- 2702.8 A member school shall limit a high school junior varsity team to eligible students enrolled in that high school in grades nine (9), ten (10), and eleven (11), except as provided in § 2706.
- 2702.9 Notwithstanding § 2702.6, a member school may operate a separate sports team for members of each sex, provided that the selection for such team is based upon competitive skill or the activity involved is a contact sport, as described in the DCSAA Handbook.
- 2702.10 Notwithstanding § 2702.6, a member school may operate a sports team for members of a single sex, so long as the member school operates a sports team for an underrepresented sex when there is sufficient interest to maintain a team. In the event there is insufficient interest, the member shall allow members of the underrepresented sex to try out for existing teams and qualify based on appropriate skill level, safety, and other standards for participation on such team.
- 2702.11 LEAs' or member schools that receive federal funding and maintain athletic programs in the District shall designate at least one (1) employee for purposes of athletics to coordinate with the LEAs' or member schools Title IX (20 USC §§ 1681 – 1688) coordinator, to ensure that the requirements of Title IX are met regarding athletics.
- 2702.12 Representatives of member schools shall not engage in any activity seeking to influence a student to transfer from one (1) member school to another for the purpose of participating in interscholastic athletics.

**2703 MEMBER SCHOOL: CERTIFICATION OF ELIGIBILITY**

- 2703.1 A member school shall make the initial determination of a student's eligibility to participate in interscholastic athletics and certify eligibility status for all enrolled and participating students as set forth in this section.
- 2703.2 Before the first official contest for each team sport:
- (a) The member school's principal shall determine the eligibility of the students participating in interscholastic athletics in accordance with this chapter and submit a master eligibility roster by sport to the LEA and/or school athletic director at least fourteen (14) days before the date of the first official contest for each team; and
  - (b) The LEA and/or school athletic director shall submit each eligibility roster to the DCSAA at least seven (7) days before the date of the first official contest for each team.
- 2703.3 After the first official contest for each team sport:
- (a) The member school's principal may submit a supplemental eligibility list to the LEA and/or school athletic director up to fourteen (14) days after the first official contest;
  - (b) The LEA and/or school athletic director shall submit each supplemental eligibility list to the DCSAA within seven (7) days of receipt; and
  - (c) Students on a supplemental eligibility roster may not participate in an official contest without prior written approval of the member school's principal and athletic director.
- 2703.4 An eligibility roster shall contain the following information:
- (a) Full name of Eligible Athlete (Last, First, MI);
  - (b) Address of Residence (Street, City, State);
  - (c) Age and Date of Birth;
  - (d) Date of First Entry Into Ninth (9<sup>th</sup>) Grade (Month and Year);
  - (e) Name of School Where Student First Entered Ninth (9<sup>th</sup>) Grade; and
  - (f) Identify if the student is a transfer student.

- 2703.5 The information provided on an eligibility roster shall be considered “directory information” in accordance with 34 CFR § 99.31(a)(11). The member school shall provide this information to the DCSAA unless the parent(s) or the adult student has opted out of allowing directory information disclosure and refuses to sign a consent authorizing disclosure for this specific purpose.
- 2703.6 If a member school is not authorized to disclose the above information on the eligibility roster, the applicable student shall not be certified as eligible to participate in a DCSAA-sanctioned sport or activity.
- 2703.7 The DCSAA shall review the certified eligibility rosters to ensure compliance with the Act, this chapter, the DCSAA Handbook and membership standards.
- 2703.8 The DCSAA may request the member school provide supporting documentation to verify the certification if the DCSAA reasonably concludes that additional information is needed.
- 2703.9 The DCSAA may refer the member school’s certification of a student’s eligibility to the DCSAC AAP if the member school or LEA fails to provide the results or the requested supporting documentation used to make an eligibility determination.

#### **2704 STUDENT ELIGIBILITY TO PARTICIPATE**

- 2704.1 Requirements for students to be eligible to participate in interscholastic athletics at a member school shall be applied uniformly to all member schools and amongst all students participating or seeking to participate in interscholastic athletics at a member school.
- 2704.2 Any information in regard to any aspect of student eligibility that is provided by the student, the parent(s), or the member school shall be accurate and complete.
- 2704.3 In order to establish eligibility to participate in interscholastic athletics at a member school, a student shall:
- (a) Be enrolled within the first twenty (20) calendar days of a semester in the school where he or she wishes to participate in interscholastic athletics, unless the student-athlete is a transfer student-athlete;
  - (b) Meet the requirements set forth in this subsection regarding:
    - (1) Age, semester and grade level;
    - (2) Residency;
    - (3) Academics;

- (4) Health and fitness; and
- (5) Attendance;
- (c) Provide written authorization to participate for each team that he or she wishes to participate on, and the authorization shall contain the signature of the parent(s) or adult student; and
- (d) Comply with any other eligibility requirements set forth in this chapter.

2704.4 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following age, semester and grade level requirements:

- (a) A student who turns nineteen (19) years old on or before August 1 shall not be eligible to participate in interscholastic athletics in the upcoming school year;
- (b) A student shall be eligible to participate in regular season, playoff, or championship interscholastic athletic contests for no more than eight (8) semesters following initial enrollment in the ninth grade. Completion of a summer school program shall not be counted as a semester of attendance; and
- (c) The student shall not have graduated from high school, provided that an eligible student whose graduation exercises are held before the end of the school year may continue to participate in interscholastic athletics until the end of that school year; and
- (d) A student who needs fewer than two (2) credits to graduate from twelfth (12th) grade and who transferred to a high school within the preceding twelve (12) months is prohibited from participation in any interscholastic athletic activity for the duration of the student's enrollment at that school.

2704.5 In order to be eligible to participate in interscholastic athletics at a member school, a student shall meet the following residency requirements:

- (a) If the student is attending a District of Columbia public school or District of Columbia public charter school, or other school or educational program with funding provided by the District of Columbia, free of charge, the student shall establish *bona fide* residency in the District of Columbia pursuant to the requirements set forth in Chapter 50 of Subtitle 5-A in the DCMR (5-A DCMR §§ 5000 *et seq.*) unless the student is a valid non-resident; or
- (b) If the student is a non-resident, the non-resident student is either:

- (1) Validly enrolled in a District of Columbia public school, District of Columbia public charter school, or other school or educational program with funding provided by the District of Columbia consistent with the requirements set forth in Chapter 50 of Subtitle 5-A in the DCMR (5-A DCMR §§ 5000 *et seq.*) and has paid or is current in payment of his or her nonresident tuition fee; or
- (2) Enrolled in a private, independent or parochial member school.

2704.6 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following academic requirements:

- (a) A student shall maintain a 2.0 grade point average (GPA) per marking period as officially calculated by the member school in order to retain athletic eligibility;
- (b) For those member schools which do not calculate a GPA, the principal and/or head of such member school shall submit a certification stating that the school does not calculate GPAs and that all students participating in a DCSAA sanctioned sport have a minimum equivalence of a 2.0 GPA and are in good academic standing as consistent with § 2704.6(a); and
- (c) A student who needs fewer than two (2) credits to graduate from twelfth (12th) grade and who transferred to a high school within the preceding twelve (12) months is prohibited from participation in any interscholastic athletic activity for the duration of the student's enrollment at that school.

2704.7 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following requirements regarding health and fitness:

- (a) A student shall provide a medical certification confirming that the student has been examined and is physically fit for the sport in which the student seeks to participate;
- (b) A student shall be covered by appropriate accident insurance, obtained either by his member school or his or her parent, and approved by his or her member school, during each season the student participates within the time specified by the member school; and
- (c) Appropriate notice of the coverage and cost of the accident insurance obtained by his or her member school shall be provided annually to the parent or adult student.

2704.8 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following attendance requirements:

- (a) A student shall be present in school the day of to participate in any tryout, practice, game or match, unless they have an excused absence; and
- (b) A student shall maintain compliance with state attendance regulations and shall maintain eighty-five percent (85%) attendance per marking period in order to maintain eligibility.

2704.9 In order to maintain eligibility to participate in interscholastic athletics at a member school, a student shall maintain compliance with the requirements set forth in § 2704.3 to establish eligibility and:

- (a) Participate only under the name by which he or she is registered in the school he or she is enrolled;
- (b) Represent only one (1) school in the same sport during a school year;
- (c) Not participate in in junior varsity competition if the student participated in varsity competition in the same sport during the same school year;
- (d) Not participate in the same individual or team sport outside of school, or with a team, an organized league, tournament meet, match or contest between the first (1<sup>st</sup>) and last scheduled contest of the school team during the season of the sport; provided, that a student who is selected to represent the United States in international amateur competition shall not become ineligible in school competitions for participating in qualifying trials. The following sports shall be exempted from the restrictions of this requirement: Baseball; Bowling; Competitive Cheer; Crew; Cross Country; Field Hockey; Golf; Gymnastics; Lacrosse; Rugby; Soccer; Softball; Squash; Swimming; Tennis; Track & Field; Ultimate Frisbee; Volleyball; and Wrestling; and
- (e) Preserve amateur standing by engaging in sports only for the physical, educational, and social benefits derived from sports and by not accepting, directly or indirectly, a remuneration, gift, or donation based on his or her participation in a sport other than those approved or waived by the DCSAA.

2704.10 Notwithstanding the provisions in §§ 2704.3 to 2704.9, a student that is granted a hardship waiver by the DCSAA shall be eligible to eligible to participate in interscholastic athletics at a member school.

**2705 STUDENT ELIGIBILITY TO PARTICIPATE: INTERNATIONAL STUDENT**

- 2705.1 An international student participating in a foreign exchange program shall be considered immediately eligible for a maximum period of one (1) calendar school year if the student:
- (a) Has not completed the country of origin's secondary school program;
  - (b) Meets all other eligibility requirements of this section;
  - (c) Has been randomly assigned to his or her host parents and school and neither the school the student attends nor any person associated with the school has had input in the selection of the student and no member of the school's coaching staff, paid or voluntary, serves as the resident family of the student;
  - (d) Possesses a current J-1 visa issued by the U.S. State Department; and
  - (e) Is attending school under a foreign exchange program on the current Advisory List of International Educational Travel and Exchange Programs published by the Council on Standards for International Education Travel and such program assigns students to schools by a method which ensures that no student, school, or other interested party may influence the assignment
- 2705.2 An international student not participating in a foreign exchange program shall be treated as all other students who transfer schools;

**2706 STUDENT ELIGIBILITY TO PARTICIPATE: DESIRED SPORT AT OTHER SCHOOL**

- 2706.1 Students in grade nine (9), ten (10), eleven (11), or twelve (12) attending a member school in which a desired sport is not offered, may request authorization to participate from the athletic director at any member school offering the desired sport.
- 2706.2 Under this section, the student's selected school will serve as their school of choice for athletic participation in the specified sport, which is not offered at their school of enrollment. If the student seeks to participate in the specified sport at a different member school, they will be bound by the transfer provisions set forth in § 2707.
- 2706.3 Students who are not enrolled in a member school but home schooled pursuant to 5-A DCMR §§ 5200 *et seq.* may participate in interscholastic athletics at a member school if:

- (a) The principal and the athletic director of the member school provides the student with written authorization to participate in the desired sport; and
- (b) The student requests and is granted a waiver of student eligibility requirements as set forth in this chapter.

2706.4 Students under this section seeking to participate at another school may only participate if it is allowed in the written policy of the member school in which the student seeks to participate, and the student meets the eligibility requirements of the DCSAA and/or member school. A member school may require actual costs associated with a student's participation and the sending school may be required to provide funding for the costs.

## **2707 STUDENT ELIGIBILITY TO PARTICIPATE: TRANSFERS**

2707.1 A student who transfers enrollment from any school, including a member school, to any member school in grades nine (9), ten (10), eleven (11), or twelve (12) is ineligible to participate in interscholastic athletics unless he or she meets one (1) of the following exceptions:

- (a) A student in grade nine (9) may transfer one (1) time during that school year without loss of eligibility. They shall be eligible immediately upon registration provided they meet all other DCSAA eligibility requirements. However a student shall not participate in a contest at the varsity level for two different schools in the same sport during the same school year. A student is considered a ninth (9<sup>th</sup>) grader until the first day of school of their tenth (10<sup>th</sup>) grade year;
- (b) A student attending a member school has a valid change of address, as defined in this chapter;
- (c) The transfer is caused by court action, court action being an order from a court of law affecting legally committed students. In the case of a transfer of guardianship or custody, the transfer shall be the result of a court order signed by a judge, commissioner, or master of a court of competent jurisdiction. A petition for the transfer of guardianship or custody, an affidavit, or a notarized statement signed by the affected parties shall not be sufficient to render the student eligible to participate in interscholastic athletics. For purposes of eligibility, a child placed within CFSA custody is eligible to participate in interscholastic athletics immediately at the school they attend;
- (d) A student who registers on the basis of a petition for the transfer of guardianship is not eligible to compete until the custodial legal guardian has provided the aforementioned required documentation or has received a



signed court order designating them as the student's custodial legal guardian.

- (e) If the student is in their second, third or fourth year of eligibility and the transfer is a result of a seat opening in the receiving school if the student had previously applied to the school and had been rejected due to a lack of capacity or a result of admission via the DC school based lottery. For this exception to apply, the receiving school shall have appropriate documentation including: a dated and school stamped student application from a previous school year; a letter in response to the application notifying the student that they were not accepted; and a letter dated after the start of the school year offering the student a seat in the receiving school or a notification of admission from the lottery school.
- (f) Transfer because of promotion or administrative assignment to the ninth (9<sup>th</sup>) grade from a school whose terminal point is the eighth (8<sup>th</sup>) grade, or to the tenth (10<sup>th</sup>) grade from a junior high school whose terminal point is the ninth (9<sup>th</sup>) grade, shall not constitute a transfer. Students so promoted or administratively assigned shall be eligible.
- (g) The sending school dropping their entire athletic program. Dropping their athletic program is defined as the school discontinuing all of their interscholastic athletics sports programs;
- (h) The closure of the sending school;
- (i) The sending school discontinuing a single sport at the varsity level;
- (j) The student has special needs, as identified by the Individualized Education Program (IEP) or Section 504 Plan, and is transferred to another public school for the delivery of a free appropriate public education;
- (k) A transfer is the result of the student's being homeless as defined by OSSE, except if the student's homeless status is shown to have been created by the student or his/her family for the primary reason of eligibility in interscholastic athletics;
- (l) The transfer is a result of a student exercising transfer options (*i.e.*, persistently dangerous schools (5-E DCMR § 3805) or victim of a violent crime (5-E DCMR § 3809)) mandated by D.C. law.
- (m) The student is a qualified foreign exchange student under § 2701.5 or an international student residing in the District with his or her parent(s).

2707.2

A student who has not previously participated in the sport for which they are interested in competing; who is released by a proper school authority from a

sending school; and has completed the registration process at the receiving school shall be eligible, provided they meet all other DCSAA eligibility requirements. The receiving school shall submit, to DCSAA, an electronic or signed statement from the athletic director of the sending school that states the student did not participate in the specific sport the preceding year in which they wish to participate.

- 2707.3 The student-athlete may submit a Student-Athlete Transfer release form which shall be signed by the parent, the athletic director and principal of the sending school and the athletic director and principal of the receiving school stating that the transfer is for non-athletic purposes in support of their transfer request.

## **2708 STUDENT INELIGIBILITY TO PARTICIPATE**

- 2708.1 A student who is ineligible to participate in interscholastic athletics is prohibited from playing with a DCSAA member school team during the period of such ineligibility.
- 2708.2 A student who participates in interscholastic athletics and is found ineligible to participate is prohibited for one (1) calendar year from the date of the finding of ineligibility. Additionally, in order to be considered for eligibility when the calendar year has passed, the student shall show that all of the eligibility requirements are satisfied.
- 2708.3 The period of ineligibility for students that transfer absent an exception shall be one (1) calendar year commencing with the first (1st) day of official attendance in the receiving school.
- 2708.4 A student who is ineligible to participate in interscholastic athletics at the time of transfer from one (1) school to another, for any reason other than failing to meet the requirements of this chapter, shall not be considered for eligibility at the receiving school until one (1) full calendar year has passed from the date it was determined that the student was ineligible.
- 2708.5 Any member school carrying an ineligible student as a member of the team shall forfeit each contest played by such student.
- 2708.6 If any forfeiture creates a tie among teams participating in a DCSAA tournament and/or championship contest, a coin toss as mutually agreed by the member school ADs shall determine the requisite order.
- 2708.7 A member school including, without limitation, a coach, trainer, or volunteer assisting in athletics, who knows, or should have known, that an ineligible student is participating or has participated in an interscholastic athletic program or contest, shall be subject to probation, suspension or disqualification from participating in any DCSAA sanctioned sport or activity.

2708.8 If a member school, LEA or the DCSAA takes any action pursuant to § 2708.7. The member school or LEA shall electronically submit the action to the DCSAC for review by the DCSAC AAP no later than five (5) calendar days after the date of such action. The DCSAC AAP within five (5) calendar days will conduct a review and determine if the violation merits any additional probation, suspension or disqualification from any DCSAA sanctioned sport or activity. Any additional action taken by the DCSAC AAP will be issued via a written decision.

## **2709 WAIVER OF STUDENT ELIGIBILITY REQUIREMENTS**

2709.1 The DCSAA may grant a student a waiver of any of the student eligibility requirements set forth in this chapter, subject to the following:

- (a) A request for a waiver of the age requirement in § 2704.4 shall only be considered for participation in non-contact or non-collision sports; and
- (b) A request for a waiver is due to hardship, as defined in this chapter, the parent(s) shall provide supporting documentation to DCSAA.

2709.2 Waiver requests should be filed promptly when it becomes apparent to the student-athlete, principal, and head of school or other affected party that a waiver will be required.

2709.3 In order to request a waiver, the student or a member school and/or LEA on behalf of the student, shall submit a request that includes the following:

- (a) A member school signed statement of support or nonsupport by the principal/head of school;
- (b) Signature of the athletic director of the member school and the athletic director of the LEA, if a member school does not have an athletic director then only the LEA's athletic director's signature is required;
- (c) Signature of the student's parent(s); and
- (d) Any necessary supporting documentation.

2709.4 Once the request is submitted to DCSAA and the DCSAA has confirmed receipt, the DCSAA shall issue a written decision to grant or deny a request for a waiver within five (5) school days.

2709.5 The DCSAA may request further supporting documentation necessary to make a determination to grant or deny the waiver request.

- 2709.6 Failure to provide all required and signed documentation to the DCSAA may render a waiver request as being incomplete and subject to immediate denial.
- 2709.7 The DCSAA decision to grant or deny a request for a waiver may be appealed to the DCSAC AAP in the manner set forth in § 2711.
- 2709.8 If a decision is not appealed to the DCSAC AAP within five (5) business days, the decision to deny or grant a request for a waiver shall be final. If a student's circumstances have altered, the student shall submit a new waiver request.

**2710 COMPLAINTS OR CHALLENGES PROCEDURES**

- 2710.1 The DCSAA shall hear and decide complaints or challenges:
- (a) Related to its membership standards;
  - (b) Arising under the DCSAA handbook; or
  - (c) Related to participant eligibility arising between a DCPS and non-DCPS member school participating in a DCSAA-sanctioned competition or arising between a member school and non-member school participating in a DCSAA-sanctioned competition.
- 2710.2 Any complaints or challenges shall be submitted to the DCSAA as follows:
- (a) A challenge of a student's eligibility shall be presented in writing and signed by the submitting party, addressed to the appropriate school and/or LEA authority where the student is enrolled and hand delivered or sent electronically to the appropriate member school and/or LEA and to the DCSAA; and
  - (b) Any other complaint or challenge shall include any necessary supporting documentation.
- 2710.3 Once the written complaint or challenge is submitted to DCSAA and the DCSAA has confirmed receipt, the member school and/or LEA shall provide a written report with supporting documentation of its decision to the DCSAA and to the party submitting the challenge within five (5) school days of the date DCSAA confirmed receipt.
- 2710.4 The DCSAA may request further supporting documentation necessary to make findings or issue a decision regarding a complaint or challenge. Parties shall comply with DCSAA requests for information related to the allegations in the complaint or challenge.

- 2710.5 Failure to provide all required and signed documentation to the DCSAA may render a complaint or challenge as being incomplete and subject to immediate denial or unfavorable decision.
- 2710.6 The DCSAA shall issue a written findings and/or a decision regarding the complaint or challenge within ten (10) school days of the DCSAA receiving the report described in § 2710.3.
- 2710.7 If an eligibility question arises that requires a review of a student's eligibility files, DCSAA, at its discretion, may request to review a student's eligibility files. DCSAA will request, through a member school and/or LEA, from a parent(s) or the adult student, to sign a consent form, for release of information authorizing the release of eligibility files. Such DCSAA requests will include the reasons supporting the request and will specify the record or records needed for review. Failure to provide consent upon written request from the DCSAA will result in the student whose eligibility is being questioned to be deemed ineligible to participate in any official contest of a sanctioned DCSAA sport or activity.
- 2710.8 The DCSAA's decision may be appealed to the DCSAC AAP in the manner set forth in § 2711. If a decision is not appealed to the DCSAC AAP within five (5) business days, the DCSAA decision shall be final.

**2711 STATE ATHLETIC COMMISSION: ATHLETICS APPEALS PANEL**

- 2711.1 The DCSAC shall establish Athletics Appeals Panels (AAP) to hear appeals of:
- (a) LEA decisions related to student eligibility; and
  - (b) Final written decisions of the DCSAA.
- 2711.2 The Chairperson of the DCSAC shall appoint a separate AAP for each matter brought before the DCSAC.
- 2711.3 The Chairperson of the DCSAC shall maintain the integrity of the appeal process.
- 2711.4 Any Commissioner of the DCSAC who may be directly affected or whose school or LEA may be directly affected by a potential decision related to an appeal shall disclose the conflict of interest, recuse himself or herself from consideration of the matter and shall not be appointed to an appeals panel for that matter.
- 2711.5 In order to request an appeal of the decision of an LEA or the DCSAA, a party shall submit written notice of appeal to the Chairperson.
- 2711.6 Within five (5) school days of receiving the written notice of appeal, the Chairperson shall appoint the three voting members AAP and the assigned AAP

shall schedule an in-person, when feasible, review where all parties shall be provided with the opportunity to present facts and all relevant arguments.

- 2711.7 The DCSAC AAP shall issue a written decision within five (5) school days of the review affirming or denying the decision of an LEA or the DCSAA.
- 2711.8 An athletic appeals panel shall hear all issues relating to an appeal *de novo*, except that the evidence before the panel shall be limited to the record made before the LEA or the DCSAA unless a party seeks to introduce relevant evidence that, in the exercise of reasonable diligence, it could not have produced during the initial hearing on the complaint or that was improperly excluded from the initial hearing on the complaint.
- 2711.9 The decision of the Commission shall be final. The party may appeal the Commission's final decision to the D.C. Superior Court, pursuant to D.C. Code 11-921. Appeals must be received by the Clerk of the Superior Court no later than 30 days after the date of the final decision.
- 2711.10 For the protection of their team's won/loss record, the student whose eligibility is in question may not play in any school sponsored interscholastic athletic competition until the DCSAC AAP has issued its final eligibility determination pursuant to its review.
- 2711.11 In the event a member requires forfeiture of a contest already played, the AAP shall review the decision affirming or denying the forfeiture and shall provide the results of its findings and recommendations to the member school not later than five (5) school days after the date the matter is initially reported to the DCSAA.

## **2712 ALL-STAR CONTESTS**

- 2712.1 A student who participates in a team sport may participate in an "all-star" competition for the sport that occurs outside the interscholastic season of the sport without jeopardy to his or her eligibility if:
- (a) The all-star competition is an activity sanctioned by the DCSAA or another National Federation of State High School Association ("NFHS") member;
  - (b) All participants in the all-star competition are graduating seniors or students completing their athletic eligibility at the end of the school year or they have received a waiver from DCSAA to participate;
  - (c) The student has played in no more than one (1) other all-star competition in his or her sport; or

- (d) The all-star competition occurs after the student has participated in his or her final contest for his or her school.

2712.2 A senior who fails to comply with § 2712.1 may be subject to a penalty that may result in the loss of athletic eligibility for the balance of the school year. For all other students, the penalty may result in loss of eligibility for the next season in the sport in which the student participated in the all-star competition. The DCSAC may review any penalty decisions.

### **2713 MEMBER SCHOOL AND LEA REGULATIONS**

2713.1 Consistent with this chapter, each member school and/or LEA may develop interscholastic athletic standards including, without limitation, safety and first aid, eligibility, satisfactory progress toward graduation, practice, equipment, training, probationary actions, and grievance procedures for participants.

2713.2 Member school and/or LEA standards shall not be in conflict with this chapter or the DCSAA handbook. Member school and/or LEA standards shall meet the state minimum requirements and can be more stringent if so desired.

2713.3 All member schools, leagues or LEA rules of member schools, policies, and procedures related to interscholastic athletics shall be comply with the provisions of this chapter.

2713.4 Upon request, member schools, leagues or LEAs of member schools shall provide the DCSAA with copies of their respective rules, policies, and procedures.

### **2799 DEFINITIONS**

2799.1 When used in this chapter, the following terms shall have the meanings ascribed:

**Adult Student** - A student who is eighteen (18) years of age or older, or who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

**Athletic Appeals Panel (AAP)** - A review panel composed of three (3) voting members of the District of Columbia State Athletics Commission.

**Athletic Director (“AD”)** – A person who holds the position of athletic director or a person or entity that performs the functions of an athletic director.

**Athletic League** – Includes the District of Columbia Interscholastic Athletic Association or its successor, the Public Charter School Athletic Association or its successor, and any other collaborative of LEA’s or schools for the purpose of which is to organize interscholastic athletic competitions against other members of the collaborative.

**Commission** – the District of Columbia State Athletics Commission (DCSAC).

**Day** – One (1) calendar day, unless otherwise stated.

**DCPS** - means the District of Columbia Public Schools.

**DCSAA** - means the District of Columbia State Athletic Association.

**DCSAA-sanctioned sport or activity** - a sport in which DCSAA hosts a state championship and/or is governed by the National Federation of State High School Association rules.

**DCSAA Handbook** –an annual publication containing playing rules, codes of conduct, sanctions and guidelines for each DCSAA-sanctioned sport, consistent with this chapter, the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code §§ 38-2661.01 *et seq.*), and the National Federation of State High School Associations’ Rules Books.

**DCSAA-sanctioned competition** - an interscholastic athletic event or program governed by DCSAA membership standards.

**Enroll and Enrollment** -- A process through which a student obtains admission to a public or public charter school that includes, at a minimum the following stages:

- (a) Application by student to attend the school;
- (b) Acceptance and notification of an available slot to the student by the school;
- (c) Acceptance of the offered slot by the student (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form”);
- (d) Registration of the student in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement; and
- (e) Receipt of educational services, which are deemed to begin on the first official school day.

**First year of eligibility** – The school year a student first enters ninth (9<sup>th</sup>) grade for the first (1<sup>st</sup>) time.

**Hardship** - A hardship is defined as an unforeseeable, unavoidable, and uncorrectable act, condition or event, which causes the imposition of a severe and non-athletic burden upon the student or his/her family.



**Interscholastic Athletics Program** - all athletic activities or sports offered within a school, the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools.

**Local Education Agency or LEA** – the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

**Member School** - a public, public charter, parochial, or private school in the District that is a member of the DCSAA.

**Ninth Grade** - A student is considered to be in grade nine (9) upon the student's promotion from the eighth (8<sup>th</sup>) grade to the ninth (9<sup>th</sup>) grade) on the last school day of the student's eighth (8<sup>th</sup>) grade (8<sup>th</sup>) grade academic year. The ninth (9<sup>th</sup>) grade year is considered to be completed on the last day of summer vacation prior to the first day of the new academic (tenth (10<sup>th</sup>) grade) year.

**OSSE** – The District of Columbia's Office of the Superintendent of State Education.

**Parent** – Consistent with the terms as defined in 5-A DCMR § 5099, the natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody; a person who has been appointed legal guardian of a student by a court of competent jurisdiction; or other primary caregiver as verified pursuant to 5-A DCMR § 5005.

**Participate** – Inclusion on the tryout roster or team roster as a member of a recognized school team to tryout or play in practices, contests, and competitions, or otherwise engaging in other activities as part of the team.

**Previous participation** – Prior participation in interscholastic athletics in grades nine (9) through twelve (12).

**Receiving school** - The school a student enrolls in, after leaving his or her previous school.

**Sending School** – A school that a student withdraws from, in order to attend a different school.

**Title IX** - Title IX is a portion of the Education Amendments of 1972, approved June 23, 1972 (Pub. L. No. 92318, 86 Stat. 235; 20 USC §§ 1681 1688).

**Transfer** - The student has withdrawn from a sending school and has enrolled in a receiving school.

**Valid Change of Residence** – when a student moves from the residence where the enrolling parent(s) lived with the student, and that has been vacated by the entire family for use as its residence, to a new residence with the enrolling parent(s).

**Week** – Seven (7) calendar days, unless otherwise stated.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
CONSTRUCTION CODES COORDINATING BOARD**

**NOTICE OF CORRECTION – PUBLIC COMMENT PERIOD**

By this Notice, the Chairperson of the Construction Codes Coordinating Board corrects an error in the comment paragraph in the Notice of Proposed Rulemaking published in the September 28, 2018 – Part 2 edition of the *D.C. Register* at 65 DCR 10111. The rulemakings propose a new 2017 District of Columbia Construction Codes.

The comment period on the Notice of Proposed Rulemaking is a period of forty-five (45) days from publication. The preamble of the Rulemaking correctly noted the forty-five (45) day review period, but the comment paragraph at the end of each subtitle of the rulemaking mistakenly listed the comment period as thirty (30) days. All public comments on this Proposed Rulemaking are due by **Monday, November 12, 2018**.

A copy of the proposed rulemaking is available at the following link:

<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueDetailPage.aspx?issueID=730>

Comment Submission:

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Chairperson, Construction Codes Coordinating Board, Department of Consumer and Regulatory Affairs, 110 Fourth Street, S.W., Room 5100, Washington, D.C. 20024, or via email at [jill.stern@dc.gov](mailto:jill.stern@dc.gov), not later than Monday, November 12, 2018. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8944. Electronic copies of the proposed rules can be obtained from the email address listed above or via the website of the District of Columbia Office of Documents and Administrative Issuances at <http://www.dcregs.dc.gov/>.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take proposed rulemaking action by adopting the following amendments to Chapter 28 (Veterinarians), Chapter 33 (General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers), Chapter 40 (Health Occupations: General Rules), and Chapter 41 (Health Occupations: Administrative Procedures) of Title 17 (Business, Occupations, and Professionals) 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 this rulemaking is to amend and update Chapter 28 (Veterinarians) of Title 17 DCMR in accordance with the inclusion of the profession into the Act pursuant to the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-96; 61 DCR 1184 (February 14, 2014)). Further, to clarify that the practice of veterinary medicine is now regulated as a health occupation, this rulemaking will also change the title of Chapter 33 of Title 17 DCMR from “General Rules: Funeral Directors, Veterinarians, Interior Designers and Real Estate Appraisers” to “Non-Health Occupations: General Rules” and repeal Subsection 3300.1(b), which references the Board of Veterinary Examiners. In addition, the rulemaking will amend Subsection 4099.1 of Chapter 40 (Health Occupations: General Rules) and Subsection 4199.1 of Chapter 41 (Health Occupations: Administrative Procedures) to add the Board of Veterinary Medicine to the list of health occupation boards with administrative and enforcement authorities under those chapters.

This proposed rulemaking also includes cross-references to proposed rules promulgating a new Chapter 112 of Title 17 DCMR, to regulate veterinary technicians, which is being published in the *D.C. Register* simultaneously.

**Chapter 28, VETERINARIANS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended to read as follows**

**CHAPTER 28 VETERINARIANS**

- 2800 GENERAL PROVISIONS**
- 2801 TERM OF LICENSE**
- 2802 EDUCATIONAL REQUIREMENTS**
- 2803 LICENSURE BY ENDORSEMENT**
- 2804 LICENSURE BY EXAMINATION**
- 2805 APPLICANTS WITH A FOREIGN DEGREE NOT ACCREDITED BY THE AMERICAN VETERINARY MEDICAL ASSOCIATION (AVMA)**
- 2806 KNOWLEDGE OF THE DISTRICT OF COLUMBIA VETERINARY JURISPRUDENCE**

<b>2807</b>	<b>CONTINUING EDUCATION REQUIREMENTS</b>
<b>2808</b>	<b>APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES</b>
<b>2809</b>	<b>CONTINUING EDUCATION CREDITS</b>
<b>2810</b>	<b>CONTINUING EDUCATION AUDIT</b>
<b>2811</b>	<b>REACTIVATION</b>
<b>2812</b>	<b>REINSTATEMENT</b>
<b>2813</b>	<b>STANDARDS OF CONDUCT</b>
<b>2814</b>	<b>VETERINARY-CLIENT-PATIENT RELATIONSHIP (VCPR)</b>
<b>2815</b>	<b>MANAGEMENT, STORAGE, INVENTORY AND USE OF DRUGS</b>
<b>2816</b>	<b>ADVERTISING</b>
<b>2817</b>	<b>DELEGATION OF DUTIES AND SUPERVISION OF VETERINARY TECHNICIANS AND OTHER CLINICAL SUPPORT STAFF</b>
<b>2818</b>	<b>AUTHORIZATION TO PRACTICE VETERINARY MEDICINE WITHOUT A LICENSE</b>
<b>2819</b>	<b>TEMPORARY LICENSES</b>
<b>2899</b>	<b>DEFINITIONS</b>

**2800 GENERAL PROVISIONS**

- 2800.1 This chapter applies to persons authorized to practice veterinary medicine and persons applying for or holding a license to practice veterinary medicine.
- 2800.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), 112 (Veterinary Technicians), and 111 (Veterinary Euthanasia Technicians) of this title shall supplement this chapter.

**2801 TERM OF LICENSE**

- 2801.1 Subject to § 2801.2, a license issued pursuant to this chapter shall expire at 12:00 Midnight of December 31st of each odd-numbered year.
- 2801.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 Midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

**2802 EDUCATIONAL REQUIREMENTS**

- 2802.1 An applicant for veterinary license shall furnish proof satisfactory to the Board that the applicant has successfully completed an educational program in the practice of veterinary medicine at an institution accredited by the American Veterinary Medical Association (AVMA) at the time the applicant graduated.

**2803 LICENSURE BY ENDORSEMENT**

2803.1 A person licensed to practice veterinary medicine in another state or jurisdiction of the United States, for at least the twelve (12) months preceding the application date, may qualify for licensure by endorsement in the District if the person meets the educational requirement under § 2802.1 and has taken and passed the North American Veterinary Licensing Examination (NAVLE) or an equivalent examination administered by the National Board of Veterinary Medical Examiners (NBVME) or its successor organization.

2803.2 A person licensed in another state or jurisdiction of the United States may not be qualified for initial licensure, reinstatement, or renewal of licensure to practice in the District if any veterinary license(s) he or she holds, or has ever held, in another state or jurisdiction is revoked or suspended or otherwise not in good standing as determined by the Board, until such time as the veterinary license(s) in another state or jurisdiction is restored to good standing in the jurisdiction where the disciplinary action(s) took place. The determination of qualification under this section shall be at the discretion of the Board.

## **2804 LICENSURE BY EXAMINATION**

2804.1 To qualify for a license by examination, an applicant shall:

- (a) Meet the education requirements set forth under § 2802.1 of this chapter; and
- (b) Receive a passing score on the North American Veterinary Licensing Examination (NAVLE) or an equivalent examination administered by the National Board of Veterinary Medical Examiners (NBVME) or its successor organization.

2804.2 The passing scores on NAVLE shall be a passing score as determined by NBVME, the testing agency.

2804.3 An applicant who has achieved a passing score as described in § 2804.2 above seven (7) or more years prior to the date of filing of the application for licensure and who does not currently hold a valid and active license to practice veterinary medicine in any U.S. jurisdiction may be required to complete four hundred (400) hours of externship or mentorship meeting the Board's approval and sixty (60) hours of continuing education meeting the requirements of § 2808.

## **2805 APPLICANTS WITH A FOREIGN DEGREE NOT ACCREDITED BY THE AMERICAN VETERINARY MEDICAL ASSOCIATION (AVMA)**

2805.1 An applicant who is a graduate of a foreign veterinary medical program not accredited by the AVMA shall submit with the application:

- (a) Verification that the applicant possesses professional competence

equivalent to graduates of an AVMA-accredited veterinary program, based one of the following:

- (1) Certification issued by the Educational Commission for Foreign Veterinarian Graduates (ECFVG); or
  - (2) Certificate issued by the Program for the Assessment of Veterinary Education Equivalence (PAVE); and
- (b) Evidence satisfactory to the Board of the applicant's competency in the English language.

2805.2 An applicant under this section who submits documentation not in English shall provide an English translation, prepared by and certified to be correct by a government official, veterinarian school official, or other translator acceptable to the Board. The translation shall be signed and dated by the person who prepares it, and shall be on official stationery of the preparer.

## **2806 KNOWLEDGE OF THE DISTRICT OF COLUMBIA VETERINARY JURISPRUDENCE**

2806.1 An applicant for an initial license shall demonstrate to the Board's satisfaction that he or she possesses competent knowledge and understanding of the laws and rules pertaining to veterinary practice in the District. The Board may adopt or implement a District of Columbia Veterinary Jurisprudence Examination or other methods such as mandatory educational sessions.

## **2807 CONTINUING EDUCATION REQUIREMENTS**

2807.1 This section applies to applicants for the renewal, reactivation, or reinstatement of a license, subject to §§ 2807.2, 2811, and 2812. This section does not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license.

2807.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 2808.

2807.3 To be eligible for renewal, an applicant shall have completed thirty-six (36) hours of approved continuing education, which shall include two (2) hours of LGBTQ continuing education obtained during the two (2)-year period preceding the date the license expires.

2807.4 A person seeking to prove completion of the required continuing education credits shall submit the following documentation with respect to each program or activity:

- (a) The name and address of the sponsor of the program;

- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification of completion by the sponsor’s signature or stamp; or
- (f) Other comparable proof satisfactory to the Board.

2807.5 A person seeking to prove completion of the required continuing education or obtain continuing education credits for any program or activity shall bear the burden of providing satisfactory proof of completion or establishing that the program or activity merits an approval in accordance with § 2808.

**2808 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

2808.1 The Board may approve continuing education programs or activities that:

- (a) Contribute to the maintenance or growth of professional competence in the practice of veterinary medicine;
- (b) Serve to maintain, develop, or increase the knowledge, skills, and professional performance and relationships that veterinary medical professionals (including veterinarians, veterinary technicians, and veterinary clinical support staff) use to provide services for patients, the public, or the profession; and
- (c) Are current in their subject matter and have been developed and taught/conducted by qualified individuals.

2808.2 Programs sponsored by the following organizations shall be deemed approved for continuing education credits:

- (a) Continuing veterinary educational programs given by a College of Veterinary Medicine approved by the American Veterinary Medical Association (AVMA);
- (b) Lectures and scheduled courses or meetings approved by the AVMA;
- (c) Activities and programs approved by the American Association of Veterinary State Boards (AAVSB)’s Registry of Approved Continuing Education (RACE) program; or



- (d) Continuing educational programs given or arranged by the District of Columbia Veterinary Medical Association (DCVMA), the District of Columbia Academy of Veterinary Medicine (DCAVM), or the Board.

2808.3 The Board may approve the following types of continuing education programs, if consistent with the requirements of § 2808.1:

- (a) An undergraduate or graduate course given at an accredited college or university;
- (b) A seminar or workshop; or
- (c) An educational program given at a conference or convention.

2808.4 A sponsor of a program other than those enumerated in § 2808.2 may seek the Board's approval for the program if:

- (a) The program meets the requirements of § 2808.1; and
- (b) The sponsor submits the program information for the Board's review no less than sixty (60) days prior to the date of the presentation.

2808.5 The Board may grant continuing education credits for the following activities:

- (a) Serving as an author of a peer-reviewed self-study article or series;
- (b) Serving as an instructor or speaker at a conference program or an academic course;
- (c) Serving as an instructor at a peer-reviewed or non-peer-reviewed seminar, workshop, or in-service training, whether in-person or web-based;
- (d) Serving as supervisor for a person authorized to practice pursuant to §§ 2818.1(c) or (d);
- (e) Serving as a clinical instructor for students of veterinary medicine or students of any other health occupation where relevant to veterinary medicine;
- (f) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication; or
- (g) Participating in published research as a principal investigator or research assistant.

**2809 CONTINUING EDUCATION CREDITS**

- 2809.1 One credit hour of approved continuing education consists of a minimum of fifty (50) minutes of learning time.
- 2809.2 The Board may grant a requestor seeking credits for completion of a graduate course in accordance with § 2808.3(a) up to fifteen (15) hours of continuing education for each semester hour of credit or ten (10) hours of continuing education for each quarter hour of credit.
- 2809.3 The Board may grant a maximum of eighteen (18) hours of continuing education per year to a requestor who attended a full-time post-graduate education program.
- 2809.4 The Board may grant credit to a requestor who served as an instructor or speaker at an approved program pursuant to § 2808.5(b) or (c) for both preparation and presentation time, subject to the following restrictions:
- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time;
  - (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of the requestor's total continuing education requirement;
  - (c) The presentation shall have been completed during the period for which credit is claimed; and
  - (d) If a requestor has previously received credit in connection with a particular presentation, the Board shall not grant credit in connection with a subsequent presentation unless it involves either a different or a substantially modified program.
- 2809.5 The Board may grant up to thirty-six (36) hours of continuing education credit to a requestor who is an author or editor of a published book if the book has been published or accepted for publication during the period for which credit is claimed, and the requestor submits satisfactory proof of its publication.
- 2809.6 The Board may grant up to nine (9) hours of continuing education credit to a requestor who is an author of an original or review paper published in a peer-reviewed publication or journal if the paper has been published or accepted for publication during the period for which credit is claimed, and the requestor submits satisfactory proof of its publication.
- 2809.7 The Board may grant up to two (2) hours of continuing education credit to a requestor who is the sole author of a published book review or abstract if the book

review has been published or accepted for publication during the period for which credit is claimed, and the requestor submits satisfactory proof of its publication.

- 2809.8 The Board may grant up to two (2) hours of continuing education credit to a requestor who participated as a peer reviewer for a peer-review publication or journal.
- 2809.9 The Board may grant up to eight (8) hours of continuing education credit to a licensee who provides clinical instruction for students of veterinary medicine or students of any other health occupation as described in § 2808.5(e).
- 2809.10 The Board may grant one (1) hour of continuing education credit to a licensee who provides twenty (20) hours of mentorship and supervision to an applicant or intending applicant as authorized under §§ 2818.1(c) or (d), provided, however, that the maximum credits granted shall not exceed eighteen (18) hours or half of the licensee's required continuing education. The requestor shall be required to provide sufficient proof of such supervision.

## **2810 CONTINUING EDUCATION AUDIT**

- 2810.1 The Board may, as it deems appropriate, conduct an audit of active licensees to determine compliance with the continuing education requirements.
- 2810.2 Upon notification by the Board that a licensee has been selected for an audit, the licensee shall submit proof of his or her compliance with the continuing education requirements in accordance with § 2807.5 within thirty (30) days of receipt of the notice.
- 2810.3 A licensee who fails to provide proof of continuing education compliance during an audit may be subject to another audit in the subsequent licensure term.

## **2811 REACTIVATION**

- 2811.1 The requirements of this section shall apply to licensees under this chapter who have been in inactive status and seeks reactivation of their license in accordance with § 511 of the Act, D.C. Official Code § 3-1205.11.
- 2811.2 To qualify for reactivation of a license, an applicant whose license has been inactive five (5) years or less and does not hold an active veterinary license in any other jurisdiction shall have completed, for each year that the applicant was not licensed, eighteen (18) hours of continuing education in compliance with §§ 2807 and 2808, which shall include two (2) hours of LGBTQ continuing education.
- 2811.3 To qualify for reactivation of a license, an applicant whose license has been inactive for more than 5 (five) years and who does not hold an active veterinary license in any other jurisdiction shall have completed the following:

- (a) Ninety (90) hours of continuing education in compliance with §§ 2807 and 2808, including two (2) hours LGBTQ continuing education, provided further that thirty-six (36) hours of the required continuing education shall have been completed within two (2) years prior to the date the application is submitted; and
- (b) Four hundred (400) hours of supervised and mentored practice under the supervision of a licensed veterinarian within the three (3) months prior to the date the application is submitted.

2811.4 An applicant for reactivation of a veterinary license who holds and has maintained an active license in any other jurisdiction shall not be required to submit proof of continuing education with the application.

**2812 REINSTATEMENT**

2812.1 The requirements of this section shall apply to persons with an expired license who seek reinstatement within five (5) years in accordance with § 512(a) of the Act, D.C. Official Code § 3-1205.12(a).

2812.2 A person may not seek reinstatement of his or her license issued under this section more than five (5) years after its expiration.

2812.3 An applicant who seeks reinstatement of his or her license within twelve (12) months after the expiration of the license shall submit proof of having completed the continuing education required pursuant to § 2807.3.

2812.4 An applicant who seeks reinstatement of his or her license more than twelve (12) months after the expiration of the license and who holds an active license in any other jurisdiction shall submit proof of having completed, for each year that the applicant was not licensed in the District, eighteen (18) hours of continuing education in compliance with §§ 2807 and 2808; two (2) of the total hours required shall be LGBTQ continuing education.

2812.5 An applicant who seeks reinstatement of his or her license more than twelve (12) months after the expiration of the license and who does not hold an active license in any jurisdiction shall submit proof of having completed the following:

- (a) Eighteen (18) hours of continuing education in compliance with § 2812.4 for each year that the applicant was not licensed, up to a maximum of ninety (90) hours; two (2) of the total hours required shall be LGBTQ continuing education. Thirty-six (36) hours shall have been completed within two (2) years prior to the date the application is submitted; and

- (b) Four hundred (400) hours of supervised and mentored practice under the supervision of a licensed veterinarian within the three (3) months prior to the date the application is submitted.

## **2813 STANDARDS OF CONDUCT**

- 2813.1 A veterinarian shall adhere to and uphold the Veterinarian's Oath and the Principles of Veterinary Medical Ethics as adopted by the American Veterinary Medical Association (AVMA).
- 2813.2 A veterinarian shall observe the Model Infection Control Plan for Veterinary Practices and the Compendium of Veterinary Standard Precautions for Zoonotic Disease Prevention in Veterinary Personnel as developed by the National Association of State Public Health Veterinarians (NASPHV) Veterinary Infection Control Committee (VICC).
- 2813.3 A veterinarian owning, managing, or acting as a veterinary medical director of a veterinary facility in the District shall comply with the relevant rules and requirements promulgated in accordance with D.C. Official Code § 47-2888.08.
- 2813.4 A veterinarian shall perform all professional practice in the District under the full name in which his or her license was issued. This shall mean displaying the full name in which his or her license was issued on all signage, stationary, and advertisements; and using this name in all oral and written communications with the public or clients.
- 2813.5 A veterinarian shall not accept or perform professional responsibilities which the veterinarian knows or has reason to know that he or she is not competent to perform.
- 2813.6 A veterinarian shall keep his or her knowledge of veterinary medicine and skills current while he or she is engaging in clinical practice of veterinary medicine.
- 2813.7 A veterinarian shall provide competent and timely delivery of veterinary care.
- 2813.8 A veterinarian shall not abandon or neglect a patient under and in need of immediate professional care, without making reasonable recommendations for the continuation of such care.
- 2813.9 A veterinarian shall inform the client of the proposed treatment, and any reasonable alternatives, in a manner that allows the client to become involved in treatment decisions.
- 2813.10 A veterinarian shall respect the client's right to treatment decision and treat the patient according to the client's desires within the bounds of accepted treatments.

- 2813.11 A veterinarian shall maintain a record for each patient which shall:
- (a) Accurately reflect the evaluation and treatment of the patient and which may include, but is not limited to, the following:
    - (1) Patient's name and the date of treatment;
    - (2) Records of appropriate physical examination and findings;
    - (3) Treatment plan;
    - (4) Informed consent document(s);
    - (5) Clinical Findings, diagnosis and treatment rendered;
    - (6) List of drugs or vaccine(s) prescribed, administered, dispensed and the quantity;
    - (7) Radiographs;
    - (8) Patient financial/billing records;
    - (9) Name of veterinarian, veterinary technician and/or other auxiliaries providing service(s); and
    - (10) Laboratory test results; and
  - (b) Be kept for three (3) years after last seeing the patient.
- 2813.12 Upon request of a client or a representative of a client, a veterinarian shall make available to the client or the client's representative a copy of the patient's record in accordance with the following:
- (a) A veterinarian shall provide a copy of the patient's record within thirty (30) days of the request; and
  - (b) A veterinarian may charge a reasonable fee for duplicating records and the fee may be required prior to providing the records in non-emergency situations, but a veterinarian shall not refuse to provide the records on the basis of the client owing payment for veterinary services.
- 2813.13 A veterinarian shall protect the confidentiality of patient records and maintain patient records in a manner consistent with the protection of the welfare of the patient and the client and all applicable District of Columbia and federal laws.
- 2813.14 A veterinarian shall promptly provide patient records and all necessary

information to another veterinarian who has been given clear authorization or consent by a client to obtain patient records and information.

- 2813.15 A veterinarian shall make every effort to refrain from harming the patient.
- 2813.16 Once a veterinarian has undertaken a course of treatment to provide services to a patient, the veterinarian shall not discontinue that treatment without first giving the client adequate notice and the opportunity to obtain the services of another veterinarian and ensuring that the patient's health will not be jeopardized in the process.
- 2813.17 A veterinarian shall make reasonable arrangements for the emergency care of his or her patients of record.
- 2813.18 A veterinarian shall know his or her own limitations and shall, whenever it would be in the patient's best interest, seek consultation with a specialist or refer a patient to a specialist.
- 2813.19 A veterinarian shall conduct himself or herself in a professional manner.
- 2813.20 A veterinarian shall not willfully harass, abuse, or intimidate a patient or client either physically or verbally.
- 2813.21 When informing the client of the status of the patient's health, a veterinarian shall make comments that are truthful, informed and justifiable.
- 2813.22 A veterinarian shall not represent the care being rendered, or that is needed, to a client in a false or misleading manner.
- 2813.23 A veterinarian shall inform the client of the patient's present health status without making disparaging comments about prior service(s) or prior veterinarian(s).
- 2813.24 A veterinarian who sees a patient as a consulting specialist or is providing a second opinion shall, upon the completion of the consultation, treatment, or care:
- (a) Return the patient, unless the client expressly reveals a different preference, to the referring veterinarian or, if none, to the veterinarian of record for future care; and
  - (b) Inform the client when there is a need for further veterinary medical care.
- 2813.25 A veterinarian who is called upon to render a second opinion regarding a diagnosis or treatment plan recommended by a patient's treating veterinarian shall not have a vested interest in that recommendation.
- 2813.26 A veterinarian shall, when consulted in an emergency about a patient with whom

he does not have an established veterinary-patient-client relationship, make reasonable arrangements for its emergency care. If treatment is provided, the veterinarian, upon completion of treatment, shall return the patient to its regular veterinarian unless the client expressly reveals a different preference.

- 2813.27 A veterinarian shall prescribe and supervise the patient care provided by all auxiliary personnel working under his or her direction and shall retain full professional responsibility for all care provided by the supervised auxiliary.
- 2813.28 A veterinarian shall not practice veterinary medicine while abusing or using controlled substances, alcohol, or any other chemical agents, which impair the ability to practice.
- 2813.29 A veterinarian shall urge chemically impaired colleagues to seek treatment, if possible.
- 2813.30 A veterinarian with first-hand knowledge that a colleague is practicing veterinary medicine when impaired by controlled substances, alcohol, or any other chemical agents shall report such evidence to the Board or the AVMA.
- 2813.31 A veterinarian shall report to the Board known instances of gross or continual faulty treatment by other veterinarians.
- 2813.32 A veterinarian or auxiliary who contracts any disease, has a mental or physical impairment which affects his or her ability to safely practice, or becomes impaired in any way that might endanger patients or veterinary staff shall, with consultation and advice from a qualified physician or other authority, limit the activities of his or her practice to those areas that do not endanger patients or veterinary staff.
- 2813.33 A veterinarian who has been advised to limit the activities of his or her veterinary practice shall monitor the disease or impairment and make additional limitations to the activities of his or her veterinary practice as indicated.
- 2813.34 A veterinarian shall not engage in interpersonal relationships with clients that could impair his or her professional judgment or risk the possibility of exploiting the confidence placed in him or her by a client.
- 2813.35 A veterinarian shall make the results and benefits of his or her research and development investigative efforts available to all when such are useful in safeguarding or promoting the health of the public, except when federal or District law or regulation provides otherwise.
- 2813.36 A veterinarian shall not use patents or copyrights to restrict research or practice, except as permitted by federal or District law or regulation.
- 2813.37 A veterinarian shall become familiar with the signs of abuse and neglect and



report suspected cases of animal abuse to the proper authorities consistent with District of Columbia laws.

- 2813.38 While a veterinarian, in serving the public, may exercise reasonable discretion in selecting patients for his or her practices, a veterinarian shall not refuse to accept patients into his or her practice or deny veterinary service to patients because of the client's race, creed, color, sex, national origin, or sexual preference.
- 2813.39 A veterinarian shall not refuse to provide treatment to an animal based solely on the fact that the animal's owner or authorized care-giver is infected with Human Immunodeficiency Virus, Hepatitis B Virus, Hepatitis C Virus, or another bloodborne pathogen.
- 2813.40 A veterinarian issuing a public statement with respect to the profession shall believe as well as have a reasonable basis to believe that the comments made are true.
- 2813.41 A veterinarian may provide expert testimony when that testimony is essential to a just and fair disposition of a judicial or administrative action.
- 2813.42 A veterinarian shall not agree to a fee contingent upon the favorable outcome of the litigation in exchange for testifying as a veterinary expert.
- 2813.43 A veterinarian shall not accept or tender rebates or split fees.
- 2813.44 A veterinarian shall not represent that veterinary treatment or diagnostic techniques recommended or performed by the veterinarian him/herself have the capacity to diagnose, cure or alleviate diseases, infections or other conditions, when such representations are not based upon accepted scientific knowledge or research.
- 2813.45 A veterinarian shall not represent the fees being charged for providing care in a false or misleading manner.
- 2813.46 A veterinarian may not charge additional fees if a client requests a written prescription where the prescription is determined to be necessary as part of the examination and diagnosis.
- 2813.47 A veterinarian may not conspire with any person or another veterinarian to charge the same or similar fees for services. This section does not apply to an agreement among veterinarians practicing together in the same veterinary facility or practice to charge the same fees for services provided within that facility or practice.
- 2813.48 A veterinarian shall not misrepresent treatment dates for the purpose of assisting a client in obtaining benefits under an insurance plan where such benefits would otherwise be disallowed.

- 2813.49 A veterinarian shall not recommend or perform unnecessary veterinary services or procedures.
- 2813.50 A veterinarian who presents educational or scientific information in an article, seminar or other program shall disclose to the readers or participants any monetary or other special interest the veterinarian may have with a company whose products are promoted or endorsed in the presentation. Disclosure shall be made in any promotional material and in the presentation itself.
- 2813.51 A veterinarian shall not induce a client to purchase products or undergo procedures by misrepresenting the product's value, the necessity of the procedure or the veterinarian's own professional expertise in recommending the product or procedure.
- 2813.52 A veterinarian shall not direct or in any manner permit an auxiliary under his or her employ to promote, market, or sell products or procedures to a client and thereby exploit the trust inherent in the veterinary-patient-client relationship for his or her own financial gain.
- 2813.53 In the case of a health-related product used or recommended by a veterinarian, it is not enough for the veterinarian to rely on the manufacturer's or distributor's representations about the product's safety and efficacy. The veterinarian shall inquire into the truth and accuracy of such claims and verify that they are founded on accepted scientific knowledge or research.
- 2813.54 A veterinarian shall disclose to his or her client all relevant information the client needs to make an informed purchase decision, including whether the product is available elsewhere and whether there are any financial incentives for the veterinarian to recommend the product that would not be evident to the client.
- 2813.55 A veterinarian shall not advertise or solicit patients or clients in any form of communication in a manner that is false or misleading in any material respect.
- 2813.56 A general veterinarian who wishes to market the services available in his or her practice may market the availability of those services but shall not express or imply specialization, except as provided in § 2816.2(j).
- 2813.57 A veterinarian shall not announce available services in any way that would be false or misleading in any material respect.
- 2813.58 Whenever an entire veterinary practice or office moves to a new location or ceases operation, the owner or responsible veterinarian shall, within thirty (30) days after the change or closing, notify the clients of the change of address or closing and how they may obtain copies of their complete veterinary files by any

of the following means:

- (a) U.S. Mail;
- (b) Notices posted conspicuously on the door of the office that is closing for at least thirty (30) consecutive days;
- (c) Recorded message on the office number activated for at least thirty (30) consecutive days;
- (d) Electronic mail or posting at the practice's website; or
- (e) A means best calculated to reach and notify the clients of the practice.

**2814 VETERINARY-CLIENT-PATIENT RELATIONSHIP (VCPR)**

2814.1 A valid veterinarian-client-patient relationship is one in which:

- (a) The veterinarian has assumed the responsibility for making medical judgments regarding the health of the patient and the client has agreed to follow the veterinarian's instructions;
- (b) The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. This means that the veterinarian is personally acquainted with the keeping and care of the patient by virtue of:
  - (1) A timely examination of the patient by the veterinarian, or
  - (2) Medically appropriate and timely visits by the veterinarian to the operation where the patient is managed;
- (c) The veterinarian is readily available for follow-up evaluation in case of an adverse drug reaction or failure of therapy or has arranged for the following:
  - (1) Veterinary emergency coverage, and
  - (2) Continuing care and treatment;
- (d) The veterinarian provides oversight of treatment and outcome; and
- (e) Patient records are maintained.

**2815 MANAGEMENT, STORAGE, INVENTORY AND USE OF DRUGS**

- 2815.1 A veterinarian shall prescribe, administer, or dispense drugs only for use on animals within the course of the veterinarian's professional practice. A veterinarian shall not prescribe drugs for use by humans.
- 2815.2 A veterinarian shall prescribe drugs only by a written prescription or on oral prescription to a pharmacist as authorized by, and in compliance with, applicable District and federal laws and regulations.
- 2815.3 Drugs may be administered only by a veterinarian or a veterinary auxiliary properly trained by a veterinarian in the manner of such administration of drugs and under the supervision of a veterinarian.
- 2815.4 All drugs shall be dispensed by a veterinarian or by a veterinary auxiliary pursuant to a prescription of a veterinarian. A veterinarian shall thoroughly inspect the prepared prescription and verify its accuracy in all respects.
- 2815.5 All drugs dispensed by a veterinarian shall be labeled with the following information:
- (a) The name, address, and telephone number of the veterinary facility or the veterinarian in the case of a mobile or house-call practice;
  - (b) The name and strength of the drug;
  - (c) The name of the client and the patient's identification;
  - (d) The date dispensed;
  - (e) Directions for use;
  - (f) The expiration date of the drug, where applicable; and
  - (g) The name of the prescribing veterinarian.
- 2815.6 All drugs dispensed by a veterinarian shall be in air-tight and light-resistant containers. All drugs dispensed by a veterinarian shall be in approved safety closure containers, unless the client expressly requests that the medication not be provided in such containers.
- 2815.7 A veterinarian shall keep an account of all drugs prescribed, administered, or dispensed in the client record.
- 2815.8 A veterinarian shall keep controlled substances records separate from the client's other records and shall maintain them in chronological order for the administration, dispensing, or application of all Schedule II, III, IV and V drugs listed as part of the District of Columbia Uniform Controlled Substances Act of

1981, effective August 5, 1981 (D.C. Law 4-29, D.C. Official Code §§ 48-902.01 *et seq.*). This record shall include the following:

- (a) The date of transaction;
- (b) The name of the drug and the amount dispensed or administered;
- (c) The name of the client and the patient, including the patient's weight or estimated weight and species;
- (d) The name of the person administering, dispensing, or selling the drug; and
- (e) The balance of the remaining drug after each dispensing or administration.

2815.9 A veterinarian shall maintain invoices for all Schedule II, III, IV, and V drugs received on the premises where the stock of drugs is held, and shall keep invoices for schedule II drugs separate from other records. All records shall be maintained for a period of at least three (3) years from the date of a transaction or as required by the applicable laws and regulations.

2815.10 Drugs shall be stored in the following manner:

- (a) Under conditions specified on the label of the original container, or as specified in the official veterinary medicine compendium;
- (b) In accordance with applicable District and federal laws and regulations; and
- (c) Under secure conditions so as to prevent theft or diversion.

2815.11 Drug storage areas shall be secure and temperature-controlled and shall be kept clean and orderly.

2815.12 A veterinarian shall review the stock of drugs and biologicals at reasonable intervals to remove expired drugs or biologicals.

2815.13 A veterinarian shall dispose of unused or expired drugs and pharmaceuticals in a manner permitted or required by the applicable District and federal laws and regulations. A veterinarian or veterinary facility shall be subject to the safe disposal of unused pharmaceuticals requirements of 22-B DCMR §§ 500-599.

2815.14 A veterinarian shall take an inventory of all Schedule II, III, IV, and V drugs under the veterinarian's control every two (2) years and shall date and sign the inventory. The inventory shall indicate if it was made at the opening or closing of business and shall be kept on the premises where the drugs are stocked for at least three (3) years from the date of the inventory or as required by the applicable laws

and regulations.

2815.15 A veterinarian shall keep Schedule II controlled substances in a locked area and make reasonable efforts to ensure that no unauthorized access occurs.

2815.16 A veterinarian shall immediately report the theft or unusual loss of Schedule II, III, IV or V controlled substances to the Department and the United States Drug Enforcement Administration.

## **2816 ADVERTISING**

2816.1 A veterinarian may not, on behalf of himself or herself, his or her partner, or his or her associate, or for any other veterinarian affiliated with him or her, use or participate in the use of any form of public communication, which contains a deceptive or misleading statement or claim. When engaged in advertisement, a veterinarian shall strive to provide accurate and truthful information in a fair and balanced manner.

2816.2 For purposes of this section, deceptive or misleading statements or claims are those that:

- (a) Contain a material misrepresentation of fact;
- (b) Fail to state any fact necessary to make the statement not misleading;
- (c) Are intended or are likely to create unjustified expectations;
- (d) State or imply superior service;
- (e) Contain a representation or implication that is likely to cause an ordinary prudent person to misunderstand or to be deceived, or that fails to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;
- (f) Contain statistical data or other information based on past performance coupled with an explicit representation that the data or information indicates a likelihood of future success;
- (g) Contain or imply any guarantee of satisfaction, except the guarantee to return a fee if the patient is not satisfied with the treatment rendered;
- (h) Falsely state or imply that a veterinarian is a certified or recognized specialist recognized by the American Veterinary Medical Association (AVMA);
- (i) Claims to be a specialist or uses any of the terms to designate a veterinary

medical specialty unless he or she is entitled to such specialty designation as a diplomate of a recognized specialty certification board; or

- (j) State or imply that a veterinarian practices in an area of veterinary medical specialty unless the veterinarian:
  - (1) Is recognized by the Board as a specialist in the area advertised;
  - (2) Includes in the advertisement a disclaimer that the veterinarian is not recognized by the Board as a specialist in the area of practice advertised; or
  - (3) Includes in the advertisement a statement that the veterinarian is a general veterinarian.

2816.3 A statement regarding fees shall be considered deceptive or misleading if the veterinarian:

- (a) Renders the service at more than the fees advertised; or
- (b) Fails to offer the service at the fee advertised for a reasonable period of time following the advertisement unless a specific time limit is included in the original advertisement.

2816.4 A veterinarian shall have the duty to take all reasonable efforts to prevent and correct false or misleading advertisement generated by his or her employees or any institution or entity which uses his or her services.

2816.5 A veterinarian shall:

- (a) Retain a copy of all advertising, in the form in which it was published, for a period of three (3) years from the date of publication or transmission; and
- (b) Make the copy available for inspection and copying when requested by the Board.

**2817 DELEGATION OF DUTIES AND SUPERVISION OF VETERINARY TECHNICIANS AND OTHER CLINICAL SUPPORT STAFF**

2817.1 A veterinarian may delegate the care of a patient to an auxiliary or clinical support staff only when, in the veterinarian's competent professional judgment, such delegation is appropriate and legally permissible and the auxiliary or clinical support staff person is qualified to perform the duties.

2817.2 The supervising veterinarian shall remain fully responsible and liable for all

delegated functions and duties and all related actions performed by the auxiliary or clinical support staff.

2817.3 A veterinarian may delegate duties, functions, or care of patients to a veterinary technician in accordance with §§ 11208 and 11209 of Chapter 112 (Veterinary Technicians) of this title.

2817.4 A veterinarian may delegate some functions and duties to clinical support staff other than a veterinary technician in accordance with § 11210 of Chapter 112 (Veterinary Technicians) of this title.

**2818 AUTHORIZATION TO PRACTICE VETERINARY MEDICINE WITHOUT A LICENSE**

2818.1 The following persons may be issued a temporary authorization to practice veterinary medicine without a license:

- (a) A student enrolled in an accredited veterinary medical program who engages in the practice of veterinary medicine under supervision and in accordance with D.C. Official Code § 3-1201.03(c);
- (b) An applicant who has filed an initial application and is awaiting action on that initial application in accordance with D.C. Official Code § 3-1201.03(e);
- (c) A person seeking to complete four hundred (400) hours of mentorship and supervision to qualify for licensure in accordance with § 2804.3; or
- (d) A person seeking to complete four hundred (400) hours of mentorship and supervision to qualify for reactivation or reinstatement of a license in accordance with § 2811.3(b) or 2812.5(b).

2818.2 An authorization to practice veterinary medicine pursuant to this section shall not exceed ninety (90) days.

2818.3 A person may be authorized to practice under this section only under supervision of a licensed veterinarian in good standing.

2818.4 Practice of veterinary medicine permitted in accordance with § 2818.1(c) or (d) may not begin until the Board has issued the authorization for such practice based on its review of the proposed practice and the scope of the intended supervision, as well as mentorship if applicable.

2818.5 Practice authorized under this section shall cease immediately upon the termination of the supervision or mentorship by either the supervisor or the supervisee.



2818.6 The veterinarian supervising person(s) in accordance with § 2818.1(c) or (d) shall inform the Board immediately when the supervision or mentorship authorized under this section is terminated.

2818.7 A person authorized to practice under this section shall not in any way represent himself or herself or allow himself or herself to be represented to the public or patients as a licensed veterinarian.

## **2819 TEMPORARY LICENSES**

2819.1 The Board may issue temporary licenses in accordance with § 4007 of this title.

## **2899 DEFINITIONS**

2899.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Act** - The District of Columbia Health Occupation Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*).

**Animal** – any living organism, except humans, having sensation and the power of voluntary movement and requiring for its existence oxygen and organic materials.

**Auxiliary** - a person who may perform veterinary supportive procedures authorized by District of Columbia law or regulations under the specified supervision of a licensed veterinarian, which may include but is not limited to a veterinary technician, a veterinary euthanasia technician, or a veterinary assistant.

**Bloodborne pathogen** - pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

**Board** – the Board of Veterinary Medicine, established by § 221 of the Act (D.C. Official Code § 3-1202.21).

**Client** – owner or person who has been authorized to make decisions regarding the care and treatment of the patient.

**Clinical support staff** - person or persons, other than a veterinarian certified under chapter 112 or this Title, who may perform veterinary supportive procedures authorized by District of Columbia law or regulations under

the specified supervision of a licensed veterinarian or a certified veterinary technician.

**LGBTQ continuing education** – continuing education focusing on human patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5)).

**Licensure term** – a two-year period between January 1 of each even-numbered year and December 31 of each odd-numbered year during which a license issued pursuant to this chapter is valid.

**Patient** – an animal or group of animals examined or treated by a veterinarian or the veterinarian’s auxiliary.

**Requestor** – a person seeking continuing education credit under this chapter.

2899.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

**Chapter 33, GENERAL RULES: FUNERAL DIRECTORS, VETERINARIANS, INTERIOR DESIGNERS AND REAL ESTATE APPRAISERS, is amended as follows:**

**The title of Chapter 33, GENERAL RULES: FUNERAL DIRECTORS, VETERINARIANS, INTERIOR DESIGNERS AND REAL ESTATE APPRAISERS, is amended to read as follows:**

**CHAPTER 33 NON-HEALTH OCCUPATIONS: GENERAL RULES**

**Section 3300, APPLICABILITY, is amended as follows:**

**Subsection 3300.1 is amended by repealing paragraph (b).**

**CHAPTER 40, HEALTH OCCUPATIONS: GENERAL RULES, is amended as follows:**

**Section 4099, DEFINITIONS, is amended as follows:**

**Subsection 4099.1 is amended as follows:**

**The definition of “Board” is amended to read as follows:**

**Board** – the Board of Chiropractic, Board of Dentistry, Board of Dietetics and Nutrition, Board of Marriage and Family Therapy, Board of Massage Therapy, Board of Medicine, Board of Nursing, Board of Long-Term Care Administration, Board of Occupational Therapy, Board of Optometry,

Board of Pharmacy, Board of Physical Therapy, Board of Podiatry, Board of Professional Counseling, Board of Psychology, Board of Respiratory Care, Board of Social Work, or Board of Veterinary Medicine, established by the Act, as the context requires.

**CHAPTER 41, HEALTH OCCUPATIONS: ADMINISTRATIVE PROCEDURES, OF TITLE 17, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**

**Section 4199, DEFINITIONS, is amended as follows:**

**Subsection 4199.1 is amended as follows:**

**The definition of “Board” is amended to read as follows:**

**Board** - the Board of Chiropractic, Board of Dentistry, Board of Dietetics and Nutrition, Board of Marriage and Family Therapy, Board of Massage Therapy, Board of Medicine, Board of Nursing, Board of Long-Term Care Administration, Board of Occupational Therapy, Board of Optometry, Board of Pharmacy, Board of Physical Therapy, Board of Podiatry, Board of Professional Counseling, Board of Psychology, Board of Respiratory Care, Board of Social Work, or Board of Veterinary Medicine, established by the Act, as the context requires.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002, or by email to [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov). Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov).

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)); Section 510 of the Act, effective April 6, 2016 (D.C. Law 21-95; D.C. Official Code § 3-1205.10 (2016 Repl.)); Section 864 of the Act, effective March 26, 2014, (D.C. Law 20-96; D.C. Official Code § 3-1208.64 (2016 Repl.)); and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to adopt a new Chapter 111 (Veterinary Euthanasia Technicians) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to certify and regulate the profession of veterinary euthanasia technicians in accordance with § 864 of the Act.

**A new Chapter 111, VETERINARY EUTHANASIA TECHNICIANS, is added to Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, to read as follows:**

**CHAPTER 111      VETERINARY EUTHANASIA TECHNICIANS**

- 11100      GENERAL PROVISIONS**
- 11101      TERM OF CERTIFICATION**
- 11102      EDUCATIONAL REQUIREMENTS**
- 11103      KNOWLEDGE OF THE DISTRICT OF COLUMBIA VETERINARY JURISPRUDENCE**
- 11104      SCOPE OF PRACTICE**
- 11105      STANDARD OF CONDUCT**
- 11106      CONTINUING EDUCATION REQUIREMENTS**
- 11107      APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**
- 11108      TEMPORARY CERTIFICATIONS**
- 11199      DEFINITIONS**
- 11100      GENERAL PROVISIONS**
- 11100.1      This chapter applies to persons authorized to practice as veterinary euthanasia technicians and persons applying for or holding a certificate to practice as veterinary euthanasia technicians.
- 11100.2      Chapters 28 (Veterinary Medicine), 40 (Health Occupations: General Rules), and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.

**11101 TERM OF CERTIFICATION**

11101.1 Subject to § 11101.2, a certificate issued pursuant to this chapter shall expire at 12:00 Midnight of December 31st of each odd-numbered year.

11101.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a certificate issued pursuant to this chapter shall expire at 12:00 Midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

**11102 EDUCATIONAL REQUIREMENTS**

11102.1 Except as otherwise provided in this chapter, an applicant for veterinary euthanasia technician certificate shall have completed a Board-approved sixteen (16) hour certification course which includes:

- (a) Eight (8) hours of pharmacology and proper administration and storage of euthanasia solutions;
- (b) Two (2) hours of federal and state laws regulating the storage and accountability of euthanasia solutions;
- (c) Four (4) hours of euthanasia technicians' stress management; and
- (d) Two (2) hours of disposal of euthanized animals.

**11103 KNOWLEDGE OF THE DISTRICT OF COLUMBIA VETERINARY JURISPRUDENCE**

11103.1 To qualify for certification under this chapter, an applicant shall demonstrate to the Board's satisfaction that he or she possesses competent knowledge and understanding of the laws and rules pertaining to veterinary euthanasia practice in the District. The Board may adopt or implement a District of Columbia Veterinary Euthanasia Jurisprudence Examination or other methods such as mandatory educational sessions.

**11104 SCOPE OF PRACTICE**

11104.1 Euthanasia of animals may be performed only by:

- (a) A veterinarian licensed in accordance with D.C. Official Code § 3-1208.62;
- (b) A veterinary technician certified in accordance with chapter 112 who is employed by and is performing his or her job duties for the Animal Care and Control Agency, meeting the definition of D.C. Official Code § 8-

1802; or

- (c) A veterinary euthanasia technician certified under this chapter and performing euthanasia of animals in accordance with this chapter.

11104.2 A certified veterinary euthanasia technician may perform euthanasia of animals under the general supervision of a veterinarian licensed in the District, provided that the decision whether to euthanize an animal be made by a veterinarian or that the certified veterinary euthanasia technician is performing the euthanasia of an animal in accordance with the protocol and standards established by the veterinarian-in-charge.

11104.3 A certified veterinary euthanasia technician may, for the purpose of euthanization of animals and under the general supervision of a veterinarian licensed in the District, access, log, and administer euthanizing agents from the controlled substance repository in accordance with the protocols and standards established by the veterinarian-in-charge.

#### **11105 STANDARD OF CONDUCT**

11105.1 A certified veterinary euthanasia technician shall not receive compensation for performing veterinary euthanasia services, except that he or she may receive a salary or other compensation provided by an employing veterinarian, veterinary facility licensed in accordance with D.C. Official Code § 47-2888.03, a humane society, an animal shelter, an animal control facility, or a wildlife rehabilitation facility.

#### **11106 CONTINUING EDUCATION REQUIREMENTS**

11106.1 This section applies to applicants for the renewal of a veterinary euthanasia technician certificate, but does not apply to applicants for an initial certificate or for reactivation or reinstatement of a certificate.

11106.2 To qualify for the renewal of a certificate, an applicant shall have completed eight (8) hours of approved continuing education during the two (2) year period preceding the date the license expires. The required continuing education shall include two (2) hours of compassion fatigue continuing education and two (2) hours of LGBTQ continuing education.

#### **11107 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

11107.1 The Board may approve continuing education programs and activities that contribute to the growth of professional competence in the practice of veterinary euthanasia and meet the requirements of this section.

- 11107.2 The Board may approve the following continuing education programs:
- (a) Continuing veterinary educational programs given by a College of Veterinary Medicine approved by the American Veterinary Medical Association (AVMA);
  - (b) Lectures and scheduled courses or meetings approved by the AVMA;
  - (c) Activities and programs approved by the American Association of Veterinary State Boards (AAVSB)'s Registry of Approved Continuing Education (RACE) program; or
  - (d) Continuing educational programs given or arranged by the District of Columbia Veterinary Medical Association (DCVMA), the District of Columbia Academy of Veterinary Medicine (DCAVM), or the Board.

## 11108 TEMPORARY CERTIFICATIONS

- 11108.1 The Board may issue temporary certificates in accordance with § 4007 of this title.

## 11199 DEFINITIONS

- 11199.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Act** - The District of Columbia Health Occupation Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*)

**Board** – the Board of Veterinary Medicine, established by § 221 of the Act, D.C. Official Code § 3-1202.21.

**Certificate** – A certificate issued pursuant to this chapter.

**Compassion fatigue continuing education** – continuing education focusing on self-care to address psychological or emotional stress brought on by overwork, the drive to care for others, the need to care for sick or dying animal patients, or the need to euthanize animal patients.

**General supervision** – A veterinary euthanasia technician may perform his or her duties or functions while the supervising veterinarian is not on the premises but may be reached by phone, text, e-mail, or other immediate communication.

**LGBTQ continuing education** – Continuing education focusing on clients who

identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act, D.C. Official Code § 3-1205.10(b)(5).

**Veterinarian** – A veterinarian licensed under the Act.

**Veterinarian-in-charge** – The veterinarian with authority and oversight of all veterinary medical personnel in a veterinary practice or facility, including a temporary designee authorized to act on behalf of the veterinarian-in-charge.

11199.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002, or by email to [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov). Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov).



DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), § 863 of the Act, effective March 26, 2014 (D.C. Law 20-96; D.C. Official Code § 3-1208.63 (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to take proposed rulemaking action by adopting a new Chapter 112 (Veterinary Technicians) in Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to regulate the profession of veterinary technicians pursuant to the Health Professional Licensure Amendment Act of 2014, effective March 26, 2014 (D.C. Law 20-96; 61 DCR 1184 (February 14, 2014)), which authorized the regulation and licensing of veterinary technicians.

**A new Chapter 112, VETERINARY TECHNICIANS, is added to Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, to read as follows:**

**CHAPTER 112 VETERINARY TECHNICIANS**

- 11200 GENERAL PROVISIONS**
- 11201 TERM OF CERTIFICATION**
- 11202 EDUCATIONAL REQUIREMENTS**
- 11203 NATIONAL EXAMINATION**
- 11204 KNOWLEDGE OF THE DISTRICT OF COLUMBIA VETERINARY JURISPRUDENCE**
- 11205 ALTERNATIVE QUALIFICATION THROUGH EDUCATION AND TRAINING**
- 11206 WAIVER OF EDUCATIONAL REQUIREMENTS**
- 11207 CERTIFICATION BY ENDORSEMENT**
- 11208 SCOPE OF PRACTICE**
- 11209 STANDARDS OF CONDUCT**
- 11210 SUPERVISION OF CLINICAL SUPPORT STAFF**
- 11211 CONTINUING EDUCATION REQUIREMENTS**
- 11212 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**
- 11213 AUTHORIZATION TO PRACTICE AS VETERINARY TECHNICIANS WITHOUT A CERTIFICATE**
- 11214 TEMPORARY CERTIFICATE**
- 11299 DEFINITIONS**

**11200 GENERAL PROVISIONS**

- 11200.1 This chapter applies to persons authorized to practice as veterinary technicians and persons applying for or holding a certificate to practice as veterinary technicians.
- 11200.2 Chapters 28 (Veterinarians), 40 (Health Occupations: General Rules), and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.
- 11200.3 No persons may practice as a veterinary technician unless duly certified or authorized in accordance with this chapter.
- 11200.4 A veterinary technician certified under this chapter may refer to him- or herself or be referred to as a “veterinary nurse.”
- 11200.5 Unless duly certified under this chapter, no person shall use or imply the use of the words or terms “veterinary technician”, “V.T.”, “L.V.T.”, “certified veterinary technician”, “CVT”, “animal technician,” “veterinary nurse”, “animal nurse”, or any similar title or description of services with the intent to represent that the person practices as a veterinary technician.

**11201 TERM OF CERTIFICATION**

- 11201.1 Subject to § 11201.2, a certificate issued pursuant to this chapter shall expire at 12:00 Midnight of December 31st of each odd-numbered year.
- 11201.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a certificate issued pursuant to this chapter shall expire at 12:00 Midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

**11202 EDUCATIONAL REQUIREMENTS**

- 11202.1 Except as otherwise provided in this chapter, an applicant for veterinary technician certification shall furnish proof satisfactory to the Board that the applicant has successfully graduated from a two (2) year associate program in the practice of veterinary technology or animal health at an institution accredited by the American Veterinary Medical Association (AVMA) Committee on Veterinary Technician Education and Activities (CVTEA) at the time the applicant graduated.

**11203 NATIONAL EXAMINATION**

- 11203.1 To qualify for certification, an applicant shall furnish proof of having obtained, no more than seven (7) years prior to the submission of a certification application

under this chapter, a passing score on the Veterinary Technician National Examination (VTNE) or its successor examination, administered by the American Association of Veterinary State Boards (AAVSB) or its successor.

11203.2 The passing score for the VTNE shall be as established by AAVSB.

11203.3 An applicant shall arrange for the score to be transmitted to the Board directly from AAVSB.

**11204 KNOWLEDGE OF THE DISTRICT OF COLUMBIA VETERINARY JURISPRUDENCE**

11204.1 To qualify for certification under this section, an applicant shall demonstrate to the Board's satisfaction that he or she possesses competent knowledge and understanding of the laws and rules pertaining to veterinary practice in the District. The Board may adopt or implement a District of Columbia Veterinary Jurisprudence Examination or other methods such as mandatory educational sessions.

**11205 ALTERNATIVE QUALIFICATION THROUGH EDUCATION AND TRAINING**

11205.1 Notwithstanding the requirement of § 11202, an applicant who does not meet the requirement of § 11202.1 may qualify for a veterinary technician certification if he or she:

(a) Has completed, with a minimum passing grade of C or equivalent, at least two-hundred and thirty (230) clock hours of post-secondary instruction relevant to the practice of veterinary technician, which includes:

(i) Biology I;

(ii) Biology II;

(iii) Microbiology;

(iv) Chemistry;

(v) Anatomy and physiology I; and

(vi) Anatomy and physiology II; and

(b) Has accrued at least four thousand (4,000) hours of Directed Clinical Practice under the supervision of a licensed veterinarian.

11205.2 The Directed Clinical Practice required in § 11205.1(b) is supervised practice that shall provide the applicant with knowledge, skills, and abilities in the following

areas:

- (a) Patient examination;
- (b) Emergency procedures;
- (c) Animal and zoonotic diseases;
- (d) Laboratory procedures;
- (e) Diagnostic imaging;
- (f) Surgical assisting;
- (h) Anesthesia;
- (i) Animal nursing, nutrition, and dentistry;
- (j) Animal behavior and welfare;
- (k) Animal handling and husbandry;
- (l) Pharmacology; and
- (m) Communication with clients.

11205.3 An applicant seeking to qualify for a veterinary technician certificate under this section shall prove his or her accrual of the Directed Clinical Practice required in § 11205.1(b) by submitting the supervising veterinarian's attestation of the applicant's proficiency in specific skills areas enumerated in § 11205.2.

11205.4 The Directed Clinical Practice required in § 11205.1(b) shall be accrued in no less than two (2) years and no more than five (5) years, except where the Board has granted an extension to the time limit for good cause shown.

## **11206 WAIVER OF EDUCATIONAL REQUIREMENTS**

11206.1 Notwithstanding the requirements of § 2902.1 or § 2905.1(a), an applicant who does not meet the educational requirement of § 2902.1 or § 11205.1 may qualify for certification under this section if:

- (a) The applicant has been performing the tasks of a veterinary technician on or during the twelve (12) months prior to the effective date of this chapter;
- (b) The applicant has performed the functions and duties of a veterinary technician under the supervision of a licensed veterinarian for a minimum

of four thousand (4,000) hours accrued within a period of no less than two (2) years but no more than five (5) years;

- (c) The applicant submits an application for certification no later than twelve (12) months from the effective date of this chapter; and
- (d) The supervising veterinarian attests to the applicant’s proficiency in specific skill areas enumerated in § 11205.2.

**11207 CERTIFICATION BY ENDORSEMENT**

11207 Notwithstanding the requirement of § 11202, an applicant for certification who is licensed, certified, or registered as a veterinary technician in another jurisdiction in the United States may qualify for certification by endorsement if:

- (a) The applicant’s license, certificate, or registration is in good standing; and
- (b) The applicant meets the District of Columbia veterinary jurisprudence requirement in accordance with § 11204.

**11208 SCOPE OF PRACTICE**

11208.1 A veterinary technician shall not prescribe medication for or perform surgery, diagnosis, or prognosis on any animal.

11208.2 A veterinarian supervising a veterinary technician may delegate certain functions and duties to a veterinary technician in accordance with this section and only as consistent with the training, experience, and ability of the veterinary technician. The supervising veterinarian shall remain fully responsible and liable for all delegated functions and duties and all related actions performed by the veterinary technician.

11208.3 A supervising veterinarian may delegate the following functions and duties to a veterinary technician to be performed only under the veterinarian’s direct supervision:

- (a) Intraperitoneal injections;
- (b) Administration of intravenous chemotherapy medications;
- (c) Provision of sterile surgical assistance;
- (d) Skin stapling and suturing of existing surgical skin incisions; or
- (e) Placement of urinary catheters.

11208.4 A supervising veterinarian may delegate the following functions and duties to a veterinary technician to perform, at a minimum, under the veterinarian's indirect supervision:

- (a) Intravenous injections;
- (b) Intramuscular injections;
- (c) Cystocentesis;
- (d) Induction and maintenance of anesthesia (inhalation or injection);
- (e) Intubation;
- (f) Urinary bladder expression;
- (g) Surgical scrub preparation such as clipping and cleaning with an antiseptic;
- (h) Extraction of single-rooted, mobile teeth;
- (i) Application of bandages or splints; or
- (j) Accessing from the secured repository all Schedule II, III, IV and V drugs listed as part of the District of Columbia Uniform Controlled Substances Act of 1981 (D.C. Law 4-29; D.C. Official Code §§ 48-902.01 *et seq.*).

11208.5 A supervising veterinarian may delegate the following functions and duties to a veterinary technician to perform, at minimum, under the veterinarian's general supervision:

- (a) Administration of medications topically, orally, aurally, ophthalmologically, intranasally, or rectally;
- (b) Subcutaneous injections;
- (c) Administration of all vaccines, except rabies, which requires direct or indirect supervision of the veterinarian;
- (d) Placement of intravenous catheters;
- (e) Administration of intravenous fluids;
- (f) Collection of any of the following laboratory specimens: ear cytology, skin cytology, or fecal samples;

- (g) Performance of basic procedures such as fluorescein staining, tonometry, fecal direct preparation, complete urinalysis, total protein, packed cell volume, glucometer, venipuncture, or radiographs as directed by the supervising veterinarian;
- (h) Interpretation and input of medical notes;
- (i) Interpretation of the supervising veterinarian's instructions and transcription into layman's terms for clients;
- (j) Logging of the relevant controlled substances listed as part of the District of Columbia Uniform Controlled Substances Act of 1981, (D.C. Law 4-29; D.C. Official Code §§ 48-902.01 *et seq.*) as prescribed by the supervising veterinarian;
- (k) Performance and enforcement of medical protocols as established by the supervising veterinarian; or
- (l) Cardiopulmonary resuscitation (CPR).

11208.6 Notwithstanding the requirements of §§ 11208.4(i) and (j), and 11208.5(c), a veterinary technician employed by and performing his or her job duties for the Animal Care and Control Agency, meeting the definition of D.C. Official Code § 8-1802, may perform the following duties under a veterinarian's general supervision and in accordance with the standardized protocols established by the veterinarian-in-charge:

- (a) Application of bandages (but not splints);
- (b) Accessing, logging, and administering Schedule II, III, IV and V drugs listed as part of the District of Columbia Uniform Controlled Substances Act of 1981 (D.C. Law 4-29; D.C. Official Code §§ 48-902.01 *et seq.*), including euthanizing agents; or
- (c) Administration of the rabies vaccine.

## **11209 STANDARDS OF CONDUCT**

- 11209.1 A veterinary technician shall adhere to and uphold the Veterinary Technician's Oath as adopted by the National Association of Veterinary Technicians in America (NAVTA).
- 11209.2 A veterinary technician shall provide competent and timely delivery of veterinary care.
- 11209.3 A veterinary technician shall know his or her own limitations, shall not accept or

perform professional responsibilities which the veterinary technician knows or has reason to know that he or she is not competent to perform, and shall seek intervention by a veterinarian whenever it would be in the patient's best interest.

- 11209.4 A veterinary technician shall keep his or her knowledge of veterinary medicine and skills current while he or she is engaging in clinical practice as a veterinary technician.
- 11209.5 A veterinary technician shall not act or fail to act in a manner that may cause a reasonable person to understand or believe that the veterinary technician is a veterinarian or can practice veterinary medicine independently.
- 11209.6 A veterinary technician shall not abandon or neglect a patient under his or her care and in need of immediate professional care, without making reasonable recommendations for the continuation of such care as within the scope of his or her lawful practice or seeking the attention of a veterinarian as appropriate.
- 11209.7 A veterinary technician shall respect the client's right to the treatment decision and treat the patient according to the client's desires within the bounds of accepted treatments.
- 11209.8 A veterinary technician shall assist the veterinarian in maintaining a complete and accurate record of each patient by ensuring that the record accurately reflects the veterinary technician's actions.
- 11209.9 A veterinary technician shall protect the confidentiality of patient records and maintain patient records in a manner consistent with the protection of the welfare of the patient and the client, and all applicable District of Columbia and federal laws.
- 11209.10 A veterinary technician shall make every effort to refrain from harming the patient.
- 11209.11 A veterinary technician shall not willfully harass, abuse, or intimidate a patient or client either physically or verbally.
- 11209.12 When informing the client of the status of the patient's health, a veterinary technician shall make comments that are truthful, informed, and justifiable.
- 11209.13 A veterinary technician shall not represent the care being rendered, or that is needed, to a client in a false or misleading manner.
- 11209.15 A veterinary technician shall not practice veterinary medicine while under the influence of controlled substances, alcohol, or any other chemical agents, which impair the ability to practice.



- 11209.16 A veterinary technician with first-hand knowledge that a colleague is practicing veterinary medicine when under the influence of controlled substances, alcohol, or any other chemical agents that impair the ability to practice shall report such knowledge to the Board.
- 11209.17 A veterinary technician who contracts any disease, has a mental or physical impairment which affects his or her ability to safely practice, or becomes impaired in any way that might endanger patients or veterinary staff shall, with consultation and advice from a qualified physician or other authority, limit the activities of his or her practice to those areas that do not endanger patients or veterinary staff.
- 11209.18 A veterinary technician shall not engage in interpersonal relationships with clients that could impair his or her professional judgment or risk the possibility of exploiting the confidence placed in him or her by a client.
- 11209.19 A veterinary technician shall become familiar with the signs of abuse and neglect and report suspected cases of animal abuse to the proper authorities consistent with District of Columbia laws.
- 11209.20 A veterinary technician shall not recommend or perform unnecessary veterinary services or procedures.
- 11209.21 A veterinary technician shall not induce a client to purchase products or schedule procedures by misrepresenting the product's value, the necessity of the procedure, or the veterinary technician's own professional expertise in recommending the product or procedure.

## **11210 SUPERVISION OF CLINICAL SUPPORT STAFF**

- 11210.1 Members of a veterinarian's clinic support staff who are not certified veterinary technicians may perform the following functions and duties only under the direct supervision of a veterinarian or a veterinary technician:
- (a) Administration of medications topically, orally, aurally, ophthalmologically, intranasally, or rectally;
  - (b) Subcutaneous injections;
  - (c) Administration of vaccines, except that the rabies vaccine may not be administered;
  - (d) Placement of intravenous catheters;
  - (e) Administration of intravenous fluids;

- (f) Collection of any of the following laboratory specimens: ear cytology, skin cytology, or fecal samples;
- (g) Performance of basic procedures such as fluorescein staining, tonometry, fecal direct preparation, complete urinalysis, total protein, packed cell volume, glucometer, venipuncture, or radiographs as directed by the supervising veterinarian;
- (h) Interpretation and input of medical notes;
- (i) Interpretation of the supervising veterinarian's instructions and transcription into layman's terms for clients;
- (j) Logging of the relevant controlled substances listed as part of the District of Columbia Uniform Controlled Substances Act of 1981 (D.C. Law 4-29; D.C. Official Code §§ 48-902.01 *et seq.*) as prescribed by the supervising veterinarian;
- (k) Performance and enforcement of medical protocols as established by the supervising veterinarian; or
- (l) Cardiopulmonary resuscitation (CPR).

11210.2 The supervising veterinarian shall remain fully responsible and liable for all delegated functions and duties and all related actions performed by the clinical support staff.

## **11211 CONTINUING EDUCATION REQUIREMENTS**

11211.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a veterinary technician certificate, subject to Subsection 11211.2.

11211.2 This section shall not apply to applicants for an initial certificate by examination or endorsement, nor does it apply to applicants for the first renewal of a certificate.

11211.3 To qualify for the renewal of a certificate, an applicant shall have completed fourteen (14) hours of approved continuing education, including two (2) hours of LGBTQ continuing education, during the two (2) year period preceding the date the license expires.

11211.4 To qualify for the reinstatement of a certificate in accordance with D.C. Official Code § 3-1205.12, an applicant shall have completed seven (7) hours of approved continuing education for each year during which the certificate remains expired, provided that two (2) of the total hours of continuing education required shall be

LGBTQ continuing education.

**11212 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

11212.1 The Board may approve continuing education programs and activities that contribute to the growth of professional competence in the practice of veterinary medicine and meet the requirements of this section.

11212.2 The Board may approve the following continuing education programs:

- (a) Continuing veterinary educational programs given by a College of Veterinary Medicine approved by the American Veterinary Medical Association (AVMA);
- (b) Lectures and scheduled courses or meetings approved by the AVMA;
- (c) Activities and programs approved by the American Association of Veterinary State Boards (AAVSB)'s Registry of Approved Continuing Education (RACE) program; or
- (d) Continuing educational programs given or arranged by the District of Columbia Veterinary Medical Association (DCVMA), the District of Columbia Academy of Veterinary Medicine (DCAVM), or the Board.

**11213 AUTHORIZATION TO PRACTICE AS VETERINARY TECHNICIANS WITHOUT A CERTIFICATE**

11213.1 The following persons may be issued a temporary authorization to practice as veterinary technicians without a license:

- (a) A student enrolled in an accredited veterinary technician program who engages in the practice of veterinary medicine under supervision and in accordance with D.C. Official Code § 3-1201.03(c);
- (b) An applicant who has filed an initial application and is awaiting action on that initial application in accordance with D.C. Official Code § 3-1201.03(e); or
- (c) A person seeking to complete four thousand (4,000) hours of Directed Clinical Practice to qualify for certification in accordance with § 11205.1(b).

11213.2 A person may be authorized to practice under this section only under supervision of a licensed veterinarian in good standing.

11213.3 A person seeking authorization to practice to accrue Directed Clinical Practice

hours shall submit a request for such authorization to the Board jointly with the intended supervising veterinarian.

- 11213.4 Supervised practice permitted in accordance with § 11213.1(b) or (c) may not begin until the Board has issued the authorization for such practice based on its review of the detail of the proposed practice and supervision.
- 11213.5 An authorization to practice as a veterinary technician pursuant to § 11213.1(c) shall not exceed one (1) year and may be renewable each year up to and not exceeding five (5) years, provided, however, that the Board may grant a further extension for good cause shown.
- 11213.6 Practice authorized under this section shall cease immediately upon the termination of the supervision by either the supervisor or the supervisee.
- 11213.7 The veterinarian supervising person(s) in accordance with § 11213.1(b) or (c) shall inform the Board immediately upon the termination of the supervision.
- 11213.8 A person authorized to practice under this section shall not in any way represent himself or herself or allow himself or herself to be represented to the public or clients as a certified veterinary technician.
- 11213.9 A person authorized to practice under this section shall be subject to all provisions of the law and regulations applicable to a certified veterinary technician and may be subject to disciplinary action by the Board in accordance with D.C. Official Code § 3-1205.14.
- 11213.10 A veterinarian supervising a person practicing under this section shall be fully responsible for the action and conduct of the supervisee and may be subject to disciplinary action for any violation of the law or regulations by the supervisee.

#### **11214 TEMPORARY CERTIFICATE**

- 11214.1 The Board may issue temporary certificates in accordance with § 4007 of this title.

#### **11299 DEFINITIONS**

- 11299.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Act** – the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*).

**Board** – the Board of Veterinary Medicine, established by § 221 of the Act

(D.C. Official Code § 3-1202.21).

**Certificate** – a certificate issued pursuant to this chapter.

**Client** – an owner or person who has been authorized to make decisions regarding the care and treatment of the patient.

**Clinical Support Staff** – person or persons, other than a veterinarian certified under this chapter, who may perform veterinary supportive procedures authorized by District of Columbia law or regulations under the specified supervision of a licensed veterinarian or a certified veterinary technician.

**Direct supervision** – when a veterinary technician performs his or her duties or functions while the supervising veterinarian is working directly with and in same area as the veterinary technician.

**General supervision** – when a veterinary technician performs his or her duties or functions while the supervising veterinarian is reachable by phone, text, e-mail, or other immediate communication. The supervising veterinarian is not required to be on the premises for general supervision.

**Indirect supervision** – when a veterinary technician performs his or her duties or functions while the supervising veterinarian is on the premises and available for assistance.

**LGBTQ continuing education** - continuing education focusing on human clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) and meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5)).

**Patient** - an animal or group of animals examined or treated by a veterinarian and/or a veterinary technician.

**Supervising veterinarian** – a veterinarian licensed under the Act who employs, utilizes, or supervises a veterinary technician in accordance with this title.

**Veterinarian** – a veterinarian licensed under the Act.

**Veterinarian-in-charge** – the veterinarian with authority and oversight of all veterinary medical personnel in a veterinary practice or facility, including a temporary designee authorized to act on behalf of the veterinarian-in-charge.

11299.2 The definitions in § 4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6<sup>th</sup> Floor, Washington, D.C. 20002, or by email to [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov). Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGRM1-2018-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES OF PRACTICE AND PROCEDURE

1. The Public Service Commission of the District of Columbia ("Commission"), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of its intent to amend Chapter 1 (Public Service Commission Rules of Practice and Procedure), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*.

2. The Commission is revising certain sections of its Rules of Practice and Procedure to reflect new features in the Commission's electronic filing system (eDocket System), to eliminate outdated requirements, and to improve clarity. The proposed amendments to Section 100, Dockets and Filings, will require electronic filing of all documents, including confidential documents, subject to certain exceptions. Section 118, Electronic Filing Procedures, is deleted in its entirety and those provisions are incorporated into Section 100.

**Chapter 1, PUBLIC SERVICE COMMISSION RULES OF PRACTICE AND PROCEDURE, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**100 DOCKETS AND FILINGS**

100.1 The Office of the Commission Secretary shall maintain the official docketing system for the Commission.

100.2 The docketing system shall contain records and documents available for public inspection. Public inspection may be either on the Commission's website or in person at the Office of the Commission Secretary during normal office hours. Confidential records and documents are not available for public inspection. The rules governing confidential records and documents are contained in Section 150. Access to all filings in the Office of the Commission Secretary is subject to reasonable limitations, including extraordinary circumstances, or when inspection would interfere with the normal operation of the Office of the Commission Secretary. Persons requesting copies of any filing or other written matter within the possession and/or custody of the Commission from the Office of the Commission Secretary may be subject to a per page copying fee.

- 100.3 All documents filed with the Commission shall be addressed to the Commission Secretary and filed with the Office of the Commission Secretary.
- 100.4 The Commission shall be open each business day except Saturdays, Sundays, and legal holidays, from 9:00 a.m. to 5:30 p.m.
- 100.5 All documents shall be filed electronically, including documents containing confidential information with the exception of documents filed on electronic storage devices such as flash drives or compact disks (CDs). Documents filed on electronic storage devices shall include a table of contents, list of the data, or other description of the data stored on the device. Notwithstanding the above, in certain proceedings or certain instances, the Commission may require hard copies of documents to be filed. To file documents electronically with the Commission, filers must first complete an online registration form on the eDocket System.
- 100.6 All filings shall comply with the requirements set forth in the Commission's rules and shall be accompanied by a cover letter indicating the title of the document or type of filing; the case or docket number and caption, if already assigned; and the name, street address, e-mail address, and telephone number of the person making the filing.
- 100.7 The Commission may, at any time, reject all or any part of a filing that does not conform with the requirements of the Commission's rules under this chapter. If any filing, or part thereof, is rejected, the document or the part thereof will be deemed not to have been accepted for filing with the Commission.
- 100.8 When a confidential document is filed, the corresponding public version shall be filed concurrently.
- 100.9 All documents filed electronically shall be considered filed when the Commission has received the electronic filing, consistent with Subsection 100.10, unless the electronic filing has been rejected under Subsection 100.12.
- 100.10 Documents may be filed electronically twenty-four (24) hours a day, seven (7) days a week. All documents filed electronically shall be considered as timely filed and will be docketed, consistent with Subsection 100.13, if filed by 5:30 p.m. If a filing is received after 5:30 p.m. on a business day or at any time on a non-business day, it shall be docketed on the next business day.
- 100.11 Persons that file documents electronically shall receive an electronic acknowledgment of their filing from the Office of the Commission Secretary once file transmission is complete.
- 100.12 After reviewing an electronic filing to ensure that it meets the Commission's electronic filing requirements, the Office of the Commission Secretary shall send



a notice of acceptance or a notice of rejection. If the filing does not meet the Commission's requirements, then the Office of the Commission Secretary shall send a notice of rejection explaining the reason(s) for rejection.

### **113 FORM OF FILINGS**

113.1 All electronic filings shall be word-processed or otherwise electronically entered on a page sized 8 ½ inches wide and 11 inches long in font size of not less than 11 points, unless a larger size page format is required.

113.2 The cover page of each confidential or proprietary document shall indicate that the filing contains confidential or proprietary information. Each confidential or proprietary document filed shall have clearly marked “[**BEGIN CONFIDENTIAL**]” in bold capital letters at the beginning of each portion or section of the document containing such confidential or proprietary information and “[**END CONFIDENTIAL**]” in bold capital letters at the end of each portion or section of the document containing such confidential or proprietary information. All other material in each and every portion or section of such document shall be treated as non-confidential and non-proprietary and available for public use and review. Redacted public versions of confidential or proprietary filings shall also be filed consistent with Subsections 100.6 and 100.8. The pagination, numbering and other formatting features of the redacted filings shall be identical to those features in the confidential or proprietary filings. The beginning and the ending of all confidential or proprietary matters redacted from the public versions shall be clearly identified on each and every page of that public version as set forth in this subsection.

113.3 Consistent with Subsection 100.7, the Commission may reject any filings that do not conform to the requirements of this section.

**Section 118, ELECTRONIC FILING PROCEDURES, is deleted in its entirety.**

**Section 150, CONFIDENTIAL OR PROPRIETARY INFORMATION, is amended as follows:**

**Subsection 150.5 is amended to read as follows:**

150.5 If any party uses confidential or proprietary information in filings, such as briefs, comments, testimony, exhibits, data responses, cross-examination or other documents, to be filed in a proceeding in which the information is obtained pursuant to a confidentiality or proprietary agreement, the following shall apply:

- (a) A confidential version of the filings containing the alleged confidential or proprietary information shall be filed, consistent with Sections 100 and 113 of these rules, with the Office of the Commission Secretary.

- (b) Direct or cross-examination by any party involving information which another party alleges to be confidential or proprietary shall be conducted during proceedings which shall be closed to all those who have not signed an appropriate proprietary or confidentiality agreement; provided, that there has been no prior Commission determination that such information is not confidential or proprietary. Two transcripts of the proceeding shall be prepared and filed with the Commission Secretary; one that shall include the confidential or proprietary information and one that shall exclude the confidential or proprietary information. The Office of the Commission Secretary shall maintain the transcript of the proceeding containing the confidential or proprietary information as confidential; and
- (c) If any party challenges the appropriateness of a claim that information is confidential or proprietary, the procedures set forth under Subsection 150.7 of this chapter shall apply.

**Section 199, DEFINITIONS, is amended as follows:**

**The following definitions in Subsection 199.1 are added to read as follows:**

**Docket** – the Commission’s formal record of a proceeding, including the filings.

**File** – to submit a filing to the Office of the Commission Secretary, utilizing the “eDocket” system available through the Commission website at [www.dcpsec.org](http://www.dcpsec.org), for the purpose of having that filing entered upon the docket of a proceeding.

**Party** – a person who appears in and has a direct interest in a proceeding before the Commission. Persons may become parties to proceedings by virtue of filing an application, complaint, or petition initiating the proceeding; by filing a response to an application, complaint, or petition; by statutory right; or by Commission authorization, such as the granting of a petition for intervention.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than 30 days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission’s website at:

[https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission’s website at [www.dcpsec.org](http://www.dcpsec.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF SIXTH PROPOSED RULEMAKING****RULEMAKING 3-2014-01 – UTILITY CONSUMER BILL OF RIGHTS**

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”), commonly referred to as the “Consumer Bill of Rights” (“CBOR”).

2. The Commission shall take final rulemaking action not less than thirty (30) days after publication of this notice in the *D.C. Register*. The proposed rules clarify various requirements for Energy Suppliers. In addition, the proposed rules will no longer require the natural gas or electric field service representative to accept cash payments on the premise and provide the Utility with the option of making other payment arrangements with the customer to avoid disconnection.

3. As indicated in previous notices of proposed rulemaking (“NOPR”),<sup>1</sup> the purpose of the amendments was to clarify various requirements for Energy Suppliers including Use of Customer’s Information (Section 308), Privacy Protection Policy (Section 309), Grounds for Disconnection of Services (Section 310), Publication of Consumer Pamphlets (Section 321), Formal Hearing Procedures (Section 325), Decisions and Appeals (Section 326), Customer Protection Standards Applicable to Energy Suppliers (Section 327), and Definitions (Section 399). Energy Suppliers generally cover individuals or persons who are brokering, arranging or marketing electricity for sale to customers; Energy Suppliers are not representatives of utilities. This Sixth NOPR supersedes all previous NOPRs that were not adopted as final.

4. This NOPR also amends Subsection 313.3. On June 12, 2018, the Potomac Electric Power Company (“Pepco” or “Company”) requested that the Commission initiate a rulemaking amendment to Subsection 313.3 of the CBOR to no longer require field personnel to accept cash payments, for safety reasons, from customers whose service is scheduled to be disconnected.<sup>2</sup> Currently, Subsection 313.3 requires Pepco’s field personnel to accept payments, including cash payments, from customers who are about to be disconnected for non-payment but opt to pay right before the disconnection occurs. Pepco notes that since 2015, only four

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<sup>1</sup> The published NOPRs are as follows: 1<sup>st</sup> NOPR *61 D.C. Reg.* 010807 –010822 (October 17, 2014); 2<sup>nd</sup> NOPR *64 D.C. Reg.* 006128 – 006144 (June 30, 2017); 3<sup>rd</sup> NOPR *64 D.C. Reg.* 013113 – 013129 (December 22, 2017); 4<sup>th</sup> NOPR *65 D.C. Reg.* 002979 – 002995 (March 23, 2018); and 5<sup>th</sup> NOPR *65 D.C. Reg.* 006179 – 006180 (June 8, 2018).

<sup>2</sup> *RM3-2018-01, Consumer Rights and Responsibilities*, Petition of Potomac Electric Power Company to Initiate a Rulemaking Proceeding to Amend 15 DCMR Section 313.3 to Modify Requirements for Collecting Payments in the Field, filed January 12, 2018.

residential customers (one per year) have paid a Pepco field representative in cash. Pepco contends that its employees carrying cash in the field presents unacceptable risk that outweighs the rarely used customer convenience afforded by current rule. Pepco also notes that there are alternative payment options, such as 1) mail; 2) auto-pay option; 3) Pepco branch offices; 4) credit or debit card; and 5) alternative payment locations in the city, including Western Union or America’s Cash Express. As a result of Pepco’s petition and the fact that there are alternative payment options, the Commission proposes to amend Subsection 313.3 to give the field representative of the Utility discretion to offer other options to avoid disconnection instead of accepting cash payments.

**Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**Section 308, USE OF CUSTOMER’S INFORMATION, is amended as follows:**

308.1 An Applicant or a Customer need not disclose his or her Social Security number to the Utility, Energy Supplier, or Telecommunications Service Provider to obtain or maintain service. Upon requesting a Customer’s Social Security number, the Utility, Energy Supplier, or Telecommunications Service Provider shall inform the Customer that the provision of this number is voluntary and will not affect the provision of service to that Customer.

...

308.3 Unless a Customer consents in writing or through electronic means such as Third-Party Verification, recorded voice or electronic signature, the Utility, Energy Supplier or Telecommunications Service Provider may not disclose or use Customer information or the Customer’s use of service (types and amounts) except to the Commission and in accordance with the Utility, Energy Supplier or Telecommunications Service Provider’s Privacy Policy. The Utility, Energy Supplier, or Telecommunications Service Provider shall reasonably protect the confidentiality of customer information.

308.4 The restrictions in §§ 308.2 and 308.3 above do not apply to lawful disclosures for bill collection, credit rating reports, provision of service, legitimate business activities, to assist Customers who have had, or may have, their service involuntarily disconnected, or as otherwise authorized by law. It shall be the responsibility of the Utility, Energy Supplier or Telecommunications Service Provider to obtain and maintain the written or electronic consent, referred to in Subsections 308.2 and 308.3 above. A Customer’s information shall be made available to the Commission upon request.

**Section 309, PRIVACY PROTECTION POLICY, Subsection 309.1, is amended as follows:**

309.1 Each Utility, Energy Supplier or Telecommunications Service Provider shall institute a Privacy Protection Policy to protect against the unauthorized disclosure of Customer information or a Customer’s use of service (types and amounts). A

copy of that Policy shall be made available once a year, including any updates or changes, through electronic means or a hardcopy to the Customer and to the Commission and posted in a prominent place on each company's website.

**Section 310, GROUNDS FOR DISCONNECTION, Subsection 310.3, is amended as follows:**

310.3 Disconnection of natural gas or electric utility service for non-payment of bills, failure to post a cash Security Deposit, or failure to comply with the terms of a DPA where natural gas or electricity is used as the primary source of heating or cooling the residence is prohibited:

- (a) An electric company shall not disconnect residential electric service during the day preceding and the day of a forecast of extreme temperature, when the National Weather Service forecast for the District of Columbia is ninety-five (95°) degrees Fahrenheit or above or thirty-two (32°) degrees Fahrenheit or below during any time of a day, or if the forecast of extreme temperature precedes a holiday or weekend day, on any day during a holiday or weekend; or
- (b) A Natural Gas Utility shall not disconnect residential gas service during the day preceding and the day of a forecast of extreme temperature, when the National Weather Service forecast for the District of Columbia is thirty-two (32°) degrees Fahrenheit or below during any time of a day, or if the forecast of extreme temperature precedes a holiday or weekend day, on any day during a holiday or weekend.

**Section 313, FIELD SERVICE IDENTIFICATION AND PAYMENT PROCEDURES, Subsection 313.3, is amended as follows:**

313.3 The natural gas or electric field service representative shall be authorized to accept payment. If payment in full of all Charges due and owing is tendered, service shall not be disconnected. Tender of payment by personal check shall be accepted unless the Customer has within the past twelve (12) months paid the Utility with a check not honored by a bank. However, the natural gas or electric field representative shall not accept payment by cash. Where the customer offers full payment of all charges by cash, the natural gas or electric field service representative shall make other payment arrangements with the customer to avoid disconnection.

**Section 321, PUBLICATION OF CONSUMER PAMPHLET, Subsection 321.1, is amended as follows:**

321.1 Each Utility, Energy Supplier, and Telecommunications Service Provider shall prepare a consumer pamphlet in English and Spanish in layman's terms summarizing the rights and responsibilities of Customers in accordance with the utilities' tariff provisions and the Commission's regulations. Prior to distribution, the Utility, Energy Supplier, or Telecommunication Service Provider shall

provide the Commission and OPC with a copy of the consumer pamphlet. OPC shall submit any comments on the consumer pamphlet to the Commission and to the Utility, Energy Supplier, and Telecommunication Service Provider within ten (10) business days. If the Commission does not reject or otherwise act on the pamphlet within thirty (30) days of its filing, the consumer pamphlet shall be deemed approved.

**Section 325, FORMAL HEARING PROCEDURES, is amended as follows:**

...

- 325.3 If a review of the Formal Complaint by the Hearing Officer determines that the Complainant is solely requesting monetary damages, compensatory or punitive damages, or if the Complaint alleges matters or legal grounds otherwise not within the Commission's jurisdiction, the Hearing Officer shall issue an order dismissing the case with prejudice for failure to state a claim upon which relief may be granted or for lack of jurisdiction by the Commission.
- 325.4 The Commission shall provide notice of the hearing by first-class mail or other technological means, as authorized by the Commission, to the Customer and the Customer's Designated Representative and to the Utility, Energy Supplier or Telecommunications Service Provider. Service shall be made by first-class mail postage prepaid at least fourteen (14) days prior to the hearing date unless the parties agree on a shorter time. The notice shall also state that in the event that the Complainant fails to attend a scheduled hearing without evidence of good cause, the Hearing Officer may dismiss the Complaint with prejudice. The Hearing Officer may reschedule any hearing to a date or time agreed upon by the parties or, upon notice and for good cause shown, at the request of any party.
- 325.5 A party requesting a second continuance will be required to provide good cause for the continuance. If the party is the Complainant and he or she does not provide good cause, as determined by the Hearing Officer, the Complaint may be dismissed, with prejudice. If the party is a Utility, Energy Supplier or Telecommunications Service Provider and it fails to provide good cause, the matter may be heard, without continuance. The Hearing Officer may, at his or her discretion, postpone or adjourn a hearing for reasonable cause. If a hearing is continued, adequate notice shall be provided to the parties.
- 325.6 In the event the Complainant fails to attend any scheduled hearing without good cause, the Hearing Officer may dismiss the Complaint with prejudice.
- 325.7 In the event a Utility, Energy Supplier or Telecommunications Service Provider fails to attend a scheduled hearing without good cause, the Hearing Officer may hear evidence and render a decision.
- 325.8 Upon a reasonable request from each other, the parties shall, within the timeframe prescribed in Chapter 1 of Title 15, provide all information they have that is

relevant to the matters at issue in the Complaint including relevant documents, Account data, files and the names of witnesses. Nothing herein shall preclude a party from filing a request or motion to compel responses to information requests.

- 325.9 Parties may examine any relevant records of the Commission. However, information deemed to be confidential may be reviewed in a manner that is consistent with the Commission's Rules of Practice and Procedure.
- 325.10 On any evidentiary issue or procedure where Chapter 3 of Title 15 is silent, the Hearing Officer may at his or her discretion utilize Chapter 1 of Title 15 regulations as appropriate.
- 325.11 Parties may represent themselves or be represented by counsel, conservator, legal guardian or someone with power of attorney. If a Complainant proceeds *pro se*, the Hearing Officer may construe the pleadings liberally. If it appears to the hearing officer that a party appearing without an attorney should be represented by an attorney, the Hearing Officer shall suggest that the party secure counsel or contact the Office of the People's Counsel concerning representation and allow a reasonable time to secure such representation.
- 325.12 Parties shall have the right to present evidence, call witnesses, and present written and oral argument.
- 325.13 Witnesses shall testify under oath, and the parties shall have the right to examine and cross-examine all witnesses.
- 325.14 The Hearing Officer may, in his or her discretion, limit any line of questioning, testimony and the time for argument.
- 325.15 Unless otherwise ordered by the Hearing Officer, the Complainant's witnesses shall testify first, followed by the Utility's, Energy Supplier's or Telecommunications Service Provider's witnesses. A reasonable opportunity will be afforded all parties to present rebuttal evidence.
- 325.16 The Hearing Officer may elicit testimony from any witness regarding the issue(s) in dispute.
- 325.17 The Hearing Officer has the obligation, especially when a Complainant is not represented by counsel, to ensure that all material facts are developed to the fullest extent consistent with his or her responsibility to preside impartially throughout the proceeding.
- 325.18 The formal rules of evidence shall not apply, but the Hearing Officer shall exclude irrelevant or unduly repetitious evidence.
- 325.19 Parties may stipulate to any facts, and such stipulation shall be put into evidence.

325.20 All proceedings shall be recorded or transcribed by a certified court reporter. The transcriptions shall be made available promptly to any party upon request, at the party’s expense.

**Section 326, DECISION AND APPEALS, Subsection 326.2(c), is amended as follows:**

326.2

...

(c) Complaints requesting monetary, compensatory or punitive damages as the sole basis for relief shall be dismissed with prejudice by the Hearing Officer for failure to state a claim upon which relief may be granted or for lack of jurisdiction by the Commission.

**Section 327, CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS, is amended as follows:**

**327 CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS**

327.1 This section sets forth billing, Deposit, Enrollment, Termination of Contract, supplier switching, advertising and minimum Contract standards that apply to Energy Suppliers, Marketers, Aggregators, and Consolidators licensed to provide competitive electric and gas services by the Public Service Commission of the District of Columbia. If a Customer has a Complaint about an alleged violation of this section, the Complaint procedures in § 320 of these regulations shall apply.

327.2 An Energy Supplier may not engage in a marketing, advertising, Solicitation or trade practice that is unlawful, misleading, or deceptive as set forth in D.C. Code § 28-3904.

327.3 An Energy Supplier shall not engage in Cramming.

327.4 An Energy Supplier shall not engage in Slamming.

327.5 Any prohibition regarding the disclosure of Account status and Customer information should not preclude Energy Suppliers from obtaining or providing Account status and Customer information for acquisition or sale of a book of business as long as the review of such information during a proposed acquisition or sale is subject to confidentiality agreements.

327.6 Energy Suppliers must maintain documentation to substantiate any advertisement of energy supply that contains specific environmental claims. Such documentation shall be made available, upon request, through a hard copy or other technological means.



327.7 Any Solicitation of energy supply that contains any specific offering to a residential Customer must at a minimum include the following:

- (a) The Energy Supplier's name, address, telephone number, and web site address, if applicable;
- (b) The Energy Supplier's District of Columbia license number in a clear and conspicuous manner;
- (c) The price offered for natural gas supply or electricity supply may be either a fixed or variable rate. An explanation of a variable rate should indicate that:
  - (1) A variable rate may be based on market conditions; and
  - (2) A variable rate may result in higher or lower costs over an initial introductory rate;
- (d) A statement that the advertised rate is only for the specified natural gas supply or electricity supply and does not include any additional tax, Utility Distribution Service Charge, or other Utility fee or Charge;
- (e) Any minimum Contract duration necessary to obtain an advertised price;
- (f) A statement of minimum use requirements, if any; and
- (g) If the advertisement offers several services and does not break out individual prices for the services, the following disclaimer must accompany the advertisement: "Disclaimer: This offer includes several services at a single price. You should compare this price to the total of the prices you currently pay for each of the individual services."

327.8 An electricity supply or natural gas supply Contract with a Customer shall, at a minimum, contain the following material terms and conditions:

- (a) A list and description of the Contract services;
- (b) A statement of minimum use requirements, if any;
- (c) A description of any time of use restrictions, including the time of day or season;
- (d) A price description of each service, including all fixed and variable costs;
- (e) A notice that the Contract does not include Utility Charges;

- (f) A billing procedure description;
- (g) In the case of consolidated billing, a notice that the Customer acknowledges that Customer billing and payment information may be provided to the Energy Supplier;
- (h) A statement of Contract duration, including initial time period and any rollover provision;
- (i) A Deposit requirement, if any, including: the amount of the Deposit; a description of when and under what circumstances the Deposit shall be returned; a description of how the Deposit may be used; and a description of how the Deposit shall be protected;
- (j) A description of any fee or Charge and the circumstances under which a Customer may incur a fee or Charge;
- (k) A statement that the Customer may rescind the Contract within three (3) business days from the start of the Rescission Period;
- (l) A statement that the Energy Supplier may terminate the Contract early including the circumstances under which early cancellation by the Energy Supplier may occur; the manner in which the Energy Supplier shall notify the Customer of the early cancellation of the Contract; the duration of the notice period before early cancellation; remedies available to the Customer if early cancellation occurs;
- (m) A statement that the Customer may terminate the Contract early including the circumstances under which early cancellation by the Customer may occur; the manner in which the Customer shall notify the Energy Supplier of the early cancellation of the Contract; the duration of the notice period before early cancellation; and remedies available to the Energy Supplier if early cancellation occurs; and the amount of any early cancellation fee;
- (n) A statement describing Contract renewal procedures, if any;
- (o) A dispute resolution procedure;
- (p) The Commission's telephone number and website address; and
- (q) The Office of the People's Counsel's telephone number and website address.

327.9

If an Energy Supplier receives a request from a Customer not to receive any Solicitations from that solicitor, the Energy Supplier shall no longer contact the

Customer. If an Energy Supplier receives a request from a Customer not to receive a particular type of Solicitation from that solicitor, which includes, but is not limited to, in-person Solicitation, telephone Solicitation, electronic Solicitation or any form of mail or post card by the solicitor, the Energy Supplier shall not use that type of Solicitation with that Customer in the future.

327.10 Nothing in these regulations shall affect the applicability of any Federal or District telephone Solicitation and consumer protection laws and regulations including, but not limited to, the fines and penalties thereunder for violation of such laws and regulations. Any Energy Supplier soliciting customers by telephone shall comply with all applicable District and federal laws, including the Telephone Consumer Protection Act of 1991 (15 USC §§ 6151 *et seq.*) and the Telemarketing Consumer Fraud and Abuse Prevention Act of 1994 (15 USC §§ 6101 *et seq.*).

327.11 There are three (3) principal ways in which a Customer may enter into a Contract with an Energy Supplier:

- (a) Through a recorded verbal consent via telephone Solicitation;
- (b) Electronic Contract; or
- (c) Written Contract.

327.12 An Energy Supplier may not use “negative option contracts,” in which Contracts are created if the Customer takes no action. Therefore, an Energy Supplier may not enter into a Contract with a Customer if the Customer simply refrains from action. However, Contract renewals are not negative option contracts.

327.13 If a Customer wishes to enter into a Contract with an Energy Supplier, the Energy Supplier may request from the Customer the following information, by telephone, in writing, or Internet or other technological means:

- (a) The customer’s name;
- (b) Billing address;
- (c) Service address;
- (d) Electronic mail address;
- (e) Telephone number;
- (f) Utility Account and any other number designated by the utility as necessary to process an enrollment;
- (g) Employment information; and

(h) Usage information.

327.14 An Energy Supplier may ask for additional information beyond that specified in Subsection 327.13 only after first informing the Customer of his or her right not to provide such information.

327.15 An Energy Supplier shall advise a Customer that he/she has the right to rescind the Contract agreement within the Rescission Period that begins on one of the following dates:

- (a) When the Customer signs the Contract;
- (b) When a positive Third-Party Verification or electronic recording has been made;
- (c) When the Customer transmits the electronic acceptance of the Contract electronically; or
- (d) When the Completed Written Contract is deposited in the U.S. Mail.

327.16 **FOR A TELEPHONE SOLICITATION:** Telephone Solicitations shall be made only between the hours of 9:00 a.m. and 9:00 p.m. If a Customer is solicited to enter into a Contract by telephone, whether the Energy Supplier or its authorized agent first contacts the Customer or the Customer calls the Energy Supplier or its authorized agent in response to a direct mail Solicitation, the Energy Supplier or its authorized representative shall:

- (a) Begin the conversation by accurately stating the following
  - (1) His or her name;
  - (2) The name of the business or organization calling;
  - (3) The nature of the call, *i.e.*, a Solicitation;
  - (4) A brief description of the subject-matter being solicited; and
  - (5) An offer to the Customer to hear the full Solicitation.
- (b) Describe the rates, terms, and conditions of the Contract;
- (c) Arrange to have the Customer's intent to contract with the Energy Supplier independently verified. To verify a residential Customer's intent to contract with an Energy Supplier by telephone, an Energy Supplier must utilize either:
  - (1) An Independent Third-Party telephone verification; or

- (2) An automated, computerized system; or
- (3) An electronic recording of the entire conversation between the Customer and the Energy Supplier which the Energy Supplier shall maintain for three (3) years.

327.17 All verifications performed pursuant to Section 327.16 shall be required to ask the Customer the following questions:

- (a) “Are you the Customer of record?”;
- (b) “Did you agree to switch your natural gas supply service or electric supply service to [New Supplier]?”; and
- (c) “Is [Customer’s address] your correct address?” or “Is [Customer’s Utility Account number] your correct Utility Account number?”

327.18 Once the Customer’s choice of Energy Supplier is verified by an Independent Third-Party Verifier or an electronic recording is made, the Energy Supplier shall, within five (5) business days from the day the Customer agreed telephonically to Contract with the Energy Supplier, provide to the Customer via U.S. Mail or electronic mail a copy of the Completed Written Contract.

327.19 Once a positive verification has been obtained or an electronic recording has been made, and a written Contract has been sent to the Customer, and after the Rescission Period has expired, the Energy Supplier shall transmit the Enrollment transaction to the Natural Gas or the Electric Utility, whichever is appropriate.

327.20 **FOR AN INTERNET SOLICITATION:** The Energy Supplier may post on its website an electronic version of its Solicitation for the supply of natural gas or electricity. The electronic solicitation shall include:

- (a) An electronic application form for the Customer to enter into a Contract for the supply of natural gas or electricity;
- (b) An electronic version of the actual Contract;
- (c) Instructions on how the Customer may rescind the Contract; and
- (d) A link to the Commission’s website to obtain the applicable rules and regulations governing the relationship between the Customer and the Energy Supplier.

327.21 After the Customer completes the electronic application form and electronically accepts the Contract terms and conditions, the Customer has a three (3) business day Rescission Period from the completed online Contract authorization date to rescind his or her Contract.

327.22 Upon receipt of the Customer's electronic application and electronic acceptance of the Contract terms and conditions and after the Rescission Period has expired, the Energy Supplier shall transmit the enrollment transaction to the Natural Gas Utility or the Electric Utility, whichever is appropriate.

327.23 **FOR HOME SOLICITATIONS:** Home Solicitations shall be limited to the hours between 9:00 a.m. and sunset. During a home Solicitation, the Energy Supplier or its authorized agent shall:

- (a) Present the Customer with a photo identification card that identifies the name of the person making the solicitation and the name of the Energy Supplier that he or she is representing;
- (b) Begin the conversation by stating the following:
  - (1) The name of the business or organization;
  - (2) The nature of the visit, *i.e.*, a Solicitation;
  - (3) A brief description of the subject matter being solicited;
  - (4) Ask the customer if he/she would like to hear the full Solicitation;
- (c) Present the Customer with a complete copy of the written or electronic Contract being offered and obtain the Customer's consent consistent with one of the methods described in Subsection 327.11;
- (d) Obtain either an Independent Third-Party telephone verification of the Customer's intent or obtain a signed contract that includes a statement in the Contract under the conspicuous Caption "BUYER'S RIGHT TO CANCEL" which states: "If this agreement was solicited at or near your residence, and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight on the third business day after you signed this agreement. This notice must be mailed to: (name and address of seller)"; and
- (e) Transmit the enrollment transaction to the Natural Gas Utility or the Electric Utility, after the Rescission Period has expired.

327.24 **FOR DIRECT MAIL SOLICITATIONS:** If a Customer is solicited at home through a direct mail Solicitation by an Energy Supplier, the Energy Supplier shall follow the Solicitation and contracting requirements in Subsections 327.7 and 327.8, respectively, and 327.13 and 327.14 with respect to telephone Solicitation where the customer calls the Energy Supplier or its authorized representative in response to the direct mail Solicitation.

- 327.25 In the event of a dispute over the existence of a Contract, the Energy Supplier shall bear the burden of proving the Contract's existence.
- 327.26 When using any of the permitted forms of Solicitation, the Energy Supplier shall provide the Customer with a notification of his or her right to rescind the Contract pursuant to Section 327.15.
- 327.27 Upon completion of the Customer's electronic enrollment request and after the Recession Period has expired, the Energy Supplier shall transmit the enrollment transaction to the Natural Gas Utility or Electric Utility, whichever is appropriate.
- 327.28 For purposes of these rules, the electronic submission by the Customer of the application to Contract with the Energy Supplier constitutes an "electronic signature" and an executed Contract.
- 327.29 If the Customer submits an electronic application and electronic Contract, the Energy Supplier shall acknowledge the Customer's submission with a Confirmation of receipt of the electronic enrollment within twenty-four (24) hours of receipt.
- 327.30 It is the responsibility of the Energy Supplier to provide its website address to the Commission. The Natural Gas Utility, Electric Utility, and Energy Suppliers shall prominently display on their websites' homepages links to the Commission's website pages for Customer Retail Choice and Consumer Suppliers' Offers.
- 327.31 For electronic contracting, the Energy Supplier's website shall allow a Customer to print or save a copy of the Contract.
- 327.32 During the electronic enrollment procedure, each web screen shall clearly display a "Cancel" icon enabling the Customer to terminate the Enrollment transaction at any time. In addition, the cancellation feature shall be clearly explained to the Customer at the beginning of the electronic enrollment process.
- 327.33 At the completion of the electronic enrollment process, and at the end of the three (3) business day Rescission Period, the Energy Supplier, at the Customer's request, shall provide a secure website location or a telephone number where the Customer can verify that he or she has been enrolled in the Energy Supplier's program.
- 327.34 All online transactions between Energy Suppliers and Customers shall be encrypted using Secure Socket Layer (SSL) or similar encryption standards to ensure the privacy of Customer's information consistent with Section 309.1.
- 327.35 The Electric Utility shall transfer a Customer to a competitive electricity supplier in no later than three (3) business days after receiving the notice of an enrollment transaction from the competitive electricity supplier. The Electric Utility shall transfer a Customer to Standard Offer Service in no later than 3 business days

after receiving the Customer's request. The Electric Utility shall accept the last enrollment received from the Energy Supplier at the relevant days' end.

- 327.38 Energy Suppliers must process all Customer cancellation requests within three (3) business days after receipt of the cancellation request.
- 327.39 The transmittal of an EDI Transaction by the Electric Supplier to the Electric Utility shall not occur until after the three (3) business day Rescission Period.
- 327.40 The transmittal of an enrollment transaction by the Gas Supplier to the Gas Utility shall not occur until after the three (3) business day Rescission Period.
- 327.41 Upon an Energy Supplier's Enrollment of a Customer, the Energy Supplier shall provide to the Customer, within a reasonable period of time the following:
- (a) A statement of enrollment;
  - (b) A description of the agreed-upon billing option and the Company's billing date, if applicable and if different from the Utility's; and
  - (c) Customer service information (including toll-free telephone number, mailing address, and dispute resolution process information).
- 327.42 The Customer shall notify the Energy Supplier, not the Utility, of his or her intent to rescind the Contract within the Rescission Period. If the Customer does request to rescind their Contract within the three (3) business day Rescission Period, the Enrollment shall be considered effective. If the Customer notifies the Energy Supplier of his or her intent to rescind the Contract within the three (3) business day Rescission Period, the Contract is deemed invalid and non-binding.
- 327.43 After the three (3) business day Rescission Period expires and the enrollment is processed by the Utility, the relationship between the Customer and the Energy Supplier shall be governed by the terms and conditions contained in the Contract.
- 327.44 An Energy Supplier shall provide the Customer with written notice of Contract expiration or termination at least thirty-five (35) days before the expiration or termination of the current Contract. The Energy Supplier's written expiration or termination notice shall include the following:
- (a) Final Bill payment instructions;
  - (b) A statement informing the Customer that unless the Customer selects a new Energy Supplier, Termination of Contract shall return the Customer to the Utility; and
  - (c) The Commission's telephone number and website address.



327.45 If an Energy Supplier's Contract provides for voluntary renewal of the Contract or for automatic renewal of the Contract (also known as an "Evergreen Contract"):

- (a) The Energy Supplier shall provide written notice to the Customer of the pending renewal of the Contract at least forty-five (45) days before the renewal is scheduled to occur;
- (b) Written notice of any changes to the material terms and conditions (including, but not limited to, changes to the rate, the billing option or the Billing Cycle), shall be provided with or before the forty-five (45) day written notice. The notification of renewal and of any change in Contract terms shall be highlighted and clearly stated; and
- (c) If the Contract is an Evergreen Contract, the forty-five (45) day written notice shall inform the Customer how to terminate the renewal of the Contract without penalty and advise the Customer that terminating the Evergreen Contract without selecting another Energy Supplier shall return the Customer to Natural Gas Sales Service or Electric Standard Offer Service. The written notice shall also inform the Customer that the Commission has additional information on the energy supply choices available to the Customer. The telephone number and website for the Commission shall be included in the written notice.

327.46 ASSIGNMENT OF CONTRACT

- (a) At least thirty (30) days prior to the effective date of any assignment or transfer of an Energy Supplier contract from one District of Columbia licensed Energy Supplier to another, the Energy Suppliers shall jointly provide written notice to the Customers of the Energy Supplier, the Commission, the utility and the Office of the People's Counsel of the assignment or transfer.
  - (1) Notice to Customer. The Energy Suppliers shall jointly send a letter to the Customer informing them of the assignment or transfer. The letter shall include:
    - (a) A description of the transaction in clear and concise language including the effective date of the assignment or transfer; and
    - (b) Customer service Contact information for the assignee;
  - (2) The terms and conditions of the Customer's Contract at the time of assignment shall remain the same for the remainder of the contract term; and

- (3) The Energy Suppliers shall file a notice with the Commission, with a copy to the Office of the People's Counsel and the utility, of the assignment or transfer of the Customer Contracts and include a copy of the letter sent to Customers.
  - (b) Upon request by the Commission, the assignee shall be responsible for providing documents and records related to the assigned Contracts. Records shall be maintained for a period of three years or until the Contracts are expired, whichever is longer.
  - (c) An assignment or transfer of an Energy Supplier Contract from one Energy Supplier to another is not an enrollment or drop.
- 327.47 An Energy Supplier shall post on its website current and understandable information about its rates, charges and services.
- 327.48 An Energy Supplier shall not conduct Meter test.
- 327.49 If an Energy Supplier's charges are based on usage, an Energy Supplier shall rely on the Meter reading (actual, estimated, or customer meter readings) provided to it by the respective Utility, unless the Energy Supplier has installed, owns, and reads metering equipment, consistent with the applicable Utility's tariff.
- 327.50 An Energy Supplier may, at the election of a Customer, Bill a Customer in accordance with a level payment billing plan. If an Energy Supplier utilizes the billing services of a Utility, an Energy Supplier may use the level payment plan as part of the Utility's billing service. The Energy Supplier shall inform the Customer of this option and explain how the monthly payments are calculated. Prior to implementation of the level payment billing plan, the Energy Supplier shall provide the Customer with the following information in writing:
- (a) An acknowledgement that the Customer shall be on the level payment billing plan effective the next billing period;
  - (b) An estimate of the Customer's use on an annual basis and an explanation of how the monthly payment has been calculated;
  - (c) An indication that the final bill for the level payment billing plan effective period shall reflect the last level payment billing plan installment adjusted for any difference between actual and budgeted usage. Amounts overpaid shall be credited to the Customer's account or refunded, if requested by the Customer. Amounts underpaid that are equal to or greater than the monthly payment may be paid in up to three (3) monthly installments; and
  - (d) Final bills are issued when either a Customer account is closed or in the case of a Customer with an Energy Supplier, the supply Contract is closed or changed. Any level payment billing plan in effect shall be reconciled

upon rendering the final bill. Amounts underpaid shall be due within twenty (20) days of final bill rendering. Amounts overpaid shall be refunded or credited to the Customer's utility account within twenty (20) days of final bill rendering.

- 327.51 The Energy Supplier may perform a periodic analysis of a Customer's level payment billing plan and notify the Customer, within twenty-one (21) days thereafter, if actual usage varies significantly from that upon which the level payment billing plan was based and give the Customer an opportunity for revision of the level payment billing plan. If an Energy Supplier utilizes the billing services of a Utility, the Customer may have an opportunity for revision of the level payment billing plan at the same time as the Utility allows under the Utility's level payment billing plan procedures or at a time designated by the Energy Supplier.
- 327.52 If the Customer enters into a Deferred Payment Agreement ("DPA") with the Utility pursuant to § 306, and the Energy Supplier utilizes the billing services of the Utility, the Utility may include the Energy Supplier's balance as part of its DPA.
- 327.53 Pursuant to D.C. Official Code § 34-1671.11(d)(1) and § 34-1508(b)(1), any Energy Supplier that violates this section, either directly or through its authorized agent, may be subject to Sanctions and Penalties including license revocation, upon notice given by the Commission.

**Section 399, DEFINITIONS, Subsection 399.1, is amended to include the following definitions:**

**Completed Written Contract:** An agreement between a Customer and an Energy Supplier that specifies the terms, conditions and charges for the provision of electric or natural gas services to the Customer and the agreement is signed or acknowledged through Third Party Verification, an electronic signature, or an electronic recording.

**Drop:** the removal of a Customer from a supplier's service.

**Energy Supplier:** An Electricity Supplier or Natural Gas Supplier as defined below:

Electricity Supplier: A person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to Customers. The term excludes the following:

- (a) Building owners, lessees, or managers who manage the internal distribution system serving such building and who

supply electricity solely to the occupants of the building for use by the occupants;

- (b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates;
- (c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not: (1) Take title to electricity; (2) Market electric services to the individually-metered tenants of his or her building; or (3) Engage in the resale of electric services to others;
- (d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- (e) Consolidators;
- (f) A Community Renewable Energy Facilities (“CREFs”) as defined in 15 DCMR § 4199.1 and as described in 15 DCMR §§ 4109.1- 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013 (D.C. Law 20-47; D.C. Official Code §§ 34-1518 et seq.);
- (g) An Electric Company; and
- (h) Any Person or entity that owns a behind-the-meter generator and sells or supplies the electricity from that generator to a single retail customer or customers behind the same meter located on the same premise.

**Natural Gas Supplier:** A licensed Person, broker, or marketer, who generates natural gas; sells natural gas; or purchases, brokers, arranges or markets natural gas for sale to customers.

**Slamming (for Energy Suppliers):** the practice of switching, or causing to be switched, a Customer’s natural gas or electric supplier Account without the express authorization of the Customer.

**Third Party Verification (TPV):** the process of getting consent from a Customer to the below-listed material contract terms that is recorded by an independent person not party to the agreement or may be performed by an automated, computerized system. To be valid, the TPV must occur without the presence of the sales agent, and at the outset must describe how the Customer can cancel the TPV at any time prior to completion. The consent for the Customer must include an acknowledgement: (a) that he or she is voluntarily choosing to enroll with a supplier; (b) of the type

of product offered such as variable, fixed, or a combination of both; (c) of the price and duration of the contract; (d) of the amount of an early termination fee if applicable; (e) that the Customer is authorized to make the switch; (f) of the contract renewal procedures;(g) that the Customer may access future pricing information; and (h) that the Customer has received the supplier's Customer support contact information.

5. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than 30 days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at:

[https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission's website at [www.dcpsec.org](http://www.dcpsec.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGRM29-2018-01, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of its intent to amend Chapter 29 (Renewable Energy Portfolio Standard), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the publication of this Notice in the *D.C. Register*.

2. The Commission seeks to clarify the provisions of this chapter of the Commission’s rules. Specifically, Commission, *inter alia*, proposes to revise the generator certification and eligibility requirements, eliminate redundancies, delete obsolete sections, update the definitions in this chapter, and otherwise clarify these rules. In addition, the Commission is revising its rules to accommodate the filing of application for certification through the Commission’s website at [www.dcpssc.org](http://www.dcpssc.org) using the RPS interactive feature in the eDocket system.

**Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended, in its entirety, to read as follows:**

**CHAPTER 29                    RENEWABLE ENERGY PORTFOLIO STANDARD**

<b>2900</b>	<b>APPLICABILITY</b>
<b>2901</b>	<b>RPS COMPLIANCE REQUIREMENTS</b>
<b>2902</b>	<b>GENERATOR CERTIFICATION AND ELIGIBILITY</b>
<b>2903</b>	<b>CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS</b>
<b>2904</b>	<b>RECOVERY OF FEES AND COSTS</b>
<b>2905</b>	<b>WAIVER</b>
<b>2999</b>	<b>DEFINITIONS</b>

**2900                    APPLICABILITY**

2900.1                This chapter establishes the Public Service Commission’s (Commission) rules and regulations governing the Renewable Energy Portfolio Standard (RPS) applicable to all District of Columbia retail electricity sales as provided in D.C. Official Code §§ 34-1431 through 34-1439.

**2901                    RPS COMPLIANCE REQUIREMENTS**

- 2901.1 An Electricity Supplier shall meet the Renewable Energy Portfolio Standard requirement by obtaining Renewable Energy Credits (RECs) that equal the annual percentage requirement for electricity sold at retail or by paying the specified compliance fee. An Electricity Supplier shall not apply any surplus RECs derived from voluntary purchases of energy from qualified renewable sources toward its mandatory compliance requirements.
- 2901.2 An Electricity Supplier shall meet the solar portion of the Tier One requirement by obtaining the equivalent amount of RECs from solar energy systems no larger than fifteen megawatts (15 MW) in capacity that are located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, except that RECs generated by solar energy facilities that are not located within the District of Columbia nor in locations served by a distribution feeder serving the District of Columbia that the Commission certified prior to February 1, 2011, may be used to meet the solar requirement. However, an Electricity Supplier may also meet the solar requirement by obtaining RECs from solar energy systems larger than fifteen megawatts (15 MW) in capacity, provided that these solar energy systems are located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia. In addition, Electricity Suppliers may meet the non-solar portion of the Tier One renewable source requirement of the renewable energy portfolio standard by obtaining renewable energy credits from solar energy systems that are not located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, regardless of capacity.
- 2901.3 Each Electricity Supplier shall establish and maintain a Generation Attribute Tracking System (GATS) account for the load it serves within the District of Columbia.
- 2901.4 Compliance with the Renewable Energy Portfolio Standard is on a calendar year basis.
- 2901.5 Each Electricity Supplier must prepare and submit an annual Compliance Report to the Commission containing the following information:
- (a) The quantity of its annual District of Columbia retail electricity sales;
  - (b) A calculation of the annual quantity of required Tier One, Tier Two, and Solar Energy RECs;
  - (c) The quantity of Tier One, Tier Two, and Solar Energy RECs purchased and evidence of those purchases;

- (d) The quantity of Tier One, Tier Two, and Solar Energy Credits transferred to the Electricity Supplier by a Renewable On-Site Generator;
  - (e) A calculation of any compliance fees that the Electricity Supplier owes;
  - (f) Certification of the accuracy and veracity of the report;
  - (g) All documentation supporting the data appearing in the annual compliance report; and
  - (h) A summary report of RECs retired during the reporting period.
- 2901.6 Each Electricity Supplier shall make available to the Commission through its GATS account all RECs and the total price paid in order to comply with the Renewable Energy Portfolio Standard.
- 2901.7 An Electricity Supplier's annual compliance report shall be submitted to the Commission by April 1 of the calendar year following the year of compliance. After notification of a decision of non-compliance by the Commission, a supplier shall, within ten (10) days, submit the appropriate payment, take the actions necessary to come into compliance, or file its response contesting the decision of non-compliance.
- 2901.8 Any Electricity Supplier that fails to file the annual compliance report as required by this chapter and D.C. Official Code § 34-1434(a) may be subject to Commission action to compel submission of the required report. Such action may include the issuance of an Order to Show Cause by the Commission.
- 2901.9 Any Electricity Supplier that fails to meet its Renewable Energy Portfolio Standard requirements shall submit the required annual Compliance Fee to the District of Columbia Renewable Energy Development Fund administered by the District of Columbia Department of Energy & Environment by April 1 of the calendar year following the year of compliance.
- 2901.10 An Electricity Supplier may apply the Solar Energy RECs, retired for compliance with the Solar Energy requirement, to meet the Tier One Renewable Energy requirement as well.
- 2901.11 After December 31, 2019, RECs from a Tier Two renewable resource shall not apply toward meeting the Renewable Energy Portfolio Standard requirements.
- 2901.12 Energy supply contracts entered into prior to August 1, 2011, shall not be subject to the increased solar energy requirement as required by the Distributed Generation Amendment Act of 2011 (D.C. Law 19-36); but any extension or renewal of such contracts, executed on or after August 1, 2011, shall be subject to



the increased solar energy requirement as required by this act. Energy supply contracts entered into prior to the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (D.C. Law 21-154), October 8, 2016, shall not be subject to the increased solar energy compliance fees as required by that act until October 8, 2021; but any extension or renewal of such contracts shall be subject to the increased solar energy compliance fee as required by that act.

2901.13 The Compliance Fee shall be:

- (a) Fifty dollars (\$50) for each REC shortfall for Tier One resources;
- (b) Ten dollars (\$10) for each REC shortfall for Tier Two resources; and
- (c) Three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2008; five hundred dollars (\$500) for each REC shortfall for Solar Energy resources in 2009 through 2023; four hundred dollars (\$400) for each REC shortfall for Solar Energy resources in 2024 through 2028; three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2029 through 2032; and fifty dollars (\$50) for each REC shortfall for Solar Energy resources in 2033 and thereafter.

## 2902 GENERATOR CERTIFICATION AND ELIGIBILITY

2902.1 Renewable generators, including behind-the-meter (BTM) generators, must be certified as a qualified resource by the Commission. The Commission shall not certify any Tier One solar energy system larger than fifteen megawatts (15 MW) in capacity – except for solar energy systems larger than fifteen megawatts (15 MW) in capacity that are located on property owned by the Government of the District of Columbia or by any agency or independent authority of the Government of the District of Columbia – located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia. In addition, solar energy systems that are not located within the District of Columbia or in locations served by a distribution feeder serving the District of Columbia, regardless of capacity may be certified as a qualified resource to meet the non-solar portion of the Tier One renewable source requirement of the renewable energy portfolio standard.

2902.2 Renewable generators, including BTM generators, may be certified as a Tier One or Tier Two resource. In order to be certified, applicants must complete the Commission’s “Application for Certification as an Eligible District of Columbia Renewable Energy Standards Generating Facility”.

2902.3 An applicant submitting an Application for certification as a renewable resource shall state, at a minimum:

- (a) The name of the Renewable Energy Facility for which the application is made and its address;
- (b) The name of the owner of the facility and the owner's contact information;
- (c) The name of the operator of the facility and the operator's contact information;
- (d) The name of a contact person and the person's contact information;
- (e) The renewable fuel type(s) and capacity information;
- (g) The operational start date; and
- (h) Whether the facility is a "behind-the-meter" generator.

2902.4 In addition to the information required in § 2902.3, an applicant submitting an Application must also attach:

- (a) A current Certificate of Good Standing for the applicant issued by the state in which the business was formed, if applicable;
- (b) A copy of the U.S. Department of Energy, Energy Information Administration Form EIA 860, if the rated capacity is greater than one megawatt (1 MW);
- (c) A Certificate of Authorization to Conduct Business in the District of Columbia, if applicable;
- (d) Documentation of authority to sign on behalf of the applicant;
- (e) Documentation that the energy output of the non-residential solar heating, cooling, or process heat property systems producing or displacing greater than ten thousand kilowatt hours (10,000 kWh) per year is determined by an on-site energy meter that meets performance standards established by the International Organization of Legal Metrology (OIML) and the solar collectors used have a OG-100 certification from the Solar Rating and Certification Corporation (SRCC), if applicable;
- (f) Documentation that the energy output of the non-residential solar heating, cooling, or process heat property systems producing or displacing ten thousand (10,000) or less kilowatt-hours per year is determined by the SRCC OG-300 annual system performance rating protocol applicable to the property or by an on-site energy meter that meets performance standards established by OIML and the solar collectors used have a OG-100 certification from the SRCC, if applicable;

- (g) Documentation that the residential solar thermal system energy output is determined by the SRCC OG-300 annual rating protocol or by an on-site energy meter that meets performance standards established by OIIML and the solar collectors used have a OG-100 certification from the SRCC, if applicable; and
- (h) Interconnection Approval for the renewable generator, if applicable.

2902.5 An applicant submitting an Application must attest to:

- (a) Environmental Compliance, if the fuel type is not solar energy; and
- (b) General Compliance that all information contained in the Application is true and accurate.

2902.6 An Application shall be submitted through the Commission's website at [www.dcpssc.org](http://www.dcpssc.org) using the RPS interactive feature in the eDocket system. Applications may be submitted through the RPS interactive feature twenty-four (24) hours a day, seven (7) days a week. Review of applications in accordance with §§ 2902.7 and 2902.8 shall commence on the next business day if the application is submitted after 5:30 p.m. on a business day or if submitted on a non-business day.

2902.7 The Commission shall issue a decision on the Application within thirty (30) business days of the submission date subject to the conditions set forth in § 2902.6 filing. The generation resource shall be considered certified if the Commission has not acted within the thirty (30) business-day period, except where the Commission has issued a request for additional information.

2902.8 In cases where the Commission determines that an Application is insufficient or incomplete, the Commission or its staff will send a written request for additional information within fifteen (15) business days of the submission date subject to the conditions set forth in § 2902.6. In such cases, the applicant shall have fifteen (15) days to submit the additional information.

2902.9 An application shall be accepted for filing and docketed within fifteen (15) business days of the submission date provided no additional information is requested.

2902.10 A request for additional information from the Commission shall toll the deadline in § 2902.7 for issuing a decision on the applicant's Application.

2902.11 Upon receipt of the additional information from the applicant or its authorized representative, the Application shall be accepted for filing and docketed, and the

Commission shall issue a decision on the application in accordance with the time periods prescribed in § 2902.7.

- 2902.12 Upon approval of an application, the Commission shall assign a unique GATS certificate number to the eligible renewable energy generating resource. The Commission should be notified of any planned substantive changes in the operating characteristics of a certified generating facility at least thirty (30) days prior to the effective date of such changes. Substantive changes include, but are not limited to, changes in fuel type, fuel mix, and generator type. A revised application should be submitted for Commission review, subject to the time periods prescribed in § 2902.7. In addition, applicants and District-certified generating facilities shall notify the Commission of any substantive changes in information provided in an original or amended application within thirty (30) days. If a system is already certified, the changes to the system or facility shall be deemed approved unless the Commission requests additional information within fifteen (15) business days. If a request for additional information is issued for a system that is already certified, the changes to the system or facility shall be deemed approved within fifteen (15) business days after a response is received, unless further information is requested.
- 2902.13 A renewable generator may be decertified by the Commission if it is determined to no longer be an eligible renewable resource due to fraud or a material change in the nature of the resource. Before being decertified, a renewable electricity generator will be given thirty (30) days' written notice and an opportunity to show cause why it should not be decertified.
- 2902.14 Any renewable generator that is decertified due to fraud may not create any District of Columbia RECs for a three (3)-year period and may not retroactively create RECs for that same three (3)-year period.
- 2902.15 Any subsequent unrelated owner of the decertified renewable generator, pursuant to § 2902.14, is not subject to the three (3)-year exclusion beginning with its effective date of ownership.
- 2902.216 After December 31, 2019, a facility certified as a Tier Two renewable resource shall not be eligible to generate RECs for the District of Columbia's RPS program.
- 2902.17 Every facility using qualifying biomass to generate electricity and certified as a qualifying resource by the Commission shall submit annually by June 1, starting in 2016, information demonstrating each system's total system efficiency for the current calendar year consistent with the definitions of "total system efficiency," "fuel input," and "useful thermal energy output" in Subsection 2999.1.

**2903****CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS**

- 2903.1 RECs shall be created and tracked through the PJM Environmental Information Service GATS (PJM-EIS GATS).
- 2903.2 Behind-the-Meter generators with a capacity of less than ten kilowatts (10 kW) may submit engineering-based estimates of their output if the generator is not directly metered by a revenue grade utility meter. For solar thermal energy systems that do not generate electricity:
- (a) If the output is to be estimated, the Commission will provide PJM-EIS with the output in kilowatt-hour savings for the system, based on SRCC's estimated annual system performance of OG-300 certified systems; or
  - (b) If the solar thermal energy system uses an energy meter that meets the performance standards established by OIML, then the solar thermal energy produced by the system shall be credited with one kilowatt hour (1 kWh) of electricity generated for each three thousand four hundred twelve British thermal units (3,412 BTUs) produced by the solar thermal energy system.
- 2903.3 RECs created by behind-the-meter generators must be recorded in GATS at least once each calendar year in order to be eligible for compliance.
- 2903.4 RECs shall be valid for a three (3)-year period from the date of generation. A newly certified renewable generator can produce RECs starting from January 1<sup>st</sup> of the year in which it was certified, except that any renewable generator certified in January of any year can produce RECs starting January 1<sup>st</sup> of the year before that certification.
- 2903.5 A REC shall be retired after it is used to comply with any state's Renewable Energy Portfolio requirement.
- 2903.6 Retroactively created RECs must be created and tracked through PJM-EIS GATS.

#### **2904 RECOVERY OF FEES AND COSTS**

- 2904.1 Recovery of any fees and costs by the local electric distribution company and electric suppliers shall be in accordance with D.C. Official Code § 34-1435.
- 2904.2 No Electricity Supplier shall recover any compliance fee levied pursuant to D.C. Official Code § 34-1434 from its customers without receiving prior approval from the Commission.
- 2904.3 Pursuant to D.C. Official Code § 34-1435(a), the local electric distribution company may recover prudently incurred Renewable Energy Portfolio Standard compliance costs, including REC purchases and any compliance fees.

- 2904.4 Local electric distribution company compliance costs for Standard Offer Service (SOS) shall be considered prudent if SOS energy suppliers are selected through a competitive bid process and the cost of complying with the Renewable Energy Portfolio Standard is included in the supplier's bid prices.
- 2904.5 Local electric distribution company compliance costs for Market Price Service shall be recovered through the Market Price Service Procurement Rate Schedule.
- 2904.6 Any cost recovery approved by the Commission may be in the form of a non-bypassable surcharge to current applicable customers and shall be disclosed on their bills.

## 2905 WAIVER

- 2905.1 The Commission reserves the right to waive any provision of these rules for good cause shown.

## 2999 DEFINITIONS

- 2999.1 For the purposes of this chapter, the following terms and phrases have the following meanings:

**Adjacent PJM State** - a state that is adjacent to the PJM Interconnection Region. The following states are deemed adjacent to the PJM Interconnection Region as of October 2011: Alabama, Arkansas, Georgia, Iowa, Mississippi, Missouri, New York, South Carolina, and Wisconsin. The adjacent states will vary as the boundary of the PJM Interconnection Region changes over time.

**Behind-the-meter generator or BTM generator** - a renewable on-site generator that is located behind a retail customer meter such that no utility-owned transmission or distribution facilities are used to deliver the energy from the generating unit to the on-site generator's load.

**Black liquor** -- the spent cooking liquor from the Kraft process of paper making.

**Brush** - shrubs and stands of short, scrubby trees that do not reach merchantable size.

**Commission** - the Public Service Commission of the District of Columbia.

**Customer generation** - generation that is not principally dedicated for sale into the wholesale electricity market.

**Dunnage** - loose materials or padding used to support or protect cargo within shipping containers.

**Energy Office** - the District of Columbia Department of Energy & Environment's Energy Office.

**“Electricity Supplier”** means a person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers. The term excludes the following:

- (a) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;
- (b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates;
- (c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not: (i) Take title to electricity; (ii) Market electric services to the individually-metered tenants of his or her building; or (iii) Engage in the resale of electric services to others;
- (d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- (e) Consolidators;
- (f) Community Renewable Energy Facilities (CREFs) as defined in Section 4199.1 and as described in Sections 4109.1 through 4109.3 of Title 15, pursuant to the Community Renewable Energy Amendment Act of 2013 (D.C. Law 20-47; D.C. Official Code §§ 34-1518 *et seq.*);
- (g) An Electric Company; and
- (h) Any Person or entity that owns a behind-the-meter generator and sells or supplies the electricity from that generator to a single retail customer or customers behind the same meter located on the same premise.

**Fuel input** -- the higher heating value of the input fuel type, measured in BTU/LB, based on the standardized heating type of fuel type, multiplied by the annual fuel used in as delivered tons, multiplied by 2000.

**Fund** - the District of Columbia Renewable Energy Development Fund.

**PJM Interconnection** - the regional transmission organization that is regulated by the Federal Energy Regulatory Commission and functionally controls the transmission system for the region that includes the District of Columbia.

**PJM Interconnection region** - the area within which the movement of wholesale electricity is coordinated by the PJM Interconnection, L.L.C. With respect

to qualifying RECs, the following states are deemed within the PJM Interconnection Region as of October 2011: Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia.

**Qualifying biomass** - a solid, non-hazardous, cellulosic waste material that is segregated from other waste materials, and is derived from any of the following forest-related resources, with the exception of old growth timber, construction and demolition-derived wood and whole trees that are not part of a closed-loop biomass system, cleared solely for the purpose of energy production, unsegregated solid waste, or post-consumer wastepaper:

- (a) Mill residue;
- (b) Slash;
- (c) Brush;
- (d) Yard waste;
- (e) A waste pallet, crate, or dunnage;
- (f) Agricultural sources, including tree crops, vineyard materials, grain, legumes, sugar, and other crop by products or residues; or
- (g) Cofired biomass, subject to the condition under D.C. Official Code § 34-1433(f).

**Renewable energy credit or REC** - a credit representing one megawatt (1 MWH) hour of electricity produced by a Tier One or Tier Two renewable resource located within the PJM Interconnection region or within a state that is adjacent to the PJM Interconnection region.

**Renewable energy portfolio standard or standard** - the percentage of electricity sales at retail in the District of Columbia that is to be derived from Tier One renewable sources and Tier Two renewable sources in accordance with D.C. Official Code § 34-1432(c).

**Renewable generator** - a person that produces energy from a Tier One renewable source or Tier Two renewable source.

**Slash:**



- (a) Tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations; or
- (b) Tree debris left after a natural catastrophe.

**Solar energy** - radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy, that is collected, generated, or stored for use at a later time.

**Tier One renewable source** - one (1) or more of the following types of energy sources:

- (a) Solar energy;
- (b) Wind;
- (c) Qualifying biomass used at a generation unit that achieves a total system efficiency of at least sixty-five percent (65%) on an annual basis, can demonstrate that it achieved a total system efficiency of at least 65% on an annual basis through actual operational data after one year, and that started commercial operation after January 1, 2007;
- (d) Methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;
- (e) Geothermal;
- (f) Ocean, including energy from waves, tides, currents, and thermal differences;
- (g) Fuel cells producing electricity from a Tier One renewable source under paragraph (c) or (d) of this paragraph; and
- (h) Raw or treated wastewater used as a heat source or sink for a heating or cooling system.

**Tier two renewable source** - one (1) or more of the following types of energy sources:

- (a) Hydroelectric power other than pumped storage generation;
- (b) Waste-to-energy; or
- (c) Qualifying biomass used at a generation unit that started commercial operation on or before December 31, 2006; or

achieves a total system efficiency of less than 65%; or uses black liquor.

**Total system efficiency** - the sum of the net useful thermal energy output measured in BTUs divided by the total fuel input.

**Useful thermal energy output** - energy in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. Useful thermal energy output does not include thermal energy used for the purpose of drying or refining biomass fuel.

**Waste-to-energy** - waste treatment, including the use of a licensed facility that burns waste resources in high-efficiency furnaces or boilers, to produce electricity. Such resources include municipal solid waste but exclude waste coal.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than 30 days after publication of this notice in the *D.C. Register* with Brinda Westbrook- Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at:

[https://edocket.dcpsec.org/public/public\\_comments](https://edocket.dcpsec.org/public/public_comments). Copies of the proposed rules may be obtained by visiting the Commission's website at [www.dcpsec.org](http://www.dcpsec.org) or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov).

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**NOTICE OF PROPOSED RULEMAKING**

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2012 Repl. & 2015 Supp.)); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)); and in accordance with Chapter 40 (Retail Ratemaking) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR), hereby gives notice that at its regularly scheduled meeting on October 4, 2018, the Board adopted Resolution #18-68 to propose the amendment of Section 4102 (Customer Assistance Programs) of Chapter 41 (Retail Water and Sewer Rates), of Title 21 (Water and Sanitation) of the DCMR.

The purpose of this rulemaking is to amend the Customer Assistance Programs to establish the Customer Assistance Program II (CAP2) and establish rules for implementing the District Department of Energy and Environment (DOEE) Customer Assistance Program Expansion III (CAP3) for eligible single-family and individually metered Residential Customers and Clean Rivers Impervious Surface Area Charge (CRIAC) Nonprofit Relief Program (CRIAC Nonprofit Relief Program) for Non-Residential Customers.

The Board requests comments on this proposed rulemaking. The Board will also receive comments on this proposed rulemaking at a public hearing, which is scheduled at 6:30 p.m. on Tuesday, October 30, 2018 at the Department of Employment Services, 4058 Minnesota Avenue, N.E., Suite 1300 (Community Room). A Notice of Public Hearing and the agenda were published in the October 19, 2018 edition of the *D.C. Register*.

This proposed rulemaking, if finalized, will be effective January 1, 2019.

**Chapter 41, RETAIL WATER AND SEWER RATES, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:**

**Section 4102, CUSTOMER ASSISTANCE PROGRAMS, is amended to read as follows:**

**4102           CUSTOMER ASSISTANCE PROGRAMS**

4102.1       CUSTOMER ASSISTANCE PROGRAM

- (a)       Participation in the Customer Assistance Program (CAP) shall be limited to a single-family or individually-metered Residential Customer that meets the following eligibility requirements:

- (1) The applicant is responsible for paying for water and sewer services and/or the Clean Rivers Impervious Surface Area Charge (CRIAC); and
  - (2) The Department of Energy & Environment (DOEE) has determined that the CAP applicant's annual household income meets the household income-eligibility requirements for the District's Low Income Home Energy Assistance Program (LIHEAP), below sixty percent (60%) of the State Median Income (SMI) for the District of Columbia.
- (b) DOEE-approved CAP customer shall receive the following benefits:
- (1) Exemption from water service charges, sewer service charges, Payment-in-Lieu of Taxes (PILOT) fees and Right-of-Way (ROW) fees for the first Four Hundred Cubic Feet (4 Ccf) per month of water used. If the customer uses less than Four Hundred Cubic Feet (4 Ccf) of water in any month, the exemption will apply based on the amount of that month's billed water usage;
  - (2) Credit of one hundred percent (100%) off of the monthly billed Water System Replacement Fee; and
  - (3) Credit of fifty percent (50%) off of the monthly billed CRIAC.
- (c) Upon DC Water's receipt of notice from DOEE that the CAP applicant meets the financial eligibility requirements, DC Water shall provide the CAP discounts to the CAP customer's account from the date that DOEE accepts a completed CAP application to the end of the fiscal year in which the application was submitted.
- (d) To continue receiving CAP benefits without interruptions, the CAP customer must submit a renewal CAP application to DOEE in accordance with the Utility Discount Program renewal deadline. A CAP customer that submits their renewal CAP application after this period, and is subsequently approved by DOEE, will receive CAP benefits as of the date of the application.

## 4102.2

## CUSTOMER ASSISTANCE PROGRAM II (CAP2)

- (a) Participation in the CAP2 Program shall be limited to a single-family or individually-metered Residential Customer that meets the following eligibility requirements:

- (1) The applicant maintains an active DC Water account and is responsible for paying for water and sewer services and/or the CRIAC; and
  - (2) DOEE has determined that the CAP2 applicant’s annual household income is equal to or above the household income-eligibility limits for the District’s LIHEAP, sixty percent (60%) of the SMI for the District of Columbia and below eighty percent (80%) of the Area Median Income (AMI) for the District of Columbia, not capped by the United States median low-income limit.
- (b) DOEE-approved CAP2 customer shall receive the following benefits, subject to the availability of funds:
- (1) Exemption from water service charges and sewer service charges for the first three Hundred Cubic Feet (3 Ccf) per month of water used. If the customer uses less than three Hundred Cubic Feet (3 Ccf) of water in any month, the exemption will apply based on the amount of that month's billed water usage; and
  - (2) Credit of fifty percent (50%) off of the monthly billed CRIAC.
- (c) Upon DC Water’s receipt of notice from DOEE that the CAP2 customer meets the financial eligibility requirements, DC Water shall provide the CAP2 benefits for not more than the entire Fiscal Year 2019, beginning October 1, 2018 and terminating on September 30, 2019, subject to the availability of budgeted funds.
- (d) If DC Water determines that the remaining budgeted funds are insufficient to provide CAP2 benefits, DC Water may:
- (1) Suspend the process for accepting CAP2 applicants; or
  - (2) Suspend providing CAP2 benefits to CAP2 recipients.
- (e) The CAP2 Program shall terminate on September 30, 2019.

4102.3 Eligibility for the CAP and CAP2 Programs shall be determined by DOEE based on the income eligibility criteria provided in § 4102.1(a)(2) and § 4102.2(a)(2).

4102.4 **DOEE CUSTOMER ASSISTANCE PROGRAM III FOR SINGLE-FAMILY AND INDIVIDUALLY METERED HOUSEHOLDS**

- (a) DC Water shall apply DOEE Customer Assistance Program III (CAP3) benefits to an eligible single-family or individually-metered Residential Customer’s account in accordance with the following:

- (1) The applicant maintains an active DC Water account and is responsible for paying for water and sewer services and/or the CRIAC;
  - (2) DOEE has notified DC Water that the customer has met the requirements of 20 DCMR Chapter 37 and is eligible to receive the CAP3 benefits;
  - (3) DOEE has notified DC Water of the amount of the CAP3 benefits to be applied to the CAP3 customer's account each billing period; and
  - (4) DOEE has transferred funds to DC Water for the benefits applied to the customer's account.
- (b) DC Water shall stop applying CAP3 benefits to a CAP3 customer's account upon receipt of notice from DOEE that the customer is no longer eligible for the CAP3 benefits, or receipt of notice from DOEE regarding the unavailability of funds.
- (c) If DC Water determines that the remaining budgeted funds are insufficient to provide CAP3 benefits, DC Water may:
- (1) Suspend the process for accepting CAP3 applicants; or
  - (2) Suspend providing CAP3 benefits to CAP3 recipients.

4102.5

**DOEE CLEAN RIVERS IMPERVIOUS SURFACE AREA CHARGE RELIEF PROGRAM FOR NONPROFIT ORGANIZATIONS**

- (a) DC Water shall apply DOEE CRIAC Relief Program for Nonprofit Organizations (CRIAC Nonprofit Relief Program) benefits to an eligible non-profit organization's account in accordance with the following:
- (1) The applicant maintains an active DC Water account and is responsible for paying for the CRIAC charges;
  - (2) DOEE has notified DC Water that the customer has met the requirements provided in 21 DCMR § 561 and is eligible to receive CRIAC Nonprofit Relief Program benefits;
  - (3) DOEE has notified DC Water of the amount of the benefits to be applied to the nonprofit organization's account each billing period; and

- (4) DOEE has transferred funds to DC Water for the CRIAC Nonprofit Relief Program benefits applied to the customer's account.
  - (b) DC Water shall stop applying CRIAC Nonprofit Relief Program benefits to a customer's account upon notice from DOEE that the customer is no longer eligible for the CRIAC Nonprofit Relief Program benefits.
  - (c) If DC Water determines that the remaining budgeted funds are insufficient to provide CRIAC Nonprofit Relief Program benefits, DC Water may:
    - (1) Suspend the process for accepting CRIAC Nonprofit Relief Program applicants; or
    - (2) Suspend providing CRIAC Nonprofit Relief Program benefits to CRIAC Nonprofit Relief Program recipients.
- 4102.6 Nothing in this section shall be interpreted to mean that the benefits provided through DC Water's CAP or CAP2 Programs or DOEE's CAP3 or CRIAC Nonprofit Relief Programs are an entitlement, continuing or otherwise.
- 4102.7 For the purposes of this section, the term "SMI" means the state median income as determined on an annual basis by the U.S. Department of Health and Human Services (HHS).
- 4102.8 For the purposes of this section, the term "AMI" means the Area Median Income (AMI), alternately referred to as the HUD Area Median Family Income (HAMFI), determined on an annual basis by the U.S. Department of Housing and Urban Development (HUD).

Submit comments on these proposed rules in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C. 20032, by email to [Lmanley@dcwater.com](mailto:Lmanley@dcwater.com), or by FAX at (202) 787-2795. Copies of these proposed rules may be obtained from DC Water at the same address or by contacting Ms. Manley at (202) 787-2332.

## ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 18-05

(WMATA – Map Amendment and Text Amendment @ Square 487, Lot 17))

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its intent to amend the Zoning Map to rezone lot 17 in Square 487 (“Property”) from the D-2 to the D-5-R zone, and to amend the text of Subtitle I (Downtown (D) Zones) of Title 11 DCMR (Zoning Regulations of 2016) to make any future residential density on the Property subject to the Inclusionary Zoning Regulations set forth in Chapter 10 of Subtitle C, which do not apply to D-5-R properties.

The Property, which consists of approximately 48,041 square feet (approximately 1.1 acres) of land area, encompasses the entirety of Square 487. The Property is currently improved with the headquarters of the Washington Area Metropolitan Transit Authority, and has a street address of 600 5<sup>th</sup> Street, N.W.

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

The following rulemaking actions are proposed:

The Zoning Map is amended to rezone the lot 17 in Square 487 from the D-2 to the D-5-R zone district.

The following amendment to Title 11 DCMR (Zoning Regulations of 2016) are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

**Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, of 11-I DCMR, DOWNTOWN (D) ZONES, is amended as follows:**

**Subsection 547.3, of § 547, DENSITY - FLOOR AREA RATIO (FAR) (D-5-R), is amended as follows:**

547.3            **Except for Square 487**, ~~Residential~~ residential density in the D-5-R zone is not subject to the Inclusionary Zoning requirements or bonuses of Subtitle C, Chapter 10.



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

## DEPARTMENT OF FOR-HIRE VEHICLES

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Director of the Department of For-Hire Vehicles, pursuant to the authority set forth in Sections 8(c)(12), (13), and (19) and 20a(b) of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07 (c)(12), (13), and (19) and 50-301.20(b) (2014 Repl. & 2017 Supp.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 11 (Public Vehicles For-Hire Consumer Service Fund) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking amends, and the proposed rulemaking proposes to amend, Chapter 11 to establish a financial assistance program that will allow the Department of For-Hire Vehicles (“Department”) to provide assistance to owners of taxicabs in furtherance of the Department’s mandates to encourage the use of alternative-fuel vehicles and wheelchair-accessible vehicles, ensure transportation options are available in and to underserved areas and communities, establish policies that reduce traffic congestion and promote a more livable city, and promote and maintain a healthy and viable taxicab industry.

The emergency rulemaking is necessary as the Department finds there is an immediate need to preserve and promote the safety and welfare of District residents by making the foregoing changes to ensure the financial viability of existing programs that currently provide important transportation services to District residents.

The emergency rulemaking was adopted on October 2, 2018, took effect immediately, and will remain in effect for one hundred twenty (120) days after the date of its adoption, (expiring January 30, 2019), unless earlier superseded by an amendment or repeal by the Department.

The Director also hereby gives notice of the intent to take final rulemaking action to adopt these rules as final in not less than thirty (30) days after the publication of this notice in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

**Chapter 11, PUBLIC VEHICLES FOR HIRE CONSUMER SERVICE FUND, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:**

**Section 1102, PUBLIC VEHICLE FOR-HIRE CONSUMER SERVICE FUND USES, is amended as follows:**

**A new Subsection 1102.4 is added to read as follows:**

1102.4       The Department hereby establishes a financial assistance program to provide grants and procure goods and services for the purpose of meeting the mandates of the Act, including incentivizing the purchase and use of alternative-fuel vehicles, offsetting the cost of acquiring, maintaining and operating wheelchair-accessible

vehicles, providing fare discounts for low-income senior citizens and persons with disabilities, incentivizing licensed taxicabs to serve underserved areas and communities, and offsetting cost associated with meeting these and other mandates of the Act. All program contracts will be awarded in accordance with the Procurement Practices Reform Act of 2010, D.C. Official Code §§ 2-201.01 *et seq.*, and its implementing regulations, and all program grants will be awarded in accordance with the Grant Administration Act of 2013, D.C. Official Code §§ 1-328.11 *et seq.* and its implementing regulations.

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dfhv@dc.gov](mailto:dfhv@dc.gov) or by mail to the address above, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.

**THE DISTRICT OF COLUMBIA HOUSING AUTHORITY****NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of its intent to adopt the following proposed amendments to Chapter 61 (Admission and Recertification) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed amendments is to allow DCHA to offer, as necessary, housing choice vouchers to public housing residents who formerly resided in the Arthur Capper Senior I building. All residents of the building were displaced when it burned down in September, and DCHA is working with the private owner and management of the building to re-house these seniors as soon as possible.

Per D.C. Official Code § 2-505(c) emergency rulemakings are promulgated when the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals.

These emergency regulations were adopted by the Board on September 24, 2018, and became effective immediately. They will remain in effect for up to one hundred twenty (120) days from the date of adoption, until January 22, 2019, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Board of Commissioners of DCHA also gives notice of intent to take rulemaking action to adopt these proposed regulations as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**Chapter 61, ADMISSION AND RECERTIFICATION, of Title 14 DCMR, HOUSING, is amended as follows:**

**Section 6125 PREFERENCES FOR PLACEMENT ELIGIBILITY FOR HOUSING CHOICE VOUCHER PROGRAM APPLICANTS, is amended as follows:**

**A new Subsection 6125.15 is created to read as follows:**

6125.15 Limited Local Preference for Current Residents of Arthur Capper Senior I. HOPE VI Housing Development. DCHA seeks to coordinate and facilitate housing options for residents of the Arthur Capper Senior I HOPE VI housing development. Applicants are included under this preference if the applicant was a resident of the Arthur Capper Senior I HOPE VI development as of September 19, 2018. In addition, DCHA may utilize such vouchers to facilitate housing options for such Arthur Capper Senior I residents under contractual arrangement with owners of housing units. Up to 161 vouchers are authorized for this purpose.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA's Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at [www.dcregs.gov](http://www.dcregs.gov), or by contacting Edward Kane Jr. at the Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane Jr., 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane Jr. at: [PublicationComments@dchousing.org](mailto:PublicationComments@dchousing.org).
3. No facsimile will be accepted.

Comment due date: November 19, 2018

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-073  
September 28, 2018

**SUBJECT:** Designation of Special Event Area for Washington Capitals' Season Opener

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. This Order applies to certain special event activities associated with the Washington Capitals' first hockey game of the 2019 National Hockey League season that will be held at the Capital One Arena on October 3, 2018.
2. On October 3, 2018, between 5:30 p.m. and 10:30 p.m., G Street, NW, between 7th and 9th Streets, NW, and 8th Street, NW, between G and H Streets, NW, are hereby designated as a special event area to be used as festival grounds and staging areas.
3. The Executive Office of the Mayor is authorized to operate the festival grounds and staging areas, and to conduct necessary and appropriate activities in aid of the operation of the festival grounds and staging areas.
4. This Order is an authorization for the closure of the designated streets only, and the operating entities shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated streets. All building, health, life safety, and public space requirements shall remain applicable to the Special Event Area designated by this Order.
5. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-074  
September 28, 2018

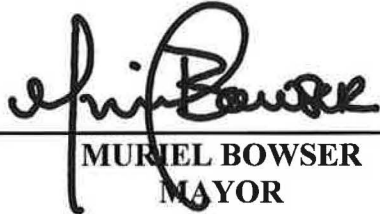
**SUBJECT:** Expansion of the Boundaries and Extension of the Term of the Golden Triangle Business Improvement District, Pursuant to the Business Improvement Districts Act of 1996

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 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.* (2016 Repl. and 2017 Supp.) ("**Business Improvement Districts Act**"), it is hereby **ORDERED** that:


1. The application of the Golden Triangle Business Improvement District to expand to include the properties of 2141 K Street NW, 2175 K Street NW, 1308 19<sup>th</sup> Street NW, 1310 19<sup>th</sup> Street NW, 1312 19<sup>th</sup> Street NW, and 1314 19<sup>th</sup> Street NW, filed with the Department of Small and Local Business Development on May 11, 2018, is hereby approved.
2. As provided in the Golden Triangle Business Improvement District Emergency Amendment Act of 2018, effective July 16, 2018 (D.C. Act 22-403; 65 DCR 7520), any successor emergency legislation, and the Golden Triangle Business Improvement District Amendment Act of 2018, signed by the Mayor on July 19, 2018 (D.C. Act 22-413; 65 DCR 7680), and in accordance with section 9(b) of the Business Improvement Districts Act (D.C. Official Code § 2-1215.09(b)), the expansion referred to in Paragraph 1 of this Order shall be effective on October 1, 2019.
3. The term of the Golden Triangle Business Improvement District, which is currently set to expire on September 30, 2018, is hereby extended until September 30, 2023.

4. EFFECTIVE DATE: This Order shall become effective immediately.



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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-075  
October 2, 2018

**SUBJECT:** Delegation – Authority to the Directors of the District Department of Transportation and Department of Public Works; Public Space and Public Rights-of-Way

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), it is hereby **ORDERED** that:

1. The authority vested in the Mayor by Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 *et seq.*) (2013 Repl. and 2017 Supp.)) (“Act”), is delegated to the Director of the District Department of Transportation (“DDOT”).
2. The authority vested in the Mayor by section 603 of the Act (D.C. Official Code § 10-1141.03) to remove an apparatus, structure, or device from the public space, a public right of way, or a public structure is concurrently delegated to the Director of the Department of Public Works (“DPW”).
3. The Directors of DDOT and DPW may further delegate any of the authority delegated to each of them under this Order to any subordinate under his or her jurisdiction.
4. Mayor's Order 1996-175, dated December 9, 1996, is rescinded.

5. **EFFECTIVE DATE:** Paragraphs 1 of this Order shall be effective *nunc pro tunc* to May 21, 2002, and all actions previously taken by the Director of DDOT under the authority delegated by this Order are ratified and confirmed. Paragraphs 2, 3, and 4 of this Order shall become effective immediately.



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MURIEL BOWSER  
MAYOR

ATTEST:



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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

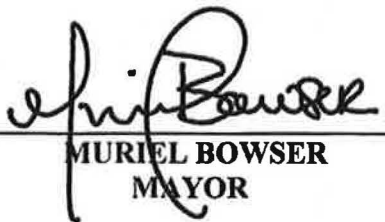
Mayor's Order 2018-076  
October 2, 2018

**SUBJECT:** Designation of Agency – Department of Employment Services


**ORIGINATING AGENCY:**Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (6) of the District of Columbia Home Rule Act, 87 Stat. 790; D.C. Official Code § 1-204.22(2) and (6) (2016 Repl.), and the Workforce Investment Implementation Act of 2000, effective July 18, 2000, D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.* (2012 Repl. & 2017 Supp.), it is hereby **ORDERED** that:

1. The Department of Employment Services (**DOES**) is designated to serve as the WIA administrative entity under section 4a of the Workforce Investment Implementation Act of 2000 (D.C. Official Code § 32-1603.01).
2. This order supersedes any previous Mayor's Order to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 2, 2015.



MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-077

October 5, 2018

**SUBJECT:** Reappointments and Appointments — Mayor's Council on Physical Fitness, Health, and Nutrition

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 2 of the Mayor's Council on Physical Fitness, Health, and Nutrition Establishment Act of 2011, effective December 2, 2011, D.C. Law 19-58, D.C. Official Code § 7-121 (2013 Repl.), it is hereby **ORDERED** that:

1. The following persons are reappointed as public members to the Mayor's Council on Physical Fitness, Health, and Nutrition ("**Council**"), for a term to end September 30, 2021:
  - a. **SHARI CURTIS**
  - b. **JENNIFER LEO**
  - c. **LILLIE MONROE-LORD**
  - d. **COURTNEY PUIDK**
  - e. **COREY REDDEN**
  - f. **LAELA SHALLAL**
  - g. **CARRIE STOLTZFUS**
  - h. **MARY TIERNEY**
  
2. The following persons are appointed as public members to the Council, for a term to end September 30, 2021:
  - a. **LISA FITZPATRICK**, replacing Regina Davis Moss.
  - b. **MICHELLE LIGHT**, replacing Michael Everts.
  - c. **GREG RALEIGH**, replacing Tal Alter.
  - d. **SARAH ROACHE**, replacing Michele Jones.
  - e. **DANETTE THOMAS**, replacing Gerard Burley.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-078  
October 9, 2018

**SUBJECT:** Appointment — Commission on Climate Change and Resiliency

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 3 of the Commission on Climate Change and Resiliency Establishment Act of 2016, effective February 18, 2017, D.C. Law 21-185; D.C. Official Code § 8-181.02 (2017 Supp.), it is hereby **ORDERED** that:

1. **PEGGY KELLER** is appointed as a voting member with demonstrable expertise in public health to the Commission on Climate Change and Resiliency, filling a vacant seat, for a term to end May 25, 2019.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-079  
October 16, 2018

**SUBJECT:** Appointment — Interim Deputy Mayor for Greater Economic Opportunity

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2015-143, dated May 27, 2015, establishing the Office of the Deputy Mayor for Greater Economic Opportunity, it is hereby **ORDERED** that:

1. **BRENDA DONALD** is appointed Interim Deputy Mayor for Greater Economic Opportunity and shall serve in that capacity at the pleasure of the Mayor. Brenda Donald shall carry out these duties simultaneously with her duties as Director, Child and Family Services Agency; however, she will not receive a second salary for these additional duties.
2. This Order supersedes Mayor's Order 2015-144, dated May 27, 2015.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 22, 2018.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-080  
October 16, 2018

**SUBJECT:** Appointment — Advisory Committee on Clinical Laboratory Practitioners

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99; D.C. Official Code § 3-1202.08 (2016 Repl.), it is hereby **ORDERED** that:

1. **ROLANDA WILSON** is appointed as a consumer member of the Advisory Committee on Clinical Laboratory Practitioners, filling a vacant seat, for a term to end on November 20, 2020.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

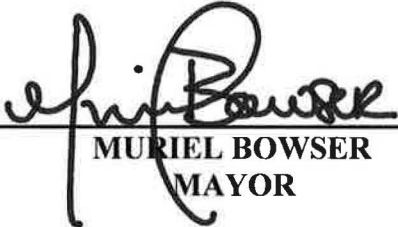
Mayor's Order 2018-081  
October 16, 2018

**SUBJECT:** Reappointment – Washington, DC Convention and Tourism Corporation  
(Destination DC)

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Article IV, Section 4.1 (a)(vii) of the Amended and Restated Bylaws of Destination DC, as amended May 2010, it is hereby **ORDERED** that:

1. **JESSICA WASSERMAN** is reappointed as an appointee of the Mayor of the District of Columbia to the Washington, DC Convention and Tourism Corporation (Destination DC), for a term to end March 26, 2021.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-082  
October 16, 2018

**SUBJECT:** Appointment — District of Columbia State Rehabilitation Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2001-173, dated November 30, 2001, it is hereby **ORDERED** that:

1. **TAYLOR KENNY** is appointed as a qualified vocational rehabilitation counselor, as an ex-officio member of the State Rehabilitation Council replacing Siavosh Hedayati, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-083  
October 16, 2018

**SUBJECT:** Appointments — Age-Friendly DC in 2023 Task Force


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2018-026, dated February 22, 2018, it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Age Friendly in 2023 DC Task Force, for a term to end December 31, 2023:
  - a. **KIMBERLEY ALFONSO** as a Community Co-Chair.
  - b. **SUSAN DONLEY** as a member with expertise in Communication and Information.
  - c. **GAIL HUNT** as a member with expertise in Caregiving.
  - d. **VICTORIA LANTEIGNE** a member with expertise in Outdoor Spaces and Buildings.
  - e. **LINDA MATHES** as a member with expertise in Disaster Preparedness and Response.
  - f. **JOSEPH MCDONALD** as a member with expertise in Academic Institutions.
  - g. **SANDRA OWENS LAWSON** as a member with expertise in Community Support and Health Services.
  - h. **KATRINA POLK** as a member with expertise in Housing.
  - i. **NATHAN REGAN** as a member representing Local Business Community.
  - j. **DENISE ROPER** as a member with expertise in Abuse, Neglect, and Fraud.
  - k. **WINONA SCOTT** as a member with expertise in Social Participation.
  - l. **RONALD SWANDA** as a member with expertise in Respect and Social Inclusion.
  - m. **ROMAINE THOMAS** as a member with expertise in Lifelong Learning.
  - n. **IMANI WOODY** as a member with expertise in Civic Participation and Employment.

- 2. The following persons are appointed as District of Columbia agency designees of the Age Friendly in 2023 DC Task Force, and shall serve at the pleasure of the Mayor:
  - a. **ASHLEY EMERSON** as a designee of the Deputy Mayor for Greater Economic Opportunity.
  - b. **JEANE LOCHER** as a designee of the Director of the Mayor's Office of Community Affairs.
  - c. **MATHEW MCCOLLOUGH** as a designee of the Director of the Office of Disability Rights.
  - d. **JAY MELDER** as a designee of the Deputy Mayor for Health and Human Services and Co-Chair of the Task Force.
  - e. **LAURA NEWLAND** as a designee of the Director of the Office on Aging.
  - f. **TYRA REDUS** as a designee of the Director of the District Department of Transportation.
  - g. **RAMIN TAHERI** as a designee of the Deputy Mayor for Education.
  - h. **MARY TERRELL** as a designee of the Director of the Department of Employment Services.
  - i. **JACQUI WATSON** as a designee of the Director of the Department of Health.
  
- 3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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**MURIEL BOWSER**  
**MAYOR**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CEASE AND DESIST AGENDA – CLASS B LICENSEES

WEDNESDAY, OCTOBER 24, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-098971 - **Kabal Beer & Wine Distribution Group** – Wholesaler – B – 4221  
Connecticut Avenue NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-103721 – **Wine Advise** – Wholesaler – B – 2820 Pennsylvania Avenue NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-086305 – **1101 Convenience Mart** – Retail – B – 1101 H Street NE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-023329 – **A-1 Grocery** – Retail – B – 615 Division Avenue NE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-073973 – **North Sea Carry-out Restaurant** – Retail – B – 2479 18<sup>th</sup> Street NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-077268 – **Grapes n' Hopes Market** – Retail – B – 512 Rhode Island Avenue NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-079164 – **L Street Market** – Retail – B – 1100 4<sup>th</sup> Street NE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-080635 – **El Gavilan Grocery** – Retail – B – 1646 Columbia Road NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-091196 – **Georgia Line Convenience Store** – Retail – B – 5125 Georgia Avenue NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-094127 – **Economy Market** – Retail – B – 1804 D Street NE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-094430 – **DC Mini Supermarket** – Retail – B – 1828 1<sup>st</sup> Street NW  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-094783 – **Charles Corner** – Retail – B – 2600 Wade Road SE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-105191 – **Menick's Market** – Retail – B – 4401 Nannie Helen Burroughs Avenue NE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-106018 – **Nam's Market** – Retail – B – 1327 W Street SE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ABRA-109067 – **Shipley Super Market** – Retail – B – 2283 Savannah Street SE  
[Licensee did not pay 2<sup>nd</sup> year payment.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CEASE AND DESIST AGENDA – CLASS C AND D RETAIL LICENSEES

WEDNESDAY, OCTOBER 24, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below:

ABRA-097074 – **Parlay** – Retail – C – Tavern – 1827 M Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-001271 – **Player's Lounge** – Retail – C – Nighclub – 2737 Martin Luther King Jr. Avenue SE  
[Licensee did not pay 3rd year payment.]

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ABRA-001273– **Vegas Lounge** – Retail – C – Nightclub – 1415 P Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-005864 – **Raven Grill** – Retail – C – Tavern – 3125 Mt Pleasant Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-009870 – **The Occidental** – Retail – C – Tavern – 1475 Pennsylvania Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-011277 – **Bachelor's Mill/Back Door Pub** – Retail – C – Tavern – 1104 8<sup>th</sup> Street SE  
[Licensee did not pay 3rd year payment.]

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ABRA-070520 – **Billy Goat Tavern & Grill** – Retail – C – Tavern – 500 New Jersey Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-073443 – **The Commodore** – Retail – C – Tavern – 1100 P Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-078443 – **Velvet Lounge** – Retail – C – Tavern – 915 U Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-078663 – **Ziegfeld's/Secrets** – Retail – C – Nightclub – 1824 Half Street SW  
[Licensee did not pay 3rd year payment.]

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ABRA-080606 – **Meridian Pint** – Retail – C – Tavern – 3400 11th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-083264 – **Music & Arts Club/Tropicalia** – Retail – C – Nightclub – 2001 14th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-083919 – **Dirty Martini Inn Bar/Dirty Bar** – Retail – C – Nightclub – 1223 Connecticut Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-083926 – **Joint Chiefs** – Retail – C – Tavern – 3400 11th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-084584 – **Sixth Engine** – Retail – C – Tavern – 438 Massachusetts Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-084711 – **Opera Ultra Lounge** – Retail – C – Nightclub – 1400 I Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-084731 – **Desperados Pizza** – Retail – C – Tavern – 1342 U Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-087045 – **DC Reynolds** – Retail – C – Tavern – 3628 Georgia Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-087558 – **Nomad Hookah Bar** – Retail – C – Tavern – 1200 H Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-087685 – **Tulip** – Retail – C – Tavern – 1207 19th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-088333 – **The Pinch** – Retail – C – Tavern – 3548 14th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-088772 – **Smoke & Barrel** – Retail – C – Tavern – 2471 18th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-089981 – **Righteous Cheese** – Retail – C – Tavern – 1309 5th Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-090597 – **Catch 15** – Retail – C – Tavern – 1518 K Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-090865 – **Homestead** – Retail – C – Tavern – 3911 Georgia Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-091432 – **Juanita's Restaurant** – Retail – C – Tavern – 3521 14th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-091887 – **Cedar Hill Bar & Grill / Uniontown Bar & Grill** – Retail – C – Tavern –  
2200 Martin Luther King Jr. Avenue SE  
[Licensee did not pay 3rd year payment.]

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ABRA-092192 – **Sol Mexican Grill** – Retail – C – Tavern – 1251 H Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-092423 – **Simple Bar and Grill** – Retail – C – Tavern – 5828 Georgia Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-093948 – **Brookland Pint** – Retail – C – Tavern – 716 Monroe Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-094002 – **Hilltop Bar & Restaurant** – Retail – C – Tavern – 2737 Sherman Avenue  
NW  
[Licensee did not pay 3rd year payment.]

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ABRA-094011 – **Steel Plate** – Retail – C – Tavern – 3523 12th Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-094107 – **Halftime Sports Bar** – Retail – C – Tavern – 1427 H Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-094424 – **Smith Public Trust** – Retail – C – Tavern – 3514 12th Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-094562 – **Stonefish Grill & Lounge** – Retail – C – Tavern – 1050 17<sup>th</sup> Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-095003 – **Dino's Grotto** – Retail – C – Tavern – 1914 9th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-095107 – **The Pitch** – Retail – C – Tavern – 4015 Georgia Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-096484 – **The Stanton** – Retail – C – Tavern – 319 Pennsylvania Avenue SE  
[Licensee did not pay 3rd year payment.]

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ABRA-096771 – **The Elroy** – Retail – C – Tavern – 1423 H Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-097981 – **Nido** – Retail – C – Tavern – 2214 Rhode Island Avenue NE  
[Licensee did not pay 3rd year payment.]

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ABRA-098173 – **Wunder Garten** – Retail – C – Tavern – 131 M Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-098174 – **Quarter & Glory** – Retail – C – Tavern – 2017 14<sup>th</sup> Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-098370 – **XO Restaurant & Lounge** – Retail – C – Tavern – 1426 L Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-098902 – **Big Chief** – Retail – C – Tavern – 2002 Fenwick Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-100018 – **The Airedale** – Retail – C – Tavern – 3605 14th Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-100316 – **Elevate** – Retail – C – Tavern – 15 K Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-101299 – **The Dirty Goose** – Retail – C – Tavern – 913 U Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-103087 – **Elle** – Retail – C – Tavern – 3221 Mt Pleasant Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-104755 – **Cucina al Volo** – Retail – D – Tavern – 1309 5th Street NE  
[Licensee did not pay 3rd year payment.]

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ABRA-105026 – **TaKorean** – Retail – C – Tavern – 1301 U Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-105750 – **Hill Country Summer Barbecue at the National Building Museum** – Retail  
– C – Tavern – 401 7th Street NW  
[Licensee did not pay 2<sup>nd</sup> and 3rd year payments.]

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ABRA-106785 – **Peace Lounge** – Retail – C – Tavern – 2632 Georgia Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-106839 – **The Green Zone** – Retail – C – Tavern – 2226 18<sup>th</sup> Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-107182 – **Rewind** – Retail – C – Nightclub – 1219 Connecticut Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-107244 – **Columbus Club** – Retail – C – Tavern – 50 Massachusetts Avenue NE  
[Licensee did not pay 3rd year payment.]

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ABRA-108217 – **Cucina al Volo** – Retail – C – Tavern – 3415-3417 Connecticut Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-109076 – **Taqueria Local** – Retail – C – Tavern – 1627 K Street NW  
[Licensee did not pay 3rd year payment.]

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ABRA-109475 – **The Eleanor DC** – Retail – C – Tavern – 100 Florida Avenue NE  
[Licensee did not pay 3rd year payment.]

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ABRA-109613 – **Barrafina Bar & Grill** – Retail – C – Tavern – 1714 Connecticut Avenue NW  
[Licensee did not pay 3rd year payment.]

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ABRA-109855 – **Aslin Beer Garden** – Retail – C – Tavern – 1299 1<sup>st</sup> Street SE  
[Licensee did not pay 3rd year payment.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, OCTOBER 24, 2018 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 1A. SMD 1A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *The Good Silver*, 3410 11<sup>th</sup> Street NW, Retailer CR, License No. 089161.

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

**OFFICE OF THE CHIEF FINANCIAL OFFICER  
Office of Revenue Analysis**

**NOTICE of INCREASES in the  
SCHEDULE H MAXIMUM CREDIT and INCOME THRESHOLDS  
for TAX YEAR 2019**

**I. The Schedule H Maximum Credit**

Per the D.C. Code § 47-1806, et seq., the Schedule H Maximum Credit amount (pertaining to the Individual Income Tax) for tax year 2019 is adjusted in the following manner:

The Washington Area Average CPI value for Tax Year 2013:	244.76
The Washington Area Average CPI value for Tax Year 2018:	259.95
The percent change in the index for the above time period:	6.21%

**Therefore, for tax year 2019<sup>1</sup>:**

- **the Schedule H Maximum Credit amount shall be** **\$1,050.00**

**II. The Schedule H Income Threshold (Non-Seniors)**

Per the D.C. Code § 47-1806, et seq., the Schedule H eligibility income threshold amount for non-seniors (pertaining to the Individual Income Tax) for tax year 2019 is adjusted in the following manner:

The Washington Area Average CPI value for Tax Year 2015:	250.09
The Washington Area Average CPI value for Tax Year 2018:	259.95
The percent change in the index for the above time period:	3.94%

**Therefore, for tax year 2019<sup>2</sup>:**

- **the Schedule H eligibility income threshold amount for non-seniors shall be** **\$51,900.00**

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<sup>1</sup> Annual dollar amount changes are rounded down to the nearest \$25.00 increment.

<sup>2</sup> Annual dollar amount changes are rounded down to the nearest \$100.00 increment.

**III. The Schedule H Income Threshold (Seniors)**

Per the D.C. Code § 47-1806, et seq., the Schedule H eligibility income threshold amount for seniors (pertaining to the Individual Income Tax) for tax year 2019 is adjusted in the following manner:

The Washington Area Average CPI value for Tax Year 2013:	244.76
The Washington Area Average CPI value for Tax Year 2018:	259.95
The percent change in the index for the above time period:	6.21%

Therefore, for tax year 2019<sup>3</sup>:

- the Schedule H eligibility income threshold amount for seniors shall be **\$63,700.00**

**A Summary of  
Schedule H Credit and Income Threshold Amounts  
for Tax Year 2019**

	<b>Base Amounts</b>	<b>CPI Adjustment Factor*</b>	<b>2019 Amounts</b>
Schedule H Maximum Credit	\$1,000.00	1.0621	\$1,050.00
Schedule H Income Threshold (non-senior)	\$50,000.00	1.0394	\$51,900.00
Schedule H Income Threshold (senior)	\$60,000.00	1.0621	\$63,700.00

\* Source: U.S. Bureau of Labor Statistics, data accessed August 29, 2018

<sup>3</sup> Annual dollar amount changes are rounded down to the nearest \$100.00 increment.

**D.C. CRIMINAL CODE REFORM COMMISSION****NOTICE OF PUBLIC MEETING**

**WEDNESDAY, NOVEMBER 7, 2018 AT 10:00 AM**  
**441 4<sup>TH</sup> STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

D.C. Criminal Code Reform Commission  
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001  
(202) 442-8715 [www.ccrc.dc.gov](http://www.ccrc.dc.gov)

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, November 7, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11<sup>th</sup> Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or [richard.schmechel@dc.gov](mailto:richard.schmechel@dc.gov).

**MEETING AGENDA**

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on:
  - (A) First Draft of Report #24, *Failure to Disperse and Rioting*
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
  - (A) First Draft of Report #26, *Sexual Assault and Related Provisions*
  - (B) First Draft of Report #27, *Human Trafficking and Related Statutes*
  - (C) First Draft of Report #28, *Stalking*
  - (D) First Draft of Report #29, *Failure to Arrest*
  - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
  - (F) Advisory Group Memo #20 Supplementary Materials to the First Drafts of Reports #s 26-29.
- IV. Adjournment.



**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**  
**ANNOUNCES OCTOBER 25, 2018 PUBLIC MEETING**  
**FOR THE UNIFORM PER STUDENT FUNDING FORMULA (UPSFF) WORKING**  
**GROUP**

The Office of the State Superintendent of Education is convening a Uniform Per Student Funding Formula (UPSFF) Working Group pursuant to section 112(c) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2911(c)).

A public meeting for the UPSFF Working Group will be held as follows:

**3:30 p.m. – 5:00 p.m.**  
**Thursday October 25, 2018**  
**1050 First St. NE, Washington, DC 20002**  
**Conference Room 108 (Eleanor Holmes Norton I)**

For additional information, please contact:

Ryan Aurori, Special Assistant for Budget and Finance  
Office of the Chief of Staff  
Office of the State Superintendent of Education  
1050 First St. NE, Third Floor  
Washington, DC 20002  
(202) 899-6098  
[Ryan.Aurori@dc.gov](mailto:Ryan.Aurori@dc.gov)

**DISTRICT OF COLUMBIA****BOARD OF ELECTIONS**

Pursuant to D.C. Official Code 1-1001.05(a)(5), the District of Columbia Board of Elections hereby publishes this fictitious ballot to show the design and layout of the ballot that will be used in the December 4, 2018 Special Election to fill the vacancy in the office of Ward Four Member of the State Board of Education. This ballot reflects the contest to be held, but not the actual names or number of candidates running in this contest.

Sample copies of the official ballot that will be used in the election will be published in at least one newspaper of general circulation the week of November 13, 2018.

For more information, please contact:

Board of Elections  
1015 Half Street, SE,  
Suite 750  
Washington, D.C. 20003  
202-727-2525

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

<p align="center"><b>FICTITIOUS BALLOT SPECIAL ELECTION DISTRICT OF COLUMBIA TUESDAY, DECEMBER 4, 2018</b></p>	<p align="center"><b>BOLETA DE MUESTRA ELECCIÓN ESPECIAL DISTRITO DE COLUMBIA MARTES, 4 DE DICIEMBRE DE 2018</b></p>	
<p align="center"><b>INSTRUCTIONS TO VOTER</b></p> <p>1. TO VOTE, YOU MUST FILL IN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. A filled-in oval (●) to the left of a candidate's name indicates a vote for that candidate.</p> <p>2. Use only a blue or black ink pen.</p> <p>3. To vote for a write-in candidate, fill in the oval to the left of the write-in line, and write the name of the person on the line.</p> <p>4. If you make a mistake, ask for a new ballot.</p>	<p align="center"><b>INSTRUCCIONES PARA EL VOTANTE</b></p> <p>PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovaló (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato.</p> <p>2. Use solamente un bolígrafo azul o negro.</p> <p>3. Para votar por un candidato por escrito, rellene el óvalo a la izquierda de la línea y escriba el nombre de la persona en la línea.</p> <p>4. Si comete un error, pida una nueva boleta.</p>	
<p><b>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</b></p> <hr/> <p><b>WARD FOUR MEMBER OF THE STATE BOARD OF EDUCATION MIEMBRO DE LA JUNTA ESTATAL DE EDUCACIÓN POR EL DISTRITO CUATRO DEL DISTRITO DE COLUMBIA</b></p> <p>VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>		
<p>○ Candidate A</p> <p>○ _____</p> <p>Write-in /Candidato por escrito</p>		

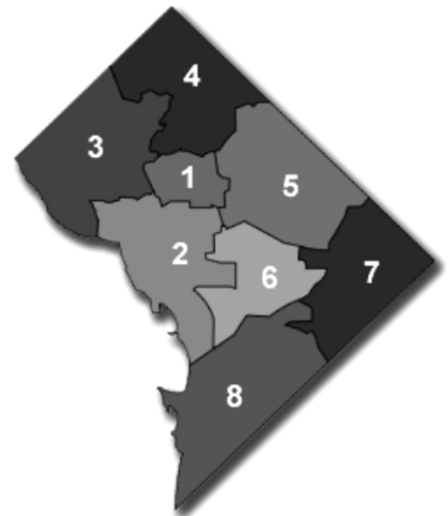
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of September 30, 2018**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	45,572	2,984	617	182	192	11,637	<b>62,184</b>
<b>2</b>	31,202	5,766	244	215	162	10,942	<b>48,531</b>
<b>3</b>	39,071	6,292	368	179	142	11,254	<b>57,306</b>
<b>4</b>	49,848	2,249	532	116	166	9,110	<b>62,021</b>
<b>5</b>	53,738	2,418	594	152	245	9,839	<b>66,986</b>
<b>6</b>	56,678	7,514	544	307	245	14,116	<b>79,404</b>
<b>7</b>	48,913	1,346	428	77	178	7,090	<b>58,032</b>
<b>8</b>	47,444	1,454	458	67	193	7,653	<b>57,269</b>
<b>Totals</b>	373,466	30,023	3,785	1,295	1,523	81,641	<b>491,733</b>
<b>Percentage By Party</b>	<b>75.95%</b>	<b>6.11%</b>	<b>.77%</b>	<b>.26%</b>	<b>.31%</b>	<b>16.60%</b>	<b>100.00%</b>

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
**VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS**  
AS OF THE END OF SEPTEMBER 30, 2018

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

ONE JUDICIARY SQUARE  
1015 HALF STREET, SE SUITE 750  
WASHINGTON, DC 20003  
(202) 727-2525  
<http://www.dcboe.org>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 1 REGISTRATION SUMMARY**  
**As Of September 30, 2018**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>20</b>	1,605	33	9	3	6	288	<b>1,944</b>
<b>22</b>	3,910	404	30	13	15	1,015	<b>5,387</b>
<b>23</b>	2,983	229	40	14	14	810	<b>4,090</b>
<b>24</b>	2,722	257	27	20	10	793	<b>3,829</b>
<b>25</b>	3,929	434	46	18	13	1,111	<b>5,551</b>
<b>35</b>	3,719	221	49	18	12	856	<b>4,875</b>
<b>36</b>	4,354	254	52	10	21	1,030	<b>5,721</b>
<b>37</b>	3,623	172	41	12	24	869	<b>4,741</b>
<b>38</b>	2,986	136	46	16	12	765	<b>3,961</b>
<b>39</b>	4,206	179	67	16	14	953	<b>5,435</b>
<b>40</b>	3,935	190	80	11	15	1,008	<b>5,239</b>
<b>41</b>	3,727	202	72	10	17	1,028	<b>5,056</b>
<b>42</b>	1,854	96	27	8	9	474	<b>2,468</b>
<b>43</b>	1,862	74	24	7	6	375	<b>2,354</b>
<b>137</b>	1,157	103	7	6	4	256	<b>1,533</b>
<b>TOTALS</b>	<b>46,572</b>	<b>2,984</b>	<b>617</b>	<b>182</b>	<b>192</b>	<b>11,637</b>	<b>62,184</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of September 30, 2018**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>2</b>	903	169	7	10	9	542	<b>1,640</b>
<b>3</b>	1,691	374	16	9	12	661	<b>2,763</b>
<b>4</b>	2,006	512	9	13	11	754	<b>3,305</b>
<b>5</b>	2,121	603	17	21	13	793	<b>3,568</b>
<b>6</b>	2,367	820	21	19	16	1,280	<b>4,523</b>
<b>13</b>	1,316	239	5	5	6	423	<b>1,994</b>
<b>14</b>	2,897	455	27	21	10	959	<b>4,369</b>
<b>15</b>	3,077	399	33	22	13	895	<b>4,439</b>
<b>16</b>	3,467	435	32	26	15	987	<b>4,962</b>
<b>17</b>	4,871	639	27	33	22	1,472	<b>7,064</b>
<b>129</b>	2,409	417	12	11	13	928	<b>3,790</b>
<b>141</b>	2,488	321	18	13	11	660	<b>3,511</b>
<b>143</b>	1,589	383	20	12	11	588	<b>2,603</b>
<b>TOTALS</b>	<b>31,202</b>	<b>5,766</b>	<b>244</b>	<b>215</b>	<b>162</b>	<b>10,942</b>	<b>48,531</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of September 30, 2018**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>7</b>	1,302	399	12	5	5	574	<b>2,297</b>
<b>8</b>	2,463	633	26	6	9	807	<b>3,944</b>
<b>9</b>	1,220	484	7	9	10	492	<b>2,222</b>
<b>10</b>	1,909	409	19	12	9	703	<b>3,061</b>
<b>11</b>	3,502	831	46	42	20	1,265	<b>5,706</b>
<b>12</b>	502	176	1	5	4	210	<b>898</b>
<b>26</b>	3,000	350	23	10	6	859	<b>4,248</b>
<b>27</b>	2,493	243	21	8	2	567	<b>3,334</b>
<b>28</b>	2,556	456	39	14	11	793	<b>3,869</b>
<b>29</b>	1,333	222	15	9	8	407	<b>1,994</b>
<b>30</b>	1,298	206	11	4	5	309	<b>1,833</b>
<b>31</b>	2,488	300	17	8	12	582	<b>3,407</b>
<b>32</b>	2,822	286	29	7	11	591	<b>3,746</b>
<b>33</b>	2,953	271	24	4	5	671	<b>3,928</b>
<b>34</b>	3,953	422	39	14	8	1,120	<b>5,556</b>
<b>50</b>	2,204	278	17	8	7	523	<b>3,037</b>
<b>136</b>	873	72	9	2	2	269	<b>1,227</b>
<b>138</b>	2,200	254	13	12	8	512	<b>2,999</b>
<b>TOTALS</b>	<b>39,071</b>	<b>6,292</b>	<b>368</b>	<b>179</b>	<b>142</b>	<b>11,254</b>	<b>57,306</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 4 REGISTRATION SUMMARY  
As Of September 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,368	67	31	9	6	375	2,856
46	2,855	102	32	8	15	507	3,519
47	3,512	139	37	10	16	755	4,469
48	2,841	132	30	7	6	561	3,577
49	927	43	13	3	6	213	1,205
51	3,386	504	25	8	10	648	4,581
52	1,254	147	10	2	6	235	1,654
53	1,262	72	23	3	4	245	1,609
54	2,406	94	26	4	6	457	2,933
55	2,482	84	17	3	15	435	3,036
56	3,184	96	37	12	13	651	3,993
57	2,495	68	31	7	10	498	3,109
58	2,300	63	20	5	5	374	2,767
59	2,613	85	28	8	7	416	3,157
60	2,195	76	25	6	11	609	2,922
61	1,615	58	16	3	4	296	1,992
62	3,179	128	22	3	4	398	3,734
63	3,805	141	59	3	14	676	4,698
64	2,381	64	21	5	6	381	2,858
65	2,788	86	29	7	2	380	3,292
<b>Totals</b>	<b>49,848</b>	<b>2,249</b>	<b>532</b>	<b>116</b>	<b>166</b>	<b>9,110</b>	<b>62,021</b>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 5 REGISTRATION SUMMARY**  
**As Of September 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,518	200	65	12	18	975	5,788
44	2,875	233	29	10	18	670	3,835
66	4,643	104	44	9	16	633	5,450
67	2,903	100	21	4	9	430	3,467
68	1,957	166	24	11	8	406	2,572
69	2,125	77	21	1	11	303	2,538
70	1,482	70	23	0	4	241	1,820
71	2,458	72	23	7	10	379	2,949
72	4,414	152	36	11	29	753	5,395
73	1,991	92	25	6	8	376	2,498
74	4,881	273	63	17	23	1,026	6,283
75	4,027	234	48	25	23	847	5,204
76	1,719	96	20	7	8	392	2,242
77	2,968	123	28	4	13	546	3,682
78	3,011	99	45	7	13	512	3,687
79	2,126	80	25	3	14	394	2,642
135	3,125	181	36	14	15	622	3,993
139	2,515	66	17	4	5	334	2,941
<b>TOTALS</b>	<b>53,738</b>	<b>2,418</b>	<b>594</b>	<b>152</b>	<b>245</b>	<b>9,839</b>	<b>66,986</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 6 REGISTRATION SUMMARY**  
**As Of September 30, 2018**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>1</b>	4,550	611	42	31	18	1,277	<b>6,529</b>
<b>18</b>	4,895	387	48	18	19	1,134	<b>6,501</b>
<b>21</b>	1,196	63	9	6	1	254	<b>1,529</b>
<b>81</b>	4,699	381	55	16	18	986	<b>6,155</b>
<b>82</b>	2,608	252	26	12	6	617	<b>3,521</b>
<b>83</b>	5,729	766	49	37	26	1,506	<b>8,113</b>
<b>84</b>	1,990	416	21	11	11	538	<b>2,987</b>
<b>85</b>	2,714	495	18	16	6	733	<b>3,982</b>
<b>86</b>	2,251	254	23	10	9	440	<b>2,987</b>
<b>87</b>	2,712	297	20	4	20	614	<b>3,667</b>
<b>88</b>	2,145	303	24	9	6	493	<b>2,980</b>
<b>89</b>	2,644	627	27	20	12	772	<b>4,102</b>
<b>90</b>	1,625	235	14	5	13	475	<b>2,367</b>
<b>91</b>	4,190	422	36	17	19	951	<b>5,635</b>
<b>127</b>	4,282	311	48	23	20	905	<b>5,589</b>
<b>128</b>	2,519	230	29	14	11	603	<b>3,406</b>
<b>130</b>	789	311	6	3	3	259	<b>1,371</b>
<b>131</b>	3,357	902	32	38	20	1,042	<b>5,391</b>
<b>142</b>	1,783	251	17	17	7	517	<b>2,592</b>
<b>TOTALS</b>	<b>56,678</b>	<b>7,514</b>	<b>544</b>	<b>307</b>	<b>245</b>	<b>14,116</b>	<b>78,744</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 7 REGISTRATION SUMMARY  
As Of September 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,478	90	19	4	3	288	1,882
92	1,615	35	11	1	5	239	1,906
93	1,618	40	18	2	8	256	1,942
94	2,018	61	19	4	9	282	2,393
95	1,693	52	13	1	2	285	2,046
96	2,417	63	15	0	11	357	2,863
97	1,418	48	15	2	7	228	1,718
98	1,943	44	21	6	9	278	2,301
99	1,559	52	17	7	6	293	1,934
100	2,484	48	15	3	9	318	2,877
101	1,615	36	15	5	5	194	1,870
102	2,410	58	20	4	13	309	2,814
103	3,552	80	40	4	10	517	4,203
104	3,218	90	30	3	20	485	3,846
105	2,453	73	20	4	10	394	2,954
106	2,884	61	22	4	12	396	3,379
107	1,818	60	14	1	8	254	2,155
108	1,088	31	6	0	2	137	1,264
109	977	42	3	2	1	109	1,134
110	3,793	100	22	11	11	455	4,392
111	2,493	67	35	3	6	412	3,016
113	2,238	57	23	1	6	281	2,606
132	2,131	58	15	5	5	323	2,537
<b>TOTALS</b>	<b>48,913</b>	<b>1,346</b>	<b>428</b>	<b>77</b>	<b>178</b>	<b>7,090</b>	<b>58,032</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 8 REGISTRATION SUMMARY**  
**As Of September 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,256	59	17	0	11	343	2,686
114	3,732	146	46	8	25	665	4,622
115	2,866	77	26	4	10	619	3,602
116	4,241	106	43	4	13	671	5,078
117	2,167	48	19	4	9	349	2,596
118	2,827	84	30	4	16	433	3,394
119	2,796	115	33	5	15	468	3,432
120	2,058	49	15	2	4	280	2,408
121	3,507	77	28	6	8	496	4,122
122	1,846	47	21	1	8	270	2,193
123	2,444	179	27	14	20	424	3,108
124	2,682	73	22	1	8	382	3,168
125	4,589	107	35	3	16	759	5,509
126	3,981	138	50	7	15	742	4,933
133	1,332	45	8	1	0	185	1,571
134	2,233	52	25	1	5	293	2,609
140	1,887	52	13	2	10	274	2,238
<b>TOTALS</b>	<b>47,444</b>	<b>1,454</b>	<b>458</b>	<b>67</b>	<b>193</b>	<b>7,653</b>	<b>57,269</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**CITYWIDE REGISTRATION ACTIVITY**

*For voter registration activity between 8/31/2018 and 9/30/2018*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>371,504</b>	<b>29,902</b>	<b>3,782</b>	<b>1,252</b>	<b>1,516</b>	<b>80,883</b>	<b>488,839</b>
Board of Elections Over the Counter	24	0	0	0	0	7	<b>31</b>
Board of Elections by Mail	103	9	0	0	1	35	<b>148</b>
Board of Elections Online Registration	420	23	3	6	10	93	<b>555</b>
Department of Motor Vehicle	855	122	6	16	1	433	<b>1,433</b>
Department of Disability Services	0	0	0	0	0	3	<b>3</b>
Office of Aging	1	0	0	0	0	0	<b>1</b>
Federal Postcard Application	0	0	0	0	0	0	<b>0</b>
Department of Parks and Recreation	0	0	0	0	0	0	<b>0</b>
Nursing Home Program	0	0	0	0	0	0	<b>0</b>
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	<b>0</b>
Department of Corrections	1	0	0	0	0	0	<b>1</b>
Department of Human Services	7	1	0	0	0	2	<b>10</b>
Special / Provisional	236	11	0	2	2	24	<b>275</b>
All Other Sources	335	9	2	1	0	74	<b>421</b>
<b>+Total New Registrations</b>	<b>1,978</b>	<b>175</b>	<b>11</b>	<b>25</b>	<b>14</b>	<b>668</b>	<b>2,871</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	383	19	6	6	1	80	<b>495</b>
Administrative Corrections	22	1	0	5	0	116	<b>144</b>
<b>+TOTAL ACTIVATIONS</b>	<b>405</b>	<b>20</b>	<b>6</b>	<b>11</b>	<b>1</b>	<b>196</b>	<b>639</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	0	0	0	0	0	0	<b>0</b>
Moved Out of District (Deleted)	0	0	0	0	0	0	<b>0</b>
Felon (Deleted)	2	1	0	0	0	0	<b>3</b>
Deceased (Deleted)	6	0	0	0	0	1	<b>7</b>
Administrative Corrections	561	27	9	2	25	68	<b>692</b>
<b>-TOTAL DEACTIVATIONS</b>	<b>569</b>	<b>26</b>	<b>9</b>	<b>2</b>	<b>25</b>	<b>69</b>	<b>702</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	
+ Changed To Party	567	104	48	27	36	442	
- Changed From Party	-419	-150	-53	-18	-19	-479	
<b>ENDING TOTALS</b>	<b>373,466</b>	<b>30,023</b>	<b>3,785</b>	<b>1,295</b>	<b>1,523</b>	<b>81,641</b>	<b>491,733</b>

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit No. 6717-R1 to Department of Homeland Security to renew approval to operate an indoor firing range at 1200 Pennsylvania Avenue NW Washington DC. The contact person for the facility is David Brown, Acting Environmental Protection Specialist, at 202-406-5641. The applicant's mailing address is 245 Murry Lane SW, Bldg. T-5 SW, Washington, DC 20223.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after November 19, 2018 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF ENERGY AND ENVIRONMENT**

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit No. 7231 to Howard University to construct and operate one 8.27 million Btu per hour natural gas-fired boiler at the Howard University Service Center located at 2244 10<sup>th</sup> Street NW, Washington DC 20059. The contact person for the facility is Susan Dreyer, Director of Environmental, Health, and Safety, at (202) 806-1006.

Emissions:

The estimated maximum annual emissions from the 8.27 MMBTU/hr natural gas-fired boiler are expected to be as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions for Each Boiler (tons/yr)</b>
Total Particulate Matter (PM Total)	0.27
Sulfur Dioxide (SO <sub>2</sub> )	0.021
Nitrogen Oxides (NO <sub>x</sub> )	2.64
Volatile Organic Compounds (VOC)	0.20
Carbon Monoxide (CO)	1.34

The proposed emission limits are as follows:

- a. This 8.27 MMBTU per hour natural gas fired boiler shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

<b>Boiler Emission Limits</b>	
<b>Pollutant</b>	<b>Short-Term Limit (lb/hr)</b>
Carbon Monoxide (CO)	0.31
Oxides of Nitrogen (NO <sub>x</sub> )	0.60
Total Particulate Matter (PM Total)	0.06
Sulfur Dioxide (SO <sub>2</sub> )	0.005

\*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boiler, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

- d. Total suspended particulate matter (TSP) emissions from the boiler shall not exceed 0.11 pound per million BTU. [20 DCMR 600.1]
- e. NO<sub>x</sub> and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.1(a)(4) and 20 DCMR 805.8(a) and (b)]:
  - i. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
  - ii. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO<sub>x</sub> and, to the extent practicable, minimize emissions of CO;
  - iii. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
  - iv. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in Condition II of this permit.

The permit application and supporting documentation, along with the draft permit is available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permits.

Comments on the draft permits and any request for a public hearing should be addressed to:

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after November 19, 2018 will be accepted.**

For more information, please contact Stephen S. Ours at (202) 535-1747.



**HEALTH BENEFIT EXCHANGE AUTHORITY****NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4<sup>th</sup> Floor, Washington, DC 20005 on **Wednesday, October 17, 2018 at 5:30 pm**. The call in number is 1-650-479-3208, and access code is 732 563 620. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
October 31, 2018

On OCTOBER 31, 2018 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2<sup>nd</sup> Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.doh.dc.gov/bomed](http://www.doh.dc.gov/bomed) and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

**DC DEPARTMENT OF HEALTH (DC Health)  
Community Health Administration (CHA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA# CHA\_TCHS\_11.2.18**

**Tobacco Cessation & Health Systems Change**

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to provide services in the program and service areas described in this (NOFA). This announcement is to provide public notice of DC Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	Tobacco Cessation & Health Systems Change
Funding Opportunity Number:	FO-CHA-PG-00179-011
Program RFA ID#:	CHA_TCHS_11.2.18
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Cancer and Chronic Disease Prevention
Program Contact:	Erin Thomas – Public Health Analyst 202.442.5902 or <a href="mailto:erin.thomas@dc.gov">erin.thomas@dc.gov</a>
Program Description:	DC Health seeks to ensure that tobacco use and dependence treatment is recognized as a chronic, relapsing condition and is fully integrated into the continuum of health care – similar to the diagnosis and management of other chronic, relapsing conditions such as hypertension. Funding under this RFA will support the integration of evidence-based tobacco dependence assessment and treatment into the continuum of care. By systematizing the treatment of tobacco dependence within the health care environment, DC Health anticipates that not only will patients’ health improve but that the health care system will realize cost savings. Applicants are required to use a quality improvement framework Plan-Do-Study-Act to monitor and evaluate interventions. Reporting of clinical quality measures, which are indicators of healthcare processes and outcomes, will be required in order to identify

	opportunities for health system enhancement. Applicants must also be able to demonstrate how their proposed systems change strategies will change health care systems processes and lead to a seamless, integrated approach to addressing tobacco use for all patients; particularly patients living in Wards with high tobacco use prevalence (Wards 5, 7 and 8).
Eligible Applicants	Hospitals, health centers, FQHC’s and private practices serving residents of the District of Columbia.
Anticipated # of Awards:	1 – 4
Anticipated Amount Available:	\$200,000
Floor Award Amount:	\$50,000
Ceiling Award Amount:	\$100,000

**Funding Authorization:**

Legislative Authorization	FY 19 Budget Support Act of 2018
Associated CFDA#	Not Applicable
Associated Federal Award ID#	Not Applicable
Cost Sharing / Match Required?	No
RFA Release Date:	<b>November 2, 2018</b>
Pre-Application Meeting (Date)	November 8, 2018
Pre-Application Meeting (Time)	10:00 am – 11:30 am
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE, Washington, DC 20002 <b>Conference Room: 306 - WebEx Option: <a href="#">Register</a></b>
Letter of Intent Due date:	Not applicable
Application Deadline Date:	<b>Friday, November 30, 2018</b>
Application Deadline Time:	<b>6:00 PM</b>
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> . DC Health EGMS <a href="https://dcdoh.force.com/GO_ApplicantLogin2">https://dcdoh.force.com/GO_ApplicantLogin2</a>

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.

4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

**DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION REVIEW BOARD**

**NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS**

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The properties are now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

**Designation Case No. 18-12: Theodore Roosevelt High School**  
4301 13<sup>th</sup> Street NW (Square 2915, part of Lot 802)  
Designated September 27, 2018

**Designation Case No. 18-13: MacFarland Junior High School**  
4400 Iowa Avenue NW (Square 2915, part of Lot 802)  
Designated September 27, 2018

**Designation Case No. 18-14: Petworth Neighborhood Library**  
4200 Kansas Avenue NW (Square 2915, part of Lot 802)  
Designated September 27, 2018

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**MERIDIAN PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Special Education Services Assessment, Planning and Professional Development**

**Support for Building a Full Continuum of Supports and Services**

Meridian Public Charter School (Meridian) invites proposals from qualified individuals and agencies, hereinafter referred to as the “Consultant”, to provide assessment, planning and professional development support to help Meridian fully build out a full continuum of supports and services for students with disabilities.

Submission deadline for proposals will be October 26<sup>th</sup>, 2018 by 4pm Eastern Time.

To request a full copy of the proposal requirements, please email:

Chaunti Sockwell  
Business Operations Coordinator  
Meridian Public Charter School  
csockwell@meridian-dc.org

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA****NOTICE OF REIMBURSABLE BUDGETS AND TOTAL GROSS  
JURISDICTIONAL REVENUES****ASMT2019, ASSESSMENTS FOR FISCAL YEAR 2019**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Rule 1302.1 of Chapter 13 of Title 15 of the District of Columbia Municipal Regulations, “Rules Implementing the Public Utilities Reimbursement Fee Act of 1980” (“Chapter 13”), of the net reimbursable budgets for the Commission and for the Office of the People’s Counsel (“OPC”) for Fiscal Year 2019 (“FY 2019”). In addition, pursuant to Rule 1302.1(b), the Commission gives notice of the total gross revenue of each public utility, competitive electricity supplier, competitive natural gas supplier, and competitive local exchange carrier (“CLEC”) for the preceding calendar year, calendar year 2017.

2. The net reimbursable budget for the Commission for FY 2019 is \$15,145,219. The net reimbursable budget for OPC for FY 2019 is \$8,970,586.

3. The total gross revenues of all public utilities, competitive electricity suppliers, competitive natural gas suppliers, and CLECs for the preceding calendar year, calendar year 2017, were \$1,754,616,489.72.



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

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after November 15, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 12, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary** **Effective: November 15, 2018**  
**Recommendations for Appointments as DC Notaries Public** **Page 2**

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Aburto	Luz	Presidential Bank, FSB 1660 K Street, NW	20006
Acker	Venita A.	Supreme Court of the United States 1 First Street, NE	20543
Anderson	Maya	NorthMarq Capital Finance, LLC 601 13th Street, NW, Suite 500N	20005
Armstrong	Abraham Philip	Victims of Communism Memorial Foundation 300 New Jersey Avenue, NW, Suite 900	20001
Balton	Brenda L.	Self 705 Emerson Street, NE	20017
Bateman	Isis Jannette	Urban City Management 1928 Benning Road, NE	20002
Beauford	Larcenia V.	Arent Fox, LLP 1717 K Street, NW	20006
Berry Jr.	Randall Lee	Federal Retirement Thrift Investment Board 77 K Street, NE, Suite 1000	20002
Blau	Hedy D.	Olender Reporting, Inc 1100 Connecticut Avenue, NW, Suite 810	20036
Brown	Peter D.	Suntrust 2929 M Street, NW	20007
Bryant	Angelina J	Childrens National Medical Center 111 Michigan Avenue, NW	20010
Butani	Anita	Self (Dual) 605 Q Street, NW	20001
Cannon	LaToya	United States Department of Education 400 Maryland Avenue, SW	20202
Coley	Donna M.	CIBC Private Wealth Management 1201 F Street, NW, Suite 900	20004
Coley	Michele Renee	Self 1805 29th Street, SE	20020

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

Effective: November 15, 2018

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Crowder	Sharanique	AMT, LLC 10 G Street, NE	20002
Curtis-Swann	Gloria Jean	Verizon 1300 I Street, NW, Suite 500 East	20005
Deathe	Barbara	Babst, Calland, Clements & Zomnir 505 9th Street, NW, Suite 700	20004
Diefendorf	Anna V.	Krooth & Altman 1850 M Street, NW, Suite 400	20036
Durham	Joette Rochelle	Federal Retirement Thrift Investment Board 77 K Street, NE, Suite 1000	20002
Edwards	Chloe C.	LP Title, LLC 4725 Wisconsin Avenue, Suite 250	20016
Ferrel	Rebecca	Oxford Properties Group 600 Massachusetts Avenue, NW, Suite 375	20001
Foster	Wanda B.	Self (Dual) 141 Randolph Place, NW	20001
Frazer-Sinclair	Earlito O.	District of Columbia Army National Guard 2001 East Capitol Street, SE	20744
Garry	Joseph James	Neal R. Gross Court Reporters and Transcribers 1323 Rhode Island Avenue, NW	20005
Gear	Rowena Jay	Self 227 17th Street, NE	20002
Golug-Rofrano	Lynn	Georgetown Village 1680 Wisconsin Avenue, NW, Suite 110	20007
Graves	Yvette Joan	Garvey Schubert Barer 1000 Potomac Street, NW, Suite 200	20007
Grossberndt	Laura	Family Research Council 801 G Street, NW	20001

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

Effective: November 15, 2018

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Hamerly	Brad	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Hayden	Richard T.	MBH Settlement Group, LC 1300 I Street, NW, Suite 400E	20005
Henne	Ashley	Verstegen & Fobe 2011 Pennsylvania Avenue, NW, Suite 500	20006
Horlbogen	Anna	The Barker Adoption Foundation 1066 30th Street, NW	20007
Ivey	Jacqueline Marie	Self (Dual) 535 Brummel Court, NW	20012
Jackson	Adriene D.	Bryan Cave Leighton Paisner, LLP 1155 F Street, NW	20004
Jackson	Carlotta	Self 306 Atlantic Street, SE, #5	20032
Jackson	Noni	District Legal Services 1615 New Hampshire Avenue, NW	20009
Jones	Krystal Jemia	Advantage Financial Federal Credit Union 175 N Street, NE	20002
Jones	Luvina R.	Bank of America 915 Rhode Island Avenue, NE	20018
Judd	Ashley L.	Bank of America 1001 Pennsylvania Avenue, NW	20004
Kachold	Charlotte	Ibex Global Solutions 1700 Pennsylvania Avenue, NW, Suite 650	20006
Lane II	Donald E.	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20018

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

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LeMaster	Nathan James	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Lewis-Parsons	Michelle	The Office of Risk Management 441 4th Street, NW, Suite 800S	20001
Logan	Shanah	Feldesman Tucker Leifer Fidell, LLP 1129 20th Street, NW, Suite 400	20036
McGrew	John	FHI 360 1825 Connecticut Avenue, NW	20009
McKinley	Ann M.	District of Columbia Department of Corrections 1901 E Street, SE	20003
Mehalko	Stephen Michael	Four Seasons Title 5100 Wisconsin Avenue, Suite 515	20016
Mendez	Roxana X.	Suntrust Bank 2550 M Street, NW	20037
Mhoon	Prince A.	Self 608 Van Buren Street, NW	20012
Milne	Jessica	Combined Properties, Inc 1025 Thomas Jefferson Street, NW, Suite 700 East	20007
Mirbagheri	Parina	SunTrust Bank 5000 Connecticut Avenue, NW	20008
Mowchan	Sara	Self 1438 Fairmont Street, NW, #100	20009
Na	Tianwei	PNC Bank 833 7th Street, NW	20001
Nwani	Ezi A.	Mail, Ship & Print, Inc 6218 Georgia Avenue, NW	20011
Nwani	Gwam T.	Mail, Ship & Print, Inc 6218 Georgia Avenue, NW	20011

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: November 15, 2018****Page 6**

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Oakley	Rosa M.	Department of Youth Rehabilitation Services 1000 Mount Olivet Road, NE	20002
O'Connor	Shakisha A.	The Griffin Firm, PLLC 5335 Wisconsin Avenue, Suite 440	20015
Peet	Steven J.	Edvotek, Inc 1121 5th Street, NW	20001
Perry	Michelle L.	First American Title Insurance Company 1850 K Street, NW, Suite 1050	20006
Peters	Paula J.	Office of Attorney General 441 4th Street, NW, Suite 1010S	20001
Pigeon	Bryan J.	Spiegel & McDiarmid, LLP 1875 Eye Street, NW, Suite 700	20006
Pompey	Ronda	Self 33 N Street, NE, #502	20002
Ponce de Leon	Franco A.	District Legal Services 1615 New Hampshire Avenue, NW	20009
Powell	Bonnie Lee	McGuireWoods, LLP 2001 K Street, NW	20006
Powell	Brenda M.	Afro American Newspaper 1816 12th Street, NW	20009
Powell	Tsar	Bank of America 3500 Georgia Avenue, NW	20010
Ralyea	Bridget	United States Agency for International Development 1300 Pennsylvania Avenue, NW, Room 3.6-046	20523
Ramirez Vargas	Juan David	BBT 5200 Wisconsin Avenue, NW	20015
Robinson	Kanekee M.	Guidehouse 1730 Pennsylvania Avenue, NW	20006

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

**Effective: November 15, 2018**

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Rosario	Richard H.	Omni Land Settlement Corporation 2233 Wisconsin Avenue, NW, Suite 232	20007
Rowley	Reeda	Studios Architecture 1625 M Street, NW	20036
Ruli	Besmir	Self 1 Scott Circle, NW, Apartment 421	20036
Salvador	Lizette Laserna	ME & A, Inc 1020 19th Street, NW, Suite 875	20036
San Antonio	Emily Blake Keane	The Barker Adoption Foundation  1066 30th Street, NW	20007
Sarwari	Wais	Dupont Title Group 1050 Connecticut Avenue, NW, Suite 500	20036
Schaefer	Edward	The Catholic University of America 620 Michigan Avenue, NE	20064
Sealls	Cynthia Rumford	Sidwell Friends School 3825 Wisconsin Avenue, NW	20016
Semionov	Tatiana	PVSglobal 1990 M Street, NW	20036
Sobolik	Maxwell	Freedom House 1850 M Street, NW, Floor 11	20036
Sterling	Charles R.	Schwarz Financial Services, LLC 1204 Queen Street, NE	20002
Stewart	Duncan	Anne Lewis Strategies 650 Massachusetts Avenue, NW, Suite 505	20001
Tesfaye	Edilawit	Citibank 5700 Connecticut Avenue, NW	20015

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

**Effective: November 15, 2018**

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Texier	Michelle L.	Obsidia Global, LLC 1010 Wisconsin Avenue, NW, Suite 625	20007
Tombonene	Guy Francis	Citibank 1717 K Street, NW	20006
Tran	Sendy	Akelius Real Estate Management, LLC 1620 I Street, NW, Suite 703	20006
Utterback	Lee	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Vaughan	Katherine	The Washington Legal Clinic for the Homeless 1200 U Street, NW	20009
Walker	Feve Alicia	BBT 5200 Wisconsin Avenue, NW	20015
Washington	Elizabeth A.	Office of the Chief Financial Officer/Office of Tax and Revenue/Customer Service Administration 1101 4th Street, SW, Suite W210	20019
Weinstein	Jack Tanner	BNY Mellon 1250 H Street, NW, Suite 1100	20005
Whaley	Meghan Jane	Tishman Speyer 1875 I Street, NW, Suite 1200	20006
White	Dionne Denise	Self 1509 V Street, SE	20020
Williams	Gary Lee	G and G Enterprises 3322 14th Street, NW, #336	20010
Wilson	Hattie	Self 1806 14th Street, SE	20020
Yin	Huifang	Self 30 Florida Avenue, NW, #7	20001
Zackiewicz	Marion Stefan	Supreme Court of the United States 1 First Street, NE	20543



**DISTRICT OF COLUMBIA SENTENCING COMMISSION****NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, October 16, 2018 at 5:00 p.m. The meeting will be held at 441 4<sup>th</sup> Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email [mia.hebb@dc.gov](mailto:mia.hebb@dc.gov)

**Agenda**

1. Review and Approval of the Minutes from the September 25, 2018 Meeting - Action Item, Judge Lee.
2. Indonesian Delegation Presentation – Barbara Tombs-Souvey, Informational Item.
  - a. November 5, 2018 from 2-4 pm
3. Discussion of Focus Group Report and Findings – Discussion Item, Judge Lee and Barbara Tombs-Souvey.
  - a. Recommended Report Edits
  - b. Discussion of Recommendations
  - c. Prioritization of Recommendations for Further Commission Action
4. Overview of Criminal History Scenario Memo – Informational Item, Mehmet Ergun and Barbara Tombs-Souvey.
5. Literature Review for Offense Patterning - Informational Item, Mehmet Ergun.
6. Schedule Next Meeting – November 13, 2018.
7. Adjourn.

**TWO RIVERS PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Event Planner**

Two Rivers Public Charter School is seeking an experienced and dynamic event planner to lead a successful 2019 “Framing the Future” fundraising gala. For a copy of the RFP, please email Liz Riddle at [procurement@tworiverspcs.org](mailto:procurement@tworiverspcs.org).

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

**Application No. 16011-A of American Tower Corporation**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the antenna requirements of Subtitle C § 1313.1 to allow operation of a monopole in the PDR-1 Zone at premises 3701 Benning Road, N.E. (Square 5044, Lot 807).

**HEARING DATE:** November 16, 2016 and January 11, 2017<sup>1</sup>

**DECISION DATE:** January 11, 2017

**DECISION AND ORDER**

This self-certified application was submitted on August 30, 2016 by a representative of the American Tower Corporation (the “Applicant”), a lessee of the property that is the subject of the application.<sup>2</sup> The application requested a special exception under the antenna requirements of Subtitle C § 1313.1 of the Zoning Regulations of 2016 (Title 11 DCMR) to allow operation of a monopole in the PDR-1 zone district at 3701 Benning Road, N.E. (Square 5044, Lot 807). After a public hearing, the Board of Zoning Adjustment (“Board” or “BZA”) voted to grant the application subject to one condition.

**PRELIMINARY MATTERS**

Notice of Application and Notice of Hearing. By memoranda dated September 12, 2016, the Office of Zoning provided notice of the application to the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Councilmember for Ward 7, and the chairman as well as the four at-large members of the D.C. Council. Pursuant to 11 DCMR Subtitle Y § 402.1, on September 12, 2016 the Office of Zoning mailed letters providing notice of the hearing to the Applicant; the owners of all property within 200 feet of the subject property; Advisory Neighborhood Commission (“ANC”) 7F, the ANC in which the subject property is located; and Single Member District/ANC 7F01. Notice was published in the *District of Columbia Register* on September 30, 2016 (63 DCR 11851).

Party Status. The Applicant and ANC 7F were automatically parties in this proceeding. There were no requests for party status.

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<sup>1</sup> The hearing was postponed to January 11, 2017 at the Applicant’s request.

<sup>2</sup> The subject property is owned by DC Eagle Development LLC. The application for zoning relief on behalf of American Tower Corporation was authorized by Peter Lloyd, the CEO, principal officer, and resident agent for DC Eagle, on June 6, 2016. (See Exhibits 5, 33A1.)

Applicant's Case. The Applicant provided evidence and testimony about the planned monopole operation at the subject property, and asserted that the proposal would satisfy all requirements for approval of the requested zoning relief.

OP Report. By memorandum dated November 16, 2016, the Office of Planning recommended approval of the application. (Exhibit 26.)

DDOT. By memorandum dated October 31, 2016, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 25.)

ANC Report. By letter dated September 20, 2016, ANC 7F indicated that, at a public meeting on the same date with a quorum present, the ANC voted 4-1 in opposition to the application. The ANC's letter did not state any issues or concerns about the requested zoning relief but indicated that ANC 7F "took this action after 1) reviewing reports [and] 2) hearing constituent's concerns regarding proposed special exception relief for the tower." (Exhibit 29.) The ANC subsequently submitted a report, dated November 15, 2016 and recording a vote of 5-0-0 to adopt the report at the meeting on September 20, 2016. The report stated that the "new owners of the property, DC Eagle would like the full use of their property returned to them" and contended that the monopole "could put the patrons of the DC Eagle at risk due to EMF radiation..." The report of ANC 7F also asserted that the monopole "ruins the tree scape view from Benning Rd. and is also clearly visible behind the neighboring properties on 36<sup>th</sup> St. and Eads St..." and that the monopole "is inconsistent with PDR-1 zoning and setback regulations." (Exhibit 31.)

Person in opposition. The Board heard testimony from a person in opposition to the application who complained about the adverse impacts created by "the unsightly tower" that "spoils the view" from residences along Benning Road and was "clearly visible" from other residences in the vicinity.

## FINDINGS OF FACT

1. The subject property is Lot 25 in Square 5308. The parcel is irregularly shaped but generally rectangular, approximately 145.5 feet deep and ranging from 87 to almost 97 feet wide. The lot area is 14,137 square feet.
2. The subject property is improved with a three-story building, formerly a warehouse but now used as a nightclub, and a monopole with an accessory equipment storage building.
3. The freestanding monopole and the accessory building are both located within an enclosure on the western portion of the subject property. The enclosure, with an area of 1,177 square feet, is surrounded by a chain-link fence 10 feet high and topped with three strands of barbed wire. The accessory building is 12 feet wide, 26 feet long, and 10 feet high.

4. The immediate area around the monopole is flat and paved. No trees exist on the subject property. The monopole is taller than any trees in the vicinity of the site.
5. The freestanding monopole is 98 feet in height, and is set back from the lot lines of the subject property at distances of 17 feet (south), 31 feet (west), 40 feet (east), and 90 feet (north).
6. The signs posted on the monopole facility do not display any advertisements but provide information necessary for public safety. (Exhibit 7E.)
7. The Applicant has retained a contractor to perform monthly inspections and maintenance of the monopole facility. The contractor is also available to handle any emergency maintenance needs. (Exhibit 7.)
8. The monopole was designed for collocation, and the Applicant will continue to permit collocation by other service providers.
9. The Board originally granted a special exception to allow the monopole facility, subject to conditions, by order in Application No. 16011 issued December 30, 1994. The approval was granted subject to a term not to exceed 20 years.
10. The monopole has remained operational even after expiration of its zoning approval.
11. The Applicant does not propose any changes to the monopole as originally approved. (Exhibit 7.)
12. The subject property is located in an area bounded by Benning Road to the north; railroad tracks and the Anacostia Freeway to the west; a shopping center and related parking lot that front onto Minnesota Avenue to the east; and a warehouse with a large trucking operation to the south. Benning Road is elevated in the vicinity of the subject property as the road crosses over the railroad tracks and freeway to the west.
13. The closest residences to the subject property are located to the northeast, across Benning Road, and to the south, beyond the warehouse and trucking operation adjacent to the subject property and beyond the commercial uses located along Minnesota Avenue.
14. The subject property is located in a PDR-1 zone that extends along the freeway and railroad tracks especially to areas to the north and west of the subject property. Properties immediately to the east and northeast of the subject property are zoned MU-7 (Mixed Use). The MU classification is also mapped along Minnesota Avenue to the south of the subject property, which is zoned MU-4. Areas to the south of the MU zones are zoned RA-1 (Residential Apartment) and R-2 (Residential House).

15. The Production, Distribution, and Repair (“PDR”) zones provide for (a) heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery under controls that minimize any adverse effect on other nearby, more restrictive zones; and (b) areas suitable for development as heavy industrial sites, but at the same time protect those industrial developments from the intrusion of nonindustrial uses that impede the full utilization of properly located industrial sites. (Subtitle J § 100.1.) The provisions of the PDR zones are intended to: (a) regulate the use of land and structures and the erection and modification of structures in areas characterized by PDR uses, typically with heavy truck traffic and loading and unloading operations; (b) encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities; (c) allow compatible office and retail uses and development; (d) minimize encroachment by uses that are incompatible with PDR uses, including residential uses, which could impair existing PDR activities; (e) manage transitions between PDR-zoned areas and surrounding neighborhoods; and (f) ensure the environmental performance of development. (Subtitle J § 100.2.) The PDR-1 zone is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. (Subtitle J § 200.1.)
  
16. The purposes of the regulation of monopoles as a particular type of structure include that: (a) The Zoning Commission has determined that certain monopoles, because of their size, shape, design, construction, or location, may affect the welfare or safety of the population and may detract from the streetscape, landscape, skyline, scenic beauty, or aesthetic interests of the District of Columbia, and its role as the Nation’s Capital; and (b) The Zoning Regulations therefore regulate the size, height, construction, design, and location of monopoles which have the greatest potential for adverse impact on the health, safety, and welfare of the population, and on neighborhood quality, and those which have the greatest potential for adverse impact on the scenic beauty of the Nation’s Capital and the national monuments. (Subtitle C § 1300.1.)

## CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under the antenna requirements of Subtitle C § 1313.1 to allow operation of a monopole in the PDR-1 zone district at 3701 Benning Road, N.E. (Square 5044, Lot 807). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) 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. (*See* 11 DCMR Subtitle X § 901.2.)

A monopole may be permitted in the PDR-1 zone if approved by the Board as a special exception in accordance with Subtitle X and subject to the provisions of Subtitle C § 1313. (Subtitle C §§ 1313.1, 1313.2.) Those provisions include that the location, height, and other characteristics of the monopole must be (a) consistent with the purpose of Subtitle C, Chapter 13 (Antennas), (b) designed and available for collocation by other service providers; (c) located so the visual impacts are minimized to the greatest practical extent, from neighboring property and adjacent public space, or appropriately screened by landscaping or other techniques to minimize the visibility of the monopole; and (d) designed and constructed to preserve existing trees to the greatest practical extent. (Subtitle C § 1313.5.) No signs of any kind, including advertisements, may be placed on a monopole, its equipment cabinet, or its equipment shelter, unless necessary for the safety of the public. (Subtitle C § 1313.13.)

Based on the findings of fact, the Board concludes that the application satisfies the requirements for the requested special exception under Subtitle C § 1313.1 and Subtitle X, Chapter 9. The Applicant's proposal is consistent with the purpose of Subtitle C, Chapter 13 (Antennas) to regulate the size, height, construction, design, and location of monopoles that have the greatest potential for adverse impact on the health, safety, and welfare of the population, and on neighborhood quality, and those with the greatest potential for adverse impact on the scenic beauty of the Nation's Capital and the national monuments. The subject property is located in a largely industrial area where the monopole will not have an adverse impact on the scenic beauty of the Nation's Capital and the national monuments, or the potential for adverse impact on the health, safety, and welfare of the population, or on neighborhood quality. The monopole is surrounded by nonresidential uses and is located at a significant distance from the nearest dwellings. The monopole was previously constructed, and its continued use will not affect any existing trees. The visual impacts of the monopole are minimized by the surrounding buildings and the nearby elevated roadway as well as by the distance of the monopole from properties to the west due to the location of the freeway and railroad tracks. Although the monopole is partially visible from some nearby streets and properties, including some residences, due to its height, the Board does not find that the monopole will create any adverse visual impacts, especially considering the existing nonresidential character of the area.

In accordance with Subtitle C § 1313.11, the Applicant provided documentation of the area to be served by the monopole, a map indicating the location of other antenna or related facility sites providing service by the applicant within a two-mile radius of the proposed site as well as other towers or monopoles within a two-mile radius of the site. (Exhibit 7F.) The Applicant's written statement indicates its agreement to maintain the design of the monopole for at least three antenna arrays and to make the array space available on a commercial basis for collocation by any telecommunications service provider whenever unused by the initial telecommunications service providers (Exhibit 7.) The appearance of the monopole, including its exterior finish, was shown in photographs and plans. (Exhibits 7E, 7G.)

Pursuant to Subtitle C § 1313.8, a monopole must be set back a minimum horizontal distance equal to its total height, as measured from the ground, from any residentially developed or zoned

property. The height of the monopole is 98 feet. The monopole will satisfy the setback requirement of Subtitle C § 1313.8 because the nearest residentially developed or zoned properties are located more than 98 feet from the subject property.

Pursuant to Subtitle C § 1313.9, each part of a monopole must be set back from each lot line at least 20 feet or a distance of at least one-third of the total constructed height, whichever is greater. In this case, one-third of the height of the monopole is 32.7 feet. The Applicant's proposal does not meet the setback requirement with respect to the south and west lot lines, where the setbacks are 17 and 31 feet, respectively. The Applicant asserts that the existing monopole, which satisfied the setback requirements applicable under the zoning regulations in effect when the monopole was previously approved, is a nonconforming structure that is permitted to continue past the end of the term of approval adopted by the Board. Because this application was self-certified, the Board makes no determination with respect to whether the monopole must now comply with the setback requirements of Subtitle C § 1313.9.

Pursuant to Subtitle C § 1313.12, the Board conditions its approval of the relief requested in this application to a term of 20 years. The term is necessary to protect neighborhood character in the adjacent residential areas and to avoid any adverse visual impacts on neighboring properties that could arise in conjunction with a grant of permanent approval.

In accordance with Subtitle X § 901.2, the Board concludes that approval of the requested 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. As discussed above, the Board does not find that the monopole will create any adverse impacts on the use of neighboring property. Approval of the requested special exception will be in harmony with the purpose of the regulation of monopoles for zoning purposes as set forth in Subtitle C § 1300.1, and with the intent of the PDR zones to protect industrial developments from the intrusion of nonindustrial uses that would impede the full utilization of properly located industrial sites. (Subtitle J § 100.1.) The application is also consistent with provisions applicable in PDR zones to encourage the retention of viable land to accommodate production, warehousing, distribution, light and heavy industrial, and research and development activities; allow compatible office and retail uses and development; manage transitions between PDR-zoned areas and surrounding neighborhoods; and ensure the environmental performance of development. (Subtitle J § 100.2.)

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board concurs with OP's recommendation that the application should be approved in this case.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)) In this case ANC 7F expressed opposition to the application on grounds that the owners



of the subject property did not want the monopole at the site, that the monopole could create a risk of radiation, and that the monopole caused adverse visual impacts on nearby residences and was not consistent with zoning requirements. For the reasons discussed above, the Board did not find the ANC's views persuasive and instead concludes that the Applicant has provided sufficient evidence to demonstrate compliance with zoning requirements as discussed in this order. The application was submitted with the consent of an authorized representative of the owner of the subject property. (*See* Exhibits 5, 33A1.) The monopole itself is a "single, self-supporting pole-type structure, supporting a fixture designed to hold one (1) or more antennas ...." (Subtitle B § 100.2) and does not create any risk of radiation. Any antennas that are attached to the monopole must comply with requirements promulgated for transmitting antennas by the Federal Communications Commission and by the Occupational Health and Safety Administration. (*See* Subtitle C § 1301.) The Board does not agree that the monopole will cause adverse visual impacts on nearby properties, given its location in an industrial and commercial area adjacent to a freeway, railroad tracks, and an elevated roadway, at a significant distance from the closest residences.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under the antenna requirements of Subtitle C § 1313.1 to allow operation of a monopole in the PDR-1 zone district at 3701 Benning Road N.E. (Square 5044, Lot 807).

Accordingly, it is **ORDERED** that the application is **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7E – STATEMENT OF INTENDED USE: TAB E (MONOPOLE PLANS AND SPECS) - AND WITH THE FOLLOWING CONDITION:**

1. This approval shall be valid for a term of **TWENTY (20) YEARS**, beginning on the effective date of this order.

**VOTE: 3-0-2** (Frederick L. Hill, Robert E. Miller, and Carlton E. Hart to APPROVE; two Board seats vacant).

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

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

**FINAL DATE OF ORDER:** October 4, 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.

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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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

**Application No. 19791 of Chelsea Zitnay**, as amended<sup>1</sup> pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1, and under Subtitle E § 5202 for Capitol Interest Zones review, and pursuant to Subtitle X, Chapter 10, for variances from the nonconforming structure requirements of Subtitle C § 202.2, and from the lot occupancy requirements of Subtitle E § 504.1, to construct a new roof deck and access stair on an existing principal dwelling unit in the RF-3 Zone at premises 433 New Jersey Avenue, S.E. (Square 693, Lot 48).

**HEARING DATE:** October 3, 2018

**DECISION DATE:** October 3, 2018

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated April 17, 2018, from the Zoning Administrator, certifying the required relief. (Exhibit 6.)

The Board of Zoning Adjustment (“Board” or “BZA”) 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”) 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on September 11, 2018, at which a quorum was present, the ANC voted 8-0-2 to support the application. (Exhibit 37.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the relief requested and recommending the addition of special exception relief from Subtitle E § 5202, the

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<sup>1</sup> The Applicant amended the application through testimony at the hearing by adding to the original relief a special exception under Subtitle E § 5202 for Capitol Interest Zones review, per the recommendation of the Office of Planning. The Board accepted the Applicant’s testimony as evidence of the amendment, and did not require the filing of a self-certification form or an amended ZA’s memorandum (which, according to OP, was requested, but not received.) (See Exhibit 35, p. 1.)

Special Exception Criteria Capitol Interest Zones. OP testified that it was also in support of this additional relief. (Exhibit 35.)

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 31.)

By its authority under Subtitle E § 5202, the Architect of the Capitol submitted a letter dated September 26, 2018 expressing support for the application. (Exhibit 36.)

The Capitol Hill Restoration Society filed a letter in support of the application. (Exhibit 38.)

#### Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for area variances from the nonconforming structure requirements of Subtitle C § 202.2, and from the lot occupancy requirements of Subtitle E § 504.1, to construct a new roof deck and access stair on an existing principal dwelling unit in the RF-3 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from 11 DCMR Subtitle C § 202.2 and Subtitle E § 504.1, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

#### Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1, and under Subtitle E § 5202 for Capitol Interest Zones review. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle C §§ 1504 and 1502.1, and Subtitle E § 5202, 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 34 – UPDATED ARCHITECTURAL PLANS.**

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

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

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

**FINAL DATE OF ORDER:** October 10, 2018

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

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

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

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

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

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

**Application No. 19796 of 3324 Sherman Avenue LLC**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the side yard requirements of Subtitle E § 307.4, and under the residential conversion requirements of Subtitle U § 320.2, to convert an existing flat to a three-unit apartment house in the RF-1 Zone at premises 3324 Sherman Avenue N.W. (Square 2841, Lot 864).

**HEARING DATES:** September 12, 2018 and October 3, 2018<sup>2</sup>  
**DECISION DATES:** September 19, 2018 and October 3, 2018

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original), 11 (corrected), and 35 (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on June 13, 2018, at which a quorum was present, the ANC voted 4-3-0 in support of the application. (Exhibit 15.) The Board, in response to some issues raised by neighbors, reopened the hearing to hear further testimony on October 3, 2018. Commissioner Boese testified in support of the application at the public hearing on October 3, 2018.

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<sup>1</sup> The original self-certification form (Ex. 5) was corrected to reflect relief from Subtitle U § 320.2 before the case was advertised. (Ex. 11.) The Applicant subsequently amended the application to add side yard relief. (Ex. 35.) The Applicant later submitted a revised burden of proof noting that it also was seeking a waiver from the rear addition requirements of Subtitle U § 320.2(e), based on revised plans.

<sup>2</sup> The case was heard on September 12, 2018 and scheduled for decision on September 19, 2018; however, at its Public Meeting on September 19, 2018, the Board reopened the record and scheduled a further hearing for October 3, 2018 and ultimately decided the case after the conclusion of that hearing.

The Office of Planning (“OP”) submitted a two timely reports. In its first report, dated August 31, 2018, OP recommended approval for side yard relief, but denial of relief from Subtitle U § 320.2. In its report, OP also recommended that the Applicant submit a shadow study and a more detailed site plan. (Exhibit 37.) In response, the Applicant submitted a solar study and revised plans. (Exhibits 39 and 40.) As a result, OP submitted a supplemental report dated September 10, 2018, recommending approval of all the relief, including residential conversion relief. (Exhibit 44.)

DDOT submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 34.)

Letters of support for the application were submitted to the record from 3328 Sherman Avenue, N.W. dated August 30, 2018, and Keith Carr of 3322 Sherman Avenue, N.W. (Exhibits 47, 54, and 59.)

A letter in opposition to the application was submitted to the record from Melanie Pirchner, owner of Unit 1, 3328 Sherman Avenue, N.W. and Natalie and Ethan Andrews, owners of Unit 2, 3328 Sherman Avenue, N.W.<sup>3</sup> (Exhibit 61.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the side yard requirements of Subtitle E § 307.4, and under the residential conversion requirements of Subtitle U § 320.2, to convert an existing flat to a three-unit apartment house in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5201 and 307.4, and Subtitle U § 320.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

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<sup>3</sup> The Applicant responded to the letter of opposition from Ms. Pirchner and clarified the timeline of their interactions with the neighbors. (Exhibit 62.)



It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 40 AND THE FOLLOWING CONDITION:**

- a. Prior to the issuance of any building permit authorized by this Order, the Applicant shall obtain the issuance of a building permit for 3322 Sherman Avenue, N.W. to raze the chimney or otherwise comply with the requirements of Subtitle U § 320.2(f).

**VOTE:**       **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Lesylleé M. White to APPROVE; Lorna L. John and Peter G. May, 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 11, 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.

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PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

**Application No. 19802 of Ajit and Aditi Kulkarni**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(b) and (c), to construct a rear roof deck and access stairwell in the RF-1 Zone at premises 1318 Constitution Avenue N.E. (Square 1033, Lot 44).

**HEARING DATE:** October 3, 2018

**DECISION DATE:** October 3, 2018

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original), 19 (corrected), and 51 (amended to contain the additional penthouse relief).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission ("ANC") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted two reports recommending approval of the application. The ANC's first report indicated that at a regularly scheduled, properly noticed public meeting on July 13, 2018, at which a quorum was present, the ANC voted 7-0 to support the application. (Exhibit 27.) The ANC's second report indicated that at a regularly scheduled, properly noticed public meeting on September 13, 2018, at which a quorum was present, the ANC voted 6-0 to support the amended application. (Exhibit 47.)<sup>2</sup>

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<sup>1</sup> The Applicant amended the application (Exhibit 51) by adding a request for a special exception under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(b) and (c) to the original request for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4.

<sup>2</sup> The Applicant's first presentation to the ANC on July 13, 2018 only included a special exception from the rear addition requirements of Subtitle E § 205.4. Their subsequent presentation on September 13, 2018 also included the special exception from the penthouse setback requirements of Subtitle C § 1502.1(b) and (c).

The Office of Planning (“OP”) submitted a report dated September 21, 2018, recommending approval of the application. (Exhibit 48.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 45.)

Six neighbors submitted letters in support of the application (Exhibits 13 through 18.) These letters included letters from the adjacent neighbors at 1320 Constitution Avenue N.E. (Exhibit 13), and 1316 Constitution Avenue N.E. (Exhibit 18.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(b) and (c), to construct a rear roof deck and access stairwell in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 205.4, 205.5, and 5201, and Subtitle C §§ 1502.1(b) and (c) and 1504, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

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

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

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

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

**FINAL DATE OF ORDER:** October 11, 2018

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

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

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

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

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

**Application No. 19824 of 1347 G St SE LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the lot occupancy requirements of Subtitle E § 304.1, and from the non-conforming structure requirements of Subtitle C § 202.2, to construct a third story addition and convert the existing principal dwelling unit to a flat in the RF-1 Zone at premises 1347 G Street S.E. (Square 1044, Lot 19).

**HEARING DATE:** October 3, 2018

**DECISION DATE:** October 3, 2018

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11-Y DCMR § 300.6. (Exhibit 12.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on September 11, 2018, at which a quorum was present, the ANC voted by 7-1-2 to support the application. (Exhibit 39.)

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 38.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 32.)

Three letters in support from neighbors, including one adjacent property owner, were submitted to the record. (Exhibits 33-35.)

A letter of opposition to the application was submitted by the Capitol Hill Restoration Society. (Exhibit 40.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for area variances from the lot occupancy requirements of Subtitle E § 304.1, and from the non-conforming structure requirements of Subtitle C § 202.2, to construct a third story addition and convert the existing principal dwelling unit to a flat in the RF-1 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking an area variance from 11 DCMR Subtitle E § 304.1 and Subtitle C § 202.2, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 36C.**

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

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

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

**FINAL DATE OF ORDER:** October 4, 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

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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



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

**Application No. 19833 of Anthony Jackson**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 306.4 and 5201 from the rear addition requirements of Subtitle D § 306.3, to construct a rear addition to an existing principal semi-detached dwelling unit in the R-2 Zone at premises 5048 11th Street N.E. (Square 3989, Lot 41).

**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 4.) 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") 5A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5A, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on August 22, 2018, at which a quorum was in attendance, ANC 5A voted 5-0-0 to support the application. (Exhibit 33.) Attached to the ANC report and submitted to the record were three letters of support from three of the Applicant's neighbors, including Darlene Jones of 5050 11<sup>th</sup> Street, N.E.; David Cumber, 5032 11<sup>th</sup> Street, N.E.; and Tim Strickland of 5033 11<sup>th</sup> Street, N.E.

The Office of Planning ("OP") submitted a timely report, dated September 14, 2018, in support of the application. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a report, dated September 7, 2018, indicating it had no objection to the approval of the application. (Exhibit 30.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exception under Subtitle D §§ 306.4 and 5201 from the rear addition requirements of Subtitle D § 306.3, to construct a rear addition to an existing principal semi-detached dwelling unit in the R-2 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, and Subtitle D §§ 306.4, 5201, and 306.3, 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 EXHIBITS 12 AND 35.**

**VOTE:**           **4-0-1**           (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John to APPROVE; Anthony J. Hood recused himself).

**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.

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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.

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

**Application No. 19853 of Lisette Burton**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to construct a rear deck addition to an existing principal dwelling unit in the R-3 Zone at premises 1011 Tanner Place S.E. (Square 5912, Lot 48).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** October 10, 2018 (Expedited Review Calendar)

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated March 1, 2018, from the Zoning Administrator, certifying the required relief. (Exhibits 8 and 9.)

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 of Zoning Adjustment (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") 8E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8E, which is automatically a party to this application. An ANC report dated August 14, 2017 was submitted to the record that indicated that at a regularly scheduled and properly noticed meeting on December 5, 2016, at which a quorum was in attendance, ANC 8E voted unanimously to support the application. (Exhibit 13.)

The Office of Planning ("OP") submitted a timely report, dated September 28, 2018, in support of the application. (Exhibit 36.) The District Department of Transportation ("DDOT") submitted a report, dated September 21, 2018, of no objection to the approval of the application. (Exhibit 35.)

Four letters of support from neighbors, including two adjacent property owners, were submitted to the record. (Exhibits 15-18.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to construct a rear deck addition to an existing principal dwelling unit in the R-3 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, and Subtitle D §§ 5201, and 306.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 11.**

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter A. Shapiro to APPROVE; Lorna L. John, not present, not voting).

**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 11, 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

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APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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