

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Commission on the Arts and Humanities announces funding availability for the Fiscal Year 2019 Public Art Building Communities Grant
- Department of Behavioral Health seeks new applicants for Mental Health Community Residence Facilities
- Department of Health Care Finance establishes regulations for the My Health GPS Program
- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for the Fiscal Year 2018 Neighborhood Prosperity Fund
- Office of Public-Private Partnerships schedules public hearings on the Delivery of Smart Street Light Project
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2018 National School Lunch Program Equipment Assistance Grant
- Office of Tax and Revenue proposes rules updating income filing requirements

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

All documents published in the *District of Columbia Register* (*Register*) must be submitted in accordance with the applicable provisions of the Rules of the Office of Documents and Administrative Issuances. Documents which are published in the *Register* include (1) Acts and resolutions of the Council of the District of Columbia; (2) Notices of proposed Council legislation, Council hearings, and other Council actions; (3) Notices of public hearings; (4) Notices of final, proposed, and emergency rulemaking; (5) Mayor's Orders and information on changes in the structure of the D.C. government (6) Notices, Opinions, and Orders of D.C. Boards, Commissions and Agencies; (7) Documents having general applicability and notices and information of general public interest.

Deadlines for Submission of Documents for Publication

The Office of Documents and Administrative Issuances accepts electronic documents for publication using a Web-based portal. To submit documents for publication, agency heads, or their representatives, may obtain a username and password by email at dcdocuments@dc.gov. For guidelines on how to format and submit documents for publication, email dcdocuments@dc.gov.

The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

Viewing the DC Register

The Office of Documents and Administrative Issuances publishes the *D.C. Register* ONLINE every Friday at www.dcregs.dc.gov. The Office of Documents does not offer paid subscriptions to the *D.C. Register*. Copies of the *Register* from April 2003 through July 2010 are also available online in the *D.C. Register* Archive on the website for the Office of the Secretary at www.os.dc.gov. Hardcopies of the *Register* from 1954 to September 2009 are available at the Martin Luther King, Jr. Memorial Library's Washingtonian Division, 901 G Street, NW, Washington, DC 20001. There are no restrictions on the republication of any portion of the *Register*. News services are encouraged to publish all or part of the *Register*.

Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents and Administrative Issuances hereby certifies that this issue of the *Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ROOM 520S – 441 4th STREET, ONE JUDICIARY SQUARE - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L22-38 Dining with Dogs Temporary Act of 2017 000555

L22-39 Credit Protection Fee Waiver Temporary
Amendment Act of 2017 000556

L22-40 Ethics Board Quorum Temporary Amendment
Act of 2017 000557

L22-41 Southwest Waterfront Parking Enforcement
Temporary Act of 2017 000558

L22-42 Campaign Finance Reform and Transparency
Temporary Amendment Act of 2017 000559

L22-43 Washington Metrorail Safety Commission
Board of Directors Appointment Temporary
Amendment Act of 2017 000560

RESOLUTIONS

Res 22-260 Commission on Out of School Time Grants and
Youth Outcomes Tacharna Crump Confirmation
Resolution of 2017 000561

Res 22-261 Commission on Out of School Time Grants and
Youth Outcomes Mark Hecker Confirmation
Resolution of 2017 000562

Res 22-262 Commission on Out of School Time Grants and
Youth Outcomes Margaret Siegel Confirmation
Resolution of 2017 000563

Res 22-263 Commission on Out of School Time Grants and
Youth Outcomes Margaret Riden Confirmation
Resolution of 2017 000564

Res 22-264 Commission on Out of School Time Grants and
Youth Outcomes Jeanette Kowalik Confirmation
Resolution of 2017 000565

Res 22-265 Commission on Out of School Time Grants and
Youth Outcomes Heather Peeler Confirmation
Resolution of 2017 000566

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

RESOLUTIONS CONT'D

Res 22-266 Commission on Out of School Time Grants and Youth Outcomes Burnell Holland Confirmation Resolution of 2017 000567

Res 22-267 Commission on Out of School Time Grants and Youth Outcomes Anisah Rasheed Confirmation Resolution of 2017 000568

Res 22-268 District of Columbia State Athletics Commission Michael Hunter Confirmation Resolution of 2017..... 000569

Res 22-269 District of Columbia State Athletics Commission Terrence Lynch Confirmation Resolution of 2017 000570

Res 22-270 District of Columbia State Athletics Commission Kevin Wills Confirmation Resolution of 2017 000571

Res 22-271 District of Columbia State Athletics Commission Karen Curry Confirmation Resolution of 2017..... 000572

Res 22-272 District of Columbia State Athletics Commission John Koczela Confirmation Resolution of 2017 000573

Res 22-273 District of Columbia State Athletics Commission Dwight Franklin Confirmation Resolution of 2017 000574

Res 22-274 District of Columbia State Athletics Commission Benjamin Watkins Confirmation Resolution of 2017 000575

Res 22-275 District of Columbia State Athletics Commission Rosalyn Overstreet-Gonzalez Confirmation Resolution of 2017 000576

Res 22-302 Agreement between the American Federation of Government Employees, Local 3721 and the Fire and Emergency Medical Services Department Emergency Declaration Resolution of 2017000577 - 000578

Res 22-322 District of Columbia State Athletics Commission Diana Parente Confirmation Resolution of 2017 000579

Res 22-365 Master Development Plan Recognition Emergency Declaration Resolution of 2017..... 000580

Res 22-367 Public Charter School Board Naomi Shelton Confirmation Resolution of 2018..... 000581

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

RESOLUTIONS CONT'D

Res 22-368 District of Columbia Board of Ethics and Government Accountability Darrin Sobin Confirmation Resolution of 2018..... 000582

Res 22-369 Director of the Office of Disability Rights Mathew McCollough Confirmation Resolution of 2018 000583

Res 22-372 Modification No. 1 to Contract No. CW54105 Approval and Payment Authorization Emergency Declaration Resolution of 2018..... 000584

Res 22-373 Modifications to Contract No. CW42864 Approval and Payment Authorization Emergency Declaration Resolution of 2018000585 - 000586

Res 22-374 Modification No. 4 to Contract No. NFPHC-155 Approval and Payment Authorization Emergency Declaration Resolution of 2018.....000587 - 000588

Res 22-375 Public Employee Relations Board Barbara Somson Confirmation Resolution of 2018..... 000589

Res 22-376 Reimbursable Detail Subsidy Program Regulations Approval Resolution of 2018 000590

Res 22-377 Commission on Fashion Arts and Events Deidre Jefferies Confirmation Resolution of 2018 000591

Res 22-378 Commission on Fashion Arts and Events Mariessa Terrell Confirmation Resolution of 2018 000592

Res 22-379 Alcoholic Beverage Control Board Rema Wahabzadah Confirmation Resolution of 2018 000593

Res 22-380 Alcoholic Beverage Control Board Bobby Cato, Jr. Confirmation Resolution of 2018..... 000594

Res 22-381 District of Columbia Water and Sewer Authority Board of Directors Jed Ross Confirmation Resolution of 2018 000595

Res 22-382 District of Columbia Water and Sewer Authority Board of Directors Krystal Brumfield Confirmation Resolution of 2018..... 000596

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

RESOLUTIONS CONT'D

Res 22-383 Director of the District Department of Transportation
Jeff Marootian Confirmation Resolution of 2018 000597

Res 22-384 Local Rent Supplement Program Contract No.
2016-LRSP-05A Approval Resolution of 2018000598 - 000599

Res 22-385 Local Rent Supplement Program Contract No.
2016-LRSP-06A Approval Resolution of 2018000600 - 000601

Res 22-386 Rental Housing Commission Lisa M. Gregory
Confirmation Resolution of 2018..... 000602

Res 22-387 Boris Nemtsov Plaza Designation Emergency
Declaration Resolution of 2018..... 000603

Res 22-388 Washington Metrorail Safety Commission
Board of Directors Appointment Emergency
Declaration Resolution of 2018.....000604 - 000605

Res 22-389 Adult Career Pathways Task Force Expansion
Emergency Declaration Resolution of 2018 000606

Res 22-390 Extension of Time to Dispose of 8th & O Streets,
N.W., Emergency Declaration Resolution of 2018.....000607 - 000608

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B22-665 through B22-669 and Proposed
Resolutions PR22-727 through PR22-737 000609 - 000612

COUNCIL HEARINGS

Notice of Public Hearings -

B22-460 Department of Health Smoking Cessation Fund
Amendment Act of 2017 (Revised & Abbreviated)..... 000613

B22-468 Teachers’, Police, and Firefighters Retirement
Benefits Technical Amendment Act of 2017 000614

B22-579 Helicopter Landing Pad Amendment Act of 2017 000615

B22-0583 Opioid Abuse Prevention Amendment Act of 2018..... 000616

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Hearings - cont'd

B22-0594	Student Fair Access to School Act of 2017 (Revised & Abbreviated).....	000617 - 000618
B22-0179	D.C. Public Schools Alternatives to Suspension Amendment Act of 2017 (Revised & Abbreviated).....	000617 - 000618
B22-663	Comprehensive Plan Amendment Act of 2018.....	000619
PR 22-721	Board of Directors of the Washington Metrorail Safety Commission Chris Geldart Confirmation Resolution of 2018 (Revised & Abbreviated).....	000620 - 000621
PR 22-722	Board of Directors of the Washington Metrorail Safety Commission Robert Bobb Confirmation Resolution of 2018 (Revised & Abbreviated).....	000620 - 000621
PR 22-735	Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018 (Revised & Abbreviated).....	000620 - 000621

OTHER COUNCIL ACTIONS

Notice of Intent to Consider Legislation (Abbreviated) -

PR 22-735	Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018.....	000622
PR 22-737	Historic Preservation Review Board Dr. Sandra Jowers-Barber Confirmation Resolution of 2018.....	000623

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

DC Food Market - ANC 8A - Renewal.....	000624
Due South/Due South Dockside - ANC 6D - Substantial Change.....	000625
Shaw Howard Deli - ANC 1B - Renewal	000626
Wicked Bloom Social Club - ANC 5E - Change of Hours	000627

Insurance, Securities and Banking, Department of -

Notice of Public Hearing - Private Passenger Automobile Insurance Premiums and Rating Factors - January 30, 2018	000628 - 000629
--	-----------------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Public Charter School Board, DC -
 Notification of Charter Amendment - Briya
 Public Charter School - February 26, 2018..... 000630

Public-Private Partnerships, Office of -
 Notice of Public Hearings - Delivery of Smart
 Street Lighting Project - February 22, 2018 and
 February 24, 2018 000631

Zoning Commission - Case -
 02-38I Waterfront 375 M Street, LLC and 425 M Street,
 LLC (Rescheduled)000632 - 000634

FINAL RULEMAKING

Health, Department of - Amend 22 DCMR (Health),
 Subtitle B (Public Health and Medicine),
 Ch. 12 (Controlled Substances Act Rules),
 Sec. 1201 (Schedule I Enumerated) and
 Sec. 1205 (Schedule V Enumerated),
 to add synthetic opioid agonists to the list of
 Schedule I drugs and remove propylhexedrine
 from the list of Schedule V drugs 000635

Health Care Finance, Department of -
 Amend 29 DCMR (Public Welfare),
 to add Ch. 102 (My Health GPS Program),
 Sections 10200 - 10211, and Sec. 10299 (Definitions),
 to establish the My Health GPS Program as a
 second health home program for District Medicaid
 beneficiaries with multiple chronic conditions 000636 - 000671

PROPOSED RULEMAKING

Contracting and Procurement, Office of -
 Amend 27 DCMR (Contracts and Procurement),
 Ch. 25 (Specifications, Standards, and Other Purchase
 Descriptions), Sections 2500 - 2506 and Sec. 2599 (Definitions),
 to update regulations governing specifications and
 purchase descriptions for District's procurements000672 - 000677

Contracting and Procurement, Office of -
 Amend 27 DCMR (Contracts and Procurement),
 Ch. 27 (Bonds, Other Security, and Insurance),
 Sec. 2703 (Performance and Payment Security),
 to update regulations governing payment bonds
 and performance securities for construction or
 non-construction service contracts000678 - 000680

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PROPOSED RULEMAKING CONT'D

Contracting and Procurement, Office of -
 Amend 27 DCMR (Contracts and Procurement),
 Ch. 31 (Patents, Copyrights, and Proprietary Information),
 Sections 3100 - 3102, 3105 - 3107, 3110, 3111 and
 Sec. 3199 (Definitions), to update regulations governing
 patents, copyrights, and proprietary information for
 contracting officers.....000681 - 000688

Tax and Revenue, Office of - Amend 9 DCMR
 (Taxation and Assessments), Ch. 3 (Real Property Taxes),
 Sec. 330 (Income and Expense Reporting by Owners
 of Income-Producing Property), and
 Sec. 332 (Time Limits for Filing Forms),
 to update income filing requirements to allow
 taxpayers to file electronically or file by paper..... 000689 - 000691

EMERGENCY AND PROPOSED RULEMAKING

Insurance, Securities and Banking, Department of -
 Amend 26 DCMR (Insurance, Securities, and Banking),
 Subtitle C (Banking and Financial Institutions),
 to add Ch. 30 (Student Loan Servicers),
 Sections 3000 - 3024, and Sec. 3099 (Definitions),
 to implement the provisions of the Student Loan
 Ombudsman Establishment and Servicing Regulation
 Amendment Act of 2016; Second Emergency and
 Proposed Rulemaking to incorporate review changes
 from rulemaking published on October 27, 2017 at
 64 DCR 11287 000692 - 000707

NOTICES, OPINIONS, AND ORDERS

MAYOR'S ORDERS

- 2018-014 Appointment – Director, Office of Disability
 Rights (Mathew McCollough)..... 000708
- 2018-015 Appointment – Director, District Department
 of Transportation (Jeffrey Marootian)..... 000709
- 2018-016 Appointment – Interim Chief Technology Officer,
 Office of the Chief Technology Officer
 (Barney Krucoff) 000710

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES

Alcoholic Beverage Regulation Administration -
 ABC Board's Calendar - January 31, 2018000711 - 000713
 ABC Board's Investigative Agenda - January 31, 2018.....000714 - 000715
 ABC Board's Licensing Agenda - January 31, 2018..... 000716

Arts and Humanities, DC Commission on the -
 Notice of Funding Availability - FY 2019 Public
 Art Building Communities Grant..... 000717

Behavioral Health, Department of -
 Acceptance of New Applications for Mental
 Health Community Residence Facilities 000718

Center City Public Charter Schools -
 Request for Proposals - Payroll and Human
 Resources Information System (HRIS) and
 Associated Professional Support Services 000719

Consumer and Regulatory Affairs, Department of -
 Construction Codes Administrative Bulletin CC2018-01..... 000720

Criminal Code Reform Commission, DC -
 Advisory Group Meeting - February 7, 2018..... 000721

Education, Office of the Deputy Mayor for -
 Advisory Group on Community Use of Public
 Space Meeting - January 29, 2018 000722

Cross-Sector Collaboration Task Force Meeting -
 January 30, 2018 000723

Education, Office of the State Superintendent of -
 Notice of Funding Availability - Fiscal Year 2018 -
 National School Lunch Program Equipment
 Assistance Grant.....000724 - 000725

Elections, Board of -
 Monthly Report of Voter Registration Statistics
 as of December 31, 2017.....000726 - 000735

Energy and Environment, Department of -
 Notice of Public Comment Period - Draft Spending
 Plan for Volkswagen Settlement Funds 000736

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Friendship Public Charter School -
 Request for Proposals - Meeting Space and
 Catering Services 000737

Notice of Intent to Enter a Sole Source Contract -
 Post-Issuance Compliance Services 000737

Health Care Finance, Department of -
 Health Information Exchange Policy Board -
 Notice of 2018 Meeting Schedule 000738

Monument Academy Public Charter School -
 Request for Proposals - Executive Search Firm 000739

Not-For-Profit Hospital Corporation -
 Board of Directors Public Meeting - January 26, 2018 000740 - 000741

Planning and Economic Development, Office of the Deputy Mayor for -
 Notice of Fee Amount - Application Fee for Certificate
 of Inclusionary Zoning Compliance 000742

Notice of Funding Availability - FY18 Neighborhood
 Prosperity Fund (NPF) 000743 - 000744

Public Employee Relations Board - Opinion -
 1642 PERB Case No. 14-U-02, Washington Teachers'
 Union, Local #6 American Federation of Teachers,
 AFL-CIO v. District of Columbia Public Schools 000745 - 000765

Religious Affairs, DC Mayor's Office on -
 Mayor's Interfaith Council Meeting - January 25, 2018 000766

Secretary, Office of the -
 Recommendations for Appointments as DC Notaries Public -
 Effective February 15, 2018 000767 - 000775

Water and Sewer Authority, DC -
 Board of Directors Meeting - February 1, 2018 000776
 Notice of Public Meeting - System Availability
 Fee Regulations - February 9, 2018 000777

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Zoning Adjustment, Board of - Cases -

19622	Mark Rivetti - ANC 6C - Order.....	000778 - 000781
19639	Kara Chernet - ANC 5B - Order.....	000782 - 000784
19652	David Dale - ANC 3F - Order.....	000785 - 000787
19658	Dovecot Development, LLC - ANC 6B - Order.....	000788 - 000790
19660	Gary Lesinski - ANC 4D - Order.....	000791 - 000793
19675	Keith Krueger and Joel Lawson - ANC 3F - Order.....	000794 - 000796

Zoning Commission - Case -

18-01	Community Three Development - Notice of Filing (Corrected).....	000797
-------	--	--------

COUNCIL OF THE DISTRICT OF COLUMBIA

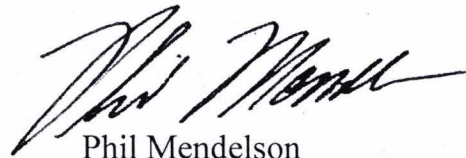
NOTICE

D.C. LAW 22-38

"Dining with Dogs Temporary Act of 2017"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-471 on first and second readings October 3, 2017, and November 7, 2017, respectively. Following the signature of the Mayor on November 22, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-184 and was published in the December 1, 2017 edition of the D.C. Register (Vol. 64, page 12300). Act 22-184 was transmitted to Congress on December 1, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-184 is now D.C. Law 22-38, effective January 17, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

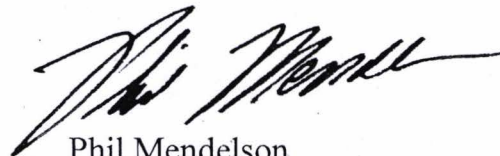
NOTICE

D.C. LAW 22-39

"Credit Protection Fee Waiver Temporary Amendment Act of 2017"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-474 on first and second readings October 3, 2017, and November 7, 2017, respectively. Following the signature of the Mayor on November 22, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-185 and was published in the December 1, 2017 edition of the D.C. Register (Vol. 64, page 12302). Act 22-185 was transmitted to Congress on December 1, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-185 is now D.C. Law 22-39, effective January 17, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-40

"Ethics Board Quorum Temporary Amendment Act of 2017"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-485 on first and second readings October 3, 2017, and November 7, 2017, respectively. Following the signature of the Mayor on November 22, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-186 and was published in the December 1, 2017 edition of the D.C. Register (Vol. 64, page 12304). Act 22-186 was transmitted to Congress on December 1, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-186 is now D.C. Law 22-40, effective January 17, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-41

"Southwest Waterfront Parking Enforcement Temporary Act of 2017"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-499 on first and second readings October 3, 2017, and November 7, 2017, respectively. Following the signature of the Mayor on November 22, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-187 and was published in the December 1, 2017 edition of the D.C. Register (Vol. 64, page 12306). Act 22-187 was transmitted to Congress on December 1, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-187 is now D.C. Law 22-41, effective January 17, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-42

"Campaign Finance Reform and Transparency Temporary Amendment Act of 2017"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-487 on first and second readings October 3, 2017, and November 7, 2017, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-188 and was published in the December 1, 2017 edition of the D.C. Register (Vol. 64, page 12308). Act 22-188 was transmitted to Congress on December 1, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-188 is now D.C. Law 22-42, effective January 17, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-43

**"Washington Metrorail Safety Commission Board of Directors Appointment
Temporary Amendment Act of 2017"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-495 on first and second readings October 3, 2017, and November 7, 2017, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-189 and was published in the December 1, 2017 edition of the D.C. Register (Vol. 64, page 12310). Act 22-189 was transmitted to Congress on December 1, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-189 is now D.C. Law 22-43, effective January 17, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12 16

ENROLLED ORIGINAL

A RESOLUTION

22-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Ms. Tacharna Crump to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Tacharna Crump Confirmation Resolution of 2017”.

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

Ms. Tacharna Crump
1317 5th Street, N.W., Apartment 201
Washington, D.C. 20001
(Ward 6)

as a member, representative of organizations providing youth development programs in the District of Columbia, of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 3 years.

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

22-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. Mark Hecker to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Mark Hecker Confirmation Resolution of 2017”.

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

Mr. Mark Hecker
1606 Isherwood Street, N.E., #2
Washington, D.C. 20002
(Ward 6)

as a member, representative of organizations providing youth development programs in the District of Columbia, of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 3 years.

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

22-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Ms. Margaret Siegel to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Margaret Siegel Confirmation Resolution of 2017”.

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

Ms. Margaret Siegel
3019 Ordway Street, N.W.
Washington, D.C. 20008
(Ward 3)

as a member of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 3 years.

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

22-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Ms. Margaret Riden to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Margaret Riden Confirmation Resolution of 2017”.

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

Ms. Margaret Riden
1443 Monroe Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a member, representative of organizations providing youth development programs in the District of Columbia, of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 2 years.

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

22-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Dr. Jeanette Kowalik to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Jeanette Kowalik Confirmation Resolution of 2017”.

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

Dr. Jeanette Kowalik
2701 Calvert Street, N.W., Apartment 326
Washington, D.C. 20008
(Ward 3)

as a member of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 3 years.

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

22-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Ms. Heather Peeler to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Heather Peeler Confirmation Resolution of 2017”.

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

Ms. Heather Peeler
4804 41st Street, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 2 years.

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

22-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. Burnell Holland to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Burnell Holland Confirmation Resolution of 2017”.

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

Mr. Burnell Holland
705 Burns Street, S.E.
Washington, D.C. 20019
(Ward 7)

as a member of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 2 years.

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

22-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Ms. Anisah Rasheed to the Commission on Out of School Time Grants and Youth Outcomes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Out of School Time Grants and Youth Outcomes Anisah Rasheed Confirmation Resolution of 2017”.

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

Ms. Anisah Rasheed
2528 13th Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the Commission on Out of School Time Grants and Youth Outcomes, established by section 6 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.05), for a term of 3 years.

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

22-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. Michael Hunter to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission Michael Hunter Confirmation Resolution of 2017”.

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

Mr. Michael Hunter
1826 24th Street, N.E., #102
Washington, D.C. 20002
(Ward 5)

as a Public Charter School Interscholastic Athletic Association member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 2 years.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. Terrence Lynch to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission Terrence Lynch Confirmation Resolution of 2017”.

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

Mr. Terrence Lynch
1737 Kenyon Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 2 years.

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

22-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. Kevin Wills to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission Kevin Wills Confirmation Resolution of 2017”.

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

Mr. Kevin Wills
2833 Georgia Avenue, N.W., #102
Washington, D.C. 20001
(Ward 1)

as a parent of a student enrolled in a District of Columbia Public Schools school member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 3 years.

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

22-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Rev. Karen Curry to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission Karen Curry Confirmation Resolution of 2017”.

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

Rev. Karen Curry
3045 Q Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a parent of a student enrolled at a private or parochial member school located in the District member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 3 years.

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

22-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. John Koczela to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission John Koczela Confirmation Resolution of 2017.”

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

Mr. John Koczela
5525 Hawthorne Place, N.W.
Washington, D.C. 20016
(Ward 3)

as a member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of one year.

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

22-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Mr. Dwight Franklin to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia State Athletics Commission Dwight Franklin Confirmation Resolution of 2017".

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

Mr. Dwight Franklin
4311 18th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a parent of a student enrolled in member public charter school located in the District member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 4 years.

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

22-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Dr. Benjamin Watkins to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia State Athletics Commission Benjamin Watkins Confirmation Resolution of 2017".

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

Dr. Benjamin Watkins
4423 15th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 4 years.

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

22-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To confirm the appointment of Ms. Rosalyn Overstreet-Gonzalez to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission Rosalyn Overstreet-Gonzalez Confirmation Resolution of 2017”.

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

Ms. Rosalyn Overstreet-Gonzalez
1215 Clifton Street, N.W.
Washington, D.C. 20009
(Ward 1)

as a member of the District of Columbia State Athletics Commission, established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of 4 years.

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

22-302

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 7, 2017

To declare the existence of an emergency with respect to the need to approve the compensation agreement between the American Federation of Government Employees, Local 3721 and the Fire and Emergency Medical Services Department necessary for employees to participate in a Field Training and Education Program for paramedics.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Agreement between the American Federation of Government Employees, Local 3721 and the Fire and Emergency Medical Services Department Emergency Declaration Resolution of 2017”.

Sec. 2. (a) The Fire and Emergency Medical Services Department (“FEMS”) is launching a reorganized and enhanced Field Training and Education Program (“FTEP”). The FTEP is intended to formalize mentoring of new Advanced Life Support (“ALS”) hires and those Emergency Medical Technicians (“EMT”) who are advancing from EMT to paramedic roles. The FTEP will also be used in whole or in part by the Medical Director to provide remedial training to current ALS providers. The FTEP will require the establishment of dedicated field training officers.

(b) The FTEP will orient ALS providers new to the FEMS system so that they may perform independently and competently in the field, ensure providers will be delivering consistently high-quality medical care to patients, and provide a more complete picture of both individual and general provider strengths and weaknesses. In addition, the FTEP will adequately assess both emergency and medical services (“EMS”) operational and clinical competence before releasing an individual provider to practice independently within the FEMS system, provide a structured program and resources for providers who would benefit from remediation training on or reorientation to specific aspects of medical care and EMS operations, and provide ALS providers with an experiential learning experience.

(c) In order to make the salary increases to certain employees selected to the FTEP for paramedics and effectuate the salary modifications, it is necessary for the Council to approve on an emergency basis the compensation agreement between the American Federation of Government Employees, Local 3721 and the Fire and Emergency Medical Services Department, which was transmitted by the Mayor to the Council on November 3, 2017. Compensation is

ENROLLED ORIGINAL

necessary for those individuals participating as mentors in the FTEP, and immediate approval of the agreement will permit the implementation of the FTEP with the current class of paramedics.

(d) Failure to authorize and pay the additional compensation in accordance with the express terms of the negotiated compensation agreement in an expeditious fashion will delay implementation of the FTEP.

(e) Such a delay may result in undermining the confidence of union members in the District government and its leadership.

(f) Failure to act in an expedited manner may jeopardize the future relationship between labor and management in 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 Agreement between the American Federation of Government Employees, Local 3721 and the Fire and Emergency Medical Services Department Emergency Approval Resolution of 2017 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2017

To confirm the appointment of Ms. Diana Parente to the District of Columbia State Athletics Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia State Athletics Commission Diana Parente Confirmation Resolution of 2017”.

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

Ms. Diana Parente
425 L Street, N.W.
Washington, D.C. 20002
(Ward 6)

as a District of Columbia Interscholastic Athletic Association member of the District of Columbia State Athletics Commission (“Commission”), established by section 103 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code § 38-2661.11), for a term of one year.

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

22-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 19, 2017

To declare the existence of an emergency with respect to the need to recognize certain plans as master development plans that have been approved by a governmental entity within the meaning of section 118 of the Internal Revenue Code, as amended by section 13312 of the Tax Cuts and Jobs Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Master Development Plan Recognition Emergency Declaration Resolution of 2017”.

Sec. 2.(a) The District has in the past used and will continue to use capital contributions, such as tax increment financing, as a valuable tool to support economic development across the District of Columbia.

(b) The United States Congress proposes to amend the federal tax code with the Tax Cuts and Jobs Act, reported in House Report No. 115-466 on December 15, 2017 (H.R. 1) (the “Federal Tax Act”). The Federal Tax Act includes language that would amend the definition of “contributions to capital” with the caveat that the provision “shall not apply to any contribution, made after the date of enactment of [the Federal Tax Act] by a governmental entity, which is made pursuant to a master development plan that has been approved prior to such date by a governmental entity.”

(c) The United States Congress plans to pass the Federal Tax Act in the immediate future.

(d) To ensure there is not ambiguity for purposes of the District’s issuance of capital financing, the Master Development Plan Recognition Emergency Act of 2017 must be passed on an emergency basis to clarify which master development plans have been approved by the District of Columbia.

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 Master Development Plan Recognition Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Ms. Naomi Shelton to the Public Charter School Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Charter School Board Naomi Shelton Confirmation Resolution of 2018”.

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

Ms. Naomi Shelton
1101 3rd Street, S.W., Apt. 102
Washington, D.C. 20024
(Ward 6)

as a member of the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), for a term to end February 24, 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

22-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Mr. Darrin Sobin to the District of Columbia Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Ethics and Government Accountability Darrin Sobin Confirmation Resolution of 2018".

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

Mr. Darrin Sobin
955 26th Street, N.W., Apt. 203
Washington, D.C. 20037
(Ward 2)

as a member of the District of Columbia Board of Ethics and Government Accountability, established by section 202 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.02), replacing Robert Spagnoletti, for a term to end July 1, 2018.

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

22-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Mr. Mathew McCollough as the Director of the Office of Disability Rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the Office of Disability Rights Mathew McCollough Confirmation Resolution of 2018”.

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

Mr. Mathew McCollough
1391 Pennsylvania Avenue, S.E.
Unit 414
Washington, D.C. 20003
(Ward 6)

as the Director of the Office of Disability Rights, established by section 4 of the Disability Rights Protection Act of 2006, effective March 8, 2007 (D.C. Law 16-239; D.C. Official Code § 2-1431.03), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

22-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to the need to approve Modification No. 1 to Contract No. CW54105 with Friendship Place to provide case management services for the Rapid Rehousing Program, and to authorize payment for the goods and services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. 1 to Contract No. CW54105 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists a need to approve Modification No. 1 to Contract No. CW54105 with Friendship Place to provide case management services for the Rapid Rehousing Program, and to authorize payment in the not-to-exceed amount of \$2,128,000 for the goods and services received and to be received under the modification.

(b) The Office of Contracting and Procurement, on behalf of the Department of Human Services, awarded Contract No. CW54105 to Friendship Place for the period from October 1, 2017 through September 30, 2018 in the not-to-exceed amount of \$950,000.

(c) Modification No. 1 is now necessary to increase the not-to-exceed amount for the base period to \$2,128,000.

(d) Council approval is necessary because the modification increases the total contract amount to more than \$1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Friendship Place cannot be paid for goods and services provided in excess of \$1 million.

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 Modification No. 1 to Contract No. CW54105 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 11, 12, and 13 to Contract No. CW42864 with Trillian Technologies, LLC to provide information technology support services for the District of Columbia Access System, the Supplemental Nutritional Access Program, and the Temporary Assistance for Necessary Families module, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW42864 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists a need to approve Modification Nos. 11, 12, and 13 to Contract No. CW42864 with Trillian Technologies, LLC to provide information technology support services for the District of Columbia Access System, the Supplemental Nutritional Access Program, and the Temporary Assistance for Needy Families module, and to authorize payment in the amount of \$3,123,925.50 for the goods and services received and to be received under these modifications.

(b) The exercise of option year two of Contract No. CW42864 was deemed approved by Council on July 6, 2017 in the amount of \$3,322,800.

(c) By Modification No. 11, issued on October 10, 2017, the Office of Contracting and Procurement, on behalf of the Department of Health Care Finance, increased the estimated amount for option year two by \$830,725.50.

(d) Modification No. 12, issued on November 27, 2017, increased the estimated amount for option year two by \$166,145.04.

(e) Modification No. 13 is now necessary to increase the amount of option year two by \$2,127,054.96, bringing the total increase for option year two to \$3,123,925.50.

(f) The total estimated amount for option year two is now \$6,446,725.50.

(g) Council approval is necessary because these modifications increase the total contract to more than \$1 million during a 12-month period.

(h) Approval is necessary to allow the continuation of these vital services. Without this approval, Trillian Technologies, LLC cannot be paid for goods and services provided in excess of \$1 million .

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW42864 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to the need to approve Modification No. 4 to Contract No. NFPHC-155 between the Not-for-Profit Hospital Corporation and United Hospitalist Medical Services to provide daily adult acute medical services, and to authorize payment for the services received and to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification No. 4 to Contract No. NFPHC-155 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to approve Modification No. 4 to Contract No. NFPHC-155 between the Not-for-Profit Hospital Corporation and United Hospitalist Medical Services, to provide daily adult acute care medical services, and to authorize payment for the services received and to be received under the modification.

(b) The base year of this contract was approved by the Board of Trustees in the amount of \$945,000.

(c) Modifications 1, 2, and 3 exercised option years 1, 2, and 3 respectively, of the contract, in the total amount of \$975,000.

(d) Modification 4 would exercise option year 4 of the contract in the amount of \$1,416,666.

(e) Under the new consultant, the Not-for-Profit Hospital Corporation continues to undergo operational and fiscal analysis to improve performance and efficiency. Frequently, this review process produces contract amendments seeking to achieve cost savings.

(f) Additionally, the Not-for-Profit Hospital Corporation has experienced personnel transitions that, unfortunately, may have caused delays with regard to the preparation, negotiation, and transmittal of the Council contract package.

(g) Council approval is necessary because the modification increases the total contract amount to more than \$1 million during a 12-month period.

(h) Emergency approval of this Contract for a total value of \$1,416,666 is necessary to prevent any impact to the hospital’s provision of adult acute care services.

(i) Without this approval, United Hospitalist Medical Services cannot be paid for these critical services provided in excess of \$1 million.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 4 to Contract No. NFPHC-155 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the reappointment of Ms. Barbara Somson to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Employee Relations Board Barbara Somson Confirmation Resolution of 2018”.

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

Ms. Barbara Somson
3915 McKinley Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a labor member of the Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01), for a term to end December 12, 2020.

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

22-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To approve proposed rules to amend section 718 of Title 23 of the District of Columbia Municipal Regulations to modify reimbursement levels to the Metropolitan Police Department under the Reimbursable Detail Subsidy Program and to include pub crawls among the types of events that may participate in the Reimbursable Detail Subsidy Program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reimbursable Detail Subsidy Program Regulations Approval Resolution of 2018”.

Sec. 2. Pursuant to D.C. Official Code § 25-211(b), the Mayor transmitted to the Council on October 3, 2017, proposed rules to modify reimbursement levels by the Alcoholic Beverage Regulation Administration to the Metropolitan Police Department under the Reimbursable Detail Subsidy Program from 70% to 60% and to include pub crawls, as defined in 23 DCMR § 712.3, among the types of events that may participate in the Reimbursable Detail Subsidy Program. The Council approves the proposed rules, published at 64 DCR 3546, to amend section 718 of Title 23 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-377

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Ms. Deidre Jefferies to the Commission on Fashion Arts and Events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Fashion Arts and Events Deidre Jefferies Confirmation Resolution of 2018”.

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

Ms. Deidre Jefferies
525 Water Street, S.E., Unit #113
Washington, D.C. 20024
(Ward 6)

as a member of the Commission on Fashion Arts and Events, in accordance with section 3 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-652), replacing Christine Brooks-Cropper, for a term to end April 9, 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

22-378

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the reappointment of Ms. Mariessa Terrell to the Commission on Fashion Arts and Events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Fashion Arts and Events Mariessa Terrell Confirmation Resolution of 2018”.

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

Ms. Mariessa Terrell
3422 Brown Street, N.W.
Washington, D.C. 20010
(Ward 1)

as a member of the Commission on Fashion Arts and Events, in accordance with section 3 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-652), for a term to end April 9, 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

22-379

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Ms. Rema Wahabzadah to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Rema Wahabzadah Confirmation Resolution of 2018”.

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

Ms. Rema Wahabzadah
811 4th Street, N.W., Unit #211
Washington, D.C. 20001
(Ward 6)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, replacing Mafara Hobson, for a term to end May 7, 2020.

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

22-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Mr. Bobby Cato, Jr. to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Bobby Cato, Jr. Confirmation Resolution of 2018”.

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

Mr. Bobby Cato, Jr.
1214 Oates Street, N.E.
Washington, D.C. 20002
(Ward 5)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, replacing David Jacob Perry, for a term to end May 7, 2019.

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

22-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Mr. Jed Ross to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Water and Sewer Authority Board of Directors Jed Ross Confirmation Resolution of 2018”.

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

Mr. Jed Ross
3032 N Street, N.W.
Washington, D.C. 20007
(Ward 2)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 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 § 34-2202.04), replacing Ana Recio Harvey, for a term to end September 12, 2019.

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

22-382

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Ms. Krystal Brumfield to the District of Columbia Water and Sewer Authority Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Water and Sewer Authority Board of Directors Krystal Brumfield Confirmation Resolution of 2018”.

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

Ms. Krystal Brumfield
2517 Sayles Place, S.E., Unit 2
Washington, D.C. 20020
(Ward 8)

as an alternate member of the Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with section 204 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 § 34-2202.04), for a term to end September 12, 2020.

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

22-383

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Mr. Jeff Marootian as the Director of the District Department of Transportation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the District Department of Transportation Jeff Marootian Confirmation Resolution of 2018”.

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

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

as the Director of the District Department of Transportation, established by section 2 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01), in accordance with 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(a)), to serve at the pleasure of the Mayor.

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

22-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-05A with Abrams Hall Senior, LP for program units at Abrams Hall Apartments, located at 6900 Georgia Avenue, N.W.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2016-LRSP-05A Approval Resolution of 2018".

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

(b) In 2016, the DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 13 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long term subsidy contract ("ALTSC") with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long term subsidy contract with Abrams Hall Senior, LP under the LRSP in order to provide long-term affordable housing units for extremely low-income households in the District for units located at 6900 Georgia Avenue, N.W.

(d) The legislation to approve the contract will authorize an ALTSC between the DCHA and Abrams Hall Senior, LP with respect to the payment of a rental subsidy and allow the owner

ENROLLED ORIGINAL

to lease the rehabilitated units at Abrams Hall Apartments and house extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3 Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the ALTC with Abrams Hall Senior, LP to provide an operating subsidy in support of 16 affordable housing units in an initial amount not to exceed \$229,632 annually.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-06A with Wesley Brookland, LLC for program units at Brookland Place Apartments, located at 617 Hamlin Street, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Local Rent Supplement Program Contract No. 2016-LRSP-06A Approval Resolution of 2018”.

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

(b) In 2016, the DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 13 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area’s median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term subsidy contract (“ALTSC”) with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long term subsidy contract with Wesley Brookland, LLC under the LRSP in order to provide long-term affordable housing units for extremely low-income households for units located at 617 Hamlin Street, N.E.

(d) The legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Wesley Brookland, LLC with respect to the payment of a rental subsidy and allow the owner to lease the rehabilitated units at Brookland Place Apartments

ENROLLED ORIGINAL

and house extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the ALTSC with Wesley Brookland, LLC to provide an operating subsidy in support 13 affordable housing units in an initial amount not to exceed \$209,700 annually.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To confirm the appointment of Ms. Lisa M. Gregory to the Rental Housing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rental Housing Commission Lisa M. Gregory Confirmation Resolution of 2018”.

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

Ms. Lisa M. Gregory
910 O Street, N.W.
Washington, D.C. 20001
(Ward 2)

as a member of the Rental Housing Commission, established by section 201 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01), for a term to end July 18, 2020.

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

22-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to need to symbolically designate the 2600 block of Wisconsin Avenue, N.W., between Davis Street, N.W., and Edmunds Street, N.W., in Ward 3, as Boris Nemtsov Plaza.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Boris Nemtsov Plaza Designation Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to symbolically designate the 2600 block of Wisconsin Avenue, N.W., between Davis Street, N.W., and Edmunds Street, N.W., in Ward 3, as “Boris Nemtsov Plaza”.

(b) February 27, 2018 marks the 3-year anniversary of the death of Boris Nemtsov, a Russian politician and advocate for democracies whose assassination garnered international attention in 2015.

(c) The 3-year anniversary date of Boris Nemtsov’s death will include the unveiling of symbolic signage designating the 2600 block of Wisconsin Avenue, N.W., in front of the Embassy of the Russian Federation, his homeland, as “Boris Nemtsov Plaza”.

(d) The symbolic designation will create a memorial in Boris Nemtsov’s honor that cannot be dismantled. Further, the designation is a symbol of the District’s commitment to democracy and sends a message of solidarity to those fighting for democratic principles around the world.

(e) Corresponding permanent legislation, the Boris Nemtsov Plaza Designation Act of 2017, passed on 1st reading on January 9, 2018 (Engrossed version of Bill 22-539), will not become law for several months. In order to guarantee that the signage for Boris Nemtsov Plaza will be installed before February 27, 2018, it is necessary to pass emergency legislation.

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 Boris Nemtsov Plaza Designation Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to the need to authorize the Mayor and the Council to make appointments to the Board of Directors of the Washington Metrorail Safety Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Metrorail Safety Commission Board of Directors Appointment Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to authorize the Mayor and the Council to make appointments to the Board of Directors of the Washington Metrorail Safety Commission (“Commission”), pursuant to Article III.B. of section 2 of the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; D.C. Official Code § 9-1109.11) (“Metrorail Safety Act”).

(b) The Council approved the Metrorail Safety Act in order for the District of Columbia to enter into the Metrorail Safety Commission Interstate Compact (“Compact”) with the Commonwealth of Virginia and the State of Maryland. The goal of entering the Compact was to create the Commission, which is a legally and financially independent safety authority, to provide oversight over the Washington Metropolitan Area Transit Authority Metrorail System (“WMATA Metrorail System”).

(c) The Commission replaces the Tri-state Oversight Committee (“TOC”), which previously served as the State Safety Oversight agency for the WMATA Metrorail System. This is necessary because the TOC lacked the enforcement authority, the technical expertise, and sufficient resources to conduct its oversight responsibilities over the WMATA Metrorail System.

(d) Since October 9, 2015, the Federal Transit Administration (“FTA”) has taken over all oversight, inspection, and enforcement responsibilities of the WMATA Metrorail System from the TOC. The FTA will continue to administer safety oversight of the WMATA Metrorail System until the Commission is stood up and certified by the FTA to take over the safety oversight responsibilities.

(e) The Commission will have exclusive authority and responsibility over the WMATA Metrorail System with the power to restrict, suspend, or prohibit rail service on all or part of the WMATA Metrorail System. In addition, the Commission will develop and adopt a written state safety oversight program standard; review and approve the WMATA

ENROLLED ORIGINAL

Public Transportation Agency Safety Plan; investigate Hazards, Incidents, and Accidents; approve and oversee Corrective Action Plans; and meet other requirements of federal and state law relating to safety oversight of the WMATA Metrorail System.

(f) The Compact requires that the Commission be governed by a Board of Directors (“Board”) consisting of 6 Members. The District of Columbia, Maryland, and Virginia are each required to appoint 2 Members and one Alternate Member pursuant to each jurisdiction’s applicable laws.

(g) On October 3, 2017, the Council passed the Washington Metrorail Safety Commission Board of Directors Appointment Emergency Amendment Act of 2017, effective October 24, 2017 (D.C. Act 22-168; 64 DCR 10927) (the “Emergency Act”), to specify how the District will make appointments to the Board.

(h) The Council subsequently approved on first reading the Washington Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2017, approved on 1st reading on December 5, 2017 (Engrossed version of Bill 22-464) (the “Permanent Act”), the permanent version of the Emergency Act. The Permanent Act contains additional provisions not present in the Emergency Act.

(i) This emergency legislation mirrors the Permanent Act and ensures that all of its provisions become law immediately.

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 Washington Metrorail Safety Commission Board of Directors Appointment Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to the need to amend the Adult Literacy Task Force Act of 2014 to include business community representatives on the Adult Career Pathways Task Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adult Career Pathways Task Force Expansion Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to amend section 2122(c) of the Adult Literacy Task Force Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 32-1661(c)) (“the Act”), to add 3 members of the business community to the Adult Career Pathways Task Force (“Task Force”).

(b) On September 8, 2017, the Mayor issued Mayor’s Order 2017-208, to add 3 additional members to the Task Force representing the business community in in-demand sectors. The Council supports the goals of the Executive; however, because the Task Force was created legislatively and its membership was codified in statute, the membership may only be altered through legislation.

(c) The addition of 3 business members to the Task Force on an emergency basis will ensure there is no delay in efforts to improve the Task Force’s work to ensure the best outcomes for the District’s low-literacy adults who are working towards a living-wage career.

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 Adult Career Pathways Task Force Expansion Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-390

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To declare the existence of an emergency with respect to the need to extend the time allowed for the disposition of District-owned real property located at 1336 8th Street, N.W., known for tax and assessment purposes as Lot 68 in Square 399.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Declaration Resolution of 2018”.

Sec. 2. (a) Pursuant to section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the Mayor transmitted to the Council a request for approval of additional time for the disposition of certain real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399 (“Property”).

(b) The Council approved the disposition pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63 DCR 1498) (“8th & O Streets, N.W. Disposition Resolution”).

(c) The Property consists of approximately 13,306 square feet and is currently an unused surface parking lot. The 8th & O Streets, N.W. Disposition Resolution authorizes the disposition of the Property for a mixed-use development providing for affordable housing, residential and market-rate housing, and retail uses (“Project”).

(d) The Office of the Deputy Mayor for Planning and Economic Development (“DMPED”) conducted a thorough solicitation process and selected the development team of Roadside Development, LLC and Dantes Partners, LLC (“Developer”) to redevelop the Property.

(e) The Developer has worked diligently to meet all deadlines set forth in the schedule of performance of the Land Disposition and Development Agreement (“LDA”), which was executed with the District on February 22, 2016. The Developer has worked diligently on the pre-development activities related to the development of a mixed-use development on the Property consisting of approximately 85 residential units, including 30% affordable units, along with ground floor retail and community space.

(f) The Developer mobilized and submitted its application for the Project to the Historic Preservation Review Board (“HPRB”), which was required because the Property is located in a historic preservation area. The Developer successfully navigated the HPRB process and

ENROLLED ORIGINAL

received conceptual approval for its plans, a key pre-condition to submitting a Planned Unit Development (“PUD”) application to the Zoning Commission.

(g) DMPED and Developer have adhered to all milestones contained in the Schedule of Performance that accompanied the LDA. Despite the best efforts of DMPED and Developer, review and approval by the Zoning Commission of the PUD required for the Development has taken substantially longer than originally projected at the time of LDA execution.

(h) DMPED and Developer have advanced the Development as far as possible while awaiting final approval of the PUD and publication of the Zoning Order. However, based on the length of the PUD review and approval process, and the appeal of the Zoning Order filed December 6, 2017, meeting all conditions to closing pursuant to the LDA will require additional time beyond the initial authorized disposition expiration date.

(i) Per the 8th & O Streets, N.W. Disposition Resolution, the Mayor’s authority to dispose of the Property will expire on February 2, 2018.

(j) The Developer will not be able to satisfy its conditions precedent to closing on the Property as provided in the LDA, to enable the disposition of the property before the timeframe authorized by the 8th & O Streets, N.W. Disposition Resolution.

(k) An extension of the disposition authority of 2 years, to February 2, 2020, is necessary to provide the Developer sufficient time to fulfill the necessary milestones required.

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 Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

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

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

- | | |
|---------|---|
| B22-665 | Zaire Kelly Park Designation Act of 2018

Intro. 1-17-18 by Councilmembers McDuffie and T. White and referred to the Committee of the Whole |
| <hr/> | |
| B22-666 | Women, Infants, and Children Program Expansion Act of 2018

Intro. 1-23-18 by Councilmembers Cheh, Grosso, Bonds, Gray, Nadeau, and Todd and referred to the Committee on Health |
| <hr/> | |
| B22-667 | District of Columbia Education Charitable Donations Amendment Act of 2018

Intro. 1-23-18 by Councilmembers Silverman, R. White, Bonds, Allen, Grosso, Nadeau, and Gray and referred to the Committee on Finance and Revenue with comments from the Committee on Education |
| <hr/> | |
| B22-668 | Local Work Opportunity Tax Credit Amendment Act of 2018

Intro. 1-23-18 by Councilmembers R. White, Bonds, Silverman, Gray, Cheh, McDuffie, Grosso, Nadeau, and T. White and referred to the Committee on Finance and Revenue with comments from the Committee on Business and Economic Development |
-

B22-669 Department of Buildings Establishment Act of 2018
Intro. 1-23-18 by Chairman Mendelson and Councilmembers Grosso, Nadeau, R. White, T. White, Allen, Bonds, McDuffie, Silverman, and Cheh and referred to the Committee of the Whole

PROPOSED RESOLUTIONS

PR22-727 Real Property Tax Appeals Commission Ms. Cliftine Jones Confirmation Resolution of 2018
Intro. 1-17-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR22-728 Real Property Tax Appeals Commission Mr. Donald Isaac, Jr. Confirmation Resolution of 2018
Intro. 1-17-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR22-729 Real Property Tax Appeals Commission Mr. Gregory C. Syphax Confirmation Resolution of 2018
Intro. 1-17-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR22-730 Real Property Tax Appeals Commission Ms. Mary S. Chan Confirmation Resolution of 2018
Intro. 1-17-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

- PR22-731 Real Property Tax Appeals Commission Mr. John N. Ollivierra Confirmation Resolution of 2018
- Intro. 1-17-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
-
- PR22-732 Board of Barber and Cosmetology Vonetta Dumas Confirmation Resolution of 2018
- Intro. 1-17-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-733 Medical Marijuana Facility Failure to Open or Operate Rulemaking Approval Resolution of 2018
- Intro. 1-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR22-734 Sense of the Council Condemning President Trump's Anti-Immigrant Rhetoric Resolution of 2018
- Intro. 1-23-18 by Councilmembers Cheh, Grosso, Silverman, Allen, Gray, R. White, Todd, Nadeau, Bonds, and Chairman Mendelson and Retained by the Council
-
- PR22-735 Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018
- Intro. 1-23-18 by Chairman Mendelson and referred to the Committee of the Whole
-
- PR22-736 Other Post-Employment Benefits Fund Advisory Committee Barbara Davis Blum Appointment Resolution of 2018
- Intro. 1-23-18 by Chairman Mendelson and referred to the Committee of the Whole
-

PR22-737 Historic Preservation Review Board Dr. Sandra Jowers-Barber Confirmation
Resolution of 2018

Intro. 1-23-18 by Chairman Mendelson at the request of the Mayor and
Retained by the Council

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

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

REVISED/ABBREVIATED

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 22-460, the “Department of Health Smoking Cessation Fund Amendment Act of 2017”

Thursday, February 1, 2018

11:00 a.m.

**Room 123 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Thursday, February 1, 2018 at 11:00 a.m. in Room 123, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-460, the “Department of Health Smoking Cessation Fund Amendment Act of 2017” would amend the District of Columbia Official Code to require that 10% of proceeds from cigarette sales be deposited into the Smoking Cessation Fund for interventions. This bill will also remove the applicability clause of the Smoking Restriction Amendment Act of 2013 to allow the provisions of that law to be implemented.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 11:00 a.m. on Wednesday, January 31, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004. This notice is being revised/abbreviated to reflect a change in the start time of the hearing.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**Bill 22-468, “Teachers’, Police, and Firefighters Retirement Benefits
Technical Amendment Act of 2017”**

on

**Wednesday, March 7, 2018, 1:00 p.m.
(or immediately following the preceding hearing)
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-468**, the “Teachers’, Police, and Firefighters Retirement Benefits Technical Amendment Act of 2017.” The hearing will be held at 1:00 p.m. (or immediately following the preceding hearing) on Wednesday, March 7, 2018 in Room 120 of the John A. Wilson Building.

The stated purpose of Bill 22-468 is to amend the Policemen and Firemen’s Retirement and Disability Act to clarify that provisions affected by marriage are also affected by domestic partnerships for those members covered under the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1988 and to clarify that the Internal Revenue Code § 401(a)(17) compensation limit applies to members first covered under the Plan on or after October 1, 2002; and to amend an Act for the retirement of public school teachers in the District of Columbia to clarify that the Internal Revenue Code § 401(a)(17) compensation limit applies to members first covered under the Plan on or after October 1, 2002.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Evan Cash, Committee and Legislative Director at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, **March 5, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on March 5, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on March 19, 2017.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

Bill 22-579, Helicopter Landing Pad Amendment Act of 2017

on

**Tuesday, February 20, 2018
1:00 p.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on Bill 22-579, the “Helicopter Landing Pad Amendment Act of 2017.” The hearing will be held on Tuesday, February 20, 2018 at 1:00 p.m. in Hearing Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 22-579 is to exempt Level One Trauma Centers operating in the District of Columbia, that currently do not have helipads on their properties, from the Helicopter Landing Pad Public Nuisance Act of 1987. Furthermore, the Mayor would be required to review the flight information for any helipad that is used for more than 175 round trip flights in a calendar year, and may take appropriate action as he or she deems necessary.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, **February 16, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 16, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, March 6, 2018.

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

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

ANNOUNCES A PUBLIC HEARING ON

BILL 22-0583, THE “OPIOID ABUSE PREVENTION AMENDMENT ACT OF 2018”

**MONDAY, FEBRUARY 12, 2018
10 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 22-0583, the “Opioid Abuse Prevention Amendment Act of 2018.” The hearing will be held on Monday, February 12, 2018, at 10 a.m., in Room 500 of the John A. Wilson Building. Bill 22-0583 will be added to the agenda for the Department of Health’s FY17/18 Performance Oversight Hearing.

Bill 22-0583, the “Opioid Abuse Prevention Amendment Act of 2018” limits initial prescription of opiates for acute conditions to seven days or less. It establishes requirements for subsequent prescription of opiates. It establishes limits to the strength of opiates that are not prescribed for acute conditions. Among other things the Mayor is required to issue rules to limit and track the dispensing of opiates prescribed out of state.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Thursday, February 8, 2017.

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

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED & ABBREVIATED

COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC HEARING

on

B22-0594 - Student Fair Access to School Act of 2017

and

B22-0179 - D.C. Public Schools Alternatives to Suspension Amendment Act of 2017

on

**Tuesday, January 30, 2018
10:00 a.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing on B22-0594, Student Fair Access to School Act of 2017, and B22-0179, D.C. Public Schools Alternatives to Suspension Amendment Act of 2017. The hearing will be held at 10:00 a.m. on Tuesday, January 30, 2018 in Hearing Room 500 of the John A. Wilson Building. **This notice has been revised, abbreviated pursuant to Council Rule 421(c)(1), to reschedule the hearing to 10:00 a.m. on January 30, 2018, due to the unanticipated length of the witness list.**

The stated purpose of B22-0594 is to establish parameters for local education agencies' discipline policies to ensure student safety and access to education, including limits on the use of suspensions and expulsions, reporting requirements, and supports provided by the Office of the State Superintendent of Education to promote trauma-informed educational settings.

The stated purpose of B22-0179 is to require D.C. Public Schools' principals to consider and justify in writing why a suspension is more appropriate than other forms of discipline prior to recommending the suspension of a student. It also requires the Chancellor to receive a monthly report on school suspensions from each public school and transmit a report aggregating that data to the Mayor and Council on a quarterly basis.

The Committee invites the public to testify or submit written testimony. Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00 p.m. Friday, January 26, 2018. Persons wishing to testify are encouraged to bring 10-15 copies of their written testimony.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, Committee Assistant, at astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350

Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, February 13, 2018.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-663, Comprehensive Plan Amendment Act of 2018

on

Tuesday, March 20, 2018
2:00 p.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-663**, the “Comprehensive Plan Amendment Act of 2018”. The hearing will be held at **2:00 p.m. on Tuesday, March 20, 2018** in **Council Chamber (Hearing Room 500)** of the John A. Wilson Building.

The stated purpose of **Bill 22-663**, which was introduced at the request of Mayor Muriel Bowser, is to amend the District of Columbia Comprehensive Plan Act of 1984 to modify the Framework Element to reflect the updated data and analysis of forces driving change and growth projections, and to clarify land use designations and how to use the Generalized Policy Map and Future Land Use Map to reflect longstanding policy.

The Comprehensive Plan is a 20-year framework that guides future growth and development in the District. Originally adopted in 2006 and amended in 2011, it addresses a wide range of topics that affect how we experience the city. These topics include land use, economic development, housing, environmental protection, historic preservation, transportation, and more. The Comprehensive Plan recommends a review and amendments approximately every five years. Bill 22-663 proposes changes only to the Framework Element, however, because the Administration says this will facilitate later proposals to amend the other elements.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Sydney Hawthorne at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, March 16, 2018**. **If there are numerous witnesses, this deadline will be enforced.** Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on March 16, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; **less time will be allowed if there are a large number of witnesses.** Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on April 3, 2018.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

Revised and Abbreviated

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

PR 22-721, Board of Directors of the Washington Metrorail Safety Commission Chris Geldart Confirmation Resolution of 2018

PR 22-722, Board of Directors of the Washington Metrorail Safety Commission Robert Bobb Confirmation Resolution of 2018

PR 22-735, Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018

on

**Monday, February 5, 2018
11:30 a.m., Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 22-721 and PR 22-722, confirmation resolutions for mayoral appointments to the Board of Directors of the Washington Metrorail Safety Commission (“MSC Board”) for: Chris Geldart and Robert Bobb. The hearing will be held on Monday, February 5, 2018 at 11:30 a.m. in Hearing Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. *This notice is being revised to include PR 22-735, the “Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018.” In addition, the revised notice is being abbreviated in order to allow the Council to consider expeditiously the nomination of Mr. Chris Hart.*

The stated purpose of PR 22-721 is to confirm the nomination of Mr. Geldart as an alternate member of the MSC Board for a three-year term and for PR 22-722 is to confirm the nomination of Mr. Bobb as a member of the MSC Board for a two-year term. PR 22-735 would appoint Mr. Hart as the Council appointee to the MSC Board for a four-year term. The MSC Board is required to govern the Metro Safety Commission, which shall serve as the State Safety Oversight Agency for the Washington Metropolitan Area Transit Authority Metrorail System. More information about the MSC Board can be found in the Committee Report for Bill 22-464.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide

your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, **February 2, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 2, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

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

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 22-735 the “Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018,” to allow for the proposed resolution to be considered at the February 6, 2018 regularly scheduled Legislative meeting. The abbreviated notice is necessary to allow the Council to consider expeditiously the nomination of Mr. Chris Hart to fill a vacancy on the Board of Directors for the Washington Metrorail Safety Commission.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 22-737 the “Historic Preservation Review Board Dr. Sandra Jowers-Barber Confirmation Resolution of 2018”, to allow for the proposed resolution to be considered at the February 6, 2018 regularly scheduled legislative meeting. The abbreviated notice is necessary to allow the Council to consider the nomination of Dr. Sandra Jowers-Barber to fill an outstanding vacancy on the Historic Preservation Review Board.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
1/26/2018

Notice is hereby given that:

License Number: ABRA-106962

License Class/Type: B Retail - Grocery

Applicant: DC Market, Inc.

Trade Name: DC Food Market

ANC: 8A04

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

2200 16TH ST SE

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

3/12/2018

A HEARING WILL BE HELD ON:

3/26/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	9 am - 10 pm
Monday:	8 am - 10 pm	9 am - 10 pm
Tuesday:	8 am - 10 pm	9 am - 10 pm
Wednesday:	8 am - 10 pm	9 am - 10 pm
Thursday:	8 am - 10 pm	9 am - 10 pm
Friday:	8 am - 10 pm	9 am - 10 pm
Saturday:	8 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 26, 2018
Protest Petition Deadline: March 12, 2018
Roll Call Hearing Date: March 26, 2018

License No.: ABRA-097053
Licensee: Shabby, LLC
Trade Name: Due South/Due South Dockside
License Class: Retailer's Class "C" Restaurant
Address: 301 Water Street, S.E.
Contact: Sidon Yohannes: (202) 686-7600

WARD 6 ANC 6D SMD 6D07

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 March 26, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to increase the Total Occupancy Load of the second Summer Garden from 21 to 55 (with seating for 52 patrons).

CURRENT HOURS OF OPERATION INSIDE PREMISES

Sunday - Thursday 11am - 2am
Friday - Saturday 11am - 2:30am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday - Saturday 11am - 2am

CURRENT HOURS OF LIVE ENTERTAINMENT INDOORS

Sunday - Saturday 6pm - 2am

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDENS

Sunday - Saturday 11am - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
1/26/2018

Notice is hereby given that:

License Number: ABRA-095169

License Class/Type: B Retail - Class B

Applicant: Shaw Howard Deli, LLC

Trade Name: Shaw Howard Deli

ANC: 1B01

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

1911 7th ST NW

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

3/12/2018

A HEARING WILL BE HELD ON:

3/26/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	9 am - 12 am
Monday:	7 am - 12 am	9 am - 12 am
Tuesday:	7 am - 12 am	9 am - 12 am
Wednesday:	7 am - 12 am	9 am - 12 am
Thursday:	7 am - 12 am	9 am - 12 am
Friday:	7 am - 12 am	9 am - 12 am
Saturday:	7 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: January 26, 2018
Protest Petition Deadline: March 12, 2018
Roll Call Hearing Date: March 26, 2018

License No.: ABRA-099450
Licensee: Southeast Restaurant Group, LLC
Trade Name: Wicked Bloom Social Club
License Class: Retailer's Class "C" Tavern
Address: 1540 North Capitol Street, N.W.
Contact: Melvin Hines: (202) 750-6375

WARD 5

ANC 5E

SMD 5E05

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 March 26, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Licensee requests a substantial change to change of hours of Live Entertainment.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11:00 am to 2:00 am, Friday and Saturday 11:00 am to 3:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 11:00 am to 1:00 am, Friday and Saturday 11:00 am to 2:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm to 11:00 pm

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm to 1:00 am

**DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING
NOTICE OF PUBLIC HEARING**

1050 First Street, NE, Suite 801, Washington, DC 20002

**COMMISSIONER STEPHEN C. TAYLOR
DISTRICT OF COLUMBIA
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

ANNOUNCES A PUBLIC HEARING

on

**PRIVATE PASSENGER AUTOMOBILE INSURANCE
PREMIUMS AND RATING FACTORS**

Tuesday, January 30, 2018, 1:30 p.m.

**One Judiciary Square
441 4th Street, NW
Old Council Chambers
Washington, DC 20001**

Stephen C. Taylor, Commissioner of the Department of Insurance, Securities and Banking (Department), hereby gives notice of his intent to conduct a public hearing to review private passenger (noncommercial) automobile insurance premiums in the District of Columbia. The hearing will be held at 1:30 p.m. on Tuesday, January 30, 2018, at One Judiciary Square, 441 4th Street, NW, Washington, DC 20001, in the Old Council Chambers.

The purpose of the public hearing is to review the justifications and impacts of recent large increases in the premium rates for automobile insurance in the District. Also, the hearing will provide insight into the current automobile insurance market and identify any areas for changes to improve the cost, availability and transparency of private passenger automobile insurance. The Department will accept comments on other elements of automobile insurance premiums, including a review of price optimization, rating models and the use and impact of credit scores in underwriting.

The Department invites the public to testify or submit written testimony. Any person or organization wishing to testify at the hearing should contact the Department via email at christian.washington@dc.gov or at (202) 442-7754, by 5:00 p.m. on Friday, January 26, 2018, to have their names added to the witness list. Each witness should provide their name, telephone number, organizational affiliation (if any), and title (if any). Written statements should be sent to the email address above or mailed to the Department at District of Columbia Department of Insurance, Securities and Banking, 1050 First Street, NE, Suite 801, Washington, DC 20002, Attention: Christian Washington.

Time limits may be imposed for oral testimony. Representatives of organizations will be allowed a maximum of five minutes, and individuals will be allowed a maximum of three minutes. Witnesses are requested to bring five copies of their written testimony.

If a party or witness is deaf, has a hearing impediment, or otherwise cannot readily understand or communicate in English, the party or witness may apply to the Department for the appointment of a qualified interpreter. In addition, if any witness to be called requires any other special accommodations, please contact the Department at (202) 442-7754 at least three business days prior to the hearing.

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

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Briya Public Charter School (Briya PCS) request to amend its charter by revising its mission statement.

Briya PCS is requesting to amend its charter by revising its mission statement as follows:

Old Mission

To provide a high-quality education for adults and children that empowers families through a culturally sensitive family literacy model.

New Mission

To strengthen families through culturally responsive two-generation education.

A vote will be held on February 26, 2018. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on February 26, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpcsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on February 26, 2018 to public.comment@dcpcsb.org no later than 4 p.m. on February 22, 2018. Each person testifying is given two minutes to present testimony.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF PUBLIC HEARING**Delivery of Smart Street Lighting Project**

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), in coordination with the District Department of Transportation (“DDOT”) and the Office of the Chief Technology Officer (“OCTO”), hereby gives notice of several upcoming public hearings regarding the District’s Smart Lighting Project (“Project”) pursuant to Section 110 of the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 et seq.) as implemented through regulations contained in Chapter 48 (Public-Private Partnerships), of Title 27 (Contracts and Procurement) of the D.C. Municipal Regulations (27 DCMR 4802) (“P3 Act”). Details for the time and location of these hearings as well as how to register to participate are provided below.

The Project is proposed modernize the District’s more than 75,000 streetlights by converting them to LED technology with remote monitoring and control capabilities and deploy Smart City technology, including expansion of the District broadband Wi-Fi network and a platform for future uses and applications. It is also anticipated that the selected developer will obtain private financing for the Project and operate and maintain the existing and improved lighting systems under a long-term, performance-based contract.

Under Section 107 of the P3 Act, Request for Qualifications (“RFQ”) was released for the Project on June 21, 2017. The District received responses from 11 teams and intends to determine which of those teams are most highly qualified to deliver the Project successfully (“Shortlisted Proposers”). Only those Shortlisted Proposers will be allowed to submit proposals in response to the Request for Proposals (RFP). Following this public comment period, the District will incorporate feedback in a revised draft RFP that will be submitted to the DC Council for review. If approved by the DC Council, the District will issue the final RFP to the Shortlisted Proposers and select a Preferred Proposer.

The following hearings will be held to discuss the Project:

No.	Location	Date
1	Capitol View Neighborhood Library 5001 Central Ave SE Washington, DC 20019	Thursday, February 22, 2018 6:30 – 8:30 PM
2	Mt. Pleasant Public Library 3160 16th St NW, Washington, DC 20010	Saturday, February 24, 2018 11:30 AM – 1:30 PM

The hearing will be held in town hall style format, with a public presentation from government representatives followed by a public comment and conversation period. Those interested in participating should register at <https://www.op3.eventbrite.com/>. If you cannot attend one of the public forums, please send written comments to StreetlightP3@dc.gov.

For those interested in learning more about the Project, please visit <http://op3.dc.gov/streetlights>.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Thursday, April 5, 2018, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 02-38I (Waterfront 375 M Street, LLC and 425 M Street, LLC – Second-Stage PUD & Modification of Significance to First-Stage PUD @ Square 542)

THIS CASE IS OF INTEREST TO ANC 6D

On April 5, 2017, the Office of Zoning received an application from Waterfront 375 M Street, LLC and 425 M Street, LLC (together, the “Applicant”) for approval of a second-stage planned unit development (“PUD”) and a modification of significance to a previously approved first-stage PUD for the above-referenced property. The Office of Planning submitted a report to the Zoning Commission, dated June 2, 2017. At its June 12, 2017, public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on August 15, 2017.

The property that is the subject of this application consists of Lot 825 (“West M”) and Lot 826 (“East M”) in Square 542, which have approximately 46,768 square feet and 61,065 square feet of land area, respectively. The subject property is currently zoned C-3-C (MU-9 under the 2016 Zoning Regulations) for the purposes of this project, through a previously approved PUD-related Zoning Map amendment. The property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 6D.

The Applicant proposes to modify the approved first-stage PUD and undertake a second-stage PUD for the East M and West M sites by converting the primary use of both buildings from office use to residential use, with retail on the ground floor and neighborhood-serving office use on the second floor. The approximate density, building height, lot occupancy, and setbacks will not change as a result of this application. The East M and West M sites will collectively contain approximately 604 total residential units and approximately 78,880 square feet of commercial space (an average of almost 40,000 square feet per building). Both buildings will also include on-site parking and loading.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

¹ The hearing for this case was previously scheduled for February 22, 2018.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Administrative Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

Except for the affected ANCs, 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 Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at:** <http://dcoz.dc.gov/services/app.shtm>. This form may also be obtained from the Office of Zoning at the address stated below.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in Subtitle Z § 406.3 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in Subtitle Z § 406.2 (a) through (i).

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to Subtitle Z § 408.4 the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT MILLER, PETER A. SHAPIRO, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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

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

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

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመነጻጸ ስርዓታ 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 ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 201(a) 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(a) (2014 Repl.)) and Mayor's Order 98-49, dated April 15, 1998, hereby gives notice of the adoption of the following amendments to Chapter 12 (Controlled Substances Act Rules) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations (DCMR).

The rule will update the list of Schedule I drugs by adding a new class of drugs called synthetic opioid agonists or antagonists and amending the Schedule V drugs by removing propylhexedrine from the list.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 25, 2017, at 64 DCR 8421. One comment was received in connection with the notice, which supports the proposed changes. The comments were limited to the proposal to remove propylhexedrine from the list of controlled substances on Schedule V. The commenter noted that the drug has been removed from the federal schedule since 1991 and that the substance has a low risk for abuse. No changes have been made since publication of the notice of proposed rulemaking.

The Director adopted these rules as final on October 5, 2017 and they will become effective upon publication of this notice in the *D.C. Register*.

Chapter 12, CONTROLLED SUBSTANCES ACT RULES, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Section 1201, SCHEDULE I ENUMERATED, Subsection 1201.1, is amended by adding a new paragraph (g) to read as follows:

- (g) Synthetic compounds:
 - (1) MT-45 (1-Cyclohexyl-4-(1,2-diphenylethyl) piperazine;
 - (2) U-47700 (3,4-Dichloro-*N*-[(1*R*,2*R*)-2-(dimethylamino) cyclohexyl]-*N*-methylbenzamide; and
 - (3) W-1 4-chloro-*N*-[(2*Z*)-1-[2-(4-nitrophenyl)ethyl]piperidin-2-ylidene]benzene-1-sulfonamide.

Section 1205, SCHEDULE V ENUMERATED, Subsection 1205.1(b), is amended to read as follows:

- (b) [REPEALED].

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2016 Repl. & 2017 Supp.)) and Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)) (2012 Repl.), hereby gives notice of the adoption of a new Chapter 102 of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), entitled “*My Health GPS Program*.”

The *My Health GPS* program is established as a Health Home program under the authority of Section 1945 of the Social Security Act for District Medicaid beneficiaries who have three (3) or more chronic conditions. The *My Health GPS* program will be the District’s second Health Home program. *My DC Health Home*, the District’s initial Health Home program, is administered by the Department of Behavioral Health and described in Chapter 25 of Title 22-A DCMR and provides comprehensive care management services delivered by community mental health providers to Medicaid beneficiaries with serious mental illness. DHCF decided to establish the *My Health GPS* program as a second health home initiative in recognition of the unmet care management needs of Medicaid beneficiaries with multiple chronic conditions. Historically, many of these beneficiaries have not received comprehensive care management services and their care has largely gone unmanaged, resulting in the preventable utilization of fire and emergency medical services, avoidable emergency department services and hospital admissions, and poor health outcomes. In order to meet the healthcare needs of this vulnerable population, the comprehensive care management services offered through the *My Health GPS* program will be delivered by an interdisciplinary team embedded in the primary care setting, which will coordinate patient-centered and population-focused care for these beneficiaries.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 23, 2017 at 64 DCR 005854. DHCF received no comments but made substantive changes to the rule. A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 27, 2017 at 64 DCR 011251. DHCF received no comments in response to the Notice of Second Emergency and Proposed Rulemaking and no changes have been made to this final rule.

The Council of the District of Columbia approved the corresponding State Plan Amendment (SPA) through the “Fiscal Year 2017 Budget Support Emergency Act of 2016,” effective July 20, 2016 (D.C. Act 21-463; 63 DCR 009843). The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services approved the corresponding SPA on October 23, 2017 with an effective date of July 1, 2017.

This final rule was adopted as final on January 12, 2018, and shall become effective on the date of publication of this notice in the *D.C. Register*.

A new Chapter 102, *MY HEALTH GPS PROGRAM*, is added to Title 29 DCMR, PUBLIC WELFARE, to read as follows:

CHAPTER 102 *MY HEALTH GPS PROGRAM*

- 10200 GENERAL PROVISIONS**
- 10201 ELIGIBILITY CRITERIA**
- 10202 BENEFICIARY ASSIGNMENT AND ENROLLMENT**
- 10203 BENEFICIARY DISENROLLMENT**
- 10204 *MY HEALTH GPS* ENTITY APPLICATION PROCESS**
- 10205 *MY HEALTH GPS* PROVIDER REQUIREMENTS**
- 10206 *MY HEALTH GPS* SERVICES**
- 10207 REIMBURSEMENT**
- 10208 QUALITY REPORTING REQUIREMENTS**
- 10209 INCENTIVE PAYMENTS**
- 10210 AUDITS AND REVIEWS**
- 10211 *MY HEALTH GPS* SANCTIONS, WITHDRAWAL AND TERMINATION**
- 10299 DEFINITIONS**
- 10200 GENERAL PROVISIONS**
- 10200.1 The purpose of this chapter is to establish standards governing Medicaid reimbursement for Health Home services provided to District Medicaid beneficiaries with multiple chronic conditions. This program shall be known as the “*My Health GPS*” program.
- 10200.2 The goal of the *My Health GPS* program is to improve the integration of medical and behavioral health, community supports and social services, and is designed to result in the following outcomes for eligible beneficiaries:
- (a) Lower rates of avoidable emergency department (ED) use;
 - (b) Reductions in preventable hospital admissions and re-admissions;
 - (c) Reductions in healthcare costs;
 - (d) Improvements in the experience of care, quality of life and beneficiary satisfaction; and
 - (e) Improved health outcomes.
- 10200.3 Services offered through the *My Health GPS* program shall be consistent with, but not limited to, those described under 42 CFR § 440.169(d).

10201 ELIGIBILITY CRITERIA

10201.1 Except as set forth in §§ 10201.2, a beneficiary shall be eligible to participate in the *My Health GPS* program if the beneficiary has current diagnoses of three (3) or more of the following chronic conditions:

- (a) Asthma;
- (b) Body Mass Index higher than thirty-five (35);
- (c) Cerebrovascular disease;
- (d) Chronic obstructive pulmonary disease;
- (e) Chronic renal failure, indicated by dialysis treatment;
- (f) Diabetes;
- (g) Heart disease including:
 - (1) Cardiac dysrhythmias;
 - (2) Conduction disorders;
 - (3) Congestive heart failure;
 - (4) Myocardial infarction; and
 - (5) Pulmonary heart disease;
- (h) Hepatitis;
- (i) Human Immunodeficiency Virus;
- (j) Hyperlipidemia;
- (k) Hypertension;
- (l) Malignancies;
- (m) Mental health conditions including:
 - (1) Depression;
 - (2) Bipolar Disorder;

- (3) Manic Disorder;
- (4) Schizophrenia; and
- (5) Personality Disorders;

- (n) Paralysis;
- (o) Peripheral atherosclerosis;
- (p) Sickle cell anemia; and
- (q) Substance use disorder.

10201.2 The following categories of beneficiaries shall not be eligible for the *My Health GPS* program:

- (a) Beneficiaries enrolled in the Home and Community-Based Services (HCBS) Waiver for the Elderly and Individuals with Physical Disabilities, as described in Chapter 42 of Title 29 of the District of Columbia Municipal Regulations (DCMR);
- (b) Beneficiaries enrolled in the HCBS Waiver for Persons with Intellectual and Developmental Disabilities, as described in Chapter 19 of Title 29 DCMR;
- (c) Beneficiaries residing in a nursing facility;
- (d) Beneficiaries residing in an Intermediate Care Facility for Individuals with Intellectual Disabilities; and
- (e) Beneficiaries enrolled in the *My DC Health Home* program, as described in Chapter 25 of Title 22-A DCMR.

10201.3 A beneficiary who is eligible for both the *My DC Health Home* and the *My Health GPS* programs may choose to enroll in either the *My DC Health Home* or the *My Health GPS* program but may not be concurrently enrolled in both programs.

10201.4 A beneficiary may be concurrently enrolled in a D.C. Medicaid risk-based managed care organization and the *My Health GPS* program.

10202 BENEFICIARY ASSIGNMENT AND ENROLLMENT

- 10202.1 All beneficiaries who meet the eligibility criteria set forth in § 10201 may participate in the *My Health GPS* program.
- 10202.2 A beneficiary shall only be assigned to a single *My Health GPS* entity at any time in accordance with the process set forth below:
- (a) An eligible beneficiary shall be assigned to the *My Health GPS* entity that currently provides the beneficiary's primary care services or to a *My Health GPS* entity that is part of a corporate entity that currently provides the beneficiary's primary care services;
 - (b) If the beneficiary has a relationship with more than one (1) *My Health GPS* entity, as determined by the Department of Health Care Finance (DHCF) through a review of Medicaid claims submitted during the past twelve (12) months, the beneficiary shall be assigned to the *My Health GPS* entity seen most frequently during the review period;
 - (c) If a beneficiary who meets the criteria described in (b) has seen multiple *My Health GPS* entities with equal frequency during the review period, the beneficiary shall be assigned to the entity seen most recently during the review period; and
 - (d) If the beneficiary does not have a prior relationship with any *My Health GPS* entity, as determined by DHCF through a review of Medicaid claims submitted during the past twelve (12) months, the beneficiary shall be assigned to a *My Health GPS* entity based on the entity's capacity to serve additional beneficiaries and the geographic proximity of the beneficiary to the entity.
- 10202.3 The initial assignment of eligible beneficiaries shall occur after the initial application period described in § 10204.4(a) and shall be effective on the program implementation date. Eligible beneficiaries who enter the program after the initial assignment period shall be assigned on a quarterly basis or within thirty (30) days of receipt of a referral.
- 10202.4 After an assignment is made, DHCF shall provide the beneficiary with the following information in writing:
- (a) A clear statement that the beneficiary has been identified as eligible to participate in the *My Health GPS* program;
 - (b) A clear explanation of the benefits of the *My Health GPS* program and the services provided;

- (c) Information regarding the *My Health GPS* entity to which the beneficiary has been assigned;
- (d) A clear explanation of the beneficiary's right to select a different *My Health GPS* entity or to "opt out" of the *My Health GPS* program; and
- (e) Instructions on selecting a different *My Health GPS* entity and "opting out" of the *My Health GPS* program.

10202.5 DHCF shall inform any other provider furnishing primary care services to an eligible beneficiary of the assignment, in writing, of the following:

- (a) A statement that the beneficiary served by the provider has been determined eligible for the *My Health GPS* program and assigned to a *My Health GPS* entity;
- (b) A clear explanation of the benefits of the *My Health GPS* program and the services provided; and
- (c) Information regarding the *My Health GPS* entity to which each beneficiary has been assigned.

10202.6 A beneficiary who has been assigned to a *My Health GPS* entity shall have the right to select a different entity or to "opt out" of the *My Health GPS* program.

10202.7 A beneficiary may notify DHCF at any time that the beneficiary wishes to select a different *My Health GPS* entity or "opt out" of the program.

10202.8 A beneficiary who has been assigned to a *My Health GPS* entity and wishes to be assigned to a different entity shall notify DHCF. The assignment to the new entity shall occur as follows:

- (a) If the beneficiary notifies DHCF of the new selection prior to the twentieth (20th) day of the month, the beneficiary shall be re-assigned to the new entity effective the first (1st) day of the month following the month in which the beneficiary notified DHCF of the new selection;
- (b) If the beneficiary notifies DHCF on or after the twentieth (20th) day of the month, the beneficiary shall be re-assigned to the new entity effective the first (1st) day of the second (2nd) month following the month in which the beneficiary notified DHCF of the new selection; and

- (c) The beneficiary shall remain eligible to receive *My Health GPS* services from the beneficiary's current *My Health GPS* entity until the effective date of the beneficiary's assignment to the new entity.

10202.9 Any beneficiary assigned to a *My Health GPS* entity for whom the entity has not submitted an initial claim for a person centered care plan in accordance with § 10207.10 within the first two (2) quarters following the effective date of the beneficiary assignment, as described in § 10202.3, may be re-assigned to another *My Health GPS* entity in accordance with the process described in § 10202.2.

10202.10 If DHCF re-assigns a beneficiary to a new *My Health GPS* entity, DHCF shall provide the beneficiary the following information in writing:

- (a) A statement that the beneficiary remains eligible to participate in the *My Health GPS* program but has been re-assigned to a new *My Health GPS* entity;
- (b) A clear explanation of the benefits of the *My Health GPS* program and the services provided;
- (c) The reason the beneficiary has been re-assigned to a new *My Health GPS* entity;
- (d) Information regarding the new *My Health GPS* entity to which the beneficiary has been assigned;
- (e) A clear explanation of the beneficiary's right to select a different *My Health GPS* entity or to "opt out" of the *My Health GPS* program; and
- (f) Instructions on selecting a different *My Health GPS* entity and "opting out" of the *My Health GPS* program.

10202.11 If DHCF re-assigns a beneficiary to a new *My Health GPS* entity, DHCF shall notify the entity to which the beneficiary was previously assigned of the re-assignment in writing, including the following information:

- (a) A clear statement explaining why the beneficiary has been re-assigned;
- (b) Specific reference to the applicable sections of the rules, statute or provider manual; and
- (c) The effective date of the re-assignment.

10202.12 The effective date of a beneficiary's enrollment in the *My Health GPS* program shall be the date on which the *My Health GPS* provider completes the components of the beneficiary's person-centered plan of care in accordance with § 10207.10.

10203 BENEFICIARY DISENROLLMENT

10203.1 DHCF shall disenroll an enrolled beneficiary from the *My Health GPS* program if:

- (a) The beneficiary's *My Health GPS* entity has not submitted claims for reimbursement for *My Health GPS* services provided to the beneficiary for three (3) consecutive quarters and DHCF has determined through an internal review that the beneficiary is no longer actively participating in the *My Health GPS* program; or
- (b) DHCF determines that an enrolled *My Health GPS* beneficiary no longer meets the eligibility requirements as set forth under § 10201.

10203.2 If DHCF takes action to disenroll an enrolled beneficiary from the *My Health GPS* program as set forth in § 10203.1, DHCF shall issue a written notice to the beneficiary at least thirty (30) calendar days prior to the effective date of the intended disenrollment, which shall contain the following information:

- (a) A clear statement of the intended action to disenroll the beneficiary from the *My Health GPS* program;
- (b) An explanation of the reason(s) for the intended action;
- (c) Citations to the laws or regulations supporting the intended action;
- (d) An explanation of the beneficiary's right to request that DHCF reconsider its decision to disenroll the beneficiary, including the timeframe and procedures for making a request for reconsideration;
- (e) An explanation of the beneficiary's right to request a Fair Hearing, including the timeframe and procedures for requesting a hearing; and
- (f) The circumstances under which the beneficiary's current *My Health GPS* services will be continued if a reconsideration or Fair Hearing is requested.

10203.3 A request for reconsideration of the decision to disenroll a beneficiary made pursuant to § 10203.2(d) must be submitted in writing, by mail, fax, or in person, to DHCF within thirty (30) calendar days of the date of the notice of

disenrollment described in § 10203.2. The request for reconsideration shall include information and documentation as follows:

- (a) A written statement by the beneficiary, or the beneficiary's designated representative, describing the reason(s) why the decision to disenroll the beneficiary should not be upheld;
- (b) A written statement by a clinician familiar with the beneficiary's health care needs describing the reason(s) why the decision to disenroll the beneficiary should not be upheld; and
- (c) Any additional, relevant documentation in support of the request.

10203.4 For beneficiaries currently receiving *My Health GPS* services, a timely filed request for reconsideration will stay the termination of services until a reconsideration decision is issued.

10203.5 DHCF shall issue a reconsideration decision no more than thirty (30) calendar days from the date of receipt of the documentation required in § 102033.

10203.6 If DHCF decides to uphold the disenrollment determination, the reconsideration decision shall contain the following:

- (a) A description of all documents that were reviewed;
- (b) The justification(s) for the intended action(s) and the effective date of the action(s);
- (c) An explanation of the beneficiary's right to request a Fair Hearing, including the timeframes and procedures for requesting a hearing; and
- (d) The circumstances under which *My Health GPS* services will be provided during the pendency of a Fair Hearing.

10203.7 A request to appeal the reconsideration decision issued pursuant to § 10203.5 must be submitted within ninety (90) calendar days of the date of issuance of the reconsideration decision by requesting a Fair Hearing with the Office of Administrative Hearings in writing, in person, or by telephone, in accordance with 1 DCMR § 2971.

10203.8 DHCF shall not disenroll the beneficiary from the *My Health GPS* program while a Fair Hearing is pending if a beneficiary files the Fair Hearing request prior to the effective date of the proposed action to disenroll the beneficiary.

10204 MY HEALTH GPS ENTITY APPLICATION PROCESS

10204.1 The following types of organizations may become *My Health GPS* entities:

- (a) Primary care clinical individual practices;
- (b) Primary care clinical group practices; and
- (c) Federally Qualified Health Centers.

10204.2 In order to be eligible to become a *My Health GPS* entity, organizations described in § 10204.1 shall:

- (a) Be enrolled as a D.C. Medicaid provider in accordance with the requirements set forth in Chapter 94 of Title 29 DCMR;
- (b) Have no current or pending investigations, exclusions, suspensions or debarment from any federal, State or District healthcare program; and
- (c) Have no outstanding overpayment from DHCF.

10204.3 In addition to the minimum requirements set forth in §§ 10204.1 and 10204.2, each applicant shall be required to:

- (a) Provide proof of National Committee for Quality Assurance (NCQA) Patient-Centered Medical Home (PCMH) Level Two recognition (or successor version of equivalent recognition) or proof that the organization has initiated the NCQA PCMH application process for the prospective *My Health GPS* entity and that the recognition has been achieved within twelve (12) months of the date of submission of the *My Health GPS* application;
- (b) Demonstrate use of certified electronic health record (EHR) technology to support the creation and execution of a person-centered plan of care for each beneficiary;
- (c) Provide twenty-four (24) hour, seven (7) days per week access to clinical advice, including culturally appropriate translation and interpretation services for beneficiaries with limited English proficiency;
- (d) Demonstrate the availability of an interdisciplinary team with sufficient capacity to serve eligible beneficiaries including, at a minimum, qualified practitioners to fill each of the roles described in §§ 10205.3 and 10205.4;

- (e) Demonstrate the ability to deliver all *My Health GPS* services in accordance with the requirements described in § 10206, either directly through the organization or through a subcontractor;
- (f) Establish and maintain data sharing agreements with other healthcare providers as necessary in order to comply with all applicable requirements of the Health Insurance Portability and Accountability Act of 1996, effective August 21, 1996 (Pub. L. 104-191, 110 Stat. 1936); and
- (g) Provide proof of enrollment in the Chesapeake Regional Information System for Patients (CRISP) or comparable system, to receive hospital and emergency department alerts for enrolled beneficiaries.

10204.4 DHCF shall review applications from organizations described in § 10204.1 to become *My Health GPS* entities at the following times:

- (a) Applications shall initially be accepted for a thirty (30) day period which occurs prior to the program implementation date and which shall be communicated to all prospective *My Health GPS* entities on the DHCF website at: <http://dhcf.dc.gov>; and
- (b) Following the initial thirty (30) day application period, applications shall be reviewed on an ongoing basis.

10204.5 A prospective *My Health GPS* entity shall not be eligible for the initial assignment of eligible beneficiaries as described in § 10202.3, if the application is not received within the thirty (30) day period described in § 10204.4(a) and approved by DHCF.

10204.6 Approval of a prospective *My Health GPS* entity's application shall be contingent upon the entity's successful completion of a readiness review.

10204.7 DHCF shall return each application that is incomplete and afford the applicant two (2) opportunities to re-submit the application.

10204.8 If the applicant does not meet all of the requirements set forth in this chapter, DHCF shall deny enrollment in the *My Health GPS* program and issue a notice consistent with the requirements set forth in Chapter 94 of Title 29 DCMR.

10205 MY HEALTH GPS PROVIDER REQUIREMENTS

10205.1 Each *My Health GPS* provider shall contain an approved interdisciplinary team of practitioners, as described within this Section, embedded within the primary care setting of an organization described in § 10204.1.

- 10205.2 Each *My Health GPS* provider shall be adequately staffed, consistent with the requirements set forth in this section, by healthcare professionals who meet all applicable licensure and certification requirements of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2012 Repl. & 2016 Supp.)) and attendant regulations contained in Title 17 DCMR.
- 10205.3 Each *My Health GPS* provider serving lower-acuity (Group One) beneficiaries, as determined using the criteria set forth in § 10207.3, shall be comprised, at a minimum, of the following practitioners, or comparable practitioners as approved by DHCF on a case-by-case basis as set forth below:
- (a) A Health Home Director, who has a Master's level education in a health-related field;
 - (b) A Nurse Care Manager, who has an advanced practice nursing license or a Bachelor of Nursing degree with appropriate care management experience; and
 - (c) A Peer Navigator, who is a health educator capable of linking beneficiaries with the health and social services they need to achieve wellness, who has either completed at least forty (40) hours of training in, or has at least six (6) months of experience in, community health.
- 10205.4 In addition to the practitioners described in § 10205.3, each *My Health GPS* provider serving higher-acuity (Group Two) beneficiaries, as determined using the criteria set forth in § 10207.3, shall also include the following practitioners, or practitioners with comparable qualifications as approved by DHCF on a case-by-case basis:
- (a) A Care Coordinator, who has a Bachelor's degree in social work or has a Bachelor's degree in a health-related field with at least three (3) years' experience in a healthcare or human services field; and
 - (b) A licensed Clinical Pharmacist, who is a Doctor of Pharmacy with experience in direct patient care environments, including but not limited to experience providing services in medical centers and clinics.
- 10205.5 The minimum staffing ratios for providers are as follows:
- (a) For *My Health GPS* providers serving lower-acuity (Group One) beneficiaries, the following minimum staffing ratios are required:
 - (1) Health Home Director: One half (0.5) full-time employee per four hundred (400) beneficiaries;

- (2) Nurse Care Manager: One (1) full-time employee per four hundred (400) beneficiaries; and
 - (3) Peer Navigator: One (1) full-time employee per four hundred (400) beneficiaries;
- (b) For *My Health GPS* providers serving higher-acuity (Group Two) beneficiaries, the following minimum staffing ratios are required:
- (1) Health Home Director: The equivalent of one-half (0.5) of a full-time employee's hours worked per four hundred (400) beneficiaries;
 - (2) Nurse Care Manager: Two (2) full-time employees per four hundred (400) beneficiaries;
 - (3) Peer Navigator: The equivalent of three and one-half (3.5) of the hours a full-time employee works per four hundred (400) beneficiaries;
 - (4) Care Coordinator: Two (2) full-time employees per four hundred (400) beneficiaries; and
 - (5) Clinical Pharmacist: The equivalent of one-half (0.5) of the hours full-time employee works per four hundred (400) beneficiaries.

10205.6 Each *My Health GPS* entity shall demonstrate that all its *My Health GPS* providers comply with the minimum staffing ratios set forth in § 10205.5 no later than the end of the second quarter following the effective date of the entity's enrollment in the *My Health GPS* program. A *My Health GPS* entity shall continue to comply with all minimum staffing ratios for the duration of the entity's enrollment in the program.

10205.7 If a *My Health GPS* entity fails to comply with the requirements set forth in § 10205.6, the entity may only be allowed to retain the number of beneficiaries whose needs are met by the entity's current *My Health GPS* providers. Any remaining beneficiaries may be re-assigned to another *My Health GPS* entity.

10205.8 If all *My Health GPS* providers within a *My Health GPS* entity have maximized capacity to serve the entity's enrolled beneficiaries in accordance with the staffing ratios outlined in § 10205.5 and the entity is contacted by a beneficiary who wishes to receive *My Health GPS* services from any of its *My Health GPS* providers, the entity shall notify DHCF within one (1) business day of receiving a beneficiary's request for services.

- 10205.9 If beneficiaries are re-assigned to another *My Health GPS* entity pursuant to § 10205.7, DHCF shall notify the entity to which the beneficiaries were previously assigned of the re-assignment in writing consistent with the requirements set forth in § 10202.11.
- 10205.10 If DHCF re-assigns a beneficiary to a new *My Health GPS* entity, DHCF shall inform the beneficiary of the re-assignment in accordance with § 10202.10.
- 10205.11 Each *My Health GPS* provider shall conduct outreach to each beneficiary in accordance with the following timeframes:
- (a) The provider shall conduct outreach by the end of the second quarter following the effective date of the entity's enrollment for all beneficiaries initially assigned to the entity as described in § 10202.3; and
 - (b) The provider shall conduct outreach by the end of the second quarter following the effective date of the beneficiary's assignment for all beneficiaries subsequently assigned to the entity as described in § 10202.3.
- 10205.12 Each *My Health GPS* provider shall document the outreach activity performed pursuant to § 10205.11 by including the following information in each beneficiary's EHR:
- (a) The date and time the activity was performed;
 - (b) The identity of the *My Health GPS* provider staff member who performed the activity;
 - (c) A description of the setting in which the activity was performed; and
 - (d) A description of the activity, including mode of communication.
- 10205.13 In order to maintain enrollment as a *My Health GPS* entity, each organization described in § 10204.1 shall:
- (a) Participate in activities supporting the successful implementation of the *My Health GPS* program, including, but not limited to:
 - (1) Trainings to foster professional competency and development of best practices related to person-centered planning, chronic disease self-management, and related topics;
 - (2) Continuous quality improvement tasks, monitoring and performance reporting;

- (3) District-wide initiatives to support the exchange of health information; and
- (4) Evaluations required by the Centers for Medicare and Medicaid Services (CMS), DHCF or its agent;
- (b) Maintain compliance with all requirements set forth in this chapter; and
- (c) Maintain compliance with all terms and conditions set forth in the entity's DC Medicaid provider agreement including all modifications, as well as with all applicable federal and District laws.

10205.14 Each *My Health GPS* entity shall enter into a Memorandum of Agreement (MOA) with each D.C. Medicaid Managed Care Organization (MCO). The MOA shall set forth the division of responsibilities between the MCO and the *My Health GPS* entity.

10206 MY HEALTH GPS SERVICES

10206.1 Each *My Health GPS* provider shall provide the following services to eligible beneficiaries:

- (a) Comprehensive Care Management, as described in § 10206.3;
- (b) Care Coordination, as described in § 10206.4;
- (c) Health Promotion, as described in § 10206.5;
- (d) Comprehensive Transitional Care, as described in § 10206.6;
- (e) Individual and Family Support Services, as described in § 10206.7; and
- (f) Referral to community and social support services, as described in § 10206.8.

10206.2 All *My Health GPS* services shall be delivered in accordance with best practice protocols developed by the Nurse Care Manager or practitioner with comparable qualifications, as approved by DHCF, of the *My Health GPS* provider and documented in the *My Health GPS* provider's certified EHR.

10206.3 Comprehensive Care Management shall consist of the creation, documentation, execution and maintenance of a person-centered plan of care. Activities included in the delivery of Comprehensive Care Management services include, but are not limited to, the following:

- (a) Conducting an in-person comprehensive biopsychosocial needs assessment to collect behavioral, primary, acute and long-term care information from all health and social service providers appropriate for a particular beneficiary, including providers specific to pediatric beneficiaries, to inform development of the person-centered plan of care;
- (b) Developing a person-centered plan of care that reflects the beneficiary's unique cultural needs and is developed in a language or literacy level that the beneficiary can understand, which is documented and maintained in the *My Health GPS* provider's certified EHR system and includes the following components:
 - (1) A list of the beneficiary's chronic conditions;
 - (2) Issues identified during the comprehensive biopsychosocial needs assessment described in (a);
 - (3) Identification of the beneficiary's strengths and needs;
 - (4) Individualized goals that address the beneficiary's chronic conditions and the issues identified during the assessment;
 - (5) Identification of interventions needed to support the beneficiary in meeting the individualized goals; and
 - (6) A plan to review the beneficiary's progress toward the individualized goals at set intervals and to revise the person-centered plan of care as appropriate;
- (c) Updating the person-centered plan of care in the *My Health GPS* provider's certified EHR system as follows:
 - (1) Every twelve (12) months if the beneficiary has had no significant change in health condition;
 - (2) Each time the beneficiary has a significant change in health condition; and
 - (3) Within fifteen (15) days of discharge each time the beneficiary has an unplanned inpatient stay; and
- (d) Monitoring the beneficiary's health status and documenting the beneficiary's progress toward the goals contained in the person-centered plan of care, including amending the plan of care as needed.

10206.4 Care Coordination shall consist of implementation of the person-centered plan of care through appropriate linkages, referrals, and coordination with needed services and supports. Care Coordination services include, but are not limited to, the following:

- (a) Scheduling appointments and providing telephonic appointment reminders;
- (b) Assisting the beneficiary in navigating health and social services systems, including behavioral health and housing supports as needed;
- (c) Providing community-based outreach and follow-up, including face-to-face contact with beneficiaries in settings in which they reside, which may include shelters, the streets or other locations for homeless beneficiaries;
- (d) Providing outreach and follow-up through remote means to beneficiaries who do not require in-person contact;
- (e) Ensuring that all regular screenings are conducted through coordination with primary care or other appropriate providers;
- (f) Ensuring medication reconciliation has been completed;
- (g) Assisting with transportation to routine and urgent care appointments;
- (h) Assisting with transportation for health-related activities;
- (i) Assisting with completion of requests for durable medical equipment;
- (j) Obtaining health records and consultation reports from other providers;
- (k) Participating in hospital and emergency department transitions of care;
- (l) Coordinating with Fire and Emergency Medical Services and DHCF initiatives to promote appropriate utilization of emergency medical and transport services;
- (m) Facilitating access to urgent care appointments and ensuring appropriate follow-up care; and
- (n) Ensuring that the beneficiary is connected to and maintains eligibility for any public benefits to which the beneficiary may be entitled, including Medicaid.

10206.5 Health Promotion shall consist of the provision of health education to the beneficiary, as well as family members or other caregivers when appropriate, that is specific to the beneficiary's chronic conditions and needs as identified in the person-centered plan of care. Health Promotion services include, but are not limited to, the following:

- (a) Assisting the beneficiary in developing a self-management plan to promote health and wellness, including activities such as substance abuse prevention, smoking prevention or cessation, and nutrition counseling;
- (b) Connecting the beneficiary with peer or recovery supports;
- (c) Providing support to improve the beneficiary's social network;
- (d) Educating the beneficiary about accessing care in appropriate settings, including appropriate utilization of the 911 system;
- (e) Assessing the beneficiary's understanding of his or her health conditions and motivation to engage in self-management;
- (f) Using coaching and evidence-based practices such as motivational interviewing to enhance the beneficiary's understanding of his or her health conditions and motivation to achieve health and social goals; and
- (g) Ensuring that health promotion activities align with the beneficiary's stated health and social goals.

10206.6 Comprehensive Transitional Care shall consist of the planned coordination of transitions between healthcare providers and settings in order to reduce emergency department and inpatient admissions, readmissions and length of stay. Comprehensive Transitional Care services shall include the following:

- (a) Conducting in-person outreach to the beneficiary prior to discharge or within twenty-four (24) hours after discharge to support transitions from inpatient to other care settings, including the following activities:
 - (1) Reviewing the discharge summary and instructions;
 - (2) Ensuring that medication reconciliation has been completed;
 - (3) Ensuring that follow-up appointments and tests are scheduled and coordinated;
 - (4) Assessing the patient's risk status for readmission or other failure to obtain appropriate community-based care;

- (5) Arranging for follow-up care, if indicated in the discharge plan;
- (6) Planning for appropriate clinical care post-discharge, including home health services or other necessary skilled care;
- (7) Planning for appropriate housing support services post-discharge, including facilitating linkages to temporary or permanent housing
- (8) Arranging transportation for transitional care and follow-up appointments as needed; and
- (9) Scheduling appointments for the beneficiary with a primary care provider or appropriate specialist(s) within one (1) week of discharge.

10206.7 Individual and Family Support Services shall consist of activities that assist the beneficiary and his or her support network (including family members and authorized representatives) in identifying and meeting the beneficiary's biopsychosocial needs and accessing necessary resources as identified in the person-centered plan of care. Individual and Family Support Services include, but are not limited to, the following:

- (a) Facilitating beneficiary access to the following resources:
 - (1) Medical transportation services;
 - (2) Language interpretation services;
 - (3) Housing assistance services; and
 - (4) Any other social services needed by the beneficiary;
- (b) Educating the beneficiary in self-management of his or her chronic conditions;
- (c) Providing opportunities for family members and authorized representatives to participate in assessment activities and development of the person-centered plan of care;
- (d) Ensuring that all *My Health GPS* services are delivered in a manner that is culturally and linguistically appropriate;
- (e) Assisting the beneficiary in establishing and maintaining a network of natural supports;

- (f) Promoting the beneficiary's personal independence;
- (g) Including the beneficiary's family members and authorized representatives in quality improvement processes, including administering surveys to capture their experience with all *My Health GPS* services;
- (h) Providing beneficiaries with access to their EHR or other clinical information, and providing access to their family members and authorized representatives if the beneficiary provides written authorization to do so; and
- (i) Developing family support materials and services, including creating family support groups where appropriate.

10206.8 Referral to community and social support services shall consist of the process of connecting beneficiaries to resources to help them overcome access or service barriers, increase self-management skills, and achieve overall health, as identified in the person-centered plan of care, and ensuring that the referral is completed. Referrals to community and social support services may include but are not limited to:

- (a) Wellness programs, including but not limited to smoking cessation, fitness, and weight loss programs;
- (b) Support groups specific to the beneficiary's chronic condition(s);
- (c) Substance abuse treatment services, including support groups, recovery coaches, and twelve (12)-step programs;
- (d) Housing resources, including tenancy sustaining services;
- (e) Social integration services, including psychiatric rehabilitation and peer support or consumer-run programs to foster recovery and community re-integration;
- (f) Financial assistance, such as Temporary Assistance for Needy Families or Social Security;
- (g) Supplemental Nutrition Assistance Program;
- (h) Employment and educational programs or training;
- (i) Legal assistance resources;

- (k) Faith-based organizations; and
- (l) Child care.

10206.9 Each *My Health GPS* entity shall ensure that enrolled beneficiaries do not receive services that duplicate *My Health GPS* services, as described in this chapter, through any other Medicaid-funded program.

10207 REIMBURSEMENT

10207.1 DHCF shall reimburse *My Health GPS* entities for services described in § 10206 using a per member per month (PMPM) payment structure.

10207.2 DHCF shall establish two (2) distinct PMPM rates. The PMPM rate for higher acuity (Group Two) beneficiaries shall be higher than the PMPM rate for lower acuity (Group One) beneficiaries, reflecting the greater anticipated needs of Group Two beneficiaries for *My Health GPS* services and the additional *My Health GPS* provider staff required to serve Group Two beneficiaries.

10207.3 DHCF shall use a nationally-recognized risk adjustment tool to determine the acuity level of each beneficiary. Based upon the results of the analysis, DHCF shall place the beneficiary into the appropriate acuity group.

10207.4 A *My Health GPS* entity may request re-determination of a beneficiary's assigned acuity level as follows:

- (a) If re-determination is requested, a *My Health GPS* entity shall submit clinical documentation of a significant change in the beneficiary's health status to DHCF in the manner specified in the *My Health GPS* manual; and
- (b) If the documentation submitted in accordance with the *My Health GPS* manual by the *My Health GPS* entity is complete, DHCF shall re-determine the beneficiary's acuity level in accordance with the procedure set forth in § 10207.3.

10207.5 DHCF shall provide the *My Health GPS* entity with written notification of the results of the re-determination described in § 10207.4, including a copy of the re-determination analysis.

10207.6 The base PMPM rates for both Group One and Group Two beneficiaries shall be established based on the staffing model described in §§ 10205.3 through 10205.5, and adjusted to take into account regional salaries, including fringe benefits. The rates shall also take into account the average expected service intensity for

beneficiaries and shall be determined in accordance with the requirements of 42 USC § 1396a(a)(30)(A).

- 10207.7 Two (2) payment enhancements shall be added to the base PMPM rates for both Group One and Group Two beneficiaries to:
- (a) Reflect the *My Health GPS* provider's overhead or administrative costs; and
 - (b) Support the *My Health GPS* provider in procuring, using, or modifying health information technology.
- 10207.8 DHCF shall review the PMPM rates for both Group One and Group Two beneficiaries on an annual basis to ensure that both rates are consistent with requirements set forth in 42 USC § 1396a(a)(30)(A).
- 10207.9 The PMPM rates for both Group One and Group Two beneficiaries shall be listed in the D.C. Medicaid fee schedule, available at: www.dc-medicaid.com.
- 10207.10 In order to receive an initial PMPM payment for an eligible beneficiary, a *My Health GPS* provider shall:
- (a) Inform the beneficiary about available *My Health GPS* program services;
 - (b) Obtain the beneficiary's informed consent to receive *My Health GPS* program services in writing; and
 - (c) Complete the following components of the person-centered plan of care in accordance with the standards for Comprehensive Care Management set forth in § 10206.3:
 - (1) Conduct an in-person needs assessment in accordance with § 10206.3(a);
 - (2) Enter available clinical information and information gathered at the in-person needs assessment into the person-centered plan of care which shall include individualized goals pursuant to § 10206.3(b)(4); and
 - (3) Retain documentation demonstrating the delivery of each of the activities described in (1) and (2) above.
- 10207.11 In order to receive a subsequent PMPM payment for an eligible beneficiary, a *My Health GPS* provider shall complete the person-centered plan of care in accordance with the standards set forth in § 10206.3, provide a copy of the

completed plan of care to the beneficiary, and deliver at least one (1) *My Health GPS* program service to the beneficiary within the calendar month as follows:

- (a) For Group One beneficiaries, the service(s) provided during the month may be delivered face to face or remotely; and
- (b) For Group Two beneficiaries, at least one (1) service provided during the month shall be delivered face to face.

10207.12 Each *My Health GPS* provider shall document each program service and activity provided in each beneficiary's EHR. Any Medicaid claim for program services shall be supported by written documentation in the EHR which clearly identifies the following:

- (a) The specific service(s) rendered and descriptions of each identified service sufficient to document that each service was provided in accordance with the requirements set forth in § 10206;
- (b) The date and time the service(s) were rendered;
- (c) The *My Health GPS* provider staff member who provided the services;
- (d) The setting in which the service(s) were rendered;
- (e) The beneficiary's person-centered plan of care provisions related to the service(s) provided; and
- (f) Documentation of any further action required for the beneficiary's well-being as a result of the service(s) provided.

10207.13 Each claim for a *My Health GPS* service shall meet the requirements of § 10206 and shall be documented in accordance with § 10207.12 in order to be reimbursed.

10208 QUALITY REPORTING REQUIREMENTS

10208.1 Each *My Health GPS* entity shall report to DHCF, quarterly, on the following two (2) measure sets:

- (a) CMS "Core Set of Health Care Quality Measures for Health Home Programs" which may be located at the CMS website at: <https://www.medicaid.gov/state-resource-center/medicaid-state-technical-assistance/health-homes-technical-assistance/downloads/health-home-core-set-manual.pdf>, in accordance with 42 USC § 1396w-4(g); and

(b) The performance measures set forth in the table below:

My Health GPS Pay-for-Performance Measures				
Measure Name	Measure Domain	National Quality Forum Number	Steward	Description
1. Total Resource Use	Efficiency	1598	Health Partners	A risk adjusted measure of the frequency and intensity of services utilized by <i>My Health GPS</i> beneficiaries. Resource use includes all resources associated with treating <i>My Health GPS</i> beneficiaries including professional, facility inpatient and outpatient, pharmacy, lab, radiology, ancillary and behavioral health services.
2. Total Cost of Care	Efficiency	1604	Health Partners	A risk adjusted measure of <i>My Health GPS</i> entity's cost effectiveness at managing <i>My Health GPS</i> beneficiaries. Total cost of care includes all costs associated with treating <i>My Health GPS</i> beneficiaries including professional, facility inpatient and outpatient, pharmacy, lab, radiology, ancillary and behavioral health services.

<p>3. Plan All-Cause Readmission</p>	<p>Utilization</p>	<p>1768</p>	<p>NCQA</p>	<p>For <i>My Health GPS</i> patients eighteen (18) years of age and older, the number of acute inpatient stays during the measurement year that were followed by an acute readmission for any diagnosis within thirty (30) calendar days and the predicted probability of an acute readmission. Data is reported in the following categories:</p> <ol style="list-style-type: none"> 1. Count of Index Hospital Stays (denominator) 2. Count of thirty (30)-Day Readmissions (numerator) 3. Average adjusted Probability of Readmission
<p>4. Potentially Preventable Hospitalization</p>	<p>Utilization</p>	<p>N/A</p>	<p>Agency for Healthcare Research and Quality</p>	<p>Percentage of inpatient admissions among <i>My Health GPS</i> beneficiaries for specific ambulatory care conditions that may have been prevented through appropriate outpatient care.</p>
<p>5. Low-Acuity Non-Emergent Emergency Department Visits</p>	<p>Utilization</p>	<p>N/A</p>	<p>DHCF</p>	<p>Percentage of avoidable low-acuity non-emergent ED visits among <i>My Health GPS</i> beneficiaries.</p>
<p>6. Reconciled Medication List</p>	<p>Process</p>	<p>0646</p>	<p>American Medical Association-Physician Consortium for Performance Improvement</p>	<p>Percentage of <i>My Health GPS</i> beneficiaries, regardless of age, discharged from an inpatient facility (eg, hospital inpatient or observation, skilled nursing facility, or rehabilitation facility) to home or any other site of care, or their caregiver(s), who received a reconciled medication list at the time of discharge.</p>
<p>7. Timely Transmission of Transition Record</p>	<p>Process</p>	<p>0648</p>	<p>American Medical Association-Physician Consortium for Performance Improvement</p>	<p>The percentage of <i>My Health GPS</i> beneficiaries, regardless of age, discharged from an inpatient facility (e.g., hospital inpatient or observation, skilled nursing facility, or rehabilitation facility) to their home or any other site of care for whom a transition record was transmitted to the <i>My Health GPS</i> entity within twenty-four (24) hours of discharge.</p>

- 10208.2 DHCF shall notify *My Health GPS* entities of any changes in the performance measures or measure specifications in § 10208.1(b) through transmittals issued to *My Health GPS* entities at least ninety (90) days before the reporting of the data required for the measure begins.
- 10208.3 The baseline measurement period to determine the initial attainment and individualized improvement thresholds for measures outlined in § 10208.1(b) shall begin July 1, 2017 and end on June 30, 2018.
- 10208.4 All subsequent attainment and individualized improvement thresholds shall be determined for measures outlined in § 10208.1(b) on an annual basis from January 1 through December 31, unless otherwise specified by DHCF.
- 10208.5 Each *My Health GPS* entity shall utilize certified EHR technology to collect and report all data required for the quality measures described in §§ 10208.1(a) and 10208.1(b).
- 10208.6 Each *My Health GPS* entity shall submit hybrid data as required by CMS and DHCF in accordance with protocols outlined in the *My Health GPS* provider manual.
- 10208.7 Each *My Health GPS* entity shall report each sentinel event to DHCF within twenty-four (24) hours of occurrence in accordance with the procedure set forth in the *My Health GPS* provider manual.
- 10208.8 Each *My Health GPS* entity may also be required to submit an annual program evaluation report to DHCF, which may include, but is not limited to, the following components:
- (a) The *My Health GPS* entity's approach to delivering services;
 - (b) Barriers to the current delivery of *My Health GPS* services;
 - (c) Interventions unique to the *My Health GPS* entity; and
 - (d) Strategies to improve future delivery of *My Health GPS* services.

10209 INCENTIVE PAYMENTS

- 10209.1 DHCF shall administer two (2) incentive payment programs for *My Health GPS* entities, as follows:
- (a) A person-centered plan of care incentive payment program, as described in § 10209.2; and
 - (b) A pay-for-performance incentive program, as described in §§ 10209.3 through 10209.13.
- 10209.2 During the period beginning July 1, 2017 and ending October 31, 2017, all *My Health GPS* entities shall be eligible for a single incentive payment for each eligible beneficiary to support development of the person-centered plan of care. In order for the entity to receive the incentive payment, its *My Health GPS* provider(s) shall meet all requirements of § 10207.10 for each qualifying beneficiary within the period beginning July 1, 2017 and ending October 31, 2017.
- 10209.3 Each *My Health GPS* entity shall participate in the *My Health GPS* pay-for-performance incentive program for all four (4) quarters of each measurement year. If an entity is not enrolled in the *My Health GPS* program for all four (4) quarters of a measurement year, the following provisions regarding participation in the pay-for-performance incentive program apply:
- (a) If a *My Health GPS* entity enrolls in the *My Health GPS* program after the first day of the first quarter of the measurement year, the entity shall not be eligible for the performance payment described in § 10209.13 for that measurement year, but shall receive the full amount of the percentage withheld for that measurement year, as described in § 10209.6; and
 - (b) If a *My Health GPS* entity is enrolled in the *My Health GPS* program on the first (1st) day of the first quarter of the measurement year but is no longer enrolled in the program on the last day of the last quarter of the measurement year, the entity shall not be eligible for either the performance payment described in § 10209.13 or any portion of the percentage withheld for that measurement year, as described in § 10209.6.
- 10209.4 A *My Health GPS* entity's performance in the pay-for-performance incentive program will be assessed against the entity's attainment or individualized improvement thresholds developed during the periods outlined in §§10208.3 and 10208.4.
- 10209.5 DHCF shall inform all *My Health GPS* entities of the attainment and individualized improvement thresholds for each of the measures outlined in §

10208.1(b) prior to the start of each measurement year of the pay-for-performance incentive program.

10209.6 The first (1st) measurement year for the pay-for-performance incentive program shall begin on October 1, 2018. *My Health GPS* entities shall be subject to a percentage withheld from every PMPM payment for services rendered during the measurement year, as follows:

- (a) Measurement Year One (Fiscal Year 2019): Ten percent (10%);
- (b) Measurement Year Two (Fiscal Year 2020): Fifteen percent (15%); and
- (c) Measurement Year Three (Fiscal Year 2021) and all subsequent performance periods: Twenty percent (20%).

10209.7 *My Health GPS* entities shall be assessed based on either attainment or improvement on the measures described in § 10208.1(b) on an annual basis for the pay-for-performance incentive program. If a *My Health GPS* entity did not meet or exceed its attainment threshold, then DHCF shall assess whether the *My Health GPS* entity met or exceeded its individualized improvement threshold. The following guidelines are set forth below:

- (a) A *My Health GPS* entity must meet or exceed the seventy-fifth (75th) percentile based on the attainment threshold; or
- (b) A *My Health GPS* entity must demonstrate a statistically significant improvement based on the individualized improvement threshold. A statistically significant improvement has a probability of 0.05 that the improvement was not due to random error. DHCF shall perform the appropriate statistical analysis (*e.g.*, t-test) to determine that the performance between measurement years is a result that cannot be attributed to chance.

10209.8 DHCF shall provide written notification of the attainment and individualized improvement thresholds to each *My Health GPS* entity after all measures are received and validated for the pay-for-performance incentive program.

10209.9 A *My Health GPS* entity may opt to aggregate its beneficiary population with another *My Health GPS* entity's population for the purposes of calculating attainment or improvement on any of the required measures described in § 10208.1(b) in the pay-for-performance incentive program subject to the following conditions:

- (a) Each *My Health GPS* entity shall notify DHCF of its selection of the aggregation option no later than September 1st prior to the measurement year;
- (b) *My Health GPS* entities opting to aggregate their populations together shall do so for calculation of all measures during a given baseline or measurement year;
- (c) *My Health GPS* entities opting to aggregate their populations together must do so for calculation of all measures during a given baseline or measurement year;
- (d) Each *My Health GPS* entity shall report data that is identifiable for the *My Health GPS* entity's individual performance, along with the aggregated data;
- (e) A *My Health GPS* entity shall elect the option to aggregate annually and may change its selection, including opting against pooling or opting to pool with a different *My Health GPS* entity, on an annual basis; and
- (f) When a *My Health GPS* entity has opted to aggregate beneficiaries, performance is measured for the aggregated *My Health GPS* entity throughout the duration of the measurement year unless one (1) of the aggregated entities withdraws from the *My Health GPS* program during the measurement year. If one (1) of the *My Health GPS* entities that has opted to aggregate beneficiaries withdraws before the measurement year is complete, the remaining *My Health GPS* entity's performance will be measured based on the remaining *My Health GPS* beneficiaries.

10209.10 For each measurement year, the maximum amount of funding available to qualifying *My Health GPS* entities for the pay-for-performance incentive program shall be equal to one and one-half (1.5) times the measurement year withhold amount percentage, as outlined in § 10209.6.

10209.11 To determine the *My Health GPS* entity's annual performance in the pay-for-performance incentive program, DHCF shall score each participating *My Health GPS* entity's performance in three (3) measurement domains. This scoring will be determined as follows:

- (a) A maximum of one hundred (100) points will be awarded to each *My Health GPS* entity's across the efficiency, utilization, and process domains described in § 10208.1(b);
- (b) Each measure in the domain is assigned points by dividing the total points by the number of measures in each domain. Points for each domain are

described in the table set forth in (c);

(c)

<i>My Health GPS</i> Entity Performance Measure Point Distribution Methodology	Measurement Year 1 (FY 2019)	Measurement Year 2 (FY 2020)	Measurement Year 3 and on (FY 2021 -)
Total Efficiency Domain Points (allowed points per measure)	50 (25)	50 (25)	50 (25)
Total Utilization Domain Points	36 (12)	50 (16.66)	50 (16.66)
Total Process Domain Points	14 (7)	0	0
Total Performance Points	100	100	100

(d) Points for each measure shall be awarded in cases where a *My Health GPS* entity meets either the attainment or improvement threshold based on the prior measurement year’s performance as described below:

- (1) A *My Health GPS* entity shall receive points if it met or exceeded the seventy-fifth (75th) percentile attainment benchmark;
- (2) A *My Health GPS* entity performing below the attainment benchmark may be able to receive the allowed points per measure as described in (c) for each measure if it has met or exceeded its improvement threshold described in § 10209.7(b); and
- (3) If a *My Health GPS* entity neither attains nor improves performance on a given measure, zero (0) points will be awarded for that measure;

(e) The amount of the incentive payment that a *My Health GPS* entity shall be eligible to receive shall be calculated as follows:

- (1) Sum points awarded for each measure in the domain to determine the domain totals;
- (2) Sum domain totals to determine total performance points;

- (3) Divide total performance points by the maximum allowed points to determine the performance period percentage; and
- (4) The amount in (3) shall be multiplied by one and one-half (1.5) times the performance period withhold amount for the *My Health GPS* entity, calculated in accordance with the withhold amount percentage for the measurement year, as set forth in § 10209.6.

10209.12 If *My Health GPS* entities have aggregated beneficiaries together for determination of performance in the pay-for-performance incentive program, the award percentage for the aggregated entities shall be applied to each *My Health GPS* entity's maximum incentive payment amount to determine the *My Health GPS* entities performance award individually.

10209.13 Beginning with FY2019, and annually thereafter, performance payments for the pay-for-performance incentive program shall be calculated and distributed after the conclusion of each measurement year once all measures are calculated and have been validated for each *My Health GPS* entity.

10210 AUDITS AND REVIEWS

10210.1 DHCF shall perform audits of *My Health GPS* entities to ensure that Medicaid payments for *My Health GPS* services are consistent with efficiency, economy and quality of care, and made in accordance with federal and District conditions of payment.

10210.2 DHCF audits of *My Health GPS* entities shall be conducted when necessary to investigate and maintain program integrity.

10210.3 DHCF shall perform audits of claims submitted by *My Health GPS* entities, including using statistically valid scientific sampling, to determine the appropriateness of *My Health GPS* services rendered and billed to Medicaid to ensure that Medicaid payments can be substantiated by documentation that meets the requirements set forth in § 10207.12 and are made in accordance with all requirements of this chapter and all other applicable federal and District laws.

10210.4 If DHCF determines that any claim(s) submitted by a *My Health GPS* entity were not submitted in accordance with all requirements of this Chapter and all other applicable federal and District laws, DHCF shall deny the identified claim(s) and recoup those monies erroneously paid to a *My Health GPS* entity following the period of Administrative Review, as set forth in § 10210.6.

10210.5 If DHCF recoups monies erroneously paid to a *My Health GPS* entity for denied claims, DHCF shall issue a Proposed Notice of Medicaid Overpayment Recovery

(PNR) to the *My Health GPS* entity, which sets forth the reasons for the recoupment, the amount to be recouped, and the procedures and timeframes for requesting an Administrative Review of the PNR.

- 10210.6 The *My Health GPS* entity shall have thirty (30) calendar days from the date of the PNR to request an Administrative Review, which may be extended for good cause. The *My Health GPS* entity may submit documentary evidence and written argument against the proposed action to DHCF in the request for an Administrative Review. If the *My Health GPS* entity fails to respond to the PNR within thirty (30) calendar days or by the extended deadline if good cause has been granted, DHCF shall issue a Final Notice of Medicaid Overpayment Recovery (FNR), which shall include the procedures and timeframes for requesting an appeal.
- 10210.7 DHCF shall review the documentary evidence and written argument submitted by the *My Health GPS* entity against the proposed action described in the PNR. After this review, DHCF may cancel its proposed action, amend the reasons for the proposed recoupment and adjust the amount to be recouped. DHCF shall then issue a FNR, which shall include the procedures and timeframes for requesting an appeal.
- 10210.8 The *My Health GPS* entity may appeal the FNR by filing a written hearing request with the Office of Administrative Hearings within fifteen (15) calendar days from the date of the FNR. The written notice requesting an appeal shall include a copy of the FNR, description of the item to be reviewed, the reason for review of the item, the relief requested, and any documentation in support of the relief requested.
- 10210.9 Filing an appeal shall not stay any action to recover any overpayment.
- 10210.10 In lieu of the off-set of future Medicaid payments, the *My Health GPS* entity may choose to send a certified check made payable to the District of Columbia Treasurer in the amount of the funds to be recouped within thirty (30) calendar days following the period of Administrative Review as set forth in § 10210.6.
- 10210.11 Each *My Health GPS* entity shall allow access to all relevant records and program documentation during an on-site audit or review to DHCF, its designee, other authorized District of Columbia government officials, the Centers for Medicare and Medicaid Services (CMS), and representatives of the United States Department of Health and Human Services.
- 10210.12 Each *My Health GPS* entity shall facilitate audits and reviews by maintaining the required records and by cooperating with the authorized personnel assigned to perform audits and reviews.

10211 MY HEALTH GPS SANCTIONS, WITHDRAWAL AND TERMINATION

10211.1 DHCF may determine at any time during a *My Health GPS* entity's enrollment in the program that the entity has failed to meet one (1) or more requirements of program participation, and may request the submission of a Corrective Action Plan (CAP) to remedy the identified issue(s). All *My Health GPS* entities shall be required to submit a proposed Corrective Action Plan (CAP) under circumstances including, but not limited to, the following:

- (a) Failure to meet any requirements set forth in this chapter;
- (b) Failure to comply with all terms of the D.C. Medicaid Provider Agreement; or
- (c) Failure to meet any quality standards using the measures described in § 10208.1.

10211.2 If DHCF identifies a *My Health GPS* entity's non-compliance in any of the areas described in § 10211.1, DHCF shall notify the entity of the identified issue(s) and a timeframe for submission of a proposed CAP to remedy the issue(s).

10211.3 If a *My Health GPS* entity is notified of a non-compliance issue as set forth in § 10211.2 and fails to submit a proposed CAP within the timeframe identified in the notification, DHCF shall notify the entity of the failure to submit the proposed CAP and may impose the following sanctions:

- (a) Deny further assignments of beneficiaries;
- (b) Deny incentive payments as described in §10209.1;
- (c) Seek repayment from the *My Health GPS* entity for services rendered during the time period of non-compliance; or
- (d) Terminate the entity's participation in the *My Health GPS* program.

10211.4 A proposed CAP shall include, at minimum, the following components:

- (a) A comprehensive statement of the non-compliance issue identified in the notice issued pursuant to § 10211.2;
- (b) The entity's proposed course of action for resolving the identified non-compliance issue;
- (c) Identification of the staff members responsible for resolving the issue;

- (d) Timeframes for execution of the proposed course of action; and
 - (e) Designation of reporting periods for providing updates to DHCF.
- 10211.5 DHCF shall review each proposed CAP to determine whether it meets all requirements set forth in § 10211.4.
- 10211.6 If an entity's proposed CAP fails to meet any of the requirements set forth in § 10211.4, DHCF shall notify the entity of the identified deficiencies in the proposed CAP and provide a timeframe in which the CAP must be re-submitted.
- 10211.7 Once the proposed CAP meets all requirements set forth in § 10211.4, DHCF shall approve the CAP and monitor the entity's progress towards timely correction of all deficiencies. If the *My Health GPS* entity fails to resolve the deficiencies, DHCF may impose the sanctions described in § 10211.3.
- 10211.8 If DHCF determines that any of the actions set forth in §§ 10211.3 or 10211.7 are necessary, DHCF shall issue a notice to the entity containing the following information:
- (a) A clear statement of the intended action;
 - (b) The effective date of the intended action;
 - (c) An explanation of the reason(s) for the intended action;
 - (d) Specific reference to the particular sections of the statutes, regulations or provider manual supporting the intended action; and
 - (e) Information regarding the entity's right to dispute the allegations and to submit evidence to support his or her position.
- 10211.9 The *My Health GPS* entity may submit documentary evidence to refute DHCF's argument for imposition of an alternative sanction within thirty (30) days of the date of the notice described in § 10211.8.
- 10211.10 DHCF may extend the thirty (30) day period prescribed in § 10211.10 for good cause on a case-by-case basis.
- 10211.11 If DHCF determines that any of the actions set forth in §§ 10211.3 or 10211.7 is necessary after the *My Health GPS* entity has issued a response under § 10211.9, DHCF shall issue a final notice to the entity at least fifteen (15) days before the imposition of the alternative sanction, including the following information:
- (a) The reason for the decision;

- (b) The effective date of the sanction;
- (c) Information regarding the right to appeal the decision by filing a hearing request with the Office of Administrative Hearings and the timeframe and procedures for filing a hearing request; and
- (d) If applicable, information regarding the transfer of beneficiaries to another *My Health GPS* entity and the timeframe for completing the transfer.

10211.12 If the *My Health GPS* entity files a hearing request with the Office of Administrative Hearings within fifteen (15) days of the date of the notice described in § 10211.11, then the effective date of the proposed action shall be stayed until the Office of Administrative Hearings has rendered a final decision.

10211.13 If a *My Health GPS* entity wishes to withdraw from the program or to remove a provider from the *My Health GPS* portion of its D.C. Medicaid Provider Agreement, the entity shall take the following action:

- (a) If the entity wishes to withdraw from the program, the entity shall give ninety (90) days written notice of the intended withdrawal to DHCF, which includes a comprehensive plan to transfer all of the entity's affected beneficiaries to another *My Health GPS* provider or entity; and
- (b) If the entity wishes to remove a provider from the *My Health GPS* portion of its D.C. Medicaid Provider Agreement, the entity shall give ninety (90) days written notice of the intended removal to DHCF, which includes a comprehensive plan to transfer all of the entity's affected beneficiaries to another *My Health GPS* provider or entity and execute a modified *My Health GPS* Agreement.

10299 DEFINITIONS

Beneficiary - An individual deemed eligible for and in receipt of services provided through the District Medicaid program.

Corporate Entity – An organization that holds a single Employer Identification Number, as defined in 26 CFR §§ 301.7701-12.

Fair Hearing – A procedure whereby the District provides an opportunity for a hearing to any person whose claim for assistance is denied consistent with the requirements set forth in 42 CFR §§ 431.200 *et seq.*

Federally Qualified Health Center - An organization that meets the definition set forth in Section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B)).

District Fiscal Year - A twelve (12) month period beginning on October 1st and ending on September 30th.

Hybrid Data – A combination of administrative data (*i.e.* claims, encounters, and vital records) and clinical data contained in medical records.

My Health GPS Entity – A primary care clinical individual practice, primary care clinical group practice, or Federally Qualified Health Center currently enrolled as a District Medicaid provider that incorporates a *My Health GPS* provider into its primary care service delivery structure.

My Health GPS Provider – An approved interdisciplinary team that delivers *My Health GPS* services within a *My Health GPS* entity.

Opt Out – The process by which a beneficiary chooses not to participate in the *My Health GPS* program.

Outreach - Active and progressive attempts at beneficiary engagement, including direct communication (*i.e.* face-to-face, mail, email, telephone) with the beneficiary or the beneficiary's designated representative.

Performance Period – A full District fiscal year, beginning in Fiscal Year 2019.

Sentinel Event – Any unanticipated event in a healthcare setting resulting in death or serious physical or psychological injury to a patient and which is not related to the natural course of the patient's illness.

Transition Record - The document containing information regarding a patient's diagnosis and treatment received during an inpatient stay that is transmitted to relevant providers following the patient's discharge.

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer (CPO) of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the intent to amend Chapter 25 (Specifications, Standards, and Other Purchase Descriptions) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking updates Chapter 25 and implements the provisions in the Act that apply to specifications, standards and other purchase descriptions in the District’s acquisition of goods and services. The current Chapter 25 contains regulations that are outdated and inconsistent with the Act. Accordingly, contracting officers, contractors, subcontractors and other stakeholders lack clear guidance on the formation, selection, and use of specifications, standards, and purchase descriptions to meet agency requirements. This rulemaking will align Chapter 25 to the provisions of the Act resulting in more consistent, transparent procurements.

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

Chapter 25, SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 2500, GENERAL PROVISIONS, is amended to read as follows:

2500 GENERAL PROVISIONS

- 2500.1 The District shall specify procurement needs in a manner designed to promote competition to the maximum extent possible.
- 2500.2 The District shall develop specifications and purchase descriptions using market research in a manner designed to promote competition to the maximum extent possible, with due regard to the nature of the goods or services to be procured.
- 2500.3 Solicitations shall contain specifications and purchase descriptions that include restrictive provisions or conditions only to the extent necessary to satisfy the minimum needs of the District, or as authorized or required by law.
- 2500.4 Plans, drawings, specifications, standards, or purchase descriptions for procurements shall state only the District’s actual minimum needs and describe the goods or services in a manner designed to promote competition to the maximum extent possible.

- 2500.5 Specifications and purchase descriptions shall reflect the minimum needs of the District and the market available to meet those needs. Specifications and purchase descriptions may be stated in terms of the following:
- (a) Function, so that a variety of products or services may qualify;
 - (b) Performance, including specifications of the range of acceptance characteristics or the minimum acceptable standards; or
 - (c) Design requirements.
- 2500.6 Responsibility for the preparation and issuance of standard specifications shall be in accordance with § 204 of the Procurement Practices Reform Act of 2010 (“Act”), D.C. Official Code § 2-352.04.

Section 2501, SELECTING SPECIFICATIONS OR DESCRIPTIONS FOR USE, is amended to read as follows:

2501 SELECTING SPECIFICATIONS OR DESCRIPTIONS FOR USE

- 2501.1 Items to be procured shall be described by citing the applicable specifications and standards or by a description containing the necessary requirements.
- 2501.2 The using agency shall review and select from available specifications, standards, and related documents those specifications and standards which have application to a particular procurement. The specification or standard shall be modified or tailored to state the District’s minimum requirement.
- 2501.3 When authorized in accordance with this chapter, or when no applicable specification exists, the using agency may use a purchase description.
- 2501.4 Each purchase description shall set forth the essential physical and functional characteristics of the materials or services required.
- 2501.5 Each purchase description shall include the following characteristics, when applicable:
- (a) Common nomenclature;
 - (b) Kind of material, such as type, grade, or alternatives;
 - (c) Electrical data, if any;
 - (d) Dimensions, size, or capacity;
 - (e) Principles of operation;

- (f) Restrictive environmental conditions;
- (g) Intended use, such as location within an assembly and essential operating condition;
- (h) Equipment with which the item is to be used; and
- (i) Other pertinent information that further describes the item, materials, or service required.

2501.6 A purchase description shall not be written to specify a product, or a particular feature of a product, that is peculiar to a single manufacturer (thereby precluding consideration of a product manufactured by another company) unless the particular feature is essential to the District’s requirements, and that other sources’ similar products lacking that particular feature would not meet the minimum requirements for the items.

2501.7 Purchase descriptions of services shall outline the specific services the contractor is expected to perform to the greatest degree practicable.

2501.8 When applicable, the using agency shall include in the purchase description requirements for adequate packaging and marking of goods to prevent deterioration and damage during shipping, handling, and storage.

2501.9 The contracting officer shall ensure that the specifications and standards included in the solicitation are not unduly restrictive and promote competition to the maximum extent possible.

Section 2502, BRAND NAME OR EQUAL, is amended to read as follows:

2502 BRAND NAME OR EQUAL

2502.1 The minimum acceptable purchase description shall be the identification of a requirement by use of a brand name followed by the words “or equal.” This purchase description shall be used only when adequate specifications or a more detailed purchase description cannot be made available.

2502.2 When using a brand name description or equal purchase description, the using agency shall also provide a list of salient characteristics, or the minimum acceptable features.

Section 2503, SPECIFICATIONS AND STANDARDS, is amended to read as follows:

2503 SPECIFICATIONS AND STANDARDS

2503.1 Using agencies and contracting officers shall use the specifications and standards prepared and issued by the Director for goods and services required by the District, unless otherwise authorized by law or approved in accordance with this chapter.

2503.2 Specifications and standards issued by the Director shall be used by all agencies when procuring goods and services covered by those specifications and standards except as follows:

- (a) When the service or work to be performed or the item to be furnished is procured under emergency circumstances, as defined in the Act and Chapter 17 of this title, and the use of standard specifications would cause unacceptable delay in obtaining the requirement;
- (b) When items are procured using small purchase methods;
- (c) When nationally recognized industry or technical source specifications and standards are used to procure construction or new installations of equipment; and
- (d) When the using agency can state its needs in a purchase description for a commercial product.

2503.3 Commercial products may be procured whenever those products adequately satisfy the District’s needs and a description of the District’s need is stated in functional terms of sufficient detail.

Section 2504, DEVIATIONS FROM SPECIFICATIONS AND STANDARDS, is amended to read as follows:

2504 DEVIATIONS FROM SPECIFICATIONS AND STANDARDS

2504.1 When the exceptions set forth in § 2503 of this chapter are not applicable, and an existing specification does not meet an agency’s minimum needs, the Director may authorize deviations in accordance with this section.

2504.2 Each contracting officer shall be responsible for ensuring the following:

- (a) That District specifications are normally used, and requirements for exceptions and deviations are complied with;

- (b) That written justifications for each exception and deviation are subject to prior review and approval by the Director, and that each justification can be fully substantiated if post audit is required; and
- (c) That major or repeated deviations are not taken except as prescribed in this chapter.

Section 2505, IDENTIFICATION AND AVAILABILITY OF SPECIFICATIONS, is repealed and replaced with:

2505 [RESERVED]

Section 2506, USED OR RECONDITIONED MATERIAL, SURPLUS PROPERTY, AND RESIDUAL INVENTORY, is amended to read as follows:

2506 USED OR RECONDITIONED MATERIAL, SURPLUS PROPERTY, AND RESIDUAL INVENTORY

2506.1 The contracting officer may procure used or reconditioned material if the solicitation clearly identifies which goods or components do not have to be new and the necessary requirements for acceptability.

2506.3 The contracting officer shall consider the following when determining whether used or reconditioned materials, former government surplus property, or residual inventory are acceptable:

- (a) The safety of persons or property;
- (b) The total cost to the District, including maintenance, inspection, testing, and useful life;
- (c) Performance requirements; and
- (d) The availability and cost of new materials and components.

Section 2599, DEFINITIONS, is amended to read as follows:

2599 DEFINITIONS

2599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Brand name description – a purchase description that identifies a product by its brand name and model, part number, or other appropriate nomenclature by which the product is offered for sale.

Commercial product – a product, such as an item, material, component, subsystem, or system, sold or traded to the general public in the course of normal business operations at prices based on established catalog or market prices.

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

Market research – the process used for collecting and analyzing information about the entire available market that will satisfy the minimum agency need.

Purchase description – a description of the essential physical characteristics and functions required to meet the District’s minimum needs.

Specification – a description of a physical or functional characteristic of or the nature of a good, service, or construction item. The term “specification” includes a description of a requirement for inspecting, testing, or preparing a good, service, or construction item for delivery.

Standard – a document that establishes engineering and technical limitations and applications of items, materials, processes, methods, designs, and engineering practices. It includes any related criteria deemed essential to achieve the highest practical degree of uniformity in materials or products, or interchangeability of parts. Standards may be used in specifications, invitations for bids, requests for proposals, and contracts.

Using agency – any subordinate or independent agency, department, board, commission, employee, or instrumentality of the District government that utilizes any supplies, services, or construction procured pursuant to the Act and subject to the regulations promulgated thereunder.

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

OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF PROPOSED RULEMAKING**

The Chief Procurement Officer (“CPO”) of the District of Columbia, pursuant to the authority set forth in Section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the intent to adopt amendments to Section 2703 (Performance and Payment Security) of Chapter 27 (Bonds, Other Security, and Insurance) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking implements Section 3(n) and (o), of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2015, effective October 8, 2016 (D.C. Law 21-158; D.C. Official Code §§ 2-357.02; 2-357.02(a) (2016 Repl. & 2017 Supp.)). Section 3(n) authorizes the CPO to reduce the amount of performance and payment bonds for construction contracts. Section 3(o) authorizes the District to require, with regard to non-construction service contracts, performance bonds, payment bonds, letters of credit, or other forms of security from prime contractors in cases in which such security may be effective in furthering the District’s interests or such security may assist subcontractors to receive payment for goods or services. The existing regulations regarding performance and payment bonding requirements for both construction and non-construction contracts are inconsistent with the Act, as amended. This rulemaking will eliminate those inconsistencies and is necessary to provide legal certainty to contracting officers, programmatic staff, and other stakeholders regarding District procurement.

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

Chapter 27, BONDS, OTHER SECURITY, AND INSURANCE, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 2703, PERFORMANCE AND PAYMENT SECURITY, is amended to read as follows:

2703 PERFORMANCE AND PAYMENT SECURITY

2703.1 The contracting officer shall require a contractor to furnish performance and payment bonds or other security on any construction contract when the District’s independent estimate of the cost of the contract exceeds one hundred thousand dollars (\$100,000), in accordance with the provisions of this section.

2703.2 The contracting officer may require a contractor to furnish a payment or performance bond or other security for any construction or non-construction contract, regardless of amount, when the contracting officer determines that the security is necessary or advisable to protect the interests of the District. The security shall be furnished in accordance with the provisions of this section.

- 2703.3 The amount of the performance security on any construction contract shall be one hundred percent (100%) of the portion of the original contract price that does not include the costs of operation, maintenance, and finance; provided, the contracting officer may reduce the amount of the performance security to fifty percent (50%) of the original contract price that does not include the costs of operation, maintenance, and finance, if the contracting officer determines that the lesser amount or percentage would be adequate for the protection of the District. The contracting officer shall state the amount or percentage in the solicitation.
- 2703.4 The contracting officer shall require additional performance security on any construction contract when a contract price is increased. The increase in performance security shall equal one hundred percent (100%) of the increase in the contract price, unless the contracting officer determines that a lesser amount or percentage is adequate for the protection of the District.
- 2703.5 The contracting officer may require additional performance security by directing a contractor to increase the original sum of the existing security or to obtain an additional security.
- 2703.6 The payment security on any construction contract shall be in an amount equal to one hundred percent (100%) of the portion of the original contract price that does not include the costs of operation, maintenance, and finance; provided, the contracting officer may reduce the amount of the payment security to fifty percent (50%) of the portion of the contract price that does not include the costs of operation, maintenance, and finance, if the contracting officer determines that the lesser amount or percentage would be adequate for the protection of the District. The contracting officer shall state the amount or percentage in the solicitation.
- 2703.7 When a construction contract price is increased, the District may require additional payment security in an amount adequate to protect suppliers of labor and material. However, in no event shall the amount of payment security fall below fifty percent (50%) of the portion of the increased contract price that does not include the costs of operation, maintenance, and finance.
- 2703.8 When performance or payment security is required, the solicitation shall contain the following:
- (a) A statement that security is required;
 - (b) The amount of the security expressed as a fixed sum or percentage of the contract price that does not include the costs of operation, maintenance, and finance; and
 - (c) The deadline for submitting acceptable security.

- 2703.9 In construction contracts, the contractor shall furnish all performance and payment bonds (or other securities) by the deadline for submitting bonds (or other securities) as stated in the solicitation. The bonds (or other securities) must be submitted before a notice to proceed is issued.
- 2703.10 No performance security or payment security shall be required after the contract has been executed if it was not specifically required in the contract, except when determined necessary by the contracting officer for a contract modification.
- 2703.11 If the contracting officer uses a letter contract to allow the contractor to proceed with work before execution of the definitive contract, no payments shall be made under the letter contract until the required payment and performance securities have been received.
- 2703.12 In construction contracts, the contracting officer may substitute for a bond required under this chapter, a letter of credit in an amount equal to at least ten percent (10%) of the portion of the contract price that does not include the cost of operation, maintenance, and finance, in cases in which the contractor:
- (a) Is a nonprofit corporation, as defined in D.C. Official Code § 29-401.02(6), or an entity controlled, directly or indirectly, by a nonprofit corporation;
 - (b) Had a net worth of at least one million dollars (\$1,000,000) in the preceding fiscal year;
 - (c) Is a licensed general contractor; and
 - (d) Has done business as a construction contractor for at least five (5) years.

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

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer (CPO) of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the intent to amend Chapter 31 (Patents, Copyrights, and Proprietary Information) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking updates Chapter 31 and implements the provisions in the Act that apply to patents, copyrights, proprietary information, and the standards governing aspects of their administration. The current Chapter 31 contains regulations that are outdated and inconsistent with the Act. Accordingly, contracting officers, contractors, subcontractors and other stakeholders lack clear guidance on the acquisition of rights in, or title to, patents, copyrights, and proprietary information. This rulemaking will align Chapter 31 to the provisions of the Act resulting in more consistent, transparent procurements.

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

Chapter 31, PATENTS, COPYRIGHTS, AND PROPRIETARY INFORMATION, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 3100, GENERAL PROVISIONS, is amended to read as follows:

3100 GENERAL PROVISIONS

- 3100.1 The District shall honor rights in patents, copyrights, and proprietary information. Contracting officers shall comply with the requirements of applicable federal laws and regulations, in addition to the requirements of this chapter, in acquiring or using these rights.
- 3100.2 A contractor shall obtain written permission from the lawful owner(s) of patented or copyrighted materials before including all or part of any patented or copyrighted material in any item to be delivered under a contract, unless permission is not required under the fair use or other applicable provisions of federal law or regulations.
- 3100.3 The District shall not unreasonably restrict the commercial use, outside of the performance of the contract with the District, of inventions made while performing District contracts.

3100.4 The District shall limit its demands for rights in patents, copyrights, and proprietary information resulting from private developments to those reasonable for present and future use by the District.

Section 3101, NOTICE AND ASSISTANCE, is amended to read as follows:

3101 NOTICE AND ASSISTANCE

3101.1 A contractor shall notify the contracting officer of all claims of patent or copyright infringement or misappropriation of proprietary information that come to the contractor’s attention in connection with performing a District contract.

3101.2 A contractor shall, upon request, assist the District with any evidence and information in its possession in connection with any claim or lawsuit against the District due to any alleged patent or copyright infringement or misappropriation of proprietary information arising out of or resulting from the performance of a contract.

Section 3102, INDEMNIFICATION, is amended to read as follows:

3102 INDEMNIFICATION

3102.1 The contracting officer shall not include in any solicitation or contract any provision by which the District expressly agrees to indemnify the contractor against liability for patent or copyright infringement or misappropriation of proprietary information.

3102.2 The contracting officer shall include a clause in all solicitations and contracts that requires a contractor to indemnify the District against infringement of rights in patents, copyrights, or proprietary information and to reimburse the District for any liability incurred as the result of an infringement of rights in patents, copyrights, or proprietary information.

3102.3 If it is in the best interests of the District to exempt one (1) or more specific United States patents from a patent indemnity clause, the contracting officer may grant the exemption upon written approval of the Director.

Section 3105, LICENSING AND ROYALTY INFORMATION, is amended to read as follows:

3105 LICENSING AND ROYALTY INFORMATION

3105.1 Upon the request of the contracting officer, a contractor or a prospective contractor shall furnish to the contracting officer licensing and royalty information and reports sufficient to determine whether royalties or licenses anticipated or actually paid under District contracts are excessive, improper, or

inconsistent with any District rights in particular inventions, patents, patent applications, copyrights, or proprietary information.

- 3105.2 If the contracting officer determines that the District has paid or will pay royalties under an existing or prospective contract that are inconsistent with the District's rights, are excessive, or are otherwise improper, and if it is in the best interests of the District, the contracting officer shall obtain a refund or negotiate for a reduction of royalties.

Section 3106, PATENT RIGHTS UNDER DISTRICT CONTRACTS, is amended to read as follows:

3106 PATENT RIGHTS UNDER DISTRICT CONTRACTS

- 3106.1 If the contract permits the contractor to retain title to an invention, and the contractor elects to retain title, the District shall have at least a nonexclusive, non-transferable, irrevocable, paid-up license to use or have used, for or on behalf of the District, any invention made in the performance of work under a District contract. The District may have additional rights to sublicense the invention if provided in the contract.

- 3106.2 The District shall have the right to receive title to any invention made in the performance of a contract unless the contract provides otherwise. If the contract extends a limited right to the contractor to acquire patent rights, the District shall have the right nevertheless to receive title to an invention in the following circumstances:

- (a) If the contractor does not disclose the invention within the time specified in the contract;
- (b) In any instance where the contractor does not elect to retain rights or fails to elect to retain rights to the invention within the time specified in the contract;
- (c) In any instance where the contractor has not filed a patent application within the time specified in the contract;
- (d) In any instance where the contractor decides not to continue prosecution of a patent application, pay maintenance fees, or defend in a re-examination or opposition proceeding on the patent; and
- (e) In any instance where the contractor no longer desires to retain title.

- 3106.3 If the contract gives a limited right to the contractor to acquire patent rights, the contractor may request greater rights to an invention within the period specified in the contract. The contracting officer may grant a request for greater rights if the

contracting officer determines that the grant of greater rights is in the best interests of the District. In making the determination, the contracting officer shall consider the following objectives:

- (a) Ensuring that inventions are used in a manner that will promote full and open competition and free enterprise; and
- (b) Ensuring that the District obtains sufficient rights in District-supported inventions to meet the needs of the District and protect the public against nonuse or unreasonable use of inventions.

3106.4 If the contract permits the contractor to retain title to an invention and the contractor elects not to retain title, the District may, after consultation with the contractor, grant a request for retention of rights by the inventor.

3106.5 If a District employee is a co-inventor of an invention made under a contract and the District acquires all or part of the rights to the invention, the Director may take any of the following actions that are consistent with the best interests of the District:

- (a) Assign all or part of the District's rights to its employee while retaining for the District any rights set forth in § 3106.2 of this chapter;
- (b) Assign all or part of the District's rights to the contractor for reasonable consideration, after negotiation by the contracting officer of a reasonable consideration;
- (c) If the contractor is a nonprofit organization or is a certified business enterprise, assign all or part of the District's rights without consideration; or
- (d) Retain the District's rights.

Section 3107, PATENT RIGHTS PROCEDURES, is amended to read as follows:

3107 PATENT RIGHTS PROCEDURES

3107.1 A contract may require the contractor to do any or all of the following:

- (a) Provide periodic reports (but not more frequently than annually) listing all inventions required to be disclosed during the period covered by each report;
- (b) Provide a report prior to the closeout of the contract listing all inventions or stating that there were none;

- (c) Provide, upon request, the patent application filing date, serial number and title, a copy of the patent application, and patent number and issue date for any subject invention in any country in which the contractor has applied for patents; and
- (d) Furnish the District an irrevocable power to inspect and make copies of the patent application file.

3107.2 The contractor shall submit to the contracting officer a document confirming all rights to which the District is entitled, and shall furnish to the contracting officer an irrevocable power to inspect and make copies of the patent application file six (6) months after filing each patent application or within six (6) months after submitting the invention disclosure if the application has been previously filed.

3107.3 If the contracting officer determines in writing that it is in the best interests of the District, the contracting officer may modify, waive, or omit any of the rights set forth in § 3106.2 of this chapter. The modification, waiver, or omission shall be in writing and shall be accompanied by a written statement of facts justifying the determination. The statement of facts shall include the following:

- (a) A description of the extent to which the District's rights are to be modified, waived, or omitted;
- (b) The facts and justification for the modification, waiver, or omission; and
- (c) A statement explaining how the interests of the District will be better served by the modification, waiver, or omission.

3107.4 The contractor shall establish and maintain effective procedures to ensure that its patent rights obligations are met, that subject inventions are timely identified and disclosed, and that patent applications are filed when required.

3107.5 Contractors shall submit all reports required by the contracting officer in accordance with the contract.

3107.6 The contracting officer shall establish follow-up procedures to protect the District's interests and to ensure that subject inventions are identified and disclosed; that, when required, patent applications are filed; and that the District's rights are established and protected.

Section 3110, RIGHTS TO COPYRIGHTED MATERIAL AND PROPRIETARY INFORMATION, is amended to read as follows:

3110 RIGHTS TO COPYRIGHTED MATERIAL AND PROPRIETARY INFORMATION

3110.1 A contracting officer may acquire title to, or obtain or limit access to, copyrighted materials, materials subject to copyright protection, and proprietary information developed under or used in the performance of contracts.

3110.2 Unless specifically authorized by the contracting officer, access to copyrighted materials, materials subject to copyright protection, and proprietary information developed under or used in the performance of contracts shall be limited to District employees who are directly involved with the performance of the contract or who otherwise need access in order to properly perform their duties in connection with the contract or the items or services provided under the contract.

Section 3111, PROPRIETARY OR CONFIDENTIAL INFORMATION IN BIDS AND PROPOSALS, is amended to read as follows:

3111 PROPRIETARY OR CONFIDENTIAL INFORMATION IN BIDS AND PROPOSALS

3111.1 In accordance with § 417 of the Procurement Practices Reform Act of 2010, D.C. Official Code § 2-354.17, a bidder or offeror shall designate information contained in a response to the invitation for bids or request for proposals as proprietary or confidential by specifically identifying that information in writing in the bid or proposal.

3111.2 A bidder or offeror including proprietary or confidential information in its bid or offer shall conspicuously display the following information on the first page of the bid or offer if the bidder or offeror does not want the proprietary or confidential information disclosed to the public for any purpose or used by the District except within the procurement process:

- (a) That the bid or offer includes proprietary or confidential information that shall not be disclosed outside the District government without prior written notice and shall not be duplicated, used, or disclosed, in whole or in part, for any purpose other than the procurement process;
- (b) That if a contract is awarded to the bidder or offeror, the District shall have the right to duplicate, use, or disclose the proprietary or confidential information to the extent provided in the contract;

- (c) That this restriction does not limit the District's right to use the proprietary or confidential information if it is obtained from another source without restriction; and
- (d) That the bidder or offeror has conspicuously identified the proprietary or confidential information within each page subject to the restriction.

3111.3 In addition to the requirements of § 3111.2 of this chapter, the bidder or offeror shall conspicuously mark each separate sheet containing proprietary or confidential information with a notation to the effect that use or disclosure of proprietary or confidential information contained and specifically designated in the sheet is subject to the restriction set forth on the first page of the bid or offer.

3111.4 The bidder or offeror shall not designate as confidential or proprietary the name of the bidder or offeror, the bid or proposal price, or any information that is not actually proprietary or confidential.

Section 3199, DEFINITIONS, is amended to read as follows:

3199 DEFINITIONS

3199.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Confidential information – any information which is available to an employee of the District of Columbia only because of the employee's status as an employee of the District of Columbia and is not a matter of public knowledge or available to the public upon request.

Data – recorded information, regardless of form or the media on which it may be recorded, including technical data and computer software. Data does not include information incidental to contract administration, such as financial, administrative, cost or pricing, or management information.

Director – the Director of the Office of Contracting and Procurement or the District of Columbia Chief Procurement Officer.

Invention – any device, process, design, or other discovery that is or may be patentable or otherwise protectable under Title 35 of U.S. Code.

Made – the conception or the first actual reduction to practice of an invention.

Nonprofit organization – a domestic university or an organization of higher education or an organization of the type described in Section 501(c)(3) of the Internal Revenue Code of 1954 (26 USC § 501(c)) and exempt from

taxation under 26 USC § 501(a), or any domestic nonprofit scientific or educational institution.

Royalties – payments for the use of a patented invention, copyrighted material, or other proprietary information or data under a license granted by the owner.

Proprietary information – information, including trade secrets, data, formulas, patterns, compilations, programs, devices, methods, techniques, or processes, which have the following characteristics:

- (a) The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; or
- (b) The information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

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

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-874 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the intent to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by amending Sections 330 and 332 related to filing the income and expense form for income producing property.

The proposed amendments to Sections 330 and 332 provide authority to the Office of Tax and Revenue to mail notices of income and expense filing requirements in lieu of the actual forms. Affected taxpayers can choose to file electronically or download the appropriate income and expense form and file by paper.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 330, INCOME AND EXPENSE REPORTING BY OWNERS OF INCOME-PRODUCING PROPERTY, is amended follows:

Subsections 330.1, 330.4, 330.6 and 330.12 are amended to read as follows:

330.1 The provisions of §§ 330-334 implement the income and expense reporting by owners of income-producing property.

...

330.4 An affected taxpayer under §§ 330-334 is the owner (or owners) of income-producing property or properties in the District who is (are) required to file an income-expense form under the D.C. Official Code § 47-821, and in accordance with the provisions of this chapter.

...

330.6 In the following instances, there shall be added to the real property tax levied for the next ensuing tax year a penalty in the amount of ten percent (10%) of the tax:

- (a) If the appropriate income-expense form is not received by the Deputy

Chief Financial Officer on or before April 15th of the year in which written notice of a filing requirement of such form is mailed to the affected taxpayers;

- (b) If any income-expense form is timely received on or before April 15th, but is either inaccurate or incomplete and, after written notice from the Deputy Chief Financial Officer and in the opinion of the Deputy Chief Financial Officer, remains inaccurate or incomplete; or
- (c) If an income and expense form is received after the time extended by the Deputy Chief Financial Officer.

...

330.12 Any information, form or documents required by §§ 330-334 to be received by the specified date may, on or before such date, be electronically received as instructed in the notice before midnight, postmarked in the mail, or hand-delivered to the Customer Service Center, Office of Tax and Revenue, 1101 4th Street, S.W., Suite W270, Washington, D.C. 20024 between the hours of 8:15 AM and 4:30 PM.

Section 332, TIME LIMITS FOR FILING FORMS, is amended follows:

Subsections 332.1 - 332.3 are amended to read as follows:

- 332.1 The income and expense form, with accompanying attachments and documents, shall be received by the Deputy Chief Financial Officer on or before April 15th of the year in which written notice of a filing requirement of such form is mailed to the affected taxpayers. Such form, with accompanying attachments and documents, shall, on or before such date, be electronically received as instructed in the notice before midnight, postmarked in the mail, or hand-delivered to the Customer Service Center, Office of Tax and Revenue, 1101 4th Street, S.W., 2nd Floor, Washington, D.C. between the hours of 8:15 AM and 4:30 PM.
- 332.2 Written notice of a filing requirement of the income and expense form shall be mailed by the Deputy Chief Financial Officer to the affected taxpayers at least thirty (30) days prior to the due date provided in § 332.1. Such notice shall state where and how the appropriate income and expense form may be found and filed.
- 332.3 When, in the opinion of the Deputy Chief Financial Officer, an income and expense form submitted prior to the deadline set forth in § 332.1 has not been accurately completed (that is, it is either inaccurate or incomplete, or both), the Deputy Chief Financial Officer shall inform the affected taxpayer (or the taxpayer's agent) as soon as possible and request, in writing, that the form be

accurately completed and delivered not later than thirty (30) days from the date of the mailing of the notice or as otherwise specified.

Comments on this proposed rulemaking should be submitted to Robert McKeon, Deputy Chief Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Robert McKeon may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6500; or, email at robert.mckeon@dc.gov. Copies of this rule and related information may be obtained by contacting Robert McKeon as stated herein.

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Commissioner of the Department of Insurance, Securities and Banking (“Commissioner”), pursuant to the authority set forth in Section 7c of the Department of Securities Regulation Establishment Act of 1996, effective February 18, 2017 (D.C. Law 21-214; D.C. Official Code §§ 31-106.03 (2013 Repl.)), and Mayor’s Order 2017-206 (dated September 8, 2017), hereby gives notice of the adoption, on an emergency basis, of a new Chapter 30 (Student Loan Servicers), of Title 26 (Insurance, Securities, and Banking), Subtitle C (Banking and Financial Institutions), of the District of Columbia Municipal Regulations (DCMR).

The proposed chapter clarifies and implements the Student Loan Ombudsman Establishment and Servicing Regulation Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-214; D.C. Official Code §§ 31-106.01 *et seq.* (2013 Repl.)), so that the provisions of the act may be best effectuated and the public interest most effectively served. This emergency rulemaking is necessary because the District must act swiftly to ensure the long-term financial safety and security of District residents with student educational loans. The federal government has begun to amend and repeal several federal regulations and policies related to student aid. The U.S. Department of Education has already announced plans to revise nearly ten regulations and policies that directly affect student loan borrowers. These revisions include the suspension of several changes designed to simplify and expedite the claims process for borrowers who fell victim to deceptive tactics by certain colleges. The Department of Education has also withdrawn several Obama administration memoranda crafted to strengthen consumer protections for student loan borrowers, including consideration of a loan servicer’s records related to consumer complaints and investigation prior to the award of any federal contract.

District residents have filed more than four hundred (400) complaints with the federal Consumer Financial Protection Bureau (CFPB) in the past five (5) years related to issues arising from interactions with student loan servicers. Poor customer service resulting in substantial confusion about loan payment timetables and amounts has been a recurring theme among residents diligently working to pay off their student debt.

Considering the pending and potential changes in federal law and policy related to student loan borrowers, the District must increase its efforts to ensure that student loan servicers are acting in the best interests of the District of Columbia borrowers they serve. This is vital to promoting consumer confidence, and to maintaining the economic prosperity the District has seen in recent years. This rulemaking will provide the necessary framework for the Department of Insurance, Securities and Banking and its Student Loan Ombudsman to ensure that borrower interactions with their servicers are marked by professionalism and efficiency that will facilitate loan repayment.

Emergency action also is necessary because multiple regulated entities have already been approved for licensure under the current rules, and several others are pending approval. It is imperative that there be continuous regulatory coverage for these entities until final rules have been promulgated. Preservation of the current regulatory framework it is vital to protecting

student loan borrower interests, and to the regulated entities that now rely on it. Because of these imperatives, this emergency and proposed rulemaking is necessary for the immediate preservation of the public's safety and welfare.

A Notice of Emergency and Proposed Rulemaking was adopted on September 8, 2017 and became effective on that date ("Notice"). The Notice was published in the *D.C. Register* on October 27, 2017 at 64 DCR 11287. The comment period closed on November 27, 2017. The Department received four (4) comments on the initial emergency and proposed rules. The Department is promulgating this emergency and proposed rulemaking in order to ensure continuous regulatory coverage as the Department considers the comments and suggested modifications put forward by the student loan servicing community in the initial thirty (30) day comment period, and makes appropriate revisions to the rules based upon stakeholder concerns.

This emergency and proposed rulemaking makes one (1) substantive change: the Annual Assessment fee, which was initially set at eight hundred dollars (\$800) plus six dollars and sixty cents (\$6.60) per loan has been reduced to fifty cents (\$0.50) per borrower residing in the District of Columbia serviced by a servicer. The Assessment would not be due until license renewal.

These emergency rules were adopted on December 26, 2017, and became effective on that date. These emergency rules hereby supersede emergency rules adopted on September 8, 2017. These emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the date of adoption, expiring on April 25, 2018, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Commissioner also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

A new Chapter 30, STUDENT LOAN SERVICERS, of Title 26-C DCMR, BANKING AND FINANCIAL INSTITUTIONS, is added to read as follows:

3000	SCOPE AND APPLICABILITY
3001	EXEMPTIONS
3002	LICENSE APPLICATION CONTENT, FEES, AND QUALIFICATIONS
3003	FINANCIAL STATEMENTS AND NET WORTH REQUIREMENT
3004	SURETY BOND REQUIREMENT
3005	INCOMPLETE AND ABANDONED APPLICATIONS
3006	WITHDRAWAL OF AN INITIAL APPLICATION
3007	ISSUANCE AND TRANSFERABILITY OF A LICENSE
3008	INFORMATION CHALLENGE PROCESS
3009	EXPIRATION AND RENEWAL OF LICENSE
3010	LICENSE REINSTATEMENT
3011	DENIAL OF APPLICATION
3012	CHANGE OF LOCATION
3013	SURRENDER OF LICENSE
3014	ANNUAL REPORT AND REPORTING REQUIREMENTS
3015	ANNUAL ASSESSMENTS

- 3016 NOTIFICATION OF SIGNIFICANT EVENTS BY LICENSEE**
- 3017 SPECIAL REPORTS**
- 3018 RECORD KEEPING**
- 3019 SUSPENSION AND REVOCATION OF LICENSE**
- 3020 ORDER OF REVOCATION AND NOTICE OF SUSPENSION**
- 3021 EXAMINATIONS AND INVESTIGATIONS**
- 3022 COMPLAINTS**
- 3023 PENALTIES**
- 3024 LICENSING FEES**
- 3099 DEFINITIONS**

3000 SCOPE AND APPLICABILITY

3000.1 This chapter shall apply to any person or entity that operates as a student loan servicer in the District of Columbia (“District”).

3001 EXEMPTIONS

3001.1 This chapter shall not apply to any bank, trust company, other loan company, savings bank, savings and loan association, credit union, or financial institution that accepts deposits and is incorporated or chartered under the laws of the District, the United States, or any state or territory of the United States.

3001.2 This chapter shall not apply to a public postsecondary educational institution or private non-profit postsecondary educational institution servicing a student loan it extended to a borrower.

3002 LICENSE APPLICATION CONTENT, FEES, AND QUALIFICATIONS

3002.1 A license application shall be filed on a form prescribed by the Commissioner.

3002.2 The application shall include at a minimum:

- (a) Statements under oath that the applicant has never had an educational or student loan-related license, or other financial services related license, revoked by any governmental agency in any jurisdiction;
- (b) Statements under oath that the applicant and each of its officers, directors, partners, and owners of a controlling interest have not been convicted of, or pled guilty or nolo contendere, to a felony in a domestic, foreign, or military court:

- (1) During the seven (7) year period preceding the date of the application for licensure; or
 - (2) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, a breach of trust, or money laundering;
- (c) Evidence of the applicant's financial responsibility, character and general fitness that warrants a determination that the applicant will operate honestly, fairly, and efficiently within the purposes of the act. For the purposes of this paragraph, an applicant shall not be found financially responsible if the applicant has:
- (1) Current outstanding judgments, except judgments solely as a result of medical expenses;
 - (2) Current outstanding tax liens or other government liens and filings;
 - (3) Foreclosures within the past three (3) years; or
 - (4) A pattern of seriously delinquent accounts within the past three (3) years;
- (d) Evidence demonstrating that the applicant has met the applicable net worth and surety bond requirements pursuant to D.C. Official Code §§ 31-106.02(c)(1)(C) and (D), and §§ 3003 and 3004 of these rules;
- (e) Payment of applicable fees as described in Appendix A of these rules and any outstanding fees due to the Department or to the District, including compliance with the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118; D.C. Official Code §§ 47-2861 *et seq.*);
- (f) The legal name, trade name, and business address of the applicant and, if the applicant is a partnership, association, company, or corporation, of every partner, member, officer, and director thereof;
- (g) All names, including but not limited to, website domain names, under which the applicant will conduct business in the District;
- (h) The complete name and address of the applicant's initial registered agent and registered office for service of process in the District;
- (i) Information to demonstrate the applicant's current qualifications to do business in the District;

- (j) The general plan and description of the applicant's business, including policies and procedures for receiving and processing consumer inquiries, complaints, and grievances promptly and fairly;
- (k) The address of the applicant's principal place of business and any branch or branch offices from which the applicant proposes to operate as a student loan servicer; and
- (l) Other data, financial statements, and information as the Commissioner may require with respect to the applicant, its partners, members, officers, directors, trustees, or agents.

3003 FINANCIAL STATEMENTS AND NET WORTH REQUIREMENT

3003.1 An applicant for a student loan servicer license shall submit its audited financial statements for the immediately preceding three (3) years, or for the period the applicant has been in business less than three (3) years. Financial statements shall be prepared in accordance with generally accepted accounting principles.

3003.2 The financial statements shall include:

- (a) A balance sheet;
- (b) An income statement;
- (c) A statement of cash flows; and
- (d) All relevant notes included with the documents listed in § 3003.2(a) through (c).

3003.3 A student loan servicer shall demonstrate and continuously maintain a net worth of not less than two hundred fifty thousand dollars (\$250,000).

3004 SURETY BOND REQUIREMENT

3004.1 An applicant for a student loan servicer license shall file a surety bond in a form prescribed by the Commissioner with each original application and any renewal application.

3004.2 The surety bond shall:

- (a) Run to the Commissioner for the benefit of:

- (1) The District and any person who has been damaged by a licensee as a result of violating any law or regulation governing the activities of a student loan servicer; or
- (2) The recovery of fees or expenses levied against a licensee pursuant to the act;
- (b) Be issued by an insurer authorized to do business in the District;
- (c) Be conditioned upon the applicant:
 - (1) Complying with all District and federal laws regulating the activities of student loan servicers;
 - (2) Performing all written agreements with student loan borrowers; and
 - (3) Accounting for all funds received by the licensee in conformity with a standard system of accounting consistently applied;
- (d) Be continuously maintained thereafter for as long as any license issued under the act and this chapter remains in force; and
- (e) Be issued in the applicant’s legal name and include any trade names, if applicable.

3004.3 Each student loan servicer licensee shall maintain a continuous surety bond in the amount of fifty thousand dollars (\$50,000) at all times as a condition of licensure.

3004.4 When an action is commenced on a licensee’s bond, the Commissioner may require the filing of a new bond pursuant to the requirements of this section.

3004.5 Immediately upon recovery or upon any action on the bond, the licensee shall file a new bond pursuant to the requirements of this section.

3004.6 Any person who may be damaged by the noncompliance of a licensee with any condition of the bond may proceed on the bond against the principal or surety, or both, to recover damages.

3004.7 Regardless of the number of years the bond remains in effect, the number of premiums paid, the number of renewals of the license, or the number of claims made, the aggregate liability under each bond shall not exceed the penal sum of the bond.

3005 INCOMPLETE AND ABANDONED APPLICATIONS

- 3005.1 An application shall be deemed incomplete if it omits required information, documents, or material facts.
- 3005.2 If the Commissioner determines that an application is incomplete, the Commissioner shall notify the applicant of the deficiencies through the NMLS. The applicant shall correct a deficiency associated with an application within forty-five (45) days of being notified through the NMLS that the application is deficient.
- 3005.3 If the applicant fails to complete the application or respond to deficiencies within the forty-five (45) day period, the application will be considered abandoned.
- 3005.4 Abandonment of an application pursuant to this chapter shall not preclude the applicant from submitting a new application for a license.

3006 WITHDRAWAL OF AN INITIAL APPLICATION

- 3006.1 An applicant may request withdrawal of an application prior to a determination on the application by filing the request through the NMLS.
- 3006.2 No withdrawal shall be effective until accepted by the Commissioner.

3007 ISSUANCE AND TRANSFERABILITY OF A LICENSE

- 3007.1 The Commissioner shall approve an initial license application not later than sixty (60) days from the date the Commissioner determines that the application is complete, and meets the requirements of this chapter.
- 3007.2 A licensee shall continuously maintain its license or qualification to do business in the District so long as the student loan servicer license is in effect.
- 3007.3 The Commissioner may restrict or impose conditions on any license.
- 3007.4 Licensees are under a continuing obligation to update information on file with the Commissioner. If any information filed with the Commissioner becomes inaccurate, the licensee shall promptly submit to the Commissioner an amendment to its record that will correct the information on file with the Commissioner.
- 3007.5 A licensee shall not operate as a student loan servicer under any other name or at any other place of business other than that named in the license.

- 3007.6 A license shall remain in force until it has been surrendered, revoked, or suspended in accordance with the provisions of this chapter. The surrender, revocation, or suspension of a license shall not affect any pre-existing legal right or obligation of the licensee, including any civil or criminal liability of a licensee for acts committed before the license was surrendered, revoked, or suspended.
- 3007.7 A license granted pursuant to this chapter shall not be transferable or assignable.
- 3007.8 Not more than one (1) place of business shall be maintained under the same license, but the Commissioner may issue more than one (1) license to the same student loan servicer licensee upon compliance with all applicable provisions of this chapter governing the original issuance of a license.

3008 INFORMATION CHALLENGE PROCESS

- 3008.1 A licensee may challenge information entered into the NMLS by the Commissioner. Any such challenge must be in writing and include the specific information being challenged and supporting information to evidence that the information being challenged is incorrect or invalid.
- 3008.2 The grounds for the challenge shall be limited to the factual accuracy of the information pertaining to the licensee's own license record that the Commissioner has entered into the NMLS. A licensee shall not submit a challenge to protest a disciplinary action the Commissioner has taken against the licensee or to appeal the underlying reasons for the disciplinary action.
- 3008.3 A challenge pursuant to § 3008.1 shall be filed with the Commissioner within forty-five (45) business days from the date the information is entered into the NMLS.
- 3008.4 The Commissioner shall respond to the challenge within twenty-one (21) business days by:
- (a) Granting the challenge and entering the requested change;
 - (b) Granting the challenge and allowing the licensee to submit information to be entered into the system; or
 - (c) Denying the challenge.

3009 EXPIRATION AND RENEWAL OF LICENSE

3009.1 A student loan servicer license shall expire on December 31st of each year.

3009.2 In order to renew a license, a licensee shall:

- (a) File a license renewal application with the NMLS on a form prescribed by the Commissioner at least thirty (30) days before the expiration date of the licensee's current license;
- (b) Pay the required fees prescribed in Appendix A and supply the Commissioner with any other required information; and
- (c) Demonstrate that the licensee continues to meet the standards for licensure under the act and this chapter.

3010 LICENSE REINSTATEMENT

3010.1 A renewal license application filed after the license expiration deadline set forth in § 3009.1 but before the last day of February of any year shall be subject to, and accompanied by, a reinstatement fee as prescribed in Appendix A.

3010.2 A license that remains expired after the last day of February of any year, or another date that may be selected by the NMLS for the same purpose, cannot be renewed.

3011 DENIAL OF APPLICATION

3011.1 The Commissioner shall approve or deny a license or renewal application not later than sixty (60) days from the date the Commissioner determines that the application is complete.

3011.2 If a license or renewal application is denied, the Commissioner shall notify the applicant and set forth reasons for the denial. The applicant may appeal the Commissioner's decision in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code §§ 2-501 *et seq.*).

3012 CHANGE OF LOCATION

3012.1 A licensee shall notify the Commissioner, in the form prescribed by the Commissioner, of a change to the location of the business and pay all applicable fees as prescribed by the Commissioner.

3013 SURRENDER OF LICENSE

- 3013.1 A licensee who intends to permanently cease operating as a student loan servicer during a license period shall file a request to surrender the license for each office at which the licensee intends to cease operations on a form prescribed by the Commissioner.
- 3013.2 The Commissioner may request the reason for the cessation of business in the District.
- 3013.3 No surrender shall be effective until accepted by the Commissioner.
- 3013.4 The surrender of a license does not affect any legal right or obligation described under and pursuant to § 3007.6.

3014 ANNUAL REPORT AND REPORTING REQUIREMENTS

- 3014.1 A student loan servicer licensee shall, on or before January 30, submit an annual report for the preceding calendar year to the Commissioner in a form prescribed by the Commissioner.
- 3014.2 The annual report shall include information on the following:
- (a) The number of loans sold, assigned or transferred during the preceding calendar year; and
 - (b) Any other relevant information related to business operations required by the Commissioner.

3015 ANNUAL ASSESSMENTS

- 3015.1 Each licensed student loan servicer who held a license during the prior licensing period shall be subject to an annual assessment fee as prescribed in Appendix A.
- 3015.2 The annual assessment fee shall be determined to be the sum of a fixed amount plus a variable amount based on the number of loans serviced in the previous license period as prescribed in Appendix A.
- 3015.3 A licensee who has been charged and pays an annual assessment fee shall not be subject to an examination fee in the same year unless the following occurs:
- (a) The Commissioner determines that an out-of-the-District examination is necessary; or

- (b) The Commissioner determines that an unscheduled examination is necessary.

3015.4 All annual assessment fees shall be invoiced through the NMLS and are due on or before November 1 of each calendar year.

3015.5 In the case of a licensee surrendering a license, the annual assessment shall be due no later than thirty (30) days after receipt of a surrender request in the NMLS.

3016 NOTIFICATION OF SIGNIFICANT EVENTS BY LICENSEE

3016.1 A licensee shall notify the Commissioner, in writing, within five (5) business days, of the occurrence of any of the following significant events:

- (a) The filing for bankruptcy or reorganization by the licensee;
- (b) Any fact or condition that exists that has a negative impact on the licensee's financial condition and ability to maintain the financial requirements prescribed in this chapter, or which precludes the licensee from operating in a safe and sound manner consistent with the act, these regulations and in the best interests of District consumers;
- (c) Settlement or resolution of any civil action or proceeding against the licensee involving fraud, misrepresentation, or wrongful taking of property;
- (d) Receipt of notification of the initiation of any action against the licensee by the District of Columbia Office of the Attorney General or of any other state or federal agency, and the reasons therefor;
- (e) Receipt of notification of license denial, cease and desist order, initiation of suspension or revocation proceedings, issuance of formal orders of suspension or revocation or other imposed disciplinary action, or other formal or informal regulatory action, from any state or federal agency against the licensee, and the reasons therefor; or
- (f) A charge of or conviction of the licensee of any criminal offense involving financial services or financial services related business; or any charge involving fraud, false statements or omissions, theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, or extortion.

3017 SPECIAL REPORTS

3017.1 The Commissioner may require a licensee to submit a report of a condition, which must be in the form and must contain the information, prescribed by the Commissioner.

3018 RECORD KEEPING

3018.1 For each student education loan sold, assigned, transferred or serviced, a licensee shall retain adequate records of each transaction for at least three (3) years after final payment is made on the student educational loan, or after the assignment or transfer of the student education loan, whichever first occurs.

3018.2 Each licensee shall make applicable books and records available to the Commissioner or send such records to the Commissioner by registered or certified mail, return receipt requested, or by any express delivery carrier that provides dated delivery receipt, no later than seven (7) days after the Commissioner's official request. Upon request, the Commissioner may grant a licensee additional time to make such books and records available.

3019 SUSPENSION AND REVOCATION OF LICENSE

3019.1 The Commissioner may suspend or revoke a license issued under this chapter, or take any other action provided for in this chapter, if the Commissioner finds that:

- (a) The licensee has violated any provision of this chapter or any regulation or order lawfully made pursuant to and within the authority of this chapter;
- (b) Any fact or condition exists which, if it had existed at the time of the original application for the license, would have warranted a denial of the license; or
- (c) The licensee refuses to permit the Commissioner to make an examination or investigation authorized under this chapter.

3020 ORDER OF REVOCATION AND NOTICE OF SUSPENSION

3020.1 An order issued pursuant to D.C. Official Code § 31-106.02(h)(2) shall include:

- (a) The date the order was entered;
- (b) The basis for the proposed action;

- (c) The date by which the person must file a written request for reconsideration; and
- (d) The date by which the Commissioner shall consider the order to be final.

3020.2 A notice of suspension under D.C. Official Code § 31-106.02(i) shall include:

- (a) The date the notice was issued;
- (b) A statement determining that suspension is in the public interest;
- (c) The grounds for the suspension;
- (d) The date by which the person must file a written request for a hearing; and
- (e) Notice that the failure of the person to file a written request for a hearing with the Commissioner within the specified time period shall constitute a waiver of a hearing.

3020.3 Unless otherwise required by the act, a final order, temporary order, or any other type of enforcement action taken by the Commissioner shall be issued or conducted in accordance with D.C. Official Code §§ 31-106.02(h-i).

3020.4 The Commissioner may make public a final order, temporary order, or any other type of enforcement action taken by the Commissioner.

3020.5 All hearings held pursuant to this section shall be conducted pursuant to the Rules of Practice and Procedure for Hearings set out in Chapter 38 of Title 26-A of the District of Columbia Municipal Regulations.

3020.6 Any order issued by the Commissioner pursuant to D.C. Official Code § 31-106.02(h) shall remain in full force and effect until and unless later modified or vacated by the Commissioner.

3021 EXAMINATIONS AND INVESTIGATIONS

3021.1 The Commissioner, or the Commissioner’s designated agent, shall examine the affairs, business premises, and records of each licensee at least once every three (3) years and at any other time the Commissioner considers necessary.

3021.2 The Commissioner or the Commissioner’s designee, on the basis of a written complaint or on his or her own initiative, may conduct an investigation into the transactions, business, and records of any licensee or person who the

Commissioner has reason to believe is engaging in any business subject to the act or this chapter.

- 3021.3 The investigation by the Commissioner under this section may include an examination. Examinations may be conducted in conjunction with examinations to be performed by representatives of governmental agencies of another state.
- 3021.4 To defray the costs of an examination, every student loan servicer required to be licensed under this chapter shall be subject to an examination fee as prescribed in Appendix A.
- 3021.5 A licensee who has been charged and pays an examination fee, shall not be subject to an annual assessment fee in the same year unless the events set forth in § 3015.3 occur.
- 3021.6 The Commissioner may examine a licensee located outside the District of Columbia and charge the licensee the fee prescribed in Appendix A. When it becomes necessary to examine or investigate the affairs, books, and records of a licensee required to be licensed under this chapter at a location outside the Washington, D.C. metropolitan region, the licensee shall be liable for, and shall pay the Commissioner within thirty (30) days, the actual travel and reasonable living expenses incurred on account of its examination, supervision, and regulation, or shall pay a reasonable per diem rate approved by the Commissioner.

3022 COMPLAINTS

- 3022.1 Any complaint against a licensee shall be filed with the Commissioner, on a form prescribed by the Commissioner, and in accordance with any procedures or processes prescribed by the Commissioner.
- 3022.2 The Commissioner may provide information on consumer complaints to the NMLS and other state and federal regulatory agencies.

3023 PENALTIES

- 3023.1 Any licensee that fails to file an annual report at the time prescribed by the act, shall be assessed a late penalty of up to one thousand dollars (\$1,000) per business day following the date the annual report is due until the annual report is filed with the Commissioner.
- 3023.2 A licensee, or a person required to have a license under the act, shall be assessed up to the maximum penalties upon a violation of the act as follows:

- (a) Five thousand dollars (\$5,000) for each occurrence of each violation of the act if the person committing the violation is a licensee, and the licensee has no more than one (1) violation of the act during the current license period; and
- (b) Twenty-five thousand dollars (\$25,000) for each occurrence of each violation of the act if the person committing the violation is not licensed by the Commissioner.

3023.3 The Commissioner, in his or her discretion, may reduce the penalty imposed under this chapter upon good cause shown, in writing, by the person or entity against whom the penalty would be imposed.

3024 LICENSING FEES

3024.1 Student Loan Servicer License Fees

Student Loan Servicer License	Fees
DISB Initial Application Fee	\$1,200 + NMLS Fee
DISB Renewal Application Fee	\$1,000 + NMLS Fee
DISB Amendment Fee	\$100
DISB Reinstatement Fee	\$1,000
DISB Annual Assessment Fee	\$0.50 per borrower residing in the District of Columbia serviced by a servicer
DISB Examination Fee	\$400 per examiner day

3099 DEFINITIONS

3099.1 For the purpose of this chapter, the following terms have the meaning ascribed:

Act – The Department of Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code §§ 31-101 *et seq.*), as amended by the Student Loan Ombudsman Establishment and Servicing Regulation Amendment Act of 2016, effective February 18, 2017 (D.C. Law 21-214; D.C. Official Code §§ 31-106.01-.03).

Applicant - a person filing an initial or renewal application for licensure under this chapter.

Application – an initial or renewal application for licensure under this chapter processed as required by the Commissioner, through the Department, the NMLS, or any other third-party processor prescribed by the Commissioner.

Branch – an office or location of a student loan servicer that is separate and distinct from the student loan servicer’s principal office and from which it operates as a student loans servicer.

Commissioner - the Commissioner of the Department of Insurance, Securities and Banking.

Department - the Department of Insurance, Securities and Banking.

Licensee – any person or entity duly licensed by the Commissioner pursuant to this chapter.

Student Loan Servicer - a person or entity, whether located within or outside the District, responsible for the servicing of a student education loan of a student loan borrower.

Nationwide Multistate Licensing System and Registry (“NMLS”) - the licensing system developed and maintained by the Conference of State Banking Supervisors and the American Association of Residential Mortgage Regulators, or their successors for the licensing and registration of persons engaged in the state-regulated financial service industries.

Washington, D.C. metropolitan region – means the District of Columbia, the counties of Montgomery and Prince Georges in the State of Maryland, the counties of Arlington and Fairfax, and the cities of Alexandria and Falls Church in the Commonwealth of Virginia.

Persons desiring to comment on these proposed rules should submit comments in writing to Christian A. Washington, Legislative Analyst, Office of the Commissioner, Department of Insurance, Securities and Banking, 1050 First Street, N.E., Suite 801, Washington, D.C. 20002, or by email at Christian.Washington@dc.gov. Comments must be received not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the Department at the address above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-014
January 18, 2018

SUBJECT: Appointment — Director, Office of Disability Rights

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 by section 4 of the Disability Rights Protection Act of 2006, effective March 8, 2007, D.C. Law 16-239; D.C. Official Code § 2-1431.03(c) (2016 Repl.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142, D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), and pursuant to the Office of Disability Rights Mathew McCollough Confirmation Resolution of 2017, effective January 9, 2018, R22-0369, it is hereby **ORDERED** that:

1. **MATHEW MCCOLLOUGH** is appointed Director, Office of Disability Rights, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2017-163, dated July 19, 2017. -
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 9, 2018.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-015
January 18, 2018

SUBJECT: Appointment - Director, District Department of Transportation


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 by section 3(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002, D.C. Law 14-137, D.C. Official Code § 50-921.02(a) (2012 Repl. and 2017 Supp.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2017 Supp.), and pursuant to the Director of the District Department of Transportation Jeff Marootian Confirmation Resolution of 2017, effective January 9, 2018, R22-0383, it is hereby **ORDERED** that:

1. **JEFFREY MAROOTIAN** is appointed Director, District Department of Transportation, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2017-297, dated November 8, 2017.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 9, 2018.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2018-016
January 18, 2018

SUBJECT: Appointment — Interim Chief Technology Officer, Office of the Chief Technology Officer


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 section 1812 of the Office of the Chief Technology Officer Establishment Act of 1998, effective March 26, 1999, D.C. Law 12-175; D.C. Official Code § 1-1401 (2016 Repl.), it is hereby **ORDERED** that:

1. **BARNEY KRUCOFF** is appointed Interim Chief Technology Officer, Office of the Chief Technology Officer, and shall serve in that capacity at the pleasure of the Mayor.
1. This Order supersedes Mayor's Order 2016-090, dated June 8, 2016.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 5, 2018.


MURIEL BOWSER
MAYOR

ATTEST:


LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JANUARY 31, 2018
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status) **9:30 AM**

Case # 17-PRO-00077; Metaril, LLC, t/a Prego Again, 1617 17th Street NW
License #90326, Retailer B , ANC 2B

Application to Renew the License

This hearing is cancelled due to the submission of a Settlement Agreement for the Board's review and approval.

Protest Hearing (Status) **9:30 AM**

Case # 17-PRO-00074; Por Jai, LLC, t/a Bangkok Thai Dining, 2016 P Street
NW, License #91333, Retailer CR, ANC 2B

Substantial Changes (Entertainment Endorsement and Change of Hours of Operation)

Protest Hearing (Status) **9:30 AM**

Case # 17-PRO-00088; Spero, LLC, t/a Reverie, 3210 Grace Street NW,
License #108125, Retailer CR

ANC 2E

Application for a New License

Protest Hearing (Status) **9:30 AM**

Case # 17-PRO-00075; NAI Saturn Eastern, LLC, t/a Safeway, 2845 Alabama
Ave SE, License #97704, Retailer B, ANC 7B

Application to Renew the License

Protest Hearing (Status) **9:30 AM**

Case # 17-PRO-00087; 2121 K Street, LLC, t/a Homeslyce, 2121 K Street NW
License #107912, Retailer CR, ANC 2A

Application for a New License

Board's Calendar

January 31, 2018

Protest Hearing (Status)

9:30 AM

Case # 17-PRO-00079; MB, LLC, t/a Bodega, 2409 Franklin Street NE

License #100950, Retailer B, ANC 5C

Application to Renew the License

Protest Hearing (Status)

9:30 AM

Case # 17-PRO-00080; Sun Rising, Inc., t/a 7 Food Store, 1830 Benning Road

NE, License #93817, Retailer B, ANC 5D

Application to Renew the License

Fact Finding Hearing*

10:00 AM

Tillman Group, LLC, t/a Vieux Carre/For Rent, 1413 K Street NW, License

#102576, Retailer CT, ANC 2F

Transfer Application

Show Cause Hearing*

11:00 AM

Case # 17-AUD-00030; Café Ole, LLC, t/a Café Ole, 4000 Wisconsin Ave NW

License #25526, Retailer CR, ANC 3C

Failed to Maintain Books and Records, Failed to Meet Food Sales Requirements

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing*

1:30 PM

Case # 17-AUD-00040; 600 F.D.C., LLC, t/a Fuel Pizza & Wings, 600 F Street

NW, License #88727, Retailer CR, ANC 2C

Failed to File Quarterly Statement

Show Cause Hearing*

2:30 PM

Case # 17-AUD-00041; 1606 K Street, LLC, t/a Fuel Pizza & Wings, 1606 K

Street NW, License #88452, Retailer CR, ANC 2B

Failed to File Quarterly Statement

Show Cause Hearing*

3:30 PM

Case # 17-CC-00020; Prospect Dining, LLC, t/a Chinese Disco, 3251 Prospect

Street NW, License #78058, Retailer CR, ANC 2E

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Substantial Change in Operation Without Board Approval, Violation of Settlement Agreement

Board's Calendar

January 31, 2018

Fact Finding Hearing*

4:30 PM

Case # 17-251-00206; Family, LLC, t/a MK Lounge & Restaurant, 1930 9th

Street NW, License #88787, Retailer CT, ANC 1B

Altercation Inside of the Establishment

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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JANUARY 31, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, January 31, 2018 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case# 17-CMP-000697, Big Bear Café, 1700 1st Street N.W., Retailer CR, License # ABRA-084379

2. Case# 17-CMP-00702, Dirty Martini Inn Bar/Dirty Bar, 1223 Connecticut Avenue N.W., Retailer CN, License # ABRA-083919

3. Case# 17-CC-00136, Laredo DC Restaurant, 3500 Connecticut Avenue N.W., Retailer CR, License # ABRA-013738

4. Case# 17-251-00136, The Brixton, 901 U Street N.W., Retailer CT, License # ABRA-082871

5. Case# 17-251-206, MK Lounge & Restaurant, 1930 9th Street N.W., Retailer CT, License # ABRA-088787

6. Case# 17-AUD-00080, Sushi Capitol, 325 Pennsylvania Avenue N.W., Retailer DR, License # ABRA-092785

7. Case# 17-CMP-00705, Martha’s Market, 2400 Minnesota Avenue S.E., Retailer B, License # ABRA-105036

8. Case# 17-CMP-00703, Staples Beer & Wine Grocery, LLC, 1364 Florida Avenue, N.E.,
Retailer A, License # ABRA-09624

9. Case# 17-CMP-00707, Seba Dereja, 5427 Georgia Avenue N.W., Retailer CT, License #
ABRA-104094

10. Case# 17-CMP-00706, El Pulgarcito, 5313 Georgia Avenue N.W., Retailer CT, License #
ABRA-095249

11. Case# 17-CC-00128, Texas Grocery Store, 4350 Texas Avenue S.E., Retailer A, License #
ABRA-094776

12. Case# 17-CC-00145, Chinatown Liquor, 602 H Street N.W., Retailer A, License # ABRA-
073058

13. Case# 17-MGR-00005, ABC Manager, Jung Sik Kwon, License # ABRA-095158

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, JANUARY 31, 2018 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to increase seating from 38 seats to 106 seats, and increase Total Occupancy Load from 38 to 166 on the first and second floors, as permitted on the Certificate of Occupancy. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Asefu's Palace*, 1920 9th Street NW, Retailer CT, License No. 105977.

2. Review Request to add Cover Charge to existing Entertainment Endorsement. ANC 5C. SMD 5C04. No outstanding fines/citations. No pending enforcement matters. No Settlement Agreement. The Establishment has a pending Protest. *Power Night Club/Lounge/Restaurant*, 2335 Bladensburg Road NE, Retailer CT, License No. 104228.

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

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2019 Public Art Building Communities Grant**

The DC Commission on the Arts and Humanities (CAH) announces the availability of grants to support public art projects by individuals, District-based non-profit organizations and Business Improvement Districts (BID) in the District of Columbia during Fiscal Year 2019.

At the time of application, individuals must demonstrate proof of residency in the District of Columbia of at least one (1) year. Organizations must be incorporated with a 501(c)(3) federal tax exemption status with central offices in the District of Columbia or be a District of Columbia Business Improvement District (BID) incorporated, in addition to the other eligibility criteria to be listed in the program's guidelines. Applicants must also be registered as a District of Columbia nonprofit business in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Internal Revenue Service (IRS), and the Department of Employment Services (DOES).

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming grant guidelines. All activities funded by the grant must occur between October 1, 2018 and be completed by September 30, 2019.

For Deadline #1 The Request for Applications (RFA) will be available electronically beginning February 9, 2018 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for the first cycle of applications is April 6, 2018.

For Deadline #2 The Request for Applications (RFA) will be available electronically beginning May 25, 2018 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for the second cycle of applications is August 10, 2018.

For more information, please contact:

Keona Pearson
Arts Program Coordinator
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 724-5613 or keona.pearson@dc.gov

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE**

The Director of the Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08)(2013 Supp.), hereby gives notice that effective upon publication of this Notice, DBH will accept new applications for Mental Health Community Residence Facilities. The Department is seeking applicants for up to 60 Supported Resident beds. Applicants shall apply in accordance with Title 22-B, D.C. Municipal Regulation, Chapter 38. Successful applicants must meet all contract requirements as determined by the Department's Office of Contracting and Procurement prior to receiving a Human Care Agreement and per diem payments in accordance with Title 22-A, D.C. Municipal Regulation, Chapter 57. Award of a Human Care Agreement is subject to availability of funds.

In evaluating applicants, the Department shall consider the following: (a) the ability of the applicant to meet the requirements of Title 22-B, D.C. Municipal Regulation, Chapter 38; (b) the quality and handicap accessibility of an applicant's facility; (c) the quality of an applicant's programming; (d) an applicant's record of compliance with Chapter 38 in regards to other licensed facilities; and (e) the facility's proximity to metro transit and community-based activities that are conducive to a healthy and independent lifestyle.

All prior moratoriums on granting new MHCRF licenses are hereby rescinded.

If you have any questions or would like to request an application, you may contact Sheila Kelly, Director of Licensure, District of Columbia Department of Behavioral Health, 64 New York Ave., NE, 3rd Floor, Washington, D.C. 20002 – 4347, (202) 673-3516, Sheila.kelly@dc.gov.

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

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

Center City PCS is seeking a vendor to provide an integrated Payroll and Human Resources Information System (HRIS) and associated professional support services.

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

Contact Person

Jennifer Yi
jyi@centercitypcs.org

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES
ADMINISTRATIVE BULLETIN CC2018-01**

Issuer: Lynn Underwood
Chief Building Official

Issuance Date: January 19, 2018

Effective Date: January 19, 2018

Purpose: This document provides guidance on the Department of Consumer and Regulatory Affairs' interpretation of 12-A DCMR Section 109 with respect to inspections of work performed under a trade permit.

Related Code
Section: 12-A DCMR §§ 105 & 109

Subject(s): Required presence of master tradesperson permit holder at trade permit inspections

This *Administrative Bulletin* provides guidance on the Department of Consumer and Regulatory Affairs' (DCRA) interpretation of 12 DCMR Section 109 with respect to trade permits. Effective February 19, 2018, the master tradesperson to whom a trade permit is issued shall be present during any required inspection for work performed under the trade permit. At the discretion of the Code Official, a D.C.-licensed master tradesperson or D.C.-licensed journeyman representing and under the employ of either the master tradesperson to whom the trade permit is issued or the person who employs the master tradesperson permit holder, may be present in lieu of that master tradesperson permit holder. No inspector may approve an inspection if the master tradesperson permit holder (or representative master tradesperson/journeyman if allowed by the Code Official) is not present.

The Code Official is authorized by 12-A DCMR 104.1 to interpret and to clarify the application of the Construction Codes and to promulgate Administrative Bulletins to reflect these interpretations and clarifications. 12-A DCMR 105.1.6 and 12-A DCMR 105.3 require that a trade permit be applied for by the master tradesman responsible for the work authorized by that trade permit, which must be performed by a D.C. licensed tradesperson in conformity with the licensing regulations of Title 17 of the DCMR. A master tradesperson permit holder is responsible to ensure that all work performed under the auspices of the trade permit complies with the trade permit and the Construction Codes (12-A DCMR 105.4 and 12-A DCMR 109.1). As a permit holder, a master tradesperson is obligated by 12-A DCMR 109.2 to request, and provide access for, all inspections required to complete a trade permit. A master tradesperson permit holder is obligated by 12-A DCMR 109.1 to ensure that the work performed under a trade permit is accessible and exposed as necessary to permit all required inspections. Therefore, to comply with these requirements the master tradesperson, as the holder of the trade permit, must be present at the inspection to ensure access to the work to be inspected and to ensure the work is performed in accordance with the trade permit and the Construction Codes.

A full copy of this administrative bulletin is available at: <http://dcra.dc.gov/page/administrative-bulletins>

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

WEDNESDAY, FEBRUARY 7, 2018 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, February 7, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th 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.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on Property Offenses:
 - (A) First Draft of Report #8 Recommendations for Property Offense Definitions, Aggregation, Multiple Convictions
 - (B) First Draft of Report #9 Recommendations for Theft and Damage to Property Offenses
 - (C) Advisory Group Memo #12 Property Offense Supplementary Materials.
- III. Discussion of Advisory Group Written Comments on Conspiracy:
 - (A) First Draft of Report #12 - Definition for a Criminal Conspiracy
 - (B) Advisory Group Memo #13 - Definition for a Criminal Conspiracy Supplementary Materials.
- IV. Discussion of Draft Reports Currently Under Advisory Group Review
 - (A) Third Draft of Report #2 Basic Requirements of Offense Liability;
 - (B) First Draft of Report #13 Criminal Attempt Penalties;
 - (C) First Draft of Report #14 Definitions for Offenses Against Persons;
 - (D) First Draft of Report #15 Assault and Offensive Physical Contact Offenses;
 - (E) First Draft of Report #16 Robbery; and
 - (F) First Draft of Report #17 Criminal Menace and Criminal Threat Offenses;
- V. Adjournment.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

ADVISORY GROUP ON COMMUNITY USE OF PUBLIC SPACE

The Advisory Group on Community Use of Public Space will hold its first public meeting on January 29, 2018 at 5:00pm in the Wilson Building, 1350 Pennsylvania Ave. NW, Room G9. The Advisory Group, called together by the Office of the Deputy Mayor for Education and comprising residents of the District of Columbia who utilize public spaces, will discuss the bylaws for the group, nomination of officers, and the development of a work plan for the Advisory Group.

The role of the Advisory Group is to provide advice and recommendations to the DME regarding District policies and procedures related to community use of public spaces, including fields, gyms, classrooms, meeting rooms, and other District facilities.

Goals of the Advisory Group include ensuring equitable access to public space, streamlining the reservation of public spaces, increasing transparency around processes and fees, and encouraging greater use of public spaces overall.

Individuals and representatives of organizations who wish to comment at the public meeting are asked to notify the Office of the Deputy Mayor for Education in advance by phone at (202) 727-3636 or by email at dme@dc.gov. Individuals should provide their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business on January 25, 2018, and should submit one (1) electronic copy of their testimony in advance for the permanent record.

Date: January 29th, 2018

Time: 5:00 p.m. – 6:00 p.m.

Location: John A. Wilson Building
Room G-9
1350 Pennsylvania Ave NW
Washington, DC 20004

Contact: Alex Cross
Office of the Deputy Mayor for Education
(202) 727-9543
alexander.cross@dc.gov

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

CROSS-SECTOR COLLABORATION TASK FORCE

Deputy Mayor for Education Jennifer Niles announces the scheduling of a Cross-Sector Collaboration Task Force meeting.

Date: January 30, 2018

Time: 6:00 p.m. – 8:00 p.m.

Location: EducationCounsel
101 Constitution Ave., NW Suite 900
Washington, DC 20001

Contact: Ramin Taheri (202) 727-4036 or ramin.taheri@dc.gov

Agenda:

The Cross-Sector Collaboration Task Force will discuss the recommendations of the Opening, Closing, and Siting (OCS) working group and the community engagement process.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY****Fiscal Year 2018****National School Lunch Program Equipment Assistance Grant****CFDA: 10.579 and FAIN: 171DC372N8103****Request for Application Release Date: Wednesday, Feb 9, 2018 9:00 am**

The Consolidated Appropriations Act of 2017 (Public Law 115-31) authorized grants to the Office of the State Superintendent of Education (OSSE), Division of Health and Wellness, for providing equipment assistance to School Food Authorities participating in the National School Lunch Program (NSLP). The District of Columbia has been selected to receive funding in the amount of \$56,655.

These funds will be available through a competitive grant process. Priority will be given to high need schools where 50% or more of the student population are eligible to receive free or reduced-price meals. Priority will also be given to schools that did not receive a previous NSLP Equipment Assistance Grant award under the American Recovery and Reinvestment Act of 2009 and the FY2010, FY2013, FY2014, FY2015 and FY2016 Agriculture Appropriations Acts.

These funds will make a significant investment by allowing the purchase of capital (>\$5,000) equipment used to serve healthier meals, meet the new nutritional standards with emphasis on more fresh fruits and vegetables in school meals, improve food safety and expand accessibility to food services. All funds must be obligated by September 30, 2019. All purchases of equipment using these funds must be in accordance with Federal and District procurement laws.

Focus of School Food Authority Grants

In order to make the most effective use of these grant funds, equipment requests must address at least one of the following focus areas:

- Equipment that lends itself to improving the quality of school food service meals that meet the dietary guidelines (e.g., purchasing equipment alternative to a deep fryer, such as steam ovens, that improve quality of prepared fresh or fresh-frozen vegetables);
- Equipment that improves the safety of food served in the school meal programs (e.g., cold/hot holding bags/equipment, dish washing equipment, refrigeration, milk coolers, freezers, blast chillers, etc.);
- Equipment that improves the overall energy efficiency of the school food service operations (e.g. purchase of an energy-efficient walk-in freezer replacing an outdated, energy-demanding freezer);
- Equipment that allows sponsors to support expanded participation in a school meal program (e.g., equipment for serving meals in a non-traditional setting or to better utilize cafeteria space); and
- Equipment that aides in strategies for adopting smarter lunchrooms (e.g. lunchroom changes that appeals to student population; highlighting convenience, healthy choices, and supporting menu changes to healthier options)

Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available funding. Successful applicants may be awarded amounts less than requested.

A review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions.

To receive more information or for a copy of this RFA, please contact:

Elysia DiCamillo
Office of the State Superintendent of Education
810 First Street, NE, 4th Floor
Washington, D.C. 20002
Telephone: (202) 403-4556
Email: Elysia.DiCamillo@dc.gov

The Request for Applications (RFA) for the competitive grant programs as well as the instructions for completing the Equipment Assistance grant application will be available on OSSE's website at www.osse.dc.gov. All applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

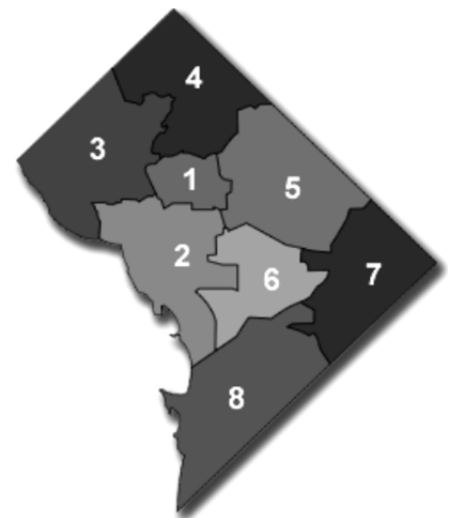
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of DECEMBER 31, 2017**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	44,174	2,888	613	146	174	11,163	59,158
2	30,118	5,672	216	166	153	10,626	46,951
3	37,524	6,353	339	143	151	10,855	55,365
4	48,575	2,220	518	88	167	8,923	60,491
5	51,728	2,320	581	117	228	9,315	64,289
6	53,972	7,066	476	243	232	13,383	75,372
7	47,422	1,280	419	51	168	6,493	55,833
8	45,738	1,370	434	50	176	7,166	54,934
Totals	359,251	29,169	3,596	1,004	1,449	77,924	472,393
Percentage By Party	76.05%	6.17%	.76%	.21%	.31%	16.50%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF DECEMBER 31, 2017

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboe.org>



**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,386	32	8	3	3	243	1,675
22	3,681	382	27	14	13	956	5,073
23	2,842	218	42	13	12	766	3,893
24	2,616	249	25	15	12	780	3,697
25	3,751	428	44	17	12	1,083	5,335
35	3,505	222	48	13	9	826	4,623
36	4,109	240	55	7	16	1,002	5,429
37	3,348	157	47	11	12	808	4,383
38	2,862	125	46	17	13	732	3,795
39	4,043	197	65	7	15	922	5,249
40	3,814	185	81	9	18	982	5,089
41	3,521	209	68	7	17	1,000	4,822
42	1,793	83	26	4	11	452	2,369
43	1,783	70	24	4	7	365	2,253
137	1,120	91	7	5	4	246	1,473
TOTALS	44,174	2,888	613	146	174	11,163	59,158

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	917	173	7	9	12	542	1,660
3	1,620	368	16	8	9	630	2,651
4	1,898	475	5	10	9	721	3,118
5	2,071	601	13	15	11	756	3,467
6	2,290	831	18	17	16	1,245	4,417
13	1,289	231	4	2	5	410	1,941
14	2,851	469	26	18	9	942	4,315
15	2,941	397	29	18	15	870	4,270
16	3,374	418	27	20	17	949	4,805
17	4,711	624	29	19	15	1,460	6,858
129	2,327	407	13	10	13	886	3,656
141	2,358	304	14	11	13	649	3,349
143	1,471	374	15	9	9	566	2,444
TOTALS	30,118	5,672	216	166	153	10,626	46,951

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,251	393	15	4	6	557	2,226
8	2,397	626	27	6	8	774	3,838
9	1,160	491	6	8	8	488	2,161
10	1,846	411	21	6	13	679	2,976
11	3,298	857	39	30	21	1,215	5,460
12	486	181	0	5	4	208	884
26	2,833	332	19	8	6	812	4,010
27	2,421	245	23	9	3	567	3,268
28	2,489	469	40	10	11	764	3,783
29	1,323	227	9	8	8	405	1,980
30	1,278	207	11	4	6	296	1,802
31	2,398	299	16	7	12	566	3,298
32	2,693	286	25	5	11	564	3,584
33	2,885	284	22	4	5	653	3,853
34	3,683	423	35	12	9	1,075	5,237
50	2,104	275	14	5	7	491	2,896
136	833	89	6	1	3	260	1,192
138	2,146	258	11	11	10	481	2,917
TOTALS	37,524	6,353	339	143	151	10,855	55,365

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,266	66	34	5	9	384	2,764
46	2,800	95	31	8	12	500	3,446
47	3,364	133	43	9	15	762	4,326
48	2,791	131	27	5	7	553	3,514
49	884	43	13	2	5	196	1,143
51	3,294	507	20	8	10	613	4,452
52	1,235	147	9	1	4	233	1,629
53	1,248	74	21	1	4	244	1,592
54	2,327	97	24	2	5	441	2,896
55	2,409	78	16	1	11	428	2,943
56	3,103	96	35	8	13	635	3,890
57	2,432	66	34	6	12	479	3,029
58	2,259	64	19	4	4	347	2,697
59	2,603	85	29	7	7	427	3,158
60	2,156	72	23	4	10	619	2,884
61	1,569	54	15	1	6	286	1,931
62	3,128	128	21	3	5	388	3,673
63	3,660	133	55	1	19	664	4,532
64	2,342	63	21	6	6	356	2,794
65	2,705	88	28	6	3	368	3,198
Totals	48,575	2,220	518	88	167	8,923	60,491

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,359	190	64	9	18	964	5,604
44	2,783	238	27	8	18	644	3,718
66	4,451	89	45	4	15	581	5,185
67	2,820	102	24	4	9	421	3,380
68	1,900	161	21	7	6	391	2,486
69	2,076	71	19	1	10	286	2,463
70	1,450	79	25	0	5	213	1,772
71	2,384	70	25	5	10	330	2,824
72	4,283	138	39	8	24	712	5,204
73	1,951	91	23	6	8	355	2,434
74	4,610	258	58	11	22	983	5,942
75	3,835	211	44	18	22	823	4,953
76	1,587	87	19	6	6	354	2,059
77	2,863	124	28	3	14	511	3,543
78	2,921	98	44	9	11	477	3,560
79	2,021	74	21	3	12	353	2,484
135	3,024	178	39	12	13	618	3,884
139	2,410	61	16	3	5	299	2,794
TOTALS	51,728	2,320	581	117	228	9,315	64,289

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,398	563	45	27	17	1,200	6,250
18	4,758	361	45	15	22	1,074	6,275
21	1,160	58	8	6	1	247	1,480
81	4,583	366	45	12	19	918	5,943
82	2,544	250	30	10	7	582	3,423
83	5,233	734	38	31	26	1,404	7,466
84	1,954	405	19	5	10	532	2,925
85	2,626	490	18	12	8	729	3,883
86	2,190	257	22	10	7	444	2,930
87	2,658	279	16	3	15	586	3,557
88	2,104	290	20	6	4	489	2,913
89	2,533	622	19	16	10	755	3,955
90	1,557	241	10	6	10	451	2,275
91	3,991	396	33	13	19	920	5,372
127	4,127	315	42	22	18	854	5,378
128	2,418	206	27	10	10	603	3,274
130	767	300	6	1	4	271	1,349
131	2,798	749	18	24	18	887	4,494
142	1,573	184	15	14	7	437	2,230
TOTALS	53,972	7,066	476	243	232	13,383	75,372

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,429	83	21	4	2	261	1,800
92	1,586	34	12	1	4	227	1,864
93	1,565	40	17	2	5	222	1,851
94	1,938	58	19	0	6	260	2,281
95	1,653	46	12	1	2	263	1,977
96	2,339	63	15	0	13	336	2,766
97	1,400	43	14	1	6	209	1,673
98	1,898	40	20	4	7	249	2,218
99	1,507	51	18	4	8	248	1,836
100	2,376	46	15	2	8	283	2,730
101	1,581	28	14	3	5	174	1,805
102	2,306	54	19	1	12	294	2,686
103	3,438	78	38	2	10	486	4,052
104	3,067	83	30	1	19	436	3,636
105	2,394	71	20	5	8	368	2,866
106	2,799	59	19	1	12	377	3,267
107	1,734	60	13	1	8	219	2,035
108	1,070	28	6	0	3	128	1,235
109	961	39	4	0	1	100	1,105
110	3,694	102	22	7	11	414	4,250
111	2,435	61	32	3	7	378	2,916
113	2,195	57	21	4	6	265	2,548
132	2,057	56	18	4	5	296	2,436
TOTALS	47,422	1,280	419	51	168	6,493	55,833

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of DECEMBER 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,209	62	17	1	10	315	2,614
114	3,463	131	33	4	21	569	4,221
115	2,814	65	25	5	9	603	3,521
116	4,125	98	43	5	14	633	4,918
117	2,088	49	20	2	10	344	2,513
118	2,739	78	30	3	13	409	3,272
119	2,695	110	28	2	11	451	3,297
120	1,894	35	14	2	3	234	2,182
121	3,383	77	28	3	5	464	3,960
122	1,787	46	23	0	9	241	2,106
123	2,324	162	25	11	20	387	2,929
124	2,594	69	23	1	8	364	3,059
125	4,464	107	37	3	15	703	5,329
126	3,822	130	46	6	15	712	4,731
133	1,293	43	8	0	1	177	1,522
134	2,197	50	25	1	6	296	2,575
140	1,847	58	9	1	6	264	2,185
TOTALS	45,738	1,370	434	50	176	7,166	54,934

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 11/30/2017 and 12/31/2017

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	359,063	29,144	3,590	1,001	1,433	77,700	471,931
Board of Elections Over the Counter	9	1	0	0	0	2	12
Board of Elections by Mail	29	5	0	0	0	6	40
Board of Elections Online Registration	66	3	2	1	1	12	85
Department of Motor Vehicle	1,011	136	10	0	16	344	1,517
Department of Disability Services	4	0	0	0	0	0	4
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	1	0	0	0	0	0	1
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	120	16	1	2	1	80	220
+Total New Registrations	1,236	161	13	3	18	443	1,871

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	166	14	3	0	1	36	220
Administrative Corrections	0	1	0	0	0	0	1
+TOTAL ACTIVATIONS	166	15	3	0	1	36	221

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	164	19	5	3	1	43	235
Moved Out of District (Deleted)	1	0	0	0	0	1	2
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	606	32	4	0	1	73	716
Administrative Corrections	518	69	4	2	1	116	710
-TOTAL DEACTIVATIONS	1,289	120	13	5	3	233	1,663

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	185	31	8	11	12	137
- Changed From Party	-110	-62	-5	-6	-12	-159
ENDING TOTALS	359,251	29,169	3,596	1,004	1,449	77,924

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC COMMENT PERIOD****Draft Spending Plan for Volkswagen Settlement Funds**

The District of Columbia (District) will receive \$8.125 million as a result of the civil enforcement case, *Volkswagen “Clean Diesel” Marketing, Sales, Practices, and Products Liability Litigation*. The settlement stems from Volkswagen’s (VW) use of a defeat device in its diesel vehicles, which allowed the vehicles to emit much higher levels of oxides of nitrogen (NOx) than allowed by the U.S. Environmental Protection Agency (EPA). The settlement funds are primarily intended to reduce NOx emissions from diesel vehicles.

To use the VW settlement funds, the District must develop a mitigation plan that describes how the District intends to use its allotted funds to offset the air quality impacts, primarily NOx pollution, that occurred due to the defeat devices on VW vehicles. Mayor Bowser selected the District’s Department of Energy and Environment (DOEE) to serve as the lead agency to coordinate the use of the District’s VW settlement funds. DOEE is asking for public input on the District’s Draft Spending Plan for Volkswagen Settlement Funds (“Draft Spending Plan”) and will consider the feedback in developing the final plan.

DOEE is soliciting input on this Draft Spending Plan from all interested parties. A person may obtain a copy of this Draft Spending Plan by any of the following means:

- **Download** from DOEE’s website, <https://doee.dc.gov/page/volkswagen-settlement>.
- **Email** a request to alexandra.catena@dc.gov with “RE: Draft Spending Plan” in the subject line.
- **Pick up a copy in person** from DOEE’s reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002.

Public Information Open House: Wednesday, February 21, from 5:30pm to 7:30pm at 4058 Minnesota Ave NE (Department of Employment Services Community Room #1), conveniently located next to the Minnesota Avenue Metro station on the Orange Line. The public can submit comments and provide input during the Open House.

The deadline for public comments is Monday, March 12, 2018 at 5:00pm. Input should be submitted via e-mail (preferred) or mail to the address below. Mail must be postmarked by **March 12, 2018 at 5:00pm.**

Email: alexandra.catena@dc.gov

Written Correspondence:

Department of Energy and Environment
Attn: Alexandra Catena, Environmental Protection Specialist
Air Quality Division
1200 First Street NE, Fifth Floor
Washington, DC 20002

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- Meeting space and catering services for Friendship Schools August 2018 Staff Convocation.
- Catering Services for Friendship Schools Campus actives and events
- Accommodations and Catering Services for Friendship Schools Campus leadership retreats and meetings

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement/>. Proposals are due no later than 4:00 P.M., EST, Friday, February 23, 2018. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT

Post-Issuance Compliance Services

Friendship PCS intends to enter into a sole source contract with BLX Group to provide Post Issuance Compliance Services. The estimated yearly cost is approximately \$35,000. The decision to sole source is based on BLX's familiarity with Friendship PCS's existing and expanding bond program and their expertise with the complex, technical and evolving nature of the post-issuance requirements for tax-exempt financing for non-profit issuers and conduit borrowers. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

Questions can be addressed to ProcurementInquiry@friendshipschools.org.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

HEALTH INFORMATION EXCHANGE POLICY BOARD

NOTICE OF 2018 MEETING SCHEDULE

The regular quarterly meetings of the DC Health Information Exchange Policy Board are held in open session in the months of April, July, and September. The following are dates and times for the regular quarterly meetings to be held in 2018. All meetings are held in the Main Street Conference Room (1028N - 10th floor) at 441 4th Street, NW unless otherwise indicated. Notice of a location of a meeting other than 441 4th Street, NW Room 1028N will be published on the DC HIE Policy Board's website (<https://dhcf.dc.gov/page/hie-policy-board>). A copy of the final agenda will be posted on the DC HIE Policy Board's website two business days prior to the meeting date, and notice of the meeting will be posted on the 10th floor of the 441 4th Street building the day of the meeting.

HIE Policy Board Meeting – April 2018

When: Thursday, April 26, 2018 3:00 – 5:00 PM

Where: DHCF 441 4th Street, NW Room 1028N

HIE Policy Board Meeting – July 2018

When: Thursday, July 19, 2018 3:00 – 5:00 PM

Where: DHCF 441 4th Street, NW Room 1028N

HIE Policy Board Meeting – September 2018

When: Thursday, September 20, 2018 3:00 – 5:00 PM

Where: DHCF 441 4th Street, NW Room 1028N

For more information, please contact:

Nina Jolani at Nina.Jolani@dc.gov or 202-478-1470

MONUMENT ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Executive Search Firm**

Seeking an Executive Search Firm to fill a senior level leadership position at Monument Academy Public Charter School. Monument Academy, located in Ward Six, will serve 160 students in the 5th through 8th grades in the upcoming school year. To request the full RFP, please reach out to Jeff McHugh at jeff.mchugh@mapcsdc.org. Responses are due by 5pm on 2/2/2018.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

LARUBY Z. MAY, BOARD CHAIR

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 9:00 a.m. on Friday, January 26, 2018. The meeting will be held at the United Medical Center, 1310 Southern Ave., SE, Washington, DC 20032 in Conference Rooms 2 and 3 on the ground floor. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. READING AND APPROVAL OF MINUTES**
December 13, 2017
- V. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY TRAINING**
 - A. Traci L. Hughes, Esq., Director, Board of Ethics and Government Accountability
- VI. CONSENT AGENDA**
 - A. Dr. Eric Li, Interim Chief Medical Officer
 - B. Dr. Mina Yacoub, Medical Chief of Staff
- VII. EXECUTIVE MANAGEMENT REPORT**
Luis Hernandez, Chief Executive Officer
- VIII. COMMITTEE REPORTS**
 - Patient Safety and Quality Committee
 - Finance Committee
- IX. PUBLIC COMMENT**

- X. OTHER BUSINESS
 - A. Old Business
 - B. New Business

- XI. ANNOUNCEMENTS

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

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

NOTICE OF FEE AMOUNT

The Deputy Mayor for Planning and Economic Development (Deputy Mayor), hereby gives notice of the fee for filing an application for a Certificate of Inclusionary Zoning Compliance, effective as of the date of publication of this notice in the *D.C. Register*.

This Notice of Fee Amount is issued pursuant to Section 2202.2 of the Inclusionary Zoning Implementation Regulations, published as an Emergency and Proposed Rulemaking in the *D.C. Register* at 64 DCR 35 on September 1, 2017

The application fee for a Certificate of Inclusionary Zoning Compliance shall be two hundred fifty dollars (\$250.00).

OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC
DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

FY18 Neighborhood Prosperity Fund (NPF)

The Deputy Mayor for Planning and Economic Development (DMPED) invites the submission of proposals for the **FY 18 Neighborhood Prosperity Fund (NPF)**. DMPED will award up to a maximum of **\$3 million**. The application deadline is **Friday, March 9, 2018** at 12:00p.m.

The Office of the Deputy Mayor for Planning and Economic Development welcome submissions directly connected this this goal. DMPED will fund projects to fill the gaps in non-residential components of a mixed used project, real estate, or retail development project in targeted census tracts where unemployment is 10% or greater. A map of these areas can be found at <http://arcg.is/OLz80>. **The grant provides necessary gap funding only for the commercial component of development projects.**

DMPED will award 1 or more grants for an aggregate total of \$3,000,000.00 million.

Awards will range between \$250,000.00 and \$750,000.00

Minimum application request is \$250,000.00

Eligibility

1. Projects must be within the boundaries of the Neighborhood Prosperity Fund (see map at <http://arcg.is/OLz80>)
2. Mixed-use residential proposed projects must include, at a minimum, an amount of Affordable Dwelling Units (ADUs) that are equivalent to and compliant with the Inclusionary Zoning provisions of the District of Columbia Zoning Regulations (11 DCMR §§ 2600 *et seq.* (2012)).
3. 50% of the tenants are identified and/or secured through letters of intent.
4. The project must be able to begin work on site on or before September 30, 2019.

Applicant examples include, but are not limited to:

- Retail Stores – clothing, jewelry, toys, electronics, hardware
- Cafes
- Grocery Stores
- Drugstores/Pharmacies
- Sit Down Restaurants
- Coffee Shops
- Medical offices (doctor, dentist, chiropractor)
- Professional office space

Preference given:

1. ***To commercial projects that include fresh-food access components.***
2. ***To ground floor retail space which will enhance the pedestrian and retail experience.***

Or as determined by DMPED

For additional eligibility requirements and exclusions, please review the Request for Applications (RFA) which will be posted at <https://dmped.dc.gov/service/grant-opportunities> by **Friday, February 2, 2018**.

Application Process: Interested applicants must submit electronically by **Friday, March 9, 2018** at 12:00 p.m. DMPED will not accept applications submitted after 12:00 p.m. Late submissions applications will not be forwarded to the review panel. Instructions and guidance regarding application preparation can be found in the RFA, which will be available at on **Friday, February 2, 2018**.

Award of Grants: DMPED will award 1 or more grants for an aggregate total of \$3 million.

For More Information: Check our website at <https://dmped.dc.gov/service/grant-opportunities>

Questions may be sent to LaToyia Hampton, Grants Administrator at the Deputy Mayor for Planning and Economic Development at latoyia.hampton@dc.gov or 202-724-8111.

Reservations: DMPED 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.

Government of the District of Columbia
Public Employee Relations Board

In the Matter of:
Washington Teachers' Union, Local # 6
American Federation of Teachers, AFL-CIO,
Complainant,
and
District of Columbia Public Schools,
Respondent.
PERB Case No. 14-U-02
Opinion No. 1642

DECISION AND ORDER

I. Introduction

On October 24, 2013, Washington Teachers' Union, Local #6 ("Union") filed this unfair labor practice complaint ("Complaint")¹ against District of Columbia Public Schools ("DCPS") alleging that DCPS violated the Comprehensive Merit Personnel Act of 1979 ("CMPA"), D.C. Official Code § 1-617.04(a)(1) and (5)², by failing to comply with a February 7, 2011 Arbitration Opinion and Award ("Award").³

The Union requests that the Board order DCPS to cease and desist from committing violations of the CMPA described in the Complaint, comply with the Award in all respects, and pay attorneys' fees and costs.⁴ The Union also requests the Board to order preliminary relief and "seek temporary relief or a restraining order from the Superior Court of the District of

1 The Complainant filed an amended unfair labor practice complaint on October 25, 2013, primarily to provide copies of the parties' collective bargaining agreement and the Award.

2 D.C. Official Code §§ 1-617.04(a)(1) and (5) provide as follows:

(a) The District, its agents, and representatives are prohibited from:

(1) Interfering, restraining, or coercing any employee in the exercise of the rights guaranteed by this subchapter;

...

(5) Refusing to bargain collectively in good faith with the exclusive representative.

3 Complaint at 1-2.

4 Complaint at 2-3.

Decision and Order
PERB Case No. 14-U-02
Page 2

Columbia,” requiring DCPS to take the previously mentioned action “pending a final determination by the Board.”⁵

DCPS filed an Answer on November 8, 2013, asserting that the Complaint was untimely filed, and that it had substantially complied with the Award.⁶ DCPS requested the Board to dismiss the Complaint.⁷

The matter was referred to a Hearing Examiner.⁸ Several hearings were held, and on March 15, 2017, the Hearing Examiner issued a Report of Findings and Recommendations (“Report”), recommending the Board find DCPS committed an unfair labor practice by failing to comply with the terms of the Award.⁹

On March 31, 2017, the Union filed Complainant’s Exceptions (“Union Exceptions”) and the Respondent filed Respondent’s Exceptions (“DCPS Exceptions”). On April 24, 2017, DCPS filed Respondent’s Opposition to Complainant’s Exceptions (“DCPS Opposition”). The same day, the Union filed Complainant’s Opposition to Respondent’s Exceptions (“Union Opposition”). The Hearing Examiner’s Report and the Parties’ exceptions are before the Board for disposition.

As explained herein, the Board concludes that DCPS violated section 1-617.04(a)(1) and (5) of the D.C. Official Code for failing to fully comply with the Arbitrator’s February 7, 2011 Award.

II. The Hearing Examiner’s Report and Recommendations

A. Factual Determinations

In July 2008, the Respondent notified approximately eighty (80) probationary teachers that, on the basis of input from their principals, their positions as teachers would be terminated on August 1, 2008.¹⁰ On August 15, 2008, the Union filed a class grievance on behalf of the probationary teachers.¹¹ DCPS denied the grievance, and the Union moved the matter to arbitration.¹² On February 7, 2011, the Arbitrator issued an Award that sustained the Union’s grievance and ordered the following remedy:

⁵ Complaint at 3.

⁶ Answer at 2-4.

⁷ Answer at 6.

⁸ Report at 1.

⁹ Report at 22.

¹⁰ Report at 1.

¹¹ Report at 1.

¹² Report at 1.

Decision and Order

PERB Case No. 14-U-02

Page 3

- (1) DCPS shall make a 60-day good faith effort to locate terminated teachers. It shall offer them reinstatement to an appropriate position, effective to the date of termination. All will be made whole, minus any appropriate deductions.
- (2) Teachers who accept reinstatement shall be returned to the probationary status they held prior to termination. The Employer may make a new determination, by means of an appropriate process, if a reinstated teacher should be continued or terminated.
- (3) Teachers who waive reinstatement shall have their records changed to show that they resigned.
- (4) Teachers who cannot be located, or do not respond within the 60-day window, shall have their records changed to show they resigned. No other action is required.¹³

On February 28, 2011, DCPS filed an arbitration review request, seeking review of the Arbitrator's Award.¹⁴

On March 1, 2011, DCPS issued a letter to affected probationary teachers, notifying them of the Award.¹⁵ In the letter, DCPS noted that it had appealed the Arbitrator's Award and did not believe that it was obligated to comply with the Arbitrator's decision while DCPS' appeal was pending before the Board.¹⁶ The letter also explained DCPS' "reconsideration process" for overturning their terminations.¹⁷ The record is not clear as to the number of letters that reached the addresses, or the number who responded.¹⁸ None of the affected probationary teachers were reinstated.¹⁹

On April 5, 2011, while DCPS' arbitration review request was still pending before PERB, the Union filed an unfair labor practice complaint, alleging that DCPS failed to comply with the Arbitrator's Award within the expressly stated 60-day time limit.²⁰ The Board later dismissed the complaint without prejudice because less than 60 days had passed since the issuance of the Award, and therefore, the matter was not ripe.²¹

On September 15, 2011, the Board denied DCPS' arbitration review request.²² On October 17, 2011, DCPS filed for review of the Board's decision with the D.C. Superior Court.²³

¹³ Report at 2-3.

¹⁴ Report at 3; *D.C. Pub. Sch. v. Washington Teachers' Union*, 59 D.C. Reg. 6772, Slip Op. No. 1130, PERB Case No. 11-A-04 (2014).

¹⁵ Report at 3.

¹⁶ Report at 3.

¹⁷ Report at 3-4.

¹⁸ Report at 4.

¹⁹ Report at 17.

²⁰ Report at 5.

²¹ Report at 3-4.

²² Report at 5; *D.C. Pub. Sch. v. Wash. Teachers' Union*, 59 D.C. Reg. 6772, Slip Op. No. 1130, PERB Case No. 11-A-04 (2014).

²³ Report at 5.

Decision and Order
PERB Case No. 14-U-02
Page 4

On April 3, 2013, the D.C. Superior Court denied DCPS' request to overturn the Board's decision.²⁴

On June 3, 2013, then-Union President Nathan Saunders wrote then-DCPS Chancellor Kaya Henderson, noting that the period for DCPS to appeal the Superior Court's decision had passed. In his letter, he wrote:

Therefore, please notify me, in writing, within ten (10) days after your receipt of this letter, whether and when DCPS will comply with the Award issued by Arbitrator Feigenbaum in this case. If DCPS does not respond within this time period, such failure to respond can and must be interpreted to mean that DCPS will not comply with Arbitrator Feigenbaum's Award. If, by the end of this ten (10) day time period, DCPS has not affirmatively informed the WTU that it will comply with Arbitrator Feigenbaum's Award and when it will do so, WTU will take whatever legal recourse is available to it to enforce Arbitrator Feigenbaum's Award.²⁵

Chancellor Henderson did not respond within the 10-day period. On June 19, 2013, President Saunders sent a follow-up email to Chancellor Henderson requesting an update. Chancellor Henderson responded on June 24, 2013, assuring that DCPS "intends to fully comply with, and in fact has already largely complied with, its legal obligations to the probationary teachers covered by [the Award]." In her letter, she stated:²⁶

In fact, the relief awarded was provided to the 64 covered teachers long ago. DCPS originally thought there were 74 affected probationary teachers but upon further investigation, we determined that 10 [of] those employees resigned before being terminated. On March 1, 2011, DCPS sent letters to all the affected probationary teacher[s] at their last known addresses in an attempt to locate them. You may recall that we confirmed those addresses with your staff prior to sending these letters by way of e-mails in February, 2011. Those that could not be located during the 60 days set forth in Paragraph Four of the award had their records changed to reflect that they resigned, as DCPS was directed to do in the award. Regarding such former employees, the award provided that no other action is required.

DCPS also complied with Paragraph Two of the award by providing each of the located probationary teachers with the narrative of the basis upon which the[y] were denied tenure and giving each one the opportunity to respond. Only 11 responded and 2 of these responses stated that the employees resigned prior to their termination. DCPS considered each of the remaining 9 responses carefully but determined that none were sufficient to refute the bases upon which tenure was denied. We informed these 9 remaining former employees of our final

²⁴ Report at 6.

²⁵ Report at 6.

²⁶ Report at 6.

Decision and Order
PERB Case No. 14-U-02
Page 5

decision on or about June 16, 2011. The arbitration award made it clear that DCPS, after giving the terminated probationary employees their opportunity, was free to terminate the teacher.²⁷

The parties concede that the Union received Chancellor Henderson's June 24, 2013 letter on June 26, 2013.²⁸ On October 24, 2013, the Union filed this Complaint—precisely 120 days after June 26, 2013.²⁹

On November 19, 2013, the Union filed a Motion for an Order Based on the Pleadings. On November 26, 2013, DCPS filed a Motion to Dismiss and Opposition to Union's Motion. On December 2, 2013, the Union filed Union's Opposition to DCPS Motion to Dismiss. In a Decision and Order in Slip Opinion 1452, the Board denied the motions and referred the Complaint to a hearing to develop a factual record.³⁰

A hearing was held on October 22, 2014; the Union did not appear.³¹ On December 1, 2014, the Hearing Examiner recommended that the Complaint be dismissed for failure to prosecute.³² PERB rejected the recommendation and referred the matter back to a hearing.³³

Additional hearings were held on March 25, August 4, and October 24, 2016.³⁴ The parties submitted post-hearing briefs.³⁵ On March 15, 2017, the Hearing Examiner issued a Report of Findings and Recommendations ("Report"). As stated previously, the parties submitted exceptions to the Hearing Examiner's Report as well as oppositions to the exceptions.

B. Hearing Examiner's Recommendations

The Hearing Examiner determined the issues for resolving the Union's allegations were the following:

1. Was the Complaint timely filed?
2. If the Complaint was timely filed, did the Respondent commit an unfair labor practice by failing to comply with the terms of the Award?
3. If the Respondent committed an unfair labor practice, what should be the remedy?³⁶

²⁷ Report at 6.

²⁸ Report at 7.

²⁹ PERB notes that under Rule 501.5, in computing any period of time prescribed by PERB Rules, the time begins to run the day after the event occurs. As such, the deadline for filing an unfair labor practice complaint in this case was Friday, October 25, 2013—120 days after Thursday, June 27, 2013.

³⁰ *Washington Teachers' Union, Local 6 v. D.C. Pub. Sch.*, 61 D.C. Reg. 2727, Slip Op. No. 1452 at 6, PERB Case No. 14-U-02 (2014).

³¹ Report at 1.

³² Report at 1.

³³ Report at 1.

³⁴ Report at 1.

³⁵ Report at 1.

³⁶ Report at 7.

Decision and Order
PERB Case No. 14-U-02
Page 6

Before the Hearing Examiner, the Union argued that the event that triggered the start of PERB's 120-day time limit for filing an unfair labor practice complaint, occurred on June 26, 2013, when the Union received DCPS' letter of June 24, 2013, stating that DCPS had "largely complied" with the remedies prescribed in the Award.³⁷ The Union argued that the June 24th letter was the only communication that it received from DCPS regarding the affected probationary teachers after DCPS had exhausted its legal challenges to the Award.³⁸ In the Union's view, DCPS' March 1, 2011 letter to affected teachers did not start the 120-day filing deadline, as the letter suggested that full compliance would occur after DCPS' judicial recourse was exhausted.³⁹ Similarly, the Union argued that DCPS' failure to respond to the Union's June 3, 2013 letter within the Union's 10-day deadline did not provide notice of DCPS' intentions.⁴⁰ The fact that the Union sent another letter on June 19, 2013 asking for an "update" indicated that the Union did not interpret DCPS' failure to respond as a clear and unambiguous statement.⁴¹

Conversely, DCPS argued that the Complaint was untimely. DCPS pointed to three dates on which the Union knew or should have known of DCPS' plans to comply with the Award. First, in DCPS' view, the Union knew or should have known no later than November 4, 2011, that the proper action was to file an enforcement petition, as advised by PERB in its Opinion and Award in Slip Opinion 1211.⁴² Second, DCPS argued that the Union knew on June 3, 2013, since DCPS had not filed an appeal of the Superior Court's April 3, 2013 denial of its Petition for Review of PERB's denial of the arbitration review request.⁴³ DCPS also points to June 13, 2013, the deadline set by the Union for DCPS to respond. In that letter, the Union stated that it would treat the failure by DCPS to submit a reply within 10 days as proof that DCPS did not intend to comply with the Award.⁴⁴

As to the merits, the Union's position was that DCPS committed unfair labor practices by failing to comply with the terms of the Arbitrator's Award. Specifically, the Union argued that DCPS failed to offer reinstatement and back pay to any of the affected teachers.⁴⁵ As a remedy, the Union asserted that the seventy-four affected teachers be offered reinstatement and made whole for lost wages and benefits between July 2008 and the present.⁴⁶ The Union believed that the most accurate list of teachers was the list of seventy-four teachers agreed to by the parties shortly after the issuance of the Award.⁴⁷ The Union rejected DCPS' attempt to exclude ten

³⁷ Report at 15.

³⁸ Report at 10.

³⁹ Report at 10.

⁴⁰ Report at 11.

⁴¹ Report at 11.

⁴² Report at 8.

⁴³ Report at 9.

⁴⁴ Report at 9.

⁴⁵ Report at 12.

⁴⁶ Report at 12.

⁴⁷ Report at 13.

Decision and Order
PERB Case No. 14-U-02
Page 7

teachers on the ground that they resigned before they were terminated.⁴⁸ The Union also requested attorney fees and costs and asked that PERB order DCPS to post a notice.⁴⁹

DCPS argued before the Hearing Examiner that even if the Complaint were timely, it failed on the merits. DCPS argued that it took action to cure its decision to separate probationary teachers by providing the teachers with narratives as to why they were terminated and giving teachers the opportunity to respond.⁵⁰ DCPS also asserted that it took reasonable steps to comply with Paragraph 1 of the Award—to locate the affected teachers.⁵¹ Additionally, DCPS noted that the Award allowed for the affected teachers to be terminated “by means of an appropriate process” without defining the process.⁵² DCPS also claimed that at least 15 of the affected teachers voluntarily resigned prior to being separated.⁵³ DCPS countered that the teachers who did not respond to its March 1, 2011 letter had their records changed to show that they resigned voluntarily, in compliance with the Award.⁵⁴ Further, in DCPS’ view, even if the Complaint is found to be valid, any relief granted should be limited to the approximately twelve (12) teachers who responded to the March 1, 2011 letter.⁵⁵ Finally, DCPS requested that the Complaint be dismissed in its entirety.⁵⁶

The Hearing Examiner’s conclusions and recommendations are discussed below in the order addressed in the Report.

(1) Was the Complaint timely filed?

The Hearing Examiner found that the Union’s cause of action arose on June 26, 2013, and that none of the earlier events pointed to by DCPS should be considered, given the procedural history of the case.⁵⁷ The Hearing Examiner determined that the Union’s June 24, 2013 letter, received on June 26, 2013, was “the first clear and unambiguous statement by DCPS that it would not be taking any additional remedial actions, such as awarding back pay to teachers, and this constitutes the first clear and unambiguous statement from the Respondent that it would not take any additional compliance actions.”⁵⁸ Therefore, finding that the Complaint was filed 120 days after the Union’s receipt of DCPS’ June 24, 2013 letter, the Hearing Examiner concluded that the instant Complaint was timely.⁵⁹

⁴⁸ Report at 13.

⁴⁹ Report at 13.

⁵⁰ Report at 13.

⁵¹ Report at 13.

⁵² Report at 14.

⁵³ Report at 14.

⁵⁴ Report at 14.

⁵⁵ Report at 14.

⁵⁶ Report at 15.

⁵⁷ Report at 15. The Hearing Examiner noted that at the hearing, DCPS conceded that the Union received its June 24, 2013 letter stating that it had “largely complied” with the Award on June 26, and that if it was determined that the receipt of this letter was the starting date for the 120-day rule, the Complaint, filed on October 24, 2013, was timely.

⁵⁸ Report at 17.

⁵⁹ Report at 17.

Decision and Order
PERB Case No. 14-U-02
Page 8

(2) Did DCPS commit an unfair labor practice by failing to make a 60-day good faith effort to locate terminated teachers?

The Hearing Examiner determined that DCPS made a good faith effort to contact the affected teachers as required by the Award.⁶⁰ The Hearing Examiner noted that the Award did not describe what would constitute “good faith effort” nor did the parties ask the Arbitrator for clarification of this matter.⁶¹ However, given that DCPS shared its list of last known contact information for the affected teachers with the Union before sending out the March 1, 2011 letter, the Hearing Examiner determined that DCPS made a good faith effort to contact affected teachers as required by the Award.⁶²

Although the Hearing Examiner determined that DCPS made a good faith effort to locate and contact the affected teachers, the Hearing Examiner found that the letter of March 1, 2011 that was sent to teachers did not conform to the requirements of the Award.⁶³ The Hearing Examiner concluded that DCPS’ statement: “[i]f . . . DCPS upholds your termination, you will remain separated from the school system, no changes will be made to your personnel records, and you will not be eligible for back pay,” did not reflect the terms of the Award.⁶⁴ Therefore, the Hearing Examiner found that the misinformation in DCPS’ March 1, 2011 letter constituted an unfair labor practice.⁶⁵

(3) Did DCPS commit an unfair labor practice by failing to make a new determination, by means of an appropriate process, if a reinstated teacher should be continued or terminated?

The Hearing Examiner noted that the Arbitrator did not prescribe the characteristics of an “appropriate process” and neither party sought clarification from the Arbitrator.⁶⁶ The Hearing Examiner also noted that the record shows that DCPS confirmed its initial decision to terminate all of the affected teachers who responded to the March 1, 2011 letter.⁶⁷ However, the record does not describe the process DCPS used to determine whether to terminate the affected teachers.⁶⁸ The Hearing Examiner opined that this issue should be resolved through the parties’ negotiated grievance procedure.⁶⁹

(4) Did DCPS commit an unfair labor practice by failing to offer affected teachers reinstatement to an appropriate position, effective to the date of termination, and to make them whole minus any appropriate deductions?

⁶⁰ Report at 17.

⁶¹ Report at 17.

⁶² Report at 17.

⁶³ Report at 18.

⁶⁴ Report at 19.

⁶⁵ Report at 19.

⁶⁶ Report at 17.

⁶⁷ Report at 17.

⁶⁸ Report at 17-18.

⁶⁹ Report at 18.

Decision and Order
PERB Case No. 14-U-02
Page 9

The Hearing Examiner found that the Award clearly and unambiguously states that affected teachers were to be “offered reinstatement to an appropriate position, effective to the date of termination” and to be made whole.⁷⁰ Despite this clear directive, the Hearing Examiner determined that DCPS interpreted this provision to mean that reinstatement and back pay would be provided only to those teachers who it determined, upon application of an appropriate process should be retained.⁷¹ Further, the Hearing Examiner noted that DCPS’ interpretation of the directive contradicted the interpretation of the Award’s requirement for back pay that DCPS gave PERB. DCPS told PERB that payments to the affected teachers would constitute windfalls for teachers whose services would not be retained after a new review.⁷² The Hearing Examiner determined DCPS’ refusal here was a clear violation of the Award.⁷³ The Hearing Examiner found the Award ordered that only after the affected teacher was reinstated and made whole should a determination be made as to whether the teacher should be retained.⁷⁴ Accordingly, the Hearing Examiner determined that DCPS’ failure to comply with the reinstatement and back pay provisions was not based on a “genuine disagreement” over the Award’s terms and therefore constituted an unfair labor practice.⁷⁵

(5) Did DCPS commit an unfair labor practice by failing to change the records of teachers who waved reinstatement, could not be located, or did not respond, to show that they resigned?

The Hearing Examiner found that the record indicates that DCPS complied with the requirement that teachers who did not respond to the March 1, 2011 letter have their records changed to show that they resigned voluntarily.⁷⁶ However, the Hearing Examiner noted that some teachers may have been deterred from responding to the letter because of the misleading information therein.⁷⁷

The Hearing Examiner stated at the hearing that DCPS provided letters from 12 teachers who it said had already submitted letters of resignation prior to being terminated.⁷⁸ DCPS argued that those 12 teachers should not be considered among the affected teachers to be reinstated with back pay.⁷⁹ However, the Hearing Examiner remarked that the Arbitrator did not identify any of the affected teachers by name and found that a determination of the particular teachers covered by the original grievance could not be made from the factual record at hand.⁸⁰ Further, the arbitrator determined that resolving the list of grievants is not relevant to the issue here.⁸¹ As

⁷⁰ Report at 18.

⁷¹ Report at 18.

⁷² Report at 18.

⁷³ Report at 18.

⁷⁴ Report at 18.

⁷⁵ Report at 18.

⁷⁶ Report at 19.

⁷⁷ Report at 19-20.

⁷⁸ Report at 20.

⁷⁹ Report at 20.

⁸⁰ Report at 20.

⁸¹ Report at 20.

Decision and Order
PERB Case No. 14-U-02
Page 10

such, the Hearing Examiner found that this issue is best resolved between the parties or during another grievance proceeding.⁸²

(6) What should be the appropriate remedy?

The Hearing Examiner, finding that DCPS failed to fully comply with the terms of the Arbitrator's Award, recommended an award of back pay under the Federal Back Pay Act.⁸³ The Hearing Examiner reasoned that the Arbitrator in the underlying grievance determined that the teachers were improperly terminated, resulting in loss of pay, and awarded back pay.⁸⁴

The Hearing Examiner also recommended DCPS send a new letter to all teachers covered by the original grievance to make it clear that:

- (1) All covered teachers are entitled to reinstatement and back pay from the date of termination until April 8, 2011;
- (2) Teachers who waive reinstatement will receive back pay from the date of their original termination until April 8, 2011 and that their records will be changed to show voluntary resignation;
- (3) A teacher who wishes to submit a refutation of his or her principal's recommendation for termination may do it; and if, upon review through an appropriate process, DCPS reverses the termination, the teacher will be reinstated with back pay from the date of the original termination; if DCPS upholds the termination, the teacher may file a new grievance with any questions concerning back pay beyond the end of the Award's compliance period determined through that process; and
- (4) Teachers who cannot be located will have their records changed to show he or she voluntarily resigned.⁸⁵

The Hearing Examiner also awarded reasonable costs, pursuant to section 1-617.13 of the D.C. Official Code in light of DCPS' "refusal to honor the clear and unambiguous terms of the Award."⁸⁶ Finally, The Hearing Examiner recommended that the Board order DCPS to post a notice acknowledging commission of an unfair labor practice.⁸⁷

III. Parties' Exceptions and Oppositions to the Exceptions

Both parties filed exceptions. DCPS filed its Exceptions on March 31, 2017. First, as it asserted before the Hearing Examiner, DCPS argued that the Complaint was untimely.⁸⁸ DCPS argued that the Hearing Examiner failed to consider PERB precedent that the 120-day time

⁸² Report at 20.

⁸³ Report at 20.

⁸⁴ Report at 20.

⁸⁵ Report at 21.

⁸⁶ Report at 20-21.

⁸⁷ Report at 21.

⁸⁸ DCPS Exceptions at 6.

Decision and Order

PERB Case No. 14-U-02

Page 11

period for filing a complaint is “mandatory and jurisdictional.”⁸⁹ Additionally, DCPS asserted that the Hearing Examiner incorrectly denied its oral Motion for Directed Verdict.⁹⁰ DCPS again argued that the Hearing Examiner’s finding that June 3, 2013, was not the starting date for calculating PERB’s 120-day deadline for filing a complaint was not supported by the evidence.⁹¹ Second, DCPS asserted that the Report contained several factual errors and contradictions.⁹² DCPS contended that the Report was not clear as to whether DCPS made a good faith effort to contact affected teachers as the Award required.⁹³ DCPS also argued that the record does not support the Hearing Examiner’s statement that “[t]he record does not clearly state how many teachers . . . refutations [to the narratives they received].”⁹⁴ DCPS also stated its disagreement with the Hearing Examiner’s recommendation that the “appropriate process” of determining whether a teacher should be reinstated is subject to the Parties’ grievance procedure.⁹⁵ Finally, DCPS noted that the Hearing Examiner’s finding that the Complaint was timely “works a grave injustice on DCPS.”⁹⁶ DCPS requested the Board to dismiss the Complaint as untimely, or remand the decision to the Hearing Examiner.⁹⁷ In the alternative, DCPS requested the Board to order additional briefing.⁹⁸

The Union filed its Exceptions on March 31, 2017. The entirety of the Union’s Exceptions requested the Board to modify the Hearing Examiner’s proposed remedy. First, the Union argued that PERB should not adopt the Hearing Examiner’s recommendation that teachers receive back pay until April 8, 2011, as the proposed remedy does not satisfy the original Arbitration Award.⁹⁹ The Union argued that this proposed remedy should continue until the present since DCPS did not comply with the Award’s directive to offer affected teachers reinstatement in 2011.¹⁰⁰ The Union argued that under well-established principles of law, the remedy should presume that the teachers would have continued employment after April 2011.¹⁰¹ Thus, back pay should be owed for the entire period between termination and reinstatement.¹⁰² Further, the Union asserted that the proscribed process for awarding post-2011 back pay was inadequate to the teachers and cumbersome to DCPS.¹⁰³ Next, the Union contended that PERB should order the teachers to be immediately reinstated.¹⁰⁴ The Union argued that under the proposed remedy, affected teachers were not ordered to be reinstated unless and until they

⁸⁹ DCPS Exceptions at 6 (*citing Johnson v. D.C. Pub. Sch. and Teamsters Local Union No. 639*, 61 D.C. Reg. 7280, Slip Op. No. 1472 at 3, PERB Case No. 07-U-07 (2014)).

⁹⁰ DCPS Exceptions at 6-7.

⁹¹ DCPS Exceptions at 6-7.

⁹² DCPS Exceptions at 8-9.

⁹³ DCPS Exceptions at 8.

⁹⁴ DCPS Exceptions at 9.

⁹⁵ DCPS Exceptions at 9.

⁹⁶ DCPS Exceptions at 9-10.

⁹⁷ DCPS Exceptions at 10.

⁹⁸ DCPS Exceptions at 10.

⁹⁹ Union Exceptions at 4-5.

¹⁰⁰ Union Exceptions at 5.

¹⁰¹ Union Exceptions at 6-7.

¹⁰² Union Exceptions at 7.

¹⁰³ Union Exceptions at 8-9.

¹⁰⁴ Union Exceptions at 9.

Decision and Order
PERB Case No. 14-U-02
Page 12

prevailed in the application and arbitration process.¹⁰⁵ The Union asserted that this proposed remedy does not comply with the Award's directive to reinstate teachers.¹⁰⁶ The Union also requested that the Board strengthen procedures for finding affected teachers by giving the Union the right to participate in the search and provide additional measures for locating teachers and provide six months to locate teachers.¹⁰⁷ Additionally, the Union asked the Board to clarify that the remedy includes benefits and interest.¹⁰⁸ The Union also requested the Board retain jurisdiction to resolve any disputes regarding the teachers that have allegedly retired.¹⁰⁹ Finally, the Union requested PERB to award attorneys' fees.¹¹⁰

DCPS filed its Opposition to the Union's Exceptions on April 24, 2017. The entirety of DCPS' Opposition countered the Union's argument that the Hearing Examiner's proposed remedy should be modified.

The Union also filed its Opposition to DCPS' Exceptions on April 24, 2017. The Union noted that it is undisputed that DCPS committed an unfair labor practice.¹¹¹ The Union asserted that since DCPS did not challenge in its exceptions the Hearing Examiner's finding that DCPS committed an unfair labor practice by failing to offer reinstatement and back pay, DCPS is deemed to have conceded that it committed an unfair labor practice.¹¹² The Union also reiterated its position that its Complaint is timely.¹¹³ Lastly, the Union countered DCPS' arguments regarding procedural irregularities and contradictions in the Hearing Examiner's Report.¹¹⁴

IV. Discussion

The Board will affirm a hearing examiner's findings and recommendations when they are reasonable, supported by the record, and consistent with Board precedent.¹¹⁵

In its Exceptions, DCPS did not dispute the factual allegations raised in the Complaint concerning its not fully complying with the Arbitrator's Award. Nor did DCPS dispute the Hearing Examiner's finding that it committed an unfair labor practice for not fully complying with the Award. Rather, DCPS primarily asserted that the Complaint is untimely. DCPS also took issue with what it alleged were several factual errors and contradictions in the Report. The Union requested the Board to modify the Hearing Examiner's proposed remedy.

¹⁰⁵ Union Exceptions at 9.

¹⁰⁶ Union Exceptions at 9.

¹⁰⁷ Union Exceptions 10-11.

¹⁰⁸ Union Exceptions at 11-12.

¹⁰⁹ Union Exceptions at 12.

¹¹⁰ Union Excpetions at 13.

¹¹¹ Union Opposition at 7.

¹¹² Union Opposition at 7.

¹¹³ Union Opposition at 8-18.

¹¹⁴ Union Opposition at 18-

¹¹⁵ *Am. Fed'n of Gov't Emp., Local 872 v. D.C. Water and Sewer Auth.*, 52 D.C. Reg. 2474, Slip Op.. 702, PERB Case No. 00-U-12 (2003).

Decision and Order
PERB Case No. 14-U-02
Page 13

A. The Board adopts that Hearing Examiner's finding that the Complaint was filed timely.

The Board concludes that the Complaint was timely filed. The Board agrees with the Hearing Examiner's determination that the Union's cause of action arose on June 26, 2013, when it received DCPS' letter indicating that DCPS had not fully complied with the Arbitrator's Award.¹¹⁶ The Board also agrees with the Hearing Examiner dismissing DCPS' argument that the cause of action arose on June 13, 2013, when the 10-day deadline the Union gave to DCPS was reached.¹¹⁷ As the Hearing Examiner noted, the 10-day deadline given by the Union is not based on statutory or contractual requirements.¹¹⁸ In the present case, the Hearing Examiner's analysis is consistent with the PERB precedent. The Board has held under PERB Rule 520.4, the deadline date for filing a complaint is 120 days after the date the Complainant knew or should have known of the event giving rise to complaint allegations.¹¹⁹ Here, the Complaint was filed within 120 days of June 26, 2013. Moreover, the Board has held that it will affirm a Hearing Examiner's recommendation if it finds that, upon review of the record, that the Hearing Examiner's analysis, reasoning and conclusions are reasonable, supported by the record, and consistent with Board precedent.¹²⁰ The Board finds the Hearing Examiner's findings and conclusions to be reasonable, supported by the record and consistent with Board precedent; therefore, DCPS' Exceptions in regards to the issue of timeliness are denied.

B. The Board adopts the Hearing Examiner's finding that DCPS committed unfair labor practices by communicating misinformation to terminated teachers in its letter of March 1, 2011.

The Board agrees with the Hearing Examiner's finding that DCPS made a good faith effort to contact the affected teachers as required by the Award.¹²¹ The Board finds no merit to DCPS' contention that the Report was not clear as to whether DCPS made a good faith effort to contact affected teachers.¹²² The Board also finds no merit to DCPS' complaint that the Hearing Examiner noted that the record does not clearly state how many teachers responded to its letter. The question of how many teachers responded is immaterial to the Hearing Examiner's findings and conclusions.

The Board also adopts the Hearing Examiner's finding that DCPS committed unfair labor practices by communicating misinformation to terminated teachers. The record supports the Hearing Examiner's conclusion that the letter of March 1, 2011 that was sent to teachers did not conform to the requirements of the Award.¹²³ Consistent with the Arbitrator's Award, teachers

¹¹⁶ Report at 15.

¹¹⁷ Report at 16.

¹¹⁸ Report at 16.

¹¹⁹ *Wash. Teachers' Union Local 6 v. D.C. Pub. Sch.*, 61 D.C. Reg. 2727, Slip Op. No. 1452 at 2, PERB Case No. 14-U-02 (2014).

¹²⁰ *Am. Fed'n of Gov't Emp., Local 872 v. D.C. Water and Sewer Auth.*, 52 D.C. Reg. 2474, Slip Op. 702, PERB Case No. 00-U-12 (2003).

¹²¹ Report at 17.

¹²² DCPS Exceptions at 8.

¹²³ Report at 18.

Decision and Order
PERB Case No. 14-U-02
Page 14

that waive reinstatement are still entitled to back pay.¹²⁴ Therefore, the Board finds that the Hearing Examiner's conclusion that DCPS communicated misinformation to terminated teachers and thereby violated section 1-617.04(a)(1) and (5) of the D.C. Official Code was reasonable, supported by the record, and consistent with Board precedent.

- C. The Board adopts the Hearing Examiner's finding that the issue of whether DCPS failed to make a new determination, by means of an appropriate process, if a reinstated teacher should be continued or terminated, should be resolved through the parties negotiated grievance process.

After reviewing the record, the Board adopts that Hearing Examiner's finding of fact on this issue. The issue of DCPS' contractual obligations in deciding whether to reinstate teachers is not within the jurisdiction of the Board.

In determining a violation, the Board has always made a distinction between obligations that are statutorily imposed under the CMPA and those obligations that are contractually agreed-upon between the parties.¹²⁵ The Board has concluded that it lacks jurisdiction over alleged violations that are strictly contractual in nature.¹²⁶ In the present case, the Hearing Examiner noted that the parties did not ask the Arbitrator for clarification regarding the characteristics of an "appropriate process" for determining whether to reinstate teachers.¹²⁷ Further, this issue does not involve obligations which are statutory in nature. Therefore, relief is not found within the Board's authority.

The Board has reviewed the findings, conclusions, and recommendations of the Hearing Examiner and finds them to be reasonable, persuasive and supported by the record. The Board hereby adopts the Hearing Examiner's conclusion that DCPS' contractual obligations in deciding whether to reinstate teachers is not within the jurisdiction of the Board.

- D. The Board adopts the Hearing Examiner's finding that DCPS committed an unfair labor practice for failing to reinstate affected teachers and award back pay.

There is no dispute that DCPS has failed to reinstate or award back pay to any affected teachers. As the Hearing Examiner noted, the Award clearly and unambiguously stated that affected teachers were to be "offered reinstatement to an appropriate position, effective to the date of termination" and be made whole.¹²⁸ The Board adopts that the Hearing Examiner's finding that DCPS' failure to reinstate teachers and award back pay was a violation of section 1-

¹²⁴ Report at 2.

¹²⁵ *Fraternal Order of Police/Metro. Police Dep't/Labor Comm. v. Metro. Police Dep't*, 60 D.C. Reg. 5337, Slip Op. No. 1374 at 8, PERB Case No. 06-U-41 (2013).

¹²⁶ *Id.*

¹²⁷ Report at 17.

¹²⁸ Report at 18.

Decision and Order
PERB Case No. 14-U-02
Page 15

617.04(a)(1) and (5) of the D.C. Official Code. The Hearing Examiner's finding was reasonable, supported by the record, and consistent with Board precedent.

E. The Board adopts the Hearing Examiner's proposed remedy to the extent that it adequately addressed the remedies provided in the Arbitrator's Award.

The Board adopts the Hearing Examiner's conclusion that DCPS failed to offer reinstatement and back pay to any affected teachers and that DCPS' failure to comply with the terms of the Award is not based upon a genuine dispute over the terms of the Award. The parties do not dispute that DCPS has failed to comply with the Award by reinstating affected teachers or awarding back pay in their Exceptions. Under these facts, it is apparent that this conduct constitutes a violation of DCPS' duty to bargain in good faith under section 1-617.04(a)(5), and derivatively, interferes with bargaining unit employees' rights in violation of section 1-617.04(a)(1) of the D.C. Official Code.

Under section 1-617.13(a) of the D.C. Official Code, the Board may order a party to "reinstatement, with or without back pay, or otherwise make whole, the employment or tenure of any employee, who the Board finds has suffered adverse economic effects in violation of this subchapter." The Board will order DCPS to desist from violations of the CMPA and to comply with the Award by reinstating the affected teachers to the positions they held as of the date of their discharge. Consistent with the Arbitrator's Award, once the teachers have accepted reinstatement, DCPS is permitted to make a determination, by means of an appropriate process, if reinstated teachers should be terminated. In order to make the affected teachers whole from DCPS' unlawful refusal to promptly implement the terms of the Arbitration Award with which it had no genuine dispute, the affected teachers are awarded back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of termination until April 8, 2011, the end of the Award's compliance period.¹²⁹

Consistent with the Award, teachers who waive reinstatement shall have their records changed to show that they voluntarily resigned. The Board will also award the teachers back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of termination until April 8, 2011, the end of the Award's compliance period.

The Board adopts the Hearing Examiner's recommendation to award costs, based on DCPS' "refusal to honor the clear and unambiguous terms of the Award."¹³⁰ Under section 1-617.13 of the D.C. Official Code, the Board has the authority to award the payment of costs. The Board finds that the Hearing Examiner's conclusion is reasonable, supported by the record, and consistent with Board precedent. Therefore, DCPS is ordered to pay reasonable costs to the Union.

The Board also adopts that Hearing Examiner's recommendation that DCPS should send a new letter to all teachers covered by the original grievance, in part. The letter should include

¹²⁹ April 8, 2011 is 60 days after the Arbitrator's Award was issued on February 8, 2011.

¹³⁰ Report at 20-21.

Decision and Order
PERB Case No. 14-U-02
Page 16

the proposed remedies in the Hearing Examiner's Report with the exception of the following statement:

“A teacher who wishes to submit a refutation of his or her principal's recommendation for termination may do it; if, upon review through an appropriate process, DCPS reverses the termination, the teacher will be reinstated with back pay from the date of the original termination; if DCPS upholds the termination, the teacher may file a new grievance with any questions concerning back pay beyond the end of the Award's compliance period determined through that process.”¹³¹

The Board adopts the Hearing Examiner's recommendation that for any teacher who cannot be located or who does not respond to the new letter, his or her records should be changed to show that he or she voluntarily resigned.

In light of the violations discussed, the Board adopts the Hearing Examiner's recommended remedy that DCPS post a notice acknowledging its violations of the CMPA found that the relief afforded. The Board has recognized that “when a violation is found, the Board's order is intended to have therapeutic as well as remedial effect. Moreover, the overriding purpose and policy of relief afforded under the CMPA for unfair labor practices, is the protection of rights and obligations.”¹³² Therefore, the Board adopts this remedy as consistent with Board precedent.

Concerning the Union's request for attorney fees in its Exceptions, the Board has held that section 1-617.13 of the D.C. Official Code does not authorize it to award attorney fees.¹³³ Therefore, the Union's request for attorney fees is denied. The Union's request for Preliminary Relief is rendered moot by issuance of the Board's Decision and Order.

V. Conclusion

The Board has reviewed the findings, conclusions, and recommendations of the Hearing Examiner, and concludes that DCPS violated section 1-617.04(a)(1) and (5) of the D.C. Official Code for failing to fully comply with the Arbitrator's February 7, 2011 Award.

¹³¹ Report at 21.

¹³² *Nat'l Ass'n of Gov't Emp., Local R3-06 v. D.C. Water & Sewer Auth.*, 47 D.C. Reg. 7551, Slip Op. No. No. 635 at 15-16, PERB Case No. 99-U-04 (2000).

¹³³ *Wash. Teachers' Union, Local #6, Am. Fed'n of Teachers v. D.C. Pub. Sch.*, Slip Op. No. No. 848 at 4, PERB Case No. 05-U-18 (2006).

Decision and Order
PERB Case No. 14-U-02
Page 17

ORDER

IT IS HEREBY ORDERED THAT:

1. District of Columbia Public Schools (“DCPS”) shall cease and desist from refusing to bargain in good faith with the Washington Teachers’ Union, Local #6 (“Union”) by failing to fully comply with the terms of the February 7, 2011 Arbitration Award.
2. DCPS shall reimburse the Union for reasonable costs associated with PERB Case No. 14-U-02, within fourteen (14) days from the issuance of this Decision and Order.
3. DCPS shall, within fourteen (14) days from the issuance of this Decision and Order, reinstate the affected probationary teachers to the positions they held as of the date of their discharge. Once the teachers have accepted reinstatement, DCPS is permitted to make a determination, by means of an appropriate process, if reinstated teachers should continue to be terminated. DCPS shall pay the affected teachers back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of termination until April 8, 2011, the end of the Award’s compliance period.
4. DCPS shall change the records of teachers who waive reinstatement to show that they resigned. DCPS shall pay the teachers back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of termination until April 8, 2011, the end of the Award’s compliance period.
5. DCPS shall within fourteen (14) days from the issuance of this Decision and Order send a new letter to affected teachers consistent with this Order.
6. DCPS shall change the records of teachers who cannot be located or do not respond to the new letter to show that he or she voluntarily resigned.
7. DCPS shall conspicuously post where notices to employees are normally posed a notice that the Board will furnish DCPS. The notice shall be posted within fourteen (14) days from DCPS’ receipt of the notice and shall remain posted for thirty (30) consecutive days.
8. Within fourteen (14) days from the receipt of this notice, DCPS shall notify the Public Employee Relations Board in writing that the notice is posted.
9. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

Decision and Order
PERB Case No. 14-U-02
Page 18

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Members Mary Anne Gibbons, Barbra Somson, and Douglas Warshof.

October 19, 2017

Washington, D.C.

Decision and Order
PERB Case No. 14-U-02
Page 19



GOVERNMENT OF
THE DISTRICT OF
COLUMBIA

1100 4th Street SW
Suite E630
Washington, D.C. 20024
Business: (202) 727-1822
Fax: (202) 727-9116
Email: perb@dc.gov



NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1642, PERB CASE NO. 14-U-02, (October 19, 2017).

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law in the manners alleged in PERB Case No. 14-U-02, and has ordered DCPS to post this Notice.

WE WILL cease and desist from violating D.C. Official Code §§ 1-617.04(a)(1) and (5) in the manners stated in Slip Opinion No. 1642, PERB Case No. 14-U-02.

WE WILL reimburse the Union for reasonable costs associated with Slip Opinion No. 1642, PERB Case No. 14-U-02, within fourteen (14) days from the issuance of Slip Opinion No. 1642, PERB Case No. 14-U-02.

WE WILL, within fourteen (14) days from the issuance of Slip Opinion No. 1642, PERB Case No. 14-U-02, reinstate the affected probationary teachers to the positions they held as of the date of their discharge. Once the teachers have accepted reinstatement, we will make a determination, by means of an appropriate process, if reinstated teachers should continue to be terminated. We will pay the affected teachers back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of termination until April 8, 2011, the end of the Arbitration Award’s compliance period.

WE WILL change the records of teachers who waive reinstatement to show that they voluntarily resigned. We will pay back pay, with prejudgment interest computed at a rate of 4% per annum, from the date of termination until April 8, 2011, the end of the Arbitration Award’s compliance period.

WE WILL within fourteen (14) days from the issuance of Slip Opinion No. 1642, PERB Case No. 14-U-02 send a new letter to affected teachers consistent with Slip Opinion No. 1642, PERB Case No. 14-U-02.

WE WILL change the records of teachers who cannot be located or do not respond to the new letter to show that they voluntarily resigned.

Department of Public Schools

Date: _____ By: _____

Decision and Order
PERB Case No. 14-U-02
Page 20

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or DCPS' compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board by U.S. Mail at 1100 4th Street, SW, Suite E630; Washington, D.C. 20024, or by phone at (202) 727-1822.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

October 19, 2017

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-U-02, Opinion No. 1642 was sent by File and ServeXpress to the following parties on this the 30th day of October, 2017.

Lee W. Jackson, Esq.
James & Hoffman, P.C.
1130 Connecticut Avenue, NW, Suite 950
Washington, DC 20036

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

/s/ Sheryl Harrington
Administrative Assistant

DC MAYOR'S OFFICE ON RELIGIOUS AFFAIRS**MAYOR'S INTERFAITH COUNCIL
NOTICE OF REGULAR MEETING**

The DC Mayor's Interfaith Council will be holding a meeting on January 25, 2018 at 10:00 am.

The meeting will be held at the Howard University School of Divinity (HUSD) 2900 Van Ness Street NW, Holy Cross Hall, Room 108, Washington, DC 20008. The location is closest to the Van Ness-UDC Station metro station on the red line of the Metro. All commission meetings are open to the public.

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

If you have any questions about the commission or its meetings, please contact religious.affairs@dc.gov.

DRAFT AGENDA

- | | | |
|-------|---|--------------------------------|
| I. | Call to Order/Opening Prayer | MIC Member |
| II. | Introductions | |
| III. | Welcome and Opening Remarks | Dr. Keith Byrd, Sr., MIC Chair |
| IV. | Establishment Quorum | |
| V. | Approval of Agenda | |
| VI. | Approval of Minutes From Previous Meeting | |
| VII. | Mayor's Office of Religious Affairs Update
MORA Director | Rev. Thomas L. Bowen, |
| VIII. | Action Items | |
| IX. | Other Business | |
| X. | Closing Remarks | Dr. Byrd |
| XI. | Adjournment | |
| XII. | Closing Prayer | MIC Member |

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 February 15, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on January 19, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

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

Effective: February 15, 2018

Page 2

Addarich	Keren	Department of Justice, Tax Division 555 4th Street, NW	20001
Andrechak	Rebecca	Institute of Scrap Recycling Industries, Inc 1250 H Street, NW, Suite 400	20005
Armentrout	Amy C.	Self 3896 Porter Street, NW, Apartment D340	20016
Arrington	Kimberly Ann	Better Markets, Inc 1825 K Street, NW, Suite 1080	20006
Baksys	Kenneth	National Gallery of Art 601 Pennsylvania Avenue, NW (South) Suite 300	20004
Barker	William DeWitt	Omni Land Settlement Corporation 2233 Wisconsin Avenue, NW, Suite 232	20007
Barnes	Carmen E.	Self 1442 Somerset Place, NW, Apartment A-3	20011
Berry	Corey R.	DOLFCU 200 Constitution Avenue, NW, Suite S3220	20210
Bieber	Robert	Wilkinson Barker Knauer, LLP 1800 M Street, NW	20036
Bikoy	Jules Marie	H & R Block 1555 Maryland Avenue, NE	20024
Braun	Paul M.	Merit Systems Protection Board (MSPB) 1615 M Street, NW, Suite 500	20419
Bryson	Darla	BDC & Associates, Inc 1325 G Street, NW, Suite 500	20005
Butler	Dollrinia	Self 1951 3rd Street, NW	20001
Byrd	Trina	Self 440 Delafield Place, NW	20011
Cary	Cassandra D.	The University Club of Washington, DC 1135 16th Street, NW	20036

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

Effective: February 15, 2018
Page 3

Casey	Sha'meka	United States Department of Agriculture 1400 Independence Avenue, SW	20250
Chavez- Guerrero	Edith M.	Property Group Partners 100 F Street, NE	20002
Church	Melinda	Department of Energy & Environment (DOEE) 1200 First Street, NE	20001
Cooper	Adreanne	Self 3640 11th Street, NW	20010
Cottle	Jeremiah	United Sates Secret Service 245 Murray Lane, SW, Bldg. T-5	20223
Curry	Samantha	Department of Commerce Federal Credit Union 1401 Constitution Avenue, NW, Room B0038A	20230
Davis	Mark Sidney	Self 6727 13th Place, NW	20012
Davis	Marlo L.	Manna, Inc 828 Evarts Street, NE	20018
Davis	Marshall	Smithsonian Institution 1000 Jefferson Drive, SW	20560
Davis Jr.	Lord Senon	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Dickson	Debra L.	National Capital Planning Commission 401 9th Street, NW, Suite 500	20004
Dodgen	Timothy J.	City National Bank 1875 Connecticut Avenue, NW, 10th Floor	20009
Dutto Piaggio	Martin	Smithsonian Institution 1000 Jefferson Drive, SW	20560
Elsalawi	Wafaa E.	SunTrust Bank 1800 Columbia Road, NW	20009

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

Effective: February 15, 2018

Page 4

Escobar	Ana E.	State Farm Insurance 2639 Connecticut Avenue, NW, Suite C110	20008
Estrada Polanco	Jennifer J.	Tabard Inn Corporation 1739 N Street, NW	20036
Fernandes	Janet	National Association of Attorneys General 1850 M Street, NW, 12th Floor	20036
Fischer	Esther	Weidenfeld Law Firm 888 17th Street, NW, Suite1250	20006
Fransman	Yolande	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Frost	Christina M.	RuyakCherian, LLP 1700 K Street, NW, Suite 810	20006
Garcia	Michelle	Wells Fargo 3325 14th Street, NW	20010
Garner	Tyeisha	Self 1273 Brentwood Road, NE, Apartment 2	20018
German	Alcedo	Self 3322 Military Road, NW	20015
Gilbert-Toelle	Kimberly	Brennan Title Company 5100 Wisconsin Avenue, NW, Suite 515	20016
Gouch	Jeffrie L.	District of Columbia Housing Authority 1133 North Capitol Street, NE	20002
Hamm	Lance	Self (Dual) 600 H Street, NE, Apt. #249	20020
Harrell	Omyni Verna	Department of Veteran Affairs 425 I Street, NW	20014
Haynes	Stephen Daniel	Self 119 New York Avenue, NW	20001
Hazel	Pauline	Self (Dual) 702 Geranium Street, NW	20012

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

Effective: February 15, 2018

Page 5

Hernandez	Maria Delcarmen	Allstate Insurance 1512 U Street, NW	20009
Hersh	Emily Sarah	DCDB Group, LLC 2101 L Street, NW, Suite 800	20037
Hicks	Brenda L.	PSI Family Services, Inc 770 M Street, SE	20003
Hiegel	Stephen Joseph	Omni Land Settlement Corporation 2233 Wisconsin Avenue, NW, Suite 232	20007
Humphries	Norma U.	Aligned Development Strategies, Inc. (ADSI) 1900 L Street, NW, Suite 600	20036
Hurley	Angela L.	AARP 601 E Street, NW	20049
Johnson	Phyllis	Self 2403 23rd Street, SE	20020
Jones	Ebony	Self (Dual) 3353 Dubois Place, SE	20019
Koontz	Robert D.	Self 2724 Unicorn Lane, NW	20015
Lee Tyler	Kristie	Lee's Flower and Card Shop 1026 U Street, NW	20001
Leichter	Eric	CRC Salomon 1775 I Street , NW	20006
Lininger	Margaret E.	Jackson & Campbell, PC 1120 20th Street, NW	20036
Lovins	Corinne Marie	Strain, PLLC 1455 Pennsylvania Avenue, NW, Suite 400	20004
Lucas	Sherri D.	Office of National Drug Control Policy 750 17th Street, NW	20503
Madison	Linda R.	Van Ness Feldman, LLP 1050 Thomas Jefferson Street, NW	20007

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

Effective: February 15, 2018

Page 6

Manee	Rosalynn C.	Property Group Partners 100 F Street, NE	20002
Martin	Ebony	Greenpeace,US 702 H Street, NW, Suite 300	20001
Martinez Arce	Roxana	Wells Fargo Bank 1300 Connecticut Avenue, NW	20036
Martyn	Jo Ann	The George Washington University, Milken Institute School of Public Health 950 New Hampshire Avenue, NW	20052
McCauley	Katherine Rose	Food & Friends 219 Riggs Road, NE	20011
McLaughlin	Karen Renee	Self (Dual) 86 Hawthorne Court, NE	20017
Mejia	Ana L.	Congressional Federal Credit Union 441 2nd Street, SW, Suite #196	20515
Mickens	Arecia	Manna, Inc 828 Everts Street, NE	20018
Mitchell	Nancy	Arnold & Porter Kaye Scholer, LLP 601 Massachusetts Avenue, NW	20001
Montero	Bernice C.	Associated Universities, Inc 1400 16th Street, NW, Suite 730	20036
Montero	Diana E.	Washington Metropolitan Area Transit Authority 600 5th Street, NW	20001
Mungo	Becky A.	Self 54 R Street, NW	20001
Myers	Robin L.	Cleary Gottlieb 2000 Pennsylvania Avenue, NW	20006
Navarro	Catalina L.	Enterprise Settlement Services, LLC 2176 Wisconsin Avenue, NW, Suite 100	20007
Ogbenna	Rosemary	Senior Dwelling Inc. 225 56th Place, NE	20019

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

Effective: February 15, 2018

Page 7

Oplinger	Brian S.	Self 600 Water Street, SW, NBU 5-1	20024
Pantin	Omari	Hunton & Williams, LLP 2200 Pennsylvania Avenue, NW	20037
Peoples	Jermell	The UPS Store 1032 15th Street, NW	20005
Perez	Sara M.	Property Group Partners 100 F Street, NE	20002
Peterson	Andrea P.	Capital One Bank 1800 M Street, NW	20036
Plummer	Brennan	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Powell III	Frederick W.	Republican Governors Association 1747 Pennsylvania Avenue, NW, Suite 250	20006
Rahim	Mohammad M.	ASU Holdings, LLC 2210 5th Street, NE	20002
Rivas	Yesenia E.	Milton Gottesman Jewish Day School of the Nation's Capital 6045 16th Street, NW	20011
Roca	Claudia I.	Edmund J. Flynn Company 5100 Wisconsin Avenue, NW, Suite 514	20016
Roed	Kelly C.	IMA Pizza LLC 229 1/2 Pennsylvania Avenue, SE	20003
Rollins	Vonette Y.	Union Privilege, AFL-CIO 1100 First Street, NE, Suite 850	20002
Sauder	Ann L.	Capital Group 3000 K Street, NW, Suite 230	20007
Savoy	Nicola L.	Delta Sigma Theta Sorority, Inc 1707 New Hampshire Avenue, NW	20009
Schifrien	Wayne C.	Express Title Company C/O M Square Realty 1407 T Street, NW	20009

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

Effective: February 15, 2018

Page 8

Schwartz	Vanessa Gabrielle	Carr Properties 1615 L Street, NW, Suite 650	20036
Scott	Candice R.	Carr Companies 1455 Pennsylvania Avenue, NW, Suite 200	20004
Scott	Lanet Renee	Self 1719 Gainesville Street, SE, Apartment 102	20020
Scriber	Stephon M.	State Farm Insurance 2639 Connecticut Avenue, NW, Suite C110	20008
Sinnett	Evelyn B.	Property Group Partners 100 F Street, NE	20002
Snipe	Kendrick F.	Self (Dual) 1600 Maryland Avenue, NE, Suite 221	20002
Souza	Julie	Hunt Reporting 1315 W Street, NW	20009
Stamatis	Nicholas James	del Cuadro-Zimmerman & Mount, PLLC 718 7th Street, NW, 2nd Floor	20001
Starner	Alan Robert	Shook, Hardy & Bacon, LLP 1155 F Street, NW, Suite 200	20740
Stevens	Kathleen	Morgan Stanley Wealth Management 1850 K Street, NW, Suite 900	20006
Swann	Beverly	SKGF 1100 New York Avenue, NW	20005
Taylor	Darryl	Asmar,Schor & McKenna, PLLC 5335 Wisconsin Avenue, NW, Suite 400	20015
Thompson	Chanta	National Parks Conservation Association 777 6th Street, NW, Suite 700	20001
Thompson	Gregory C.	Self 3627 Hansberry Court, NE	20018
Tobey	Lovetta	HSBC Bank 1715 Wisconsin Avenue, NW	20007

D.C. Office of the Secretary

Effective: February 15, 2018

Recommendations for appointment as DC Notaries Public

Page 9

Unruh	Timothy T.	Sheppard Mullin Richter & Hampton, LLP 2099 Pennsylvania Avenue, NW, Suite 100	20006
Vaughan	Debra L.	Hobbs, Straus, Dean & Walker, LLP 2120 L Street, NW, Suite 700	20037
Ventura	Cecilia	Wellspring Philanthropic Fund 11 Dupont Circle, NW, Suite 300	20036
Walker	Ashley T.	Andrews Federal Credit Union 5935 Georgia Avenue, NW	20011
Wang	Hongyu	Smithsonian Institution 425 3rd Street, SW, Suite 850	20024
Washington	Evette D.	M&T Bank 1899 L Street, NW	20036
Weisberg	Matthew Aaron	Horton's Kids 100 Maryland Avenue, NE, Suite 520	20002
Weiss	Whitney Elliot Lee	Bluemercury, Inc 1010 Wisconsin Avenue, NW, Suite 700	20007
Whitehead	Nicole S.	City First Bank of DC 1432 U Street, NW	20009
Williams	Eva L.	Self 4336 Varnum Place, NE	20017

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, February 1, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

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

DRAFT AGENDA

- | | | |
|----|--|-----------------------|
| 1. | Call to Order | Board Chairman |
| 2. | Roll Call | Board Secretary |
| 3. | Approval of January 4, 2018 Meeting Minutes | Board Chairman |
| 4. | Committee Reports | Committee Chairperson |
| 5. | General Manager's Report | General Manager |
| 6. | Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. | Other Business | Board Chairman |
| 8. | Adjournment | Board Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PUBLIC MEETING ON THE
SYSTEM AVAILABILITY FEE REGULATIONS

Friday, February 9, 2018

10:00 a.m. – 3:00 p.m.

District of Columbia Water and Sewer Authority
5000 Overlook, Avenue, SW, Board Room
Washington, D.C. 20032

On December 7, 2017 the Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) approved a Notice of Emergency and Proposed Rulemaking to revise the effective date of the System Availability Fee regulations from January 1, 2018 to July 1, 2018, which was published in the December 22, 2017 edition of the *D.C. Register*. The Board intends to make substantive revisions to these regulations. Prior to publishing proposed revisions, DC Water is holding an Open House to receive comments on the System Availability Fee regulations at the date, time and location noted above.

Each individual or representative of an organization who wishes to present oral comments at the Open House is requested to furnish his or her name, address, telephone number and name of organization (if any) by calling (202) 787-2330 or emailing the request to linda.manley@dcwater.com no later than 5:00 p.m., Friday, February 2, 2018.

Oral comments by individuals will be limited to five (5) minutes. Oral comments made by representatives of an organization shall not be longer than ten (10) minutes. DC Water also encourages the submission of written comments. Such written comments must be clearly marked "Comments for SAF Regulations" and received by 5:00 p.m. Friday, February 9, 2018.

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

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

Application No. 19622 of Mark Rivetti, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to add a third floor and construct a four-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1121 Abbey Place N.E. (Square 773, Lot 184).

HEARING DATES: December 6, 2017 and January 10, 2018¹
DECISION DATE: January 10, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) 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") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report indicating that at a regularly scheduled, properly noticed public meeting on December 14, 2017, with a quorum present, the ANC voted 5-0 to support the application, as depicted in Exhibits 44 and 45 of the record. In its written report, the ANC raised concerns about the visibility of the proposed roof deck railings and indicated that their support is "conditional on these railings being constructed of less visible materials such as glass or metal cable." (Exhibit 51.)

At the public hearing on January 10, 2018, Commissioner Mark Eckenwiler, who was authorized to represent the ANC in the written report submitted to the record, testified in support of the application. Commissioner Eckenwiler indicated the ANC remains supportive of the Updated Architectural Plans and Sightline Study in Exhibits 46 and 47, which were submitted to the

¹ The public hearing was originally scheduled for December 6, 2017 and postponed until January 10, 2018 at the request of the Applicant. (Exhibits 33 and 36.)

record after the ANC's meeting and vote. Commissioner Eckenwiler also spoke to the ANC's continued request that the roof deck be constructed with less visually intrusive materials, such as glass panels or metal cable. The Applicant testified that he is in agreement with the materials requested by the ANC. The Board finds that the Applicant's agreement on the record to incorporate the materials noted by the ANC in the roof deck design addresses the ANC's concern regarding potential visual impacts of the addition.

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 49.) In its written report, OP noted that additional relief may be necessary for the roof deck and associated spiral access stair, though that relief was not requested by the Applicant. At the public hearing, OP testified that there was not adequate time nor information to review the most recent revised plans submitted by the Applicant with respect to the roof deck railing setbacks. Further, because the Applicant did not request relief for the roof deck railing setbacks or for the spiral staircase, the Board defers to the Zoning Administrator to determine whether these aspects of the plans are compliant with the Zoning Regulations during his review of the building permit application.

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 16.)

Four neighbors submitted letters in support of the project to the record. (Exhibits 11, 12, 15, and 40.) One resident submitted a letter in opposition. (Exhibit 35.)

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 lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to add a third floor and construct a four-story rear addition to an existing one-family dwelling 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, and Subtitle E § 5201, 304.1, and 306.1, 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 46.**²

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull, to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: January 12, 2018

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

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

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT 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,

² Though it was not made a condition of the Order, the Board asked that the Applicant consider reducing the number and size of down lights on the addition. The Applicant agreed to make this revision.

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. 19639 of Kara Chernet, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the nonconforming structure requirements of Subtitle C § 202.2, from the lot occupancy requirements of Subtitle D § 304.1, and from the side yard requirements of Subtitle D § 307 to construct a rear deck addition to an existing one-family dwelling in the R-2 Zone at premises 2644 10th Street N.E. (Square 3843, Lot 19).

HEARING DATE: January 10, 2018

DECISION DATE: January 10, 2018

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibit 9.)

The Board of Zoning Adjustment (“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”) 5B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. No ANC report was filed; however, the Single Member District (“SMD”) ANC Commissioner 5B04 submitted a letter of support for the application. (Exhibit 32.)

The Office of Planning (“OP”) submitted a timely report, dated December 29, 2017, in support of the application. In its report, OP recommended adding relief from the side yard requirements of Subtitle D § 307 to the relief already requested and noted that OP would support variance relief from this provision if it was requested. (Exhibit 28.) As noted, the Applicant did request that additional relief and the application was thus amended.

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 29.)

A petition of support for the application signed by 16 neighbors and letters in support from both adjacent neighbors were submitted to the record. (Exhibits 11 and 31.)

¹ Based on OP’s recommendation, the Applicant requested to be allowed to amend the application to add an area variance from the side yard requirements of Subtitle D § 307 to the other relief requested, per the Zoning Administrator’s memo. (Exhibit 28.) The Board accepted the amendment and the caption has been amended accordingly.

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, from the lot occupancy requirements of Subtitle D § 304.1, and from the side yard requirements of Subtitle D § 307 to construct a rear deck addition to an existing one-family dwelling in the R-2 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 report filed in this case, the Board concludes that in seeking variances from 11 DCMR Subtitle C § 202.2, and Subtitle D §§ 304.1 and 307, 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 7.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: January 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

BZA APPLICATION NO. 19639

PAGE NO. 2

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. 19652 of David Dale, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 504.1, to construct a rear addition to an existing one-family dwelling in the R-9 Zone at premises 5148 Linnean Terrace N.W. (Square 2032, Lot 815).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: January 10, 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 6.) 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") 3F, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on October 17, 2017, at which a quorum was in attendance, ANC 3F voted 6-0-0 to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report dated December 19, 2017, in support of the application. (Exhibit 32.) The District Department of Transportation ("DDOT") submitted a timely report, dated December 29, 2017, expressing no objection to the approval of the application. (Exhibit 34.)

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 lot occupancy requirements of Subtitle D § 504.1, to construct a rear addition to an existing one-family dwelling in the R-9 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 504.1, 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 8 AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall obtain the necessary tree removal permits.

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull
to APPROVE; one Board seat vacant.)

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

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

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: January 12, 2018

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

BZA APPLICATION NO. 19652
PAGE NO. 2

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 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.

BZA APPLICATION NO. 19652

PAGE NO. 3

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

Application No. 19658 of Dovecot Development, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear addition to an existing one-family dwelling in the RF-1 Zone at premises 733 Kentucky Avenue S.E. (Square 1077, Lot 106).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: January 10, 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. (Exhibits 6 (original) and 36 (revised)¹.) 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.

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 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 indicating that at a regularly scheduled and properly noticed meeting on December 12, 2017, at which a quorum was in attendance, ANC 6B voted 10-0-0 to support the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a report of no objection to the approval of the application. (Exhibit 37.)

Letters of support from both adjacent neighbors were submitted to the record. (Exhibits 14 and 15.) A letter of support for the application also was submitted by the Capitol Hill Restoration Society. (Exhibit 39.)

¹ The self-certification was revised to correct rear yard computations but does not amend the relief being requested.

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 E § 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear addition to an existing one-family dwelling in the RF-1 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP 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 E §§ 5201 and 205.4, 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 8 AS AMENDED BY EXHIBIT 40²**.

VOTE: **4-0-1** (Frederick L. Hill, Michael G. Turnbull, Lesylleé M. White, and Carlton E. Hart to APPROVE; one Board seat vacant).

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

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

FINAL DATE OF ORDER: January 11, 2018

² The Board took testimony from the Applicant's architect to clarify that the accessory structure shown on the approved plans is not intended to be an accessory dwelling unit, but rather a garage and that no additional relief is being requested for that structure. The Board required the Applicant to submit a supplemental to the plans with a note indicating that the accessory structure is a garage. (Exhibit 40.)

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. 19660 of Gary Lesinski, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, to construct a rear deck addition to an existing one-family dwelling in the R-3 Zone at premises 5110 Kansas Avenue N.W. (Square 3256, Lot 80).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: January 10, 2018

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated July 10, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 9.)

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing (Exhibit 11.)

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”) 4D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on November 21, 2017, at which a quorum was in attendance, ANC 4D voted 5-0-0 to support the application. (Exhibit 28.)

The Office of Planning (“OP”) submitted a timely report dated December 29, 2017, in support of the application. (Exhibit 32.) The District Department of Transportation (“DDOT”) submitted a timely report, dated December 29, 2017, expressing no objection to the approval of the application. (Exhibit 33.)

A letter of support for the application signed by four most directly impacted neighbors was submitted to the record. (Exhibit 12.)

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 lot occupancy requirements of Subtitle D § 304.1, to construct a rear deck addition to an existing one-family dwelling 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 304.1, 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: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull
to APPROVE; one Board seat vacant.)

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

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

ATTESTED BY: _____

SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: January 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.

BZA APPLICATION NO. 19660
PAGE NO. 2

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. 19675 of Keith Krueger and Joel Lawson, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 253.10 from the accessory apartment requirements of Subtitle U § 253.7(c), to permit an accessory apartment with an entrance on a street facing façade in an existing one family dwelling in the R-2 Zone at premises 3629 Windom Place, N.W. (Square 1891E, Lot 11).

HEARING DATE: January 10, 2018
DECISION DATE: January 10, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) 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") 3F and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application. The ANC did not submit a report related to the application; however, the Applicant testified that the ANC voted unanimously to support the application at the ANC's meeting in December.

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

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

Three letters and six email messages from neighbors in support of the application were submitted into the record. (Exhibit 28.)

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 U § 253.10 from the accessory apartment requirements of Subtitle U § 253.7(c), to permit an accessory apartment with an entrance on a

street facing façade in an existing one family dwelling in the R-2 Zone. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle U §§ 253.10 and 253.7(c), 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 8 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: January 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

BZA APPLICATION NO. 19675

PAGE NO. 2

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CORRECTED¹ NOTICE OF FILING

Z.C. Case No. 18-01

(Community Three Development – Map Amendment @ Square 361)

January 9, 2018

THIS CASE IS OF INTEREST TO ANC 1B

On December 28, 2017, the Office of Zoning received an application from Community Three Development (the “Applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 827 in Square 361 in northwest Washington, D.C. (Ward 5), on property located at 1925 Vermont Avenue, N.W. The property is currently zoned RF-1. The Applicant is proposing a map amendment to rezone the property to the ARTS-2 zone. The District-owned property is improved with the historic Grimke School and a rear addition. The Applicant is seeking to rezone the property to make it consistent with the Comprehensive Plan and the zone of the surrounding properties, and to facilitate the redevelopment of the property.

The RF-1 zone is intended to provide for areas predominantly developed with attached row houses on small lots within which no more than two dwelling units are permitted. Either two dwelling units may be located within the principal structure or one each in the principal structure and an accessory structure. The RF-1 zone permits a maximum height of 35 feet (60 feet for a place of worship) in three stories and a 60% lot occupancy for most dwellings and places of worship (40% for all other structures).

The ARTS-2 zone is intended to permit medium-density, compact mixed-use development, with an emphasis on residential development. The ARTS-2 zone allows a maximum density of 3.5 floor area ratio (“FAR”) (4.2 maximum FAR under Inclusionary Zoning and 1.5 maximum FAR for non-residential development); a maximum height of 65 feet (70 feet under Inclusionary Zoning); and a maximum lot occupancy of 80% (20% for a public recreation center).

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

¹ The Case No. was corrected from 17-28 to 18-01.

District of Columbia REGISTER – January 26, 2018 – Vol. 65 - No. 4 000555 – 000797