

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-250, Africare Real Property Tax Relief Act of 2018
- D.C. Council enacts Act 22-254, East End Grocery and Retail Incentive Tax Exemption Act of 2018
- Department of Energy and Environment solicits public comments on the Draft 2018 Integrated Report Under the Clean Water Act
- Executive Office of the Mayor establishes the Interagency Working Group on Autonomous Vehicles (Mayor's Order 2018-018)
- Executive Office of the Mayor establishes the Procurement Accountability and Review Board (Mayor's Order 2018-019)
- Office of Tax and Revenue proposes eligibility guidelines for receiving a reduced rate of recordation tax on a deed conveying real property to a revocable trust

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

L22-50 Public Employee Relations Board Term
Limit Temporary Amendment Act of 2017 001546

L22-51 Medical Respite Services Exemption Temporary
Amendment Act of 2017 001547

L22-52 Government Employer-Assisted Housing
Temporary Amendment Act of 2017 001548

L22-53 Business Improvement Districts Tax Exemption
Temporary Amendment Act of 2017 001549

L22-54 Southwest Waterfront Park Bus Prohibition
Temporary Act of 2017 001550

D.C. ACTS

A22-247 National Community Reinvestment Coalition
Real Property Tax Exemption Amendment
Act of 2018 [B22-521] 001551 - 001554

A22-248 Bicycle and Pedestrian Safety Clarification
Amendment Act of 2018 [B22-13] 001555 - 001559

A22-249 Electric Vehicle Public Infrastructure Expansion
Amendment Act of 2018 [B22-96] 001560 - 001562

A22-250 Africare Real Property Tax Relief Act of 2018
[B22-147] 001563 - 001564

A22-251 General Obligation Bonds and Bond Anticipation
Notes for Fiscal Years 2018-2023 Authorization
Act of 2018 [B22-428] 001565 - 001581

A22-252 East End Commercial Real Property Tax Rate
Reduction Amendment Act of 2018 [B22-43] 001582 - 001583

A22-253 Jackson School Lease Renewal Authorization
Act of 2018 [B22-148] 001584 - 001585

A22-254 East End Grocery and Retail Incentive Tax
Exemption Act of 2018 [B22-202] 001586 - 001589

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

D.C. ACTS CONT'D

A22-255	Washington Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2018 [B22-464]	001590 - 001592
A22-256	Adult Career Pathways Task Force Expansion Emergency Amendment Act of 2018 [B22-656]	001593 - 001594

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation - Bill B22-697	001595
---	--------

COUNCIL HEARINGS

Notice of Public Hearings - Agency Performance Oversight Hearings, Fiscal Year 2017-2018 (Abbreviated), 2/14/2018.....	001596 - 001605
B22-117 Walter Alley Designation Act of 2017 (Revised/Abbreviated).....	001606 - 001607
B22-518 Ernest Everett Just Court Designation Act of 2017 (Revised/Abbreviated).....	001606 - 001607
B22-531 Louis Mailou Jones Alley Designation Act of 2017 (Revised/Abbreviated).....	001606 - 001607
B22-538 Watkins Alley Designation Act of 2017 (Revised/Abbreviated).....	001606 - 001607
B22-557 Israel Baptist Church Way Designation Act of 2017 (Revised/Abbreviated).....	001606 - 001607
B22-586 Al and Mary Arrighi Way Designation Act of 2017 (Revised/Abbreviated).....	001606 - 001607
B22-629 Swampdoodle Park Designation Act of 2017 (Revised/Abbreviated)	001606 - 001607
B22-664 Lawrence Boone, Sr. School Designation Act of 2018 (Revised/Abbreviated).....	001606 - 001607
B22-681 Healthy Parks Amendment Act of 2018.....	001608
B22-411 DPR Parks Adoption and Sponsorship Amendment Act of 2017	001608
Fiscal Year 2019 Proposed Budget and Financial Plan, Fiscal Year 2019 Budget Support Act of 2018, Fiscal Year 2019 Local Budget Act of 2018, Fiscal Year 2019 Federal Budget Act of 2018, and Committee Mark-up Schedule, 2/14/2018.....	001609 - 001616

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

- Archipelago - ANC 1B - Substantial Change -
 READVERTISEMENT 001617
- Archipelago - ANC 1B - Substantial Change - RESCIND 001618
- Asefu’s Palace - ANC 1B - Substantial Change 001619
- Busboys & Poets - ANC 1B - Change of Hours 001620
- Firehook Bakery - ANC 3C - Summer Garden - RESCIND..... 001621
- Little Pearl - ANC 6B - Change of Hours 001622
- Secret Lounge - ANC 1B - Entertainment Endorsement 001623
- Solid State Books - ANC 6C - New 001624
- The Rabbit Hole - ANC 2B - New 001625
- The Wing - ANC 2E - New..... 001626

Public Charter School Board, DC -

- Notification of Charter Amendments -
 Breakthrough Montessori Public Charter School -
 March 19, 2018 001627
- Ideal Academy Public Charter School - March 19, 2018..... 001628
- Notification of New School Location -
 Washington Mathematics Science and Technology
 Public Charter High School, Inc. - March 19, 2018..... 001629
- Zoning Commission - Case -
 17-17 Advisory Neighborhood Commission 8A (Rescheduled)..... 001630 - 001632

FINAL RULEMAKING

- Behavioral Health, Department of -
 Amend 22 DCMR (Health),
 Subtitle A (Mental Health), to add
 Ch. 38 (Mental Health Community Residence Facilities),
 Sections 3800 - 3861, and Sec. 3899 (Definitions),
 to consolidate all the mental health rules under
 Subtitle A of Title 22 (Mental Health);
 Also repeals 22 DCMR (Health),
 Subtitle B (Public Health and Medicine),
 Ch. 38 (Community Residence Facilities for
 Mentally Ill Persons) 001633 - 001720

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

FINAL RULEMAKING CONT'D

Documents and Administrative Issuances, Office of -
 Errata notice to 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 correct numbering of an added paragraph
 in Subsection 1201.1001721

Water and Sewer Authority, DC - Amend 21 DCMR
 (Water and Sanitation), Ch. 1 (Water Supply),
 Sec. 112 (Fees), to revise the effective date of the
 System Availability Fee (SAF) from January 1, 2018
 to June 1, 2018001722 - 001725

PROPOSED RULEMAKING

Tax and Revenue, Office of - Amend 9 DCMR
 (Taxation and Assessments),
 Ch. 5 (Tax on Recordation of Deeds),
 Sec. 528 (Revocable Trusts),
 to clarify eligibility guidelines for receiving
 a reduced rate of recordation tax on a deed
 conveying real property to a revocable trust.....001726

EMERGENCY RULEMAKING

Consumer and Regulatory Affairs, Department of -
 Amend 12 DCMR (Construction Codes Supplement of 2013),
 Subtitle A (Building Code Supplement of 2013),
 Ch. 1 (Administration and Enforcement),
 Ch. 14 (Exterior Walls), Ch. 26 (Plastic), and
 Ch. 35 (Referenced Standards), to update the
 D.C. Building Code provisions for exterior
 walls and permits; Second Emergency Rulemaking
 to extend the Emergency and Proposed Rulemaking
 published on September 29, 2017 at 64 DCR 9640
 to allow Council to consider an associated resolution;
 Expires March 31, 2018001727 - 001733

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

2018-018 Establishment – Interagency Working Group
 on Autonomous Vehicles001734 - 001737

2018-019 Establishment – Procurement Accountability
 and Review Board001738 - 001744

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Briya Public Charter School -
Request for Proposals - Bus Transportation Services
for Student Field Trips 001745

Consumer and Regulatory Affairs, Department of -
Construction Codes Coordinating Board -
2018 Meeting Schedule..... 001746

Creative Minds International Public Charter School -
Request for Proposals - SY 2017-2018 - Strategic
Human Resources Consultant Services..... 001747

Education, Office of the Deputy Mayor for -
Advisory Group on Community Use of Public
Space Meeting - February 20, 2018 001748

Elections, Board of -
Certification of ANC/SMD Vacancy in 6B02 001749

Monthly Report of Voter Registration Statistics
as of January 31, 2018..... 001750 - 001759

Energy and Environment, Department of -
Solicitation of Public Comment - Draft 2018 Integrated
Report Under the Clean Water Act 001760 - 001761

Intent to Issue Air Quality Permits -
#7180 - The Catholic University of America -
#7187 620 Michigan Avenue NE..... 001762 - 001763

#7192 Potomac Electric & Power Company -
3400 Benning Road NE 001764 - 001765

Health Benefit Exchange Authority, DC -
Executive Board of the Health Benefit Exchange
Authority Meeting - February 21, 2018 001766

Health, Department of -
Board of Medicine - Notice of Meeting - February 28, 2018 001767

Housing and Community Development, Department of -
Housing Production Trust Fund Board - 2018 Public
Meeting Schedule..... 001768

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Public Service Commission -

Notice of Proposed Tariff - Formal Case No. 1017 -
Development and Designation of Standard Offer
Service in the District of Columbia.....001769 - 001771

Secretary, Office of the -

Recommendations for Appointments as DC Notaries Public -
Effective March 15, 2018.....001772 - 001778

University of the District of Columbia -

Board of Trustees - Public Meeting - February 21, 2018.....001779

Water and Sewer Authority, DC -

Board of Directors - Public Meeting - March 1, 2018001780

Zoning Adjustment, Board of - Cases -

19207 ANC 6C - Order (Appeal).....001781 - 001786
19664 The Carnegie Institution for Science - ANC 2B - Order001787 - 001789
19667 Laura Peyton & Sarah Hopkins - ANC 6C - Order001790 - 001792
19681 Rock Creek - Takoma Theater, LLC - ANC 4B - Order001793 - 001797

Zoning Commission - Cases -

04-14E Riverfront Holdings II, LLC - Order001798 - 001801
87-29A Pennsylvania Avenue Associates - Order001802 - 001804

COUNCIL OF THE DISTRICT OF COLUMBIA

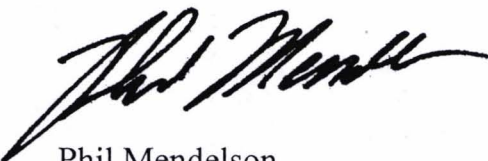
NOTICE

D.C. LAW 22-50

"Public Employee Relations Board Term Limit 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 22-543 on first and second readings November 7, 2017, and November 21, 2017, respectively. Following the signature of the Mayor on December 7, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-198 and was published in the December 15, 2017 edition of the D.C. Register (Vol. 64, page 12547). Act 22-198 was transmitted to Congress on December 13, 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 22-198 is now D.C. Law 22-50, effective January 27, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

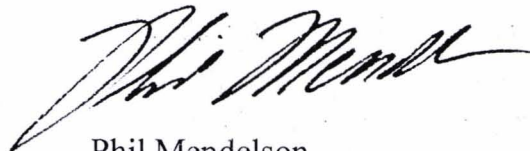
NOTICE

D.C. LAW 22-51

"Medical Respite Services Exemption 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 22-545 on first and second readings November 7, 2017, and November 21, 2017, respectively. Following the signature of the Mayor on December 7, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-199 and was published in the December 15, 2017 edition of the D.C. Register (Vol. 64, page 12549). Act 22-199 was transmitted to Congress on December 13, 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 22-199 is now D.C. Law 22-51, effective January 27, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

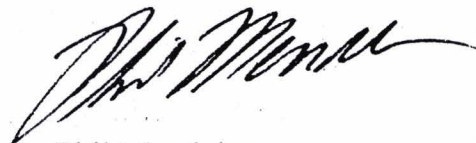
NOTICE

D.C. LAW 22-52

"Government Employer-Assisted Housing 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 22-563 on first and second readings November 7, 2017, and November 21, 2017, respectively. Following the signature of the Mayor on December 7, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-200 and was published in the December 15, 2017 edition of the D.C. Register (Vol. 64, page 12551). Act 22-200 was transmitted to Congress on December 13, 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 22-200 is now D.C. Law 22-52, effective January 27, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-53

"Business Improvement Districts Tax Exemption 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 22-565 on first and second readings November 7, 2017, and November 21, 2017, respectively. Following the signature of the Mayor on December 7, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-201 and was published in the December 15, 2017 edition of the D.C. Register (Vol. 64, page 12553). Act 22-201 was transmitted to Congress on December 13, 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 22-201 is now D.C. Law 22-53, effective January 27, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

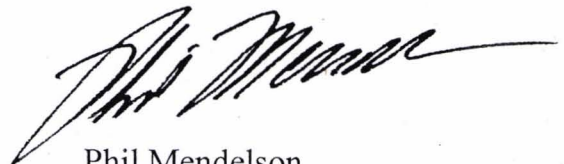
NOTICE

D.C. LAW 22-54

"Southwest Waterfront Park Bus Prohibition 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 22-567 on first and second readings November 7, 2017, and November 21, 2017, respectively. Following the signature of the Mayor on December 7, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-203 and was published in the December 15, 2017 edition of the D.C. Register (Vol. 64, page 12557). Act 22-203 was transmitted to Congress on December 13, 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 22-203 is now D.C. Law 22-54, effective January 27, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

December	13, 14, 15, 18, 19, 20, 21, 22, 26, 27, 28, 29
January	2, 3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-247

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 5, 2018

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by the National Community Reinvestment Coalition, described as Lot 20, Square 222 and Lot 37, Square 221, contingent on the National Community Reinvestment Coalition investing over a 10-year period \$10 million in affordable housing and \$1.5 million in the development of entrepreneurship; and to order forgiveness of certain taxes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “National Community Reinvestment Coalition Real Property Tax Exemption Amendment Act of 2018”.

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents designation for section 47-1071 is amended to read as follows: “47-1071. National Community Reinvestment Coalition and Subsidiaries; Lot 20, Square 222 and Lot 37, Square 221.”.

(b) Section 47-1071 is amended as follows:

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

“§ 47-1071. National Community Reinvestment Coalition and Subsidiaries; Lot 20, Square 222 and Lot 37, Square 221.”.

(2) The existing text is designated as subsection (a).

(3) The newly designated subsection (a) is amended by striking the phrase §§ 47-1007 and 47-1009.” and inserting the phrase “§§ 47-1005, 47-1007, and 47-1009.” in its place.

(4) New subsections (b) and (c) are added to read as follows:

“(b)(1)(A) Subject to paragraph (2) of this subsection:

“(i) The real property described as Lot 37, Square 221, and the buildings thereon (“Property”), shall be exempt from real property taxation so long as the Property is owned by the National Community Reinvestment Coalition (“NCRC”) or a direct or indirect wholly owned subsidiary of NCRC, and used for the purposes and activities of NCRC, the direct or indirect wholly owned subsidiary of NCRC, or the nonprofit tenants of NCRC, and not used for

ENROLLED ORIGINAL

commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively under this chapter; and.

“(ii) A deed granted to or transferred from NCRC, or a direct or indirect wholly owned subsidiary of NCRC, with respect to:

“(I) The Property, shall be exempt from recordation or transfer tax as if the Property was entitled to or receiving an exemption under § 47-1002 during the time and to the extent that the Property is entitled to exemption under sub-subparagraph (i) of this subparagraph; and

“(II) Lot 20 in Square 222, shall be exempt from recordation or transfer tax as if the Property was entitled to or receiving an exemption under § 47-1002 during the time and to the extent that Lot 20 in Square 222 is entitled to exemption under subsection (a) of this section.

“(B) For the purposes of subparagraph (A)(ii) of this paragraph, the term “deed” shall have the same meaning as provided in § 42-1101(3)).

“(2)(A) The exemptions provided under this subsection and the forgiveness provided under section 3 of the National Community Reinvestment Coalition Real Property Tax Exemption Amendment Act of 2018, passed on 2nd reading on January 9, 2018 (Enrolled version of Bill 22-521)(“NCRC Tax Act”), shall be contingent upon NCRC, one or more direct or indirect subsidiaries of NCRC, or one or more company affiliates of NCRC, beginning with the tax year that this subsection and subsection (c) are applicable, investing through equity or debt financing at least \$10 million in affordable-housing development and preservation and, in addition to the \$10 million, at least \$1.5 million in the development of entrepreneurship, with a priority given to returning citizens, over 10 consecutive real property tax years (“commitment”).

“(B) Each applicant for entrepreneurial assistance shall be required to meet federally mandated minimum underwriting standards, as required by 12 C.F.R. § 614.4150 (1997), for any loan provided pursuant to subparagraph (A) of this paragraph.

“(C) For the purposes of this paragraph, the term:

“(i) “Company affiliate” means a company that is less than 50% owned by NCRC, or is in some way related to NCRC.

“(ii) “Returning citizens” means persons who are residents of the District who were previously incarcerated.

“(c)(1) By January 1 of the year following the year that NCRC has fulfilled the commitment as described in subsection (b)(2) of this section or of the expiration of the 10-year commitment period described in subsection (b)(2) of this section, whichever is earlier, NCRC shall submit a report to the Mayor detailing its compliance, or the extent of its compliance, with the commitment.

“(2) Within 60 days after the report required by paragraph (1) of this subsection is filed, the Mayor shall certify to the Office of Tax and Revenue that the commitment has been satisfied or has not been satisfied, whichever applies.

“(3) If the commitment has not been satisfied, all real property, recordation, and transfer taxes, together with all penalties and interest that was forgiven pursuant to section 3 of the NCRC Tax Act or exempted pursuant to subsection (b) of this section shall be due and payable to

ENROLLED ORIGINAL

the District of Columbia and such taxes, penalties, and interest shall be a lien against the Property to secure repayment of such amounts; provided, that recordation and transfer taxes may also be collected as otherwise provided by law.”.

Sec. 3. Forgiveness of taxes.

Subject to D.C. Official Code § 47-1071(b)(2) and (c), the Council orders that:

(1) Beginning July 1, 2016, through the first day of the month following the applicability date of this act that real property taxes, interest, penalties, fees, and other related charges assessed against the portion of the real property described as Lot 37, Square 221 and the buildings thereon (“Property”), to the extent not used for commercial purposes, be forgiven and any payments made with respect to the Property, to the extent not used for commercial purposes, be refunded; and

(2) All unpaid recordation taxes, interest, penalties, and other related charges with respect to Document Number 2016063937, recorded by the Recorder of Deeds on June 24, 2016, and Document Number 2016063075, recorded by the Recorder of Deeds on June 22, 2016, be forgiven.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

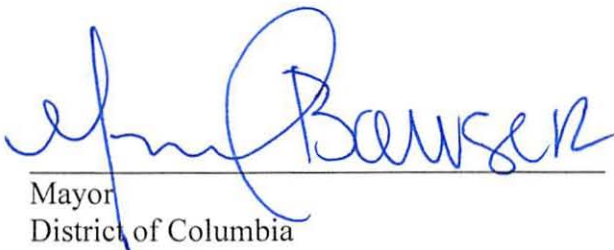
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 5, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2018

To amend the Bicycle and Pedestrian Safety Amendment Act of 2016 to clarify what data the Mayor and the District Department of Transportation are required to publish relating to improving bicycle and pedestrian safety; to amend the District of Columbia Traffic Act, 1925 to remove penalties for parking an all-terrain vehicle or dirt bike on public property, to provide an exception to the prohibition on operating, parking, standing, or stopping an all-terrain vehicle or dirt bike on public property for when a person is in the process of immediately loading an all-terrain vehicle or dirt bike in or on a vehicle, trailer, or other storage container for the purpose of transporting the all-terrain vehicle or dirt bike to another jurisdiction or to private property in the District, to remove the requirement that workers must be present in a work zone in order for a civil fine to double for any motor vehicle moving infraction committed within a work zone, to provide that a person who fails to comply with certain requirements of the Ignition Interlock System Program shall be subject to criminal penalties, and to authorize the Mayor to require certain individuals to participate in the Ignition Interlock System Program; to amend the Anti-Drunk Driving Act of 1982 to clarify the penalties for when a person is convicted of certain driving offenses 3 times within a 5-year period; and to amend the Fiscal Year 1997 Budget Support Act of 1996 to clarify language relating to a person involved in a collision's access to photographs or video footage of the collision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bicycle and Pedestrian Safety Clarification Amendment Act of 2018".

Sec. 2. The Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code *passim*), is amended as follows:

(a) Section 102(a) (D.C. Official Code § 50-1951.02(a)) is amended as follows:

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

"(3) The location, by ward and block or intersection, of the collision;"

(2) Paragraph (6) is amended to read as follows:

"(6) Available demographic information about the person or persons involved in the collision, which shall be aggregated and describe any injuries sustained in the collision using the term "minor", "serious", "critical", or "fatal"; provided, that the Mayor shall not publish any personal information, including:

ENROLLED ORIGINAL

“(A) A person’s name, address, photograph, or social security number;
“(B) Individually identifiable health information, as that term is defined in 45 C.F.R. § 160.103; and
“(C) Any other information that could be used, on its own or in combination with other information, to identify, contact, or locate a person involved in a collision.”

(3) Paragraph (7) is amended by striking the word “accident” and inserting the word “crash” in its place.

(b) Section 103(a) (D.C. Official Code § 50-1951.03(a)) is amended to read as follows:

“(a) To the extent available, the Mayor shall publish online, at least once per quarter, the following information related to all notices of infractions issued for moving infractions in the preceding quarter:

“(1) The date and time of the moving infraction;

“(2) The location, by ward and block or intersection, where the moving infraction occurred;

“(3) The agency that issued the notice of infraction;

“(4) Whether the notice of infraction was issued in person or by use of the automated traffic enforcement program;

“(5) The violation;

“(6) The jurisdiction in which the motor vehicle involved in the moving infraction is registered; and

“(7) The year, make, model, and type of the motor vehicle that committed the moving infraction.”

(c) Section 104(a) (D.C. Official Code § 50-1951.04(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “by ward, block or intersection, and coordinates” and inserting the phrase “by ward and block or intersection” in its place.

(2) Paragraph (5) is amended by striking the phrase “description of any” and inserting the phrase “description of or plan showing any” in its place.

(d) Section 105(a)(1) (D.C. Official Code § 50-1951.05(a)(1)) is amended by striking the phrase “by ward, block or intersection, and coordinates” and inserting the phrase “by ward and block or intersection” in its place.

(e) Section 106 (D.C. Official Code § 50-1951.06) is amended as follows:

(1) The section heading is amended as follows:

(A) Strike the word “frequency” and insert the word “rate” in its place.

(B) Strike the word “pedestrians” and insert the phrase “pedestrians or bicyclists” in its place.

(2) Paragraph (1) is amended by striking the word “pedestrians” and inserting the phrase “pedestrians or bicyclists” in its place.

(3) Paragraph (3) is amended by striking the word “pedestrians” and inserting the phrase “pedestrians or bicyclists” in its place.

ENROLLED ORIGINAL

(f) Section 107(a) (D.C. Official Code § 50-1951.07(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “where motor vehicles make left and right turns” and inserting the phrase “at intersections” in its place.

(2) Paragraph (3) is amended by striking the word “unsignalized” and inserting the word “uncontrolled” in its place.

(g) Section 609 (D.C. Official Code § 50-2302.01, note) is amended by striking the word “accident” and inserting the word “collision” in its place.

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

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

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

“(a)(1) No person shall:

“(A) Operate an all-terrain vehicle or dirt bike on public property, including any public space in the District; or

“(B) Park, stand, or stop an all-terrain vehicle or dirt bike on public property, including any public space in the District.

“(2) Paragraph (1) of this subsection shall not apply to a person who is in the process of immediately loading an all-terrain vehicle or dirt bike in or on a vehicle, trailer, or other storage container for the purpose of transporting the all-terrain vehicle or dirt bike to another jurisdiction or to private property in the District.”

(2) Subsection (c) is amended by striking the phrase “any provision of this section” and inserting the phrase “subsection (a)(1)(A) of this section” in its place.

(3) Subsection (d) is amended by striking the phrase “subsection (a)(1)” both times it appears and inserting the phrase “subsection (a)(1)(A)” in its place.

(4) Subsection (f) is amended by striking the phrase “operated or parked” and inserting the word “operated” in its place.

(b) Section 9c(a) (D.C. Official Code § 50-2201.04c(a)) is amended by striking the phrase “work zone, during any time when traffic is regulated or restricted through or around the zone, when work is actually being performed in the zone by workers acting in their official capacity,” and inserting the phrase “work zone,” in its place.

(c) Section 10a (D.C. Official Code § 50-2201.05a) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “shall, as a condition of a restricted license, enroll” and inserting the phrase “shall enroll” in its place.

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

“(b-1) A person required to participate in the Program pursuant to section 13(a) shall enroll in the Program for a period of time to be determined by the Mayor.”

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

“(f) A person violating subsection (c) of this section shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,

ENROLLED ORIGINAL

effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than one year, or both.”.

(d) Section 13(a) (D.C. Official Code § 50-1403.01(a)) is amended as follows:

(1) Strike the phrase “suspend an operator’s permit” and insert the phrase “suspend an operator’s permit, or require participation in the Ignition Interlock System Program established by section 10a (“Program”),” in its place.

(2) Strike the phrase “suspended the reasons therefor shall be set out in the order of revocation or suspension” and inserting the phrase “suspended, or where a person is required to participate in the Program, the reasons therefor shall be set out in the order of revocation or suspension, or the order requiring participation in the Program” in its place.

(3) Strike the phrase “suspending a permit on account” and inserting the phrase “suspending a permit, or requiring participation in the Program, on account” in its place.

Sec. 4. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01 *et seq.*), is amended as follows:

(a) Section 3d(d-1) (D.C. Official Code § 50-2206.13(d-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “permanently revoked without the ability to be reinstated” and inserting the phrase “revoked until such time as the Department may reinstate the person’s driver’s license or privilege to operate a motor vehicle in the District pursuant to paragraph (2) of this subsection” in its place.

(2) Paragraph (2) is amended by striking the phrase “Notwithstanding paragraph (1) of this subsection, a person” and inserting the phrase “A person” in its place.

(b) Section 3f(c-1) (D.C. Official Code § 50-2206.15(c-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “permanently revoked without the ability to be reinstated” and inserting the phrase “revoked until such time as the Department may reinstate the person’s driver’s license or privilege to operate a motor vehicle in the District pursuant to paragraph (2) of this subsection” in its place.

(2) Paragraph (2) is amended by striking the phrase “Notwithstanding paragraph (1) of this subsection, a person” and inserting the phrase “A person” in its place.

Sec. 5. Section 904(a) of the Fiscal Year 1997 Budget Support Act of 1996, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code § 50-2209.04(a)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “all parties involved in the collision” and inserting the phrase “the person or persons involved in the collision” in its place.

(b) Paragraph (3) is amended by striking the word “party” and inserting the phrase “person involved in the collision” in its place.

Sec. 6. Fiscal impact statement.

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

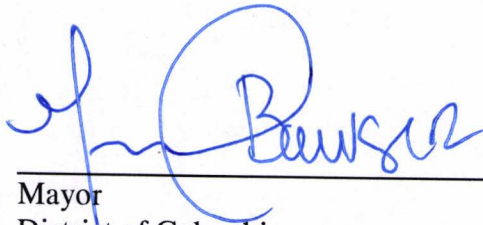
ENROLLED ORIGINAL

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 6, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2018

To amend the Department of Transportation Establishment Act of 2002 to establish an Electric Vehicle Charging Station Pilot Program, to require the District Department of Transportation to install at least 15 electric vehicle charging stations, to require the District Department of Transportation to collect data related to the electric vehicle charging stations, to require the District Department of Transportation to submit an annual report to the Council analyzing the Electric Vehicle Charging Station Pilot Program, and to require the District Department of Transportation to publish on its website a map showing the location of the electric vehicle charging stations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Electric Vehicle Public Infrastructure Expansion Amendment Act of 2018”.

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

(a) Section 2a (D.C. Official Code § 50-921.01a) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1B).

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

“(1) “Electric vehicle” means a vehicle that is propelled by an electric motor and is capable of being recharged from an external source of electricity.

“(1A) “Electric vehicle charging station” means a publically accessible facility or equipment that is located on public property, including any public space in the District, and is used to charge the battery or other energy storage device of an electric vehicle.”.

(b) A new section 2o is added to read as follows:

“Sec. 2o. Electric Vehicle Charging Station Pilot Program.

“(a) There is established an Electric Vehicle Charging Station Pilot Program (“Pilot Program”), which shall be administered by DDOT.

“(b)(1) By January 1, 2019, DDOT shall install at least 15 electric vehicle charging stations, including at least one electric vehicle charging station in each ward. Each electric vehicle charging station shall have the capacity to charge more than one vehicle simultaneously.

ENROLLED ORIGINAL

“(2) DDOT shall, through a competitive bidding process, enter into an agreement with one or more private entities or public utilities to operate and maintain the electric vehicle charging stations.

“(c) All electric vehicle charging stations installed pursuant to subsection (b) of this section shall be capable of collecting and transmitting data in real time to DDOT, including:

“(1) The amount of energy consumed at the electric vehicle charging stations;

“(2) The location, time of day, and length of time of each use of an electric vehicle charging station; and

“(3) How customers paid for the use of an electric vehicle charging station.

“(d) Beginning January 1, 2020, and on an annual basis thereafter, DDOT shall submit to the Council and make publically available an annual report that:

“(1) Analyzes the data collected pursuant to subsection (c) of this section; and

“(2) Makes recommendations regarding:

“(A) Whether to continue any agreements entered into pursuant to subsection (b)(2) of this section;

“(B) Improving access to electric vehicle charging stations;

“(C) Additional locations where electric vehicle charging stations should be installed;

“(D) The level of power the electric vehicle charging stations should provide; and

“(E) Other policies or programs that could encourage the use of electric vehicles.

“(e) DDOT shall publish on its website a map identifying the location of all electric vehicle charging stations. DDOT shall update the map, at a minimum, on a quarterly basis.”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

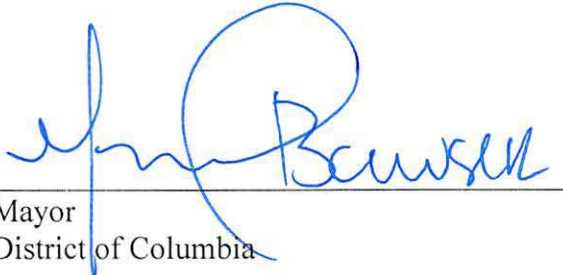
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 6, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2018

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide real property tax relief for Lots 805, 806, 808, 816, and 817 in Square 509 owned by Africare.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Africare Real Property Tax Relief Act of 2018".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1099.01. Africare Real Property; Lots 805, 817, 816, 808, and 806, Square 509."

(b) A new section 47-1099.01 is added to read as follows:

"§ 47-1099.01. Africare Real Property; Lots 805, 817, 816, 808, and 806, Square 509.

"(a) The real property located at 440 R Street, N.W., 430 R Street, N.W., 428 R Street, N.W., 426 R Street, N.W., and 424 R Street, N.W., described, respectively, as Lots 805, 817, 816, 808, and 806, , in Square 509 shall be exempt from real property taxation so long as the real property is owned by Africare, a District of Columbia nonprofit corporation, or a subsidiary of Africare, and is used for the purposes and activities of Africare and is not used for any commercial purpose."

Sec. 3. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against Lots 805, 817, 816, 808, and 806, Square 509 beginning with the tax year beginning October 1, 2013, through the end of the month following the effective date of this act be forgiven and that any payments made for this period be refunded to the person who made the payments.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

ENROLLED ORIGINAL

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

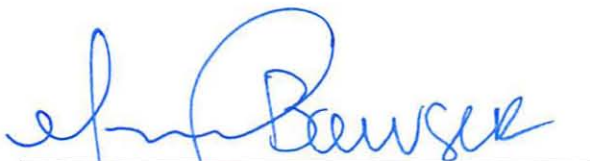
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 6, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2018

To authorize the issuance of general obligation bonds and general obligation bond anticipation notes of the District of Columbia for the purposes of financing certain capital projects and the refunding of certain capital indebtedness of the District of Columbia during fiscal years 2018 through 2023; and to amend section 47-336 of the District of Columbia Official Code to amend the definition of special real property tax levy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Act of 2018".

TITLE I. GENERAL OBLIGATION BONDS AND ANTICIPATION NOTES;
AUTHORIZATION.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Additional Bonds" means District general obligation bonds that may be issued pursuant to section 461 of the Home Rule Act and any act enacted subsequent to this act on a parity with the bonds.

(2) "Additional Notes" means District general obligation bond anticipation notes that may be issued pursuant to section 475 of the Home Rule Act and any act enacted subsequent to this act on a parity with the notes.

(3) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Mayor or an Authorized Delegate.

(5) "Bonds" means District general obligation bonds authorized to be issued pursuant to this act, including any refunding bonds.

(6) "Capital Projects" means the District capital projects as defined in section 103(8) of the Home Rule Act.

(7) "Deposit and Investment Act" means the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official

ENROLLED ORIGINAL

Code § 47-351.01 *et seq.*).

(8) "Escrow Agreement" means any agreement heretofore or hereafter entered into by the Mayor or an Authorized Delegate to provide for the custody, investment, and disbursement of revenues and funds pledged to, and in which a security interest is created for, the payment of the principal of, and interest on, the bonds or notes.

(9) "Hedge Agreement" means any financial arrangement that is a cap, floor, or collar; forward rate; future rate; swap, which swap may be based on an amount equal to either a principal amount or a notional principal amount relating to all or a portion of the principal amount of a series of bonds; asset, index, price, or market-linked transaction or agreement; other interest rate exchange or rate protection transaction agreement; other similar transactions, however designated; any combination thereof; any option with respect thereto; or any similar arrangement, which is executed by the District for purposes of debt management, including managing interest rate fluctuations on bonds, but not for purposes of speculation.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Notes" means District general obligation bond anticipation notes authorized to be issued pursuant to this act, including any renewals of such notes.

(12) "Outstanding Debt" means the outstanding indebtedness at any time of the District for capital project loans from the Treasury of the United States, any Treasury Advances, any outstanding general obligation bonds issued pursuant to this or any prior act, any outstanding general obligation bond anticipation notes issued pursuant to this or any prior act, and any income tax secured revenue bonds issued pursuant to the Income Tax Secured Bond Authorization Act of 2008, effective October 22, 2008 (D.C. Law 17-254; D.C. Official Code § 47-340.26 *et seq.*).

(13) "Paying Agent" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor or an Authorized Delegate pursuant to section 6.

(14) "Procurement Act" means the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).

(15) "Registrar" means the District or any bank, trust company, or national banking association designated to serve in this capacity by the Mayor or an Authorized Delegate pursuant to section 6.

(16) "Special Tax Fund" means the debt service fund established pursuant to section 9(a)(1).

(17) "Special Tax Funds" means the debt service funds established pursuant to section 9(a)(1) and (2).

(18) "Special Tax Fund for Notes" means the debt service fund established pursuant to section 9(a)(2).

(19) "Treasury Advances" means amounts advanced to the District from the United States Treasury pursuant to Chapter 34 of Title 47 of the District of Columbia Official Code.

ENROLLED ORIGINAL

Sec. 3. Findings.

The Council finds that:

(1) Section 461 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bonds to refund Outstanding Debt of the District and to provide for the payment of the cost of acquiring or undertaking its various capital projects.

(2) Section 475 of the Home Rule Act authorizes the District to incur indebtedness by issuing general obligation bond anticipation notes, the proceeds of which shall be used for the purposes for which general obligation bonds may be issued under section 461 of the Home Rule Act.

(3) The cost of Outstanding Debt may be reduced by refunding a portion of it through the issuance of the bonds and the District's cost of borrowing may be reduced by the issuance from time to time of notes in anticipation of the issuance of bonds.

(4) The issuance of the bonds and the notes in anticipation of the bonds is an economical method of financing the costs of acquiring or undertaking the capital projects described in section 5 and of refunding all or a portion of certain Outstanding Debt as is in the public interest.

(5) To fund the capital needs of the District for fiscal years 2018 through 2023, it will be necessary to issue bonds from time to time in one or more series in an aggregate principal amount not to exceed \$4,200,000,000 and to issue notes from time to time in one or more series in anticipation of all or a portion of the bonds.

Sec. 4. Bond and note authorization.

(a) The District is authorized to incur indebtedness by issuing the bonds pursuant to sections 461 through 467 of the Home Rule Act to provide for any of the following:

(1) The payment of the cost of acquiring, undertaking, or refinancing capital projects described in section 5 for general governmental and enterprise purposes;

(2) The reimbursing of amounts temporarily advanced for the purposes authorized by this act from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District;

(3) The refunding of Outstanding Debt; and

(4) The payment of the costs and expenses of preparation, execution, issuance, sale or delivery of, or security for, the bonds and notes, including the payment of contracts or agreements the Mayor or an Authorized Delegate may determine to be necessary and appropriate as described in section 7(f), and the payment of other debt program related costs as provided in the contracts or agreements related thereto.

(b) The Mayor or an Authorized Delegate is authorized to pay from the proceeds of the bonds and other District funds, the costs and expenses referred to in subsection (a)(4) of this section and to the extent necessary to establish or continue the tax-exempt status of any of the bonds issued on a tax-exempt basis.

(c) The District is authorized pursuant to section 475 of the Home Rule Act to issue the notes in anticipation of the issuance of general obligation bonds and to expend the proceeds of the notes for any of the purposes for which bonds may be issued.

ENROLLED ORIGINAL

Sec. 5. Capital projects.

(a)(1) Bonds and notes may be issued from time to time to provide for the payment of the cost of acquiring, undertaking, or refinancing capital projects of the District and reimbursement of amounts advanced for such purposes, including, but not limited to, capital projects for the following categories of facilities and equipment by project and project description:

- (A) Physical plant;
- (B) Technology;
- (C) Mass transportation;
- (D) Roads and bridges;
- (E) Housing and economic development;
- (F) Environmental protection;
- (G) Major equipment; and
- (H) Recreation.

(2) The Council shall specify and determine from time to time, by resolution, the capital projects for which the issuance of bonds shall be authorized.

(b) The maximum principal amount of indebtedness that may be incurred through the issuance of bonds or notes for the capital projects, exclusive of the costs and expenses of issuing and delivering the bonds or notes and any other costs referred to in section 4(a)(4) which may be funded with proceeds of the bonds or notes, shall not exceed \$4,200,000,000; provided, that the principal amount of any notes or bonds issued to refund prior notes or bonds issued for any capital project shall not be included in the determination of the principal amount of indebtedness issued for such project, and provided that the aggregate amount of any refunded notes or additional notes refinanced with bonds or additional bonds shall be returned to the maximum principal amount of indebtedness for use in future issuances.

(c) The maximum total principal amount to be financed through the bonds and notes provided for the capital projects listed in subsection (a)(1) of this section shall include amounts requested by the District government and approved by Congress in the District's Fiscal Year 2018-2023 Capital Improvements Plan or other capital projects approved by the Council, as it may be modified from time to time by appropriations legislation, or by the Council.

(d) The costs of the capital projects approved for financing pursuant to this act and prior bond acts that have become law, which are paid originally from the General Fund of the District of Columbia or General Capital Improvements Fund of the District of Columbia, are reasonably expected to be reimbursed in whole or in part with the proceeds of the bonds or notes in the maximum amount set forth in subsection (b) of this section. The adoption of this act by the Council declares the intent of the District under Treas. Reg. § 1.150-2, issued under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*), to reimburse the General Fund of the District of Columbia and General Capital Improvement Fund of the District of Columbia or to refinance Treasury Advances or loans from the Treasury of the United States for capital projects, in either case, with the proceeds of the bonds and notes.

(e) Funds pursuant to this act shall not be used to pay for personnel of the District, except those in positions working on authorized capital projects that create assets or extend the

ENROLLED ORIGINAL

useful life of the assets.

Sec. 6. Bond and note details.

(a) The Mayor or an Authorized Delegate is authorized to take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds and notes, including, but not limited to, determinations of:

(1) Whether the bonds or notes are to be issued in one or more series and the principal amount of each series;

(2) For each series of the bonds or notes, the date of issuance, sale, and delivery of the bonds or notes, the maturity date or dates of the bonds (provided that the maximum maturity of any bond shall not exceed 30 years from the date of issuance) or notes (provided that the maximum maturity date of any note, including any renewal note issued to refund such note, shall not be later than the last day of the 3rd fiscal year following the fiscal year during which such note was originally issued), the dates for payment of principal and interest on the bonds or notes, and the amount of each installment or sinking fund payment of principal (provided that the principal installments on each series of the bonds shall begin no later than 3 years from the date of issuance of the series);

(3) The rate or rates of interest or the method for determining the rate or rates of interest on each series of the bonds and notes; provided, that the interest rate or rates borne by the bonds of any series with fixed interest rates shall not exceed 15% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months) in any event and that the interest rate or rates borne by the bonds of any series with non-fixed interest rates shall not exceed 15% per year (calculated on the basis of the actual number of days elapsed over a year of 365 or 366 days and based on the total amount of interest paid in any fiscal year), and the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months or on the basis of the actual number of days elapsed over a year of 365 or 366 days), as determined by the Mayor or the Authorized Delegate; provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year (calculated on the basis of a 360-day year consisting of twelve 30-day months or on the basis of the actual number of days elapsed over a year of 365 or 366 days), as determined by the Mayor or the Authorized Delegate;

(4) For each series of the bonds or notes, the maximum debt service payable in any fiscal year in accordance with the amount permitted under section 11(a)(3);

(5) The designation of any series of the bonds or notes and their denominations, lettering, and numbering or the manner of determining the designations and denominations, lettering, and numbering;

(6) The price and terms under which any series of the bonds or notes may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their stated maturities;

(7) The final form, content, and terms of each series of the bonds and notes, including a determination that any series of the bonds or notes may be issued in book-entry

ENROLLED ORIGINAL

form;

(8) The designation of a registrar, if other than the District, for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(9) The designation of a Paying Agent for any series of the bonds or notes and the execution and delivery of any necessary agreements relating to the appointment;

(10) Provisions for the registration, transfer, and exchange of the bonds or notes and the replacement of mutilated, lost, stolen, or destroyed bonds or notes; and

(11) Provisions for the security of holders of the bonds or notes, including, but not limited to, bond insurance or other credit enhancement.

(b) The bonds and notes shall be executed in the name of the District and on its behalf by the manual signature of the Mayor or an Authorized Delegate. To the extent required by the Home Rule Act, the official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the bonds and notes.

(c) The registrar shall manually authenticate each bond or note and maintain the books of registration for the payment of the principal of, and interest on, the bonds or notes and perform other ministerial responsibilities as specifically provided in its appointment as registrar, and the securities depository, if the bonds or notes are issued in book-entry form, shall maintain or cause to be maintained books of registration of owners of beneficial interests in the bonds or notes.

Sec. 7. Sale of the bonds and notes.

(a) The bonds of any series may be sold by the Mayor or an Authorized Delegate at a public sale upon receipt of sealed proposals (including electronic bids), or at a private sale on a negotiated basis in a manner as the Mayor or an Authorized Delegate may determine to be in the public interest, all pursuant to and in accordance with section 466 of the Home Rule Act. The notes of any series may be sold by the Mayor or an Authorized Delegate by competitive bid or negotiated sale as may be determined by the Mayor or an Authorized Delegate to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may prepare, or cause to be prepared, and may execute, for each sale of the bonds or notes, offering documents on behalf of the District and may authorize the distribution of the offering documents for the bonds or notes.

(c) The Mayor or an Authorized Delegate shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) as required by or incidental to:

(1) The issuance of the bonds or notes;

(2) If and to the extent the bonds or notes are issued on a tax-exempt basis, the exclusion from gross income for federal income tax purposes of interest on the bonds or notes, the treatment of interest on the bonds or notes as not an item of tax preference for purposes of the federal alternative minimum tax, and the exemption from District taxation of interest on the bonds or notes;

(3) The performance of any covenants contained in this act or any purchase contract for the bonds or notes; and

ENROLLED ORIGINAL

(4) The execution, delivery, and performance of any financing documents in connection with the sale of the bonds or notes, including, but not limited to, any Escrow Agreement, trust agreement, bond or note purchase agreement, or paying agent agreement.

(d) The bonds or notes shall not be issued until the Mayor or an Authorized Delegate receives an approving opinion from Bond Counsel as to the validity of the bonds or notes and, if and to the extent the bonds or notes are issued on a tax-exempt basis, the treatment of the interest on the bonds or notes for purposes of federal and District income taxation.

(e) The Mayor shall execute a bond issuance certificate or note issuance certificate, as the case may be, evidencing the determinations made and other actions taken by the Mayor for each series of the bonds or notes issued and shall designate in such certificate the amount of the bonds or notes to be used to finance capital projects or to refund or refinance Outstanding Debt, the amount of principal and interest on that amount of bonds or notes to be paid through sinking fund payments, redemptions, or otherwise, in each fiscal year, the date of the bonds or notes, the series designation, the authorized denominations, the Paying Agent or Agents, and any other matters pertaining to the bonds or notes, including any matters applicable under section 6(a). A copy of the bond issuance certificate or note issuance certificate, as the case may be, shall be filed with the Secretary to the Council not more than 3 days after the delivery of the bonds or notes covered by the certificate. Any bond issuance certificate or note issuance certificate shall be conclusive evidence of the actions or determinations taken or made as stated in the certificate.

(f) The Procurement Act and the Deposit and Investment Act shall not apply to whatever contract the Mayor or an Authorized Delegate may from time to time enter into for purposes of this act or the Mayor or an Authorized Delegate may determine to be necessary or appropriate for purposes of this act to place, in whole or in part, including, but not limited to:

(1) An investment or obligation of the District as represented by the bonds or notes;

(2) A contract or contracts for bond insurance or other credit enhancement (including, but not limited to, a letter or line of credits), or liquidity agreements, or placement of any investment or obligation or program of investment including any offering document, contract based on interest rate, currency, cash flow, or other basis, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls, Hedge Agreements, and any required supplements to any such documents. The contracts or other arrangements may also be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the bonds or notes. The contracts or other arrangements entered into pursuant to this section shall contain whatever payment security, terms, and conditions as the Mayor or an Authorized Delegate may consider appropriate and shall be entered into with whatever party or parties the Mayor or an Authorized Delegate may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties, including any rating by a nationally recognized rating agency or any other

ENROLLED ORIGINAL

criteria as may be appropriate.

(3) A contract or contracts for an escrow agent, paying agent, disclosure agent, trustee, collection agent, registrar, underwriting, legal services, accounting, financial advisory services, rating agency services, printing, and any other contracts for services of professionals or advisors or for disclosure services as the Mayor or an Authorized Delegate may consider to be necessary or appropriate.

Sec. 8. Payment and security of the bonds and notes.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the bonds and notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the bonds and notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the bonds and notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The bonds and notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) Any Paying Agent shall pay the principal of, and interest on, the bonds and notes and may perform other ministerial responsibilities as specifically provided in its appointment as Paying Agent.

(f) Proceeds of the bonds or notes and any money set aside for any security for the bonds or notes or any contract or other arrangement entered into pursuant to this section may be pledged to and used to service any contract or other arrangement providing for payment of principal of and interest on the bonds or notes.

Sec. 9. Special tax; establishment of rates; collection.

(a)(1) The Council determines that a special tax is necessary in conjunction with the authorization and issuance of the bonds and any Additional Bonds. Pursuant to section 481 of the Home Rule Act and notwithstanding the provisions of Chapter 5 of Title 47 of the District of Columbia Official Code, there is levied, for each real property tax year in which bonds or Additional Bonds are outstanding, a special tax on the real property in the District subject to taxation in amounts that will be sufficient to pay the principal of, and interest on, the bonds and Additional Bonds coming due in each year. This special tax is levied, without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a Special Tax Fund maintained separate from other funds of the District. The collection and custody of the special tax payment may be

ENROLLED ORIGINAL

pursuant to an agreement with an agent for such purposes and the Special Tax Fund may be maintained under an Escrow Agreement. When deposited, the funds in the fund and all investment income or earnings on these funds shall be irrevocably dedicated and pledged to the payment of principal, and interest on, the bonds and any Additional Bonds. Any Escrow Agreement providing for holding funds for the benefit of the holders of the bonds shall be maintained so long as any of the bonds are outstanding under this act.

(2) In addition to the special tax levied pursuant to subsection (a)(1) of this section, the Council determines that a separate tax levy is necessary in conjunction with the authorization and issuance of notes and any Additional Notes. Pursuant to section 467(a) of the Home Rule Act, and notwithstanding the provisions of Chapter 5 of Title 47 of the District of Columbia Official Code, there is levied, for each real property tax year in which notes or Additional Notes are outstanding, a special tax for notes on the real property in the District subject to taxation, which shall be separate and distinct from the collection and pledge of the special tax in subsection (a)(1) of this section, in amounts that will be sufficient to pay the principal of, and interest on, the notes and Additional Notes coming due in each year. This special tax for notes shall be levied, without limitation as to rate or amount, on all classes of real property subject to taxation in the District. The special tax for notes shall be collected and apportioned among classes of real property in the same manner as other District real property taxes and, when collected, shall be set aside in a Special Tax Fund for Notes maintained separate from other funds of the District, including the Special Tax Fund maintained under subsection (a)(1) of this section. The collection and custody of the revenue pledge payment may be pursuant to an agreement with an agent for such purposes and the Special Tax Fund for Notes may be maintained under an Escrow Agreement. When deposited, the revenues in the fund and all investment income or earnings on these funds shall be irrevocably dedicated and pledged to the payment of principal, and interest on, the notes and any Additional Notes. Any Escrow Agreement providing for holding funds for the benefit of the holders of the notes or Additional Notes shall be maintained so long as any of the notes or Additional Notes are outstanding under this act.

(3) The special taxes authorized pursuant to subsection (a)(1) and (2) of this section shall be levied and collected ratably and on a parity with each other, and in the event there are insufficient collections of real property taxes, the amounts collected shall be allocated to each of the Special Tax Funds in proportion of the amounts of bonds and Additional Bonds and notes and Additional Notes outstanding.

(b) The District irrevocably pledges for and on behalf of the owners of the bonds or notes as further security for the due and punctual payment of the principal and redemption price, if any, of, and interest on, the bonds or notes as they shall become due and payable for any reason, all of its right, title, and interest now owned or later acquired in and to the revenue from the applicable special taxes levied by this section, whether to be received, or held at the time, by a collection agent, custodian, or escrow agent for the District, or by District officials. This pledge creates and grants a parity security interest, which is created and perfected as contemplated in section 467 of the Home Rule Act, subject to the terms, conditions, and limitations in this act, including the provisions of subsections (e) and (i) of this section and the provisions setting forth conditions and limitations applicable to the issuance of Additional Bonds or Additional Notes secured, equally and ratably with the bonds or notes, respectively by a pledge of and security

ENROLLED ORIGINAL

interest in the special tax revenue or special tax for notes revenue.

(c) The security interests created in the revenues from the special taxes levied by this section shall be valid, binding, and perfected from the time of the delivery of the first bonds or notes with or without the physical delivery or allocation of any special tax revenue or special tax for notes revenue and with or without any further action. The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed. The pledge and lien created by the security interest shall be valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not the individual or legal entity has notice of the pledge and lien.

(d) If the District pays or, pursuant to section 15, makes provisions to pay to the owners of all bonds and Additional Bonds or notes and Additional Notes the principal or redemption price, if any, and the interest due or to become due, at the time and in the manner stipulated, the security interest created in the revenue from the special taxes levied under this section shall be terminated.

(e)(1) In any real property tax year, if the amount expected to be on deposit in the Special Tax Fund on the first day of the next succeeding real property tax year exceeds the greater of the earnings on the Special Tax Fund for the current real property tax year or 1/12 of the amount that the Mayor certifies as required to pay the principal of, and interest on, the bonds and any Additional Bonds coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District of Columbia or the use of that excess amount to purchase, for cancellation, Outstanding Debt. That excess amount shall be released from the lien on and security interest in the special tax revenue created under this section.

(2) In any real property tax year, if the amount expected to be on deposit in the Special Tax Fund for Notes on the first day of the next succeeding real property tax year exceeds the greater of the earnings on the Special Tax Fund for Notes for the current real property tax year or 1/12 of the amount that the Mayor certifies as required to pay the principal of, and interest on, the notes and any Additional Notes coming due in the next succeeding real property tax year, the Mayor shall either cause the transfer of that excess amount to the General Fund of the District of Columbia or the use of that excess amount to purchase, for cancellation, Outstanding Debt. That excess amount shall be released from the lien on and security interest in the special tax for notes revenue created under this section.

(3) On or before the date upon which the Mayor is required by law to submit to the Council proposed real property tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall certify to the Council the amount required in that real property tax year to pay the principal of, and interest on, the bonds and any Additional Bonds or notes and any Additional Notes coming due for any reason during that real property tax year. The amount certified, less any funds then on deposit in the Special Tax Funds after application of paragraphs (1) and (2) of this subsection, shall be called the special tax requirement.

(f) On or before the date upon which the Mayor is required by law to submit to the Council proposed tax rates for a real property tax year of the District (but not later than the first day of that real property tax year), the Mayor shall calculate and submit to the Council proposed real property

ENROLLED ORIGINAL

special tax rates to be applied during the real property tax year to all real property subject to taxation in the District. The real property special tax rates shall be calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section.

(g) The Council, in the same manner as provided for the establishment of other real property tax rates, shall, by act, establish real property special tax rates for the real property tax year calculated to yield the special tax requirement, as that amount is certified by the Mayor pursuant to subsection (e) of this section. If the Council fails to enact special real property tax rates for the real property tax year within the time provided by law, the real property special tax rates submitted by the Mayor pursuant to subsection (f) of this section shall be the real property special tax rates to be applied during that real property tax year.

(h) Real property special taxes shall be collected in the same manner as other District real property taxes and the Mayor shall promptly deposit in the Special Tax Funds all real property special taxes collected, including collection through a collection agent and deposit under an Escrow Agreement. If the law of the District relating to the levy or collection of real property taxes or the calculation or establishment of real property tax rates is changed in a manner that renders any of the provisions of subsections (e) through (h) of this section incapable of performance in accordance with their respective terms, the Mayor and the Council shall take actions that result in the collection of real property special taxes, in the same manner as other District real property taxes, in the amounts required by this section.

(i) The District and the Mayor reserve the right to satisfy all or a portion of the special tax pledge requirements by setting aside and depositing into the Special Tax Funds, equally and ratably, at any time any funds of the District not otherwise legally committed, which shall irrevocably dedicate and pledge those deposits to the payment of principal of, and interest on, the bonds and Additional Bonds or notes and any Additional Notes then outstanding. To the extent that all or a portion of the special tax requirement or revenue pledge requirement is satisfied by those deposits, an equal amount of real property special tax revenue or special tax for notes revenue subsequently collected shall be released from the lien on and the security interest in the special tax revenue or the special tax for notes revenue created under this section and shall be paid to reimburse the General Fund of the District of Columbia or other fund of the District of Columbia from which the other funds were received, and any other funds so deposited in lieu of a portion of the special tax revenues or pledged property tax revenues shall be subject to the pledge and security interest under this act as if they were special tax revenues or special tax for notes pledged revenues pursuant to section 467 of the Home Rule Act.

(j) The Mayor shall provide for the payment of the principal of, and interest on, the bonds or notes, as it may become due and payable for any reason, by transferring funds on deposit in the Special Tax Funds, respectively, to the Paying Agent to the extent required pursuant to the bond or Additional Bond issuance certificate or note or Additional Note issuance certificate provided for in section 7.

Sec. 10. Issuance of bonds to pay notes when due.

(a) The District shall issue the bonds or, to the extent permitted by the Home Rule Act, renewal notes to provide for the payment of the principal of the notes, as they may become due and

ENROLLED ORIGINAL

payable.

(b) The par value to be received from the sale of any bonds issued to refund the notes or any renewal notes shall, to the extent necessary, be used to pay the principal of, and interest on, the notes when due and are pledged to that purpose.

Sec. 11. General covenants.

(a) The following covenants are made by the District in connection with the authorization and issuance of the bonds:

(1) Pursuant to section 603(c) of the Home Rule Act, the Council shall not approve any budget that would result in expenditures being made by the District during any fiscal year in excess of all resources that the Mayor estimates will be available from all funds available to the District for that fiscal year, except as permitted by applicable law. The Mayor shall not forward to the President for submission to Congress a budget that is not balanced according to the provisions of section 603(c) of the Home Rule Act, except as permitted by applicable law.

(2) The District shall prepare its annual financial statements in accordance with generally accepted accounting principles for state and local governments and cause its annual financial statements to be audited by an independent accountant.

(3) The District shall not issue any general obligation bonds or general obligation bond anticipation notes, other than bonds or renewal notes to refund any Outstanding Debt, or incur any indebtedness to the Treasury of the United States for capital projects in an amount that would cause the amount of debt service payable in any fiscal year on all the indebtedness, including all outstanding bonds and loans, to exceed any limitations set forth in the Home Rule Act or the borrowing limitation set forth in D. C. Official Code § 47-335.02 at the time the additional bonds or indebtedness are issued or incurred. For purposes of the limitation imposed by this section, and as required by section 475(b) of the Home Rule Act, the Council hereby determines that the estimated maximum annual debt service amount for the bonds anticipated by the notes is \$30 million.

(4) Subject to applicable law, the District shall maintain a capital projects fund, separate from other funds of the District, into which it will deposit the proceeds of any bonds or notes, other than bonds or notes issued to refund Outstanding Debt, less any capitalized interest and accrued interest, and shall expend the proceeds only to finance capital projects and incidental costs as defined in section 103(8) of the Home Rule Act. Subject to applicable law, the proceeds of the bonds or notes may be escrowed in appropriate accounts with escrow agents or a trustee for the bonds or notes to be applied to the applicable purposes. Interest or other investment earnings of proceeds in the capital projects fund shall be credited to the General Fund of the District of Columbia, subject to provisions for any deposit requirements to a rebate fund or other funds in accordance with agreements pertaining to the bonds or notes.

(c) The Mayor or an Authorized Delegate may, through a trust agreement or other instrument, make additional covenants of the District and agree to other provisions to better secure, administer funds for, and protect the bonds or notes and the owners thereof.

ENROLLED ORIGINAL

Sec. 12. Events of default.

(a) Each of the following events constitutes an event of default:

(1) Failure to pay the principal of the bonds or notes, as the case may be, when the principal becomes due and payable at maturity, upon redemption, or otherwise;

(2) Failure to pay an installment of interest on the bonds or notes, as the case may be, upon the day when the interest becomes due; and

(3) Failure by the District to observe and perform any covenant, condition, agreement, or provision, other than as specified in paragraphs (1) and (2) of this subsection, contained in the bonds or notes, as the case may be, or in this act, but only if the failure continues for a period of 90 days after transmittal to the District of written notice of failure.

(b) A bond or note owner who claims an event of default under subsection (a)(3) of this section shall provide to the registrar written notice specifying the failure and requesting that it be remedied. Upon verifying that the written notice has been transmitted by a bona fide bond or note owner, the registrar, if other than the District, shall transmit the written notice to the District. If the registrar is the District, the written notice shall be delivered directly to the Mayor. Transmittal to the District of the written notice required by subsection (a)(3) of this section shall not be accomplished in any manner other than that set forth in this subsection. If there is a trust agreement or Escrow Agreement for the bonds or notes, the notice by bond or note owners and notice to the District shall be given by and to the persons designated in or pursuant to such agreement.

Sec. 13. Remedies.

(a) Upon the occurrence and continuance of any event of default, any bond or note owner may:

(1) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bond or note owner and require the District to carry out any agreements with or for the benefit of the bond or note owner and to perform its duties under this act;

(2) Bring suit upon the bonds or notes, as the case may be; and

(3) By action or suit at law or in equity, enjoin any acts that may be unlawful or in violation of the rights of the bond or note owner.

(b) If any proceeding initiated by any bond or note owner to enforce any right under this act is discontinued or abandoned for any reason, the District and the bond or note owner shall be restored to their former positions and rights, and all rights, remedies, and powers of each of the parties shall continue as though the proceeding had not been initiated.

(c) Subject to the provisions of the Home Rule Act, if there is a trust agreement or Escrow Agreement for the bonds or notes, actions under this act or such agreement, or on the bonds or notes, as the case may be, shall be subject to applicable provisions in the agreement, notwithstanding other provisions in this act.

Sec. 14. District officials.

(a) The elected and appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or notes or be subject to any personal

ENROLLED ORIGINAL

liability by reason of the issuance of the bonds or notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature on the bonds or notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the bonds or notes.

Sec. 15. Defeasance of bonds and notes.

(a) The bonds or notes, as the case may be, shall be legally defeased and no longer be considered outstanding and unpaid for the purpose of this act, and the requirements of this act shall be discharged with respect to the bonds or the notes if the Mayor or an Authorized Delegate:

(1) Deposits with an escrow agent, which shall be a bank, trust company, or national banking association with requisite trust powers, in a separate defeasance escrow account, established and maintained by the escrow agent solely at the expense of the District and held in trust for the bond owners, sufficient moneys or direct obligations of the United States, the principal of, and interest on, which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest on, the bonds or notes to be defeased; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or investments to the payment of the principal of and interest on, the bonds or notes to be defeased as they become due and payable.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any District limitations placed on these accounts by any law, except for this act.

(d) References in this section to "amounts due and payable" include, but are not limited to, amounts due and payable by reason of optional or mandatory redemption.

Sec. 16. Additional debt and other obligations.

Subject to the terms of any trust agreement or Escrow Agreement pertaining to the bonds or notes, the District reserves the right at any time to borrow money or enter into other obligations to the full extent permitted by law, to secure the borrowings or obligations by the pledge of its full faith and credit, to secure the borrowings or other obligations by any other security and pledges of funds as may be authorized by law, and to issue bonds, including Additional Bonds, notes, including Additional Notes, or other instruments, to evidence the borrowings or obligations. Any act of the Council authorizing the issuance of Additional Bonds or Additional Notes shall provide for an increase in the special tax requirements sufficient to pay principal of, and interest on, the Additional Bonds or Additional Notes.

ENROLLED ORIGINAL

Sec. 17. Tax status.

If and to the extent the bonds or notes are issued on a tax-exempt basis, the Mayor or an Authorized Delegate shall not (1) take any action or omit to take any action, or (2) invest, reinvest, or accumulate any moneys in a manner that will cause the interest on the bonds or notes, as the case may be, to be includable in gross income for federal income tax purposes or to be treated as an item of tax preference for purposes of the federal alternative minimum tax. The Mayor or an Authorized Delegate shall also take all actions necessary to be taken, including to make any rebate payment, if any, when due, so that the interest on the bonds or notes will not be includable in gross income for federal income tax purposes or be treated as an item of tax preference for purposes of the federal alternative minimum tax.

Sec. 18. Contract.

This act shall constitute a contract between the District and the owners of the bonds and notes. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling with respect to bonds and notes.

Sec. 19. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any authorized delegate the performance of any act authorized to be performed by the Mayor under this act.

Sec. 20. Maintenance of documents.

Copies of the specimen bonds and notes and related documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 21. Information reporting.

(a) Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of any series of the bonds or notes, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

(b) The Mayor shall notify the Council, within 30 days, if any funds or accounts of the District not otherwise legally committed have been used for the payment of principal of and interest on the bonds pursuant to section 8(c).

(c)(1) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of bonds or notes pursuant to this act shall include a statement as to:

(A) Whether the bonds or notes of any series are intended to be sold by competitive bid or by negotiated sale and, if bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interests of the District and a statement of the reasons supporting this determination; and

(B) Whether the bonds or notes of any series are intended to be issued on a tax-exempt or taxable basis.

ENROLLED ORIGINAL

(d)(1) No portion of the proceeds of the sale of bonds or notes shall be used to compensate a District employee unless the employee actually performs duties related to the projects financed by this act, as provided in section 5(e).

(2) Within 30 days after the effective date of the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Emergency Act of 2017, effective October 4, 2017 (D.C. Act 22-144; 64 DCR 10172), and before any bonds or notes are issued pursuant to this act, the Mayor shall submit to the Council a list of all District employees who are compensated, in whole or part, by capital improvement funds.

(e) With respect to a negotiated sale of bonds or notes, the underwriters shall provide written notification to the District of the following circumstances:

(1) Any relationship, during the prior 2 years, with elected or appointed District officials, or the District's bond counsel or financial advisor that could create a conflict of interest or apparent conflict of interest with the duties performed, or to be performed, by such underwriters or other advisors for the District;

(2) Any arrangement, during the prior 2 years, to share fees with other underwriters, firms, or individuals in connection with the provision of services to the District by either entity; and

(3) Any public finance transaction for any other issuer where the underwriter, or prospective underwriter, is serving, or has served in the prior 2 years, as financial advisor in any transaction where the District's financial advisor was, or is, an underwriter.

Sec. 22. Period of limitations.

At the end of the 20-day period beginning on the date of the first publication pursuant to the notice in section 463(a) of the Home Rule Act that an act authorizing the issuance of the bonds has taken effect:

(1) Any recital or statement of fact contained in such act or in the preamble or title of this act shall be deemed to be true for the purpose of determining the validity of any bonds authorized by this act, and the District and all others interested shall be estopped from denying any such recital or statement of fact; and

(2) This act, and all proceedings in connection with the authorization of the issuance of bonds authorized by this act, shall be deemed to have been duly and regularly taken, passed, and done by the District, in compliance with the Home Rule Act and all other applicable laws, for the purpose of determining the validity of this act and the proceeding in connection with the authorization and issuance of bonds authorized by this act; and no court shall have jurisdiction in any suit, action, or proceeding commenced before the end of such 20-day period.

TITLE II. CONFORMING AMENDMENT.

Sec. 201. Section 47-336(4) of the District of Columbia Official Code is amended to read as follows:

“(4) “Special real property tax levy” means those portions of the real property tax levy required by District of Columbia general obligation bonds or general obligation notes acts to be deposited in the debt service funds so that, when added to the funds already on deposit in the

ENROLLED ORIGINAL

funds, the funds will be sufficient to pay the principal and interest on all outstanding general obligation bonds and additional bonds or general obligation notes and additional notes coming due in any year.”.

TITLE III. SEVERABILITY.

Sec. 301. Severability.

As provided in the General Rule of Severability Adoption Act of 1983, effective March 14, 1984 (D.C. Law 5-56; D.C. Official Code § 45-201), if any provision of this act or the application of this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority of the Council, or otherwise invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

TITLE IV. GENERAL PROVISIONS.

Sec. 401. Fiscal impact statement.

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

Sec. 402. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
February 6, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 7, 2018

To amend section 47-812 of the District of Columbia Official Code to lower the real property tax rate for Class 2 Properties located east of the east bank of the Anacostia River.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “East End Commercial Real Property Tax Rate Reduction Amendment Act of 2018”.

Sec. 2. Section 47-812 of the District of Columbia Official Code is amended by adding a new subsection (b-11) to read as follows:

“(b-11)(1) Notwithstanding the provisions of subsection (a) of this section and except as provided in paragraph (2) of this subsection, the real property tax rates and special real property tax rates for taxable Class 2 Properties located east of the east bank of the Anacostia River (“region”) shall be:

“(A) For the tax year beginning October 1 after the applicability date of this subsection, and each tax year thereafter for 10 years, equal to the real property tax rate for Class 1 Properties; and

“(B) For the tax year beginning 11 years after the applicability date of this subsection, increased by \$0.04 annually until the tax rate is equal to the District’s standard real property tax rate for Class 2 Properties.

“(2)(A) Paragraph (1) of this subsection shall not apply to any TIF area in the region.

“(B) For the purposes of this subsection, the term “TIF area” shall have the same meaning as provided in § 2-1217.01(31).”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

ENROLLED ORIGINAL

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia

FEBRUARY 6, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-253

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 7, 2018

To approve the disposition of District-owned real property located at 3050 R Street, N.W., commonly known as the Jackson School, known for taxation and assessment purposes as Lot 840 in Square 1282.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Jackson School Lease Renewal Authorization Act of 2018”.

Sec. 2.(a) Notwithstanding section 1 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), and section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09), the Council finds that the real property located at 3050 R Street, N.W., commonly known as the Jackson School, and known for taxation and assessment purposes as Lot 840 in Square 1282 (“Property”) is no longer required for public purposes and approves the disposition of the Property to the Jackson Art Center (“Lessee”) through a negotiated ground lease for a term of 20 years, which shall require that the Lessee:

(1) Use the Property primarily for an art center, studio, and gallery and to provide educational activities and services related to the art center, studio, and gallery; and

(2) If the Lessee redevelops the Property, to enter into:

(A) An agreement with the District pursuant to the CBE Act that shall require the Lessee to contract with Certified Business Enterprises for at least 35% of the contract dollar volume of any redevelopment of the Property, and, if feasible, require at least 20% equity and development participation by Certified Business Enterprises; and

(B) A First Source Agreement.

(b) For the purposes of this act, the term:

(1) “CBE Act” means the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

ENROLLED ORIGINAL


(3) "First Source Agreement" means an agreement with the District governing certain obligations of the Lessee pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of construction on the Property.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia

~~UNSIGNED~~ _____
Mayor
District of Columbia
February 6, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 7, 2018

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt persons that locate certain businesses in specified sites in Ward 7 or 8 from deed recordation, real property, and personal property taxation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "East End Grocery and Retail Incentive Tax Exemption Act of 2018".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-4667. East End grocery and retail incentive tax exemption."

(b) A new section 47-4667 is added to read as follows:

"§ 47-4667. East End grocery and retail incentive tax exemption.

"(a)(1) Subject to subsection (d) of this section, the development of a new eligible business in the following locations shall be eligible for tax exemptions in accordance with subsection (b) of this section:

"(A) Capitol Gateway;

"(B) East River Park;

"(C) The Shops at Penn Hill;

"(D) Parkside Planned Unit Development;

"(E) St. Elizabeths East Campus;

"(F) The existing United Medical Center parcel; and

"(G) Columbian Quarter.

"(2) Subject to subsection (d) of this section, new grocery stores constructed in Ward 7 or Ward 8 shall be eligible for tax exemptions in accordance with subsection (b) of this section.

"(b) An eligible business shall be eligible for a tax exemption as follows:

"(1) A 30-year exemption from real property or possessory interest taxes imposed pursuant to Chapter 8 of this title for the land and improvements; provided, that if the eligible

ENROLLED ORIGINAL

business is operated in leased premises, the benefit of the exemption is passed through to the lessee in the form of reduced rent in accordance with subsection (c) of this section;

“(2) An exemption from recordation taxation, imposed pursuant to Chapter 11 of Title 42;

“(3) An exemption from transfer taxes imposed pursuant to Chapter 9 of this title;

“(4) A 30-year exemption from the license fee imposed pursuant to § 47-2827(b);

“(5) A 30-year tax exemption on personal property imposed by Chapter 15 of this title for the property located at that eligible business;

“(6) A 30-year exemption from corporate franchise taxes (including combined reporting) imposed by Chapter 18 of this title on the income received from operation of the eligible business; provided, that no capital costs or operating expenses incurred with respect to the eligible business shall be allowable for purposes of such tax exemption; and

“(7) A 30-year exemption from sales or use taxes imposed pursuant to Chapter 20 or Chapter 22 of this title for purchases of property or services used to construct the eligible business.

“(c)(1) If an eligible business leases real property that is subject to tax under Chapter 8 of this title, the eligible business shall receive a rebate of the tax that represents the eligible business' pro rata share of the tax levied for the tax year on that portion of the real property that the eligible business leases if:

“(A) The eligible business is liable under the lease for its pro rata share of the tax;

“(B) An application for the rebate of the tax is made on or before December 31 of the succeeding tax year; and

“(C) The lessor paid the tax.

“(2) The rebate shall be the amount of the pro rata share of the tax paid by the eligible business as required by the lease.

“(3) The application required by paragraph (1)(B) of this subsection shall include:

“(A) A copy of the lease; and

“(B) Documentation, as required by the Mayor, that the tax has been paid.

“(4) If a proper application has been made, the Mayor shall require that a rebate be provided to the eligible business on or before March 1 of the succeeding tax year.

“(5) Any rebates authorized under this subsection shall be paid from the General Fund of the District of Columbia.

“(d)(1) To qualify for the tax exemptions set forth in this section, the owner of an eligible business shall certify to the Mayor semiannually that 50% of its full-time employees at the eligible business are District residents.

“(2) For an eligible business that is a grocery store, or selling grocery and retail goods, to be eligible for the tax exemption under subsection (b) of this section, the eligible

ENROLLED ORIGINAL

business has to accept Supplemental Nutrition Assistance Program and Women, Infants, and Children benefits and offer fresh food items such as vegetables, fruits, meat, dairy, and eggs.

“(e)(1) The Mayor shall certify to the Office of Tax and Revenue semiannually that each business is eligible to receive the exemptions set forth in subsection (b) of this section.

“(2) The certification shall:

“(A) Identify the property or portion thereof (by square and lot) or person (by full legal name and taxpayer identification number) eligible to receive an exemption;

“(B) The taxes for which the exemption is granted; and

“(C) The period or date at which each exemption commences and terminates; provided, that no exemption shall be more than 30 years in duration.

“(3) The Mayor shall notify the Office of Tax and Revenue if a property loses entitlement to any exemption previously certified, and the date of such loss of entitlement.

“(f) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section.

“(g) For the purposes of this section, the term:

“(1) “Anchor store” means, generally, a major, large, well-known chain retailer that offers various goods and is a driver of business to smaller retailers in the area.

“(2) “Eligible business” means a grocery anchor store, an anchor store selling grocery and retail goods, or a sit-down restaurant.”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.


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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

~~UNSIGNED~~ _____
Mayor
District of Columbia
February 6, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 7, 2018

To authorize the Mayor and the Council to make appointments to the Board of Directors for the Washington Metrorail Safety Commission and to grant the Mayor the authority to remove any Member or Alternate Member for misconduct or neglect of duty, or for other good cause; to make a conforming amendment to the Confirmation Act of 1978; and to repeal the Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2018".

Sec. 2. Authority to appoint Members of the Board of Directors of the Washington Metrorail Safety Commission.

(a) 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), the District of Columbia shall appoint Members of the Board of Directors of the Washington Metrorail Safety Commission as follows:

(1)(A) The Mayor shall appoint or reappoint (including to fill an unexpired term) one Member and one Alternate Member, each of whom shall be subject to confirmation by the Council pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

(B) The Member initially appointed by the Mayor shall serve a 2-year term. The Alternate Member initially appointed by the Mayor shall serve a 3-year term.

(2)(A) The Council shall appoint or reappoint (including to fill an unexpired term) one Member.

(B) The Member initially appointed by the Council shall serve a 4-year term.

(C) The Council shall not instruct its appointee as to the position to take on a particular matter or otherwise direct its appointee in the performance of his or her duties.

(3) The term of each initial appointment shall not commence until the latest date by which each of the Mayor's 2 appointees has been confirmed by the Council and the Council's appointment has become effective by publication in the District of Columbia Register.

ENROLLED ORIGINAL

(b) The Mayor may remove or suspend any Member or Alternate Member of the Board for misconduct or neglect of duty, or for other good cause, after notice to the Member or Alternate Member of the Board and to the Board.

Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (31) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (32) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (33) is added to read as follows:

“(33) The Board of Directors of the Washington Metrorail Safety Commission established by 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).”.

Sec. 4. The Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997, effective September 23, 1997 (D.C. Law 12-20; D.C. Official Code § 9-1109.01 *et seq.*), is repealed.

Sec. 5. Applicability.

Section 4 shall apply upon certification pursuant to 49 U.S.C. § 5329(e)(7) and 49 C.F.R. Part 674 by the Federal Transit Administration of the Washington Metrorail Safety Commission as the State Safety Oversight agency.

Sec. 6. Fiscal impact statement.

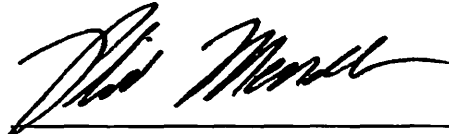
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 6, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 7, 2018

To amend, on an emergency basis, the Adult Literacy Task Force Act of 2014 to include business community representatives on the Adult Career Pathways Task Force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Adult Career Pathways Task Force Expansion Emergency Amendment Act of 2018”.

Sec. 2. 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)), is amended as follows:

(a) The lead-in language is amended by striking the number “14” and inserting the number “17” in its place.

(b) Paragraph (11) is amended as follows:

(1) The lead-in language is amended by striking the word “Three” and inserting the word “Six” in its place.

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

(3) Subparagraph (C) is amended by striking the phrase “provider.” and inserting the phrase “provider; and” in its place.

(4) A new subparagraph (D) is added to read as follows:

“(D) Three representatives of the District business community that the Workforce Investment Council determines are from in-demand industry sectors, as defined by section 2(23) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1429; 29 U.S.C. § 3102(23)).”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Adult Career Pathways Taskforce Expansion Amendment Act of 2017, passed on 1st reading on January 9, 2018 (Engrossed version of Bill 22-554), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia

~~UNSIGNED~~

Mayor
District of Columbia
February 6, 2018

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

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

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

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

B22-697 Mazie Washington Way Designation Act of 2018

Intro. 2-5-18 by Councilmember Gray and referred to the Committee of the Whole

**COUNCIL OF THE DISTRICT OF COLUMBIA
 ABBREVIATED NOTICE OF PUBLIC HEARINGS
 AGENCY PERFORMANCE OVERSIGHT HEARINGS
 FISCAL YEAR 2017-2018**

2/14/2018

SUMMARY

February 5, 2018

Committee of the Whole Public Briefing on the Fiscal Year 2017
Comprehensive Annual Financial Report (CAFR) at 1:30 p.m. in Room
500

February 7, 2018 to
March 9, 2018

Agency Performance Oversight Hearings on Fiscal Year 2017-2018

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 10 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule, please contact the committee of interest.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
2/26/2018	2/28/2018	Real Property Tax Appeals Commission (Finance & Revenue - Room 120; 10:00a.m.)
2/27/2018	2/27/2018	Committee on Transportation & the Environment (Time change from 11:00a.m. to 2:30p.m.; Room 123)
2/28/2018	2/26/2018	Destination DC (Finance & Revenue - Room 412; 10:00a.m.)
3/6/2018	2/26/2018	Department of Housing & Community Development & Housing Production Trust Fund - Public Witnesses Only (Housing - Room 500; 2:00p.m.)
3/8/2018	2/28/2018	Metropolitan Washington Airports Authority (COW - Room 500; 9:45a.m.)
3/8/2018	2/8/2018	DC Board of Elections & Office of Campaign Finance (Judiciary - Room 123; 9:30a.m.)

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE		Chairman Phil Mendelson
MONDAY, FEBRUARY 5, 2018; COUNCIL CHAMBER (Room 500)		
Time	Subject	
1:30 p.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR)	

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY		Chairperson Charles Allen
THURSDAY, FEBRUARY 8, 2018; COUNCIL CHAMBER (Room 500)		
Time	Agency	
9:30 a.m. - End	Commission on Judicial Disabilities and Tenure	
	Office of Unified Communications	
	Office of Victim Services and Justice Grants	
	District of Columbia Board of Ethics and Government Accountability	
	District of Columbia Board of Elections	
	Office of Campaign Finance	

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH		Chairperson Vincent Gray
MONDAY, FEBRUARY 12, 2018; COUNCIL CHAMBER (Room 500)		
Time	Agency	
10:30 a.m. - End	Department of Health	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION		Chairperson Anita Bonds
MONDAY, FEBRUARY 12, 2018; Room 412		
Time	Agency	
10:00 a.m. - End	District of Columbia Office on Aging	
	Commission on Aging	
	Age Friendly DC Task Force	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT		Chairperson Elissa Silverman
MONDAY, FEBRUARY 12, 2018; Room 123		
Time	Agency	
10:00 a.m. - End	Office of Employee Appeals	
	Public Employees Relations Board	
	Office of Risk Management	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dccouncil.us or by calling 202-724-7772.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT		Chairperson Kenyan McDuffie
TUESDAY, FEBRUARY 13, 2018; COUNCIL CHAMBER (Room 500)		
Time	Agency	
1:00 p.m. - End	Department of Small and Local Business Development	
	Department of Insurance, Securities and Banking	
	Department of For-Hire Vehicles	
	For-Hire Vehicle Advisory Council	

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE OF GOVERNMENT OPERATIONS		Chairperson Brandon Todd
TUESDAY, FEBRUARY 13, 2018; Room 412		
Time	Agency	
10:00 a.m. - End	Office of Public-Private Partnerships	

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

TUESDAY, FEBRUARY 13, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, FEBRUARY 14, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Disability Services Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

THURSDAY, FEBRUARY 15, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

THURSDAY, FEBRUARY 15, 2018; Room 412	
Time	Agency
9:30 a.m. - End	Judicial Nomination Commission Criminal Justice Coordinating Council Department of Corrections Corrections Information Council District of Columbia National Guard Criminal Code Reform Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

THURSDAY, FEBRUARY 15, 2018; Room 120	
Time	Agency
10:00 a.m. - End	State Board of Education Office of the Ombudsman Office of the Student Advocate Bullying Prevention Task Force

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

TUESDAY, FEBRUARY 20, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:00 p.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON FINANCE & REVENUE **Chairperson Jack Evans**

WEDNESDAY, FEBRUARY 21, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
12:00 p.m. - End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (slov@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

WEDNESDAY, FEBRUARY 21, 2018; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, FEBRUARY 21, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Child and Family Services Agency
	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

WEDNESDAY, FEBRUARY 21, 2018; Room 120	
Time	Agency
11:00 a.m. - End	Mayor's Office of Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs
	District of Columbia Housing Authority
	Office of the Advisory Neighborhood Commissions

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT **Chairperson Elissa Silverman**

THURSDAY, FEBRUARY 22, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Labor Relations and Collective Bargaining
	Department of Human Resources

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dccouncil.us or by calling 202-724-8835.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

THURSDAY, FEBRUARY 22, 2018; Room 412	
Time	Agency
9:30 a.m. - End	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement
	Office of Police Complaints
	District of Columbia Sentencing Commission
	Office of Human Rights
	Homeland Security and Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

THURSDAY, FEBRUARY 22, 2018; Room 123	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

THURSDAY, FEBRUARY 22, 2018; Room 120	
Time	Agency
10:00 a.m. - End	Office of Administrative Hearings
	Office of the Inspector General
	Public Access Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

FRIDAY, FEBRUARY 23, 2018; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Health Benefit Exchange Authority
	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

MONDAY, FEBRUARY 26, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

MONDAY, FEBRUARY 26, 2018; Room 120	
Time	Agency
10:00 a.m. - End	Events DC
	Real Property Tax Appeals Commission
	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (slov@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON EDUCATION

Chairperson David Grosso

TUESDAY, FEBRUARY 27, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

TUESDAY, FEBRUARY 27, 2018; Room 412	
Time	Agency
10:00 a.m. - 1:00 p.m.	University of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

TUESDAY, FEBRUARY 27, 2018; Room 123	
Time	Agency
2:30 p.m. - End	Bicycle Advisory Council
	Pedestrian Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

TUESDAY, FEBRUARY 27, 2018; Room 120	
Time	Agency
11:00 a.m. - End	Public Service Commission
	Office of the People's Counsel
	Office of Cable Television, Film, Music and Entertainment
	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanel Autrey (cautrety@dccouncil.us) or by calling 202-724-8053.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 28, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Metropolitan Washington Council of Governments
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, FEBRUARY 28, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	DC Lottery
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (slov@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

THURSDAY, MARCH 1, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT **Chairperson Kenyan McDuffie**

THURSDAY, MARCH 1, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY **Chairperson Charles Allen**

THURSDAY, MARCH 1, 2018; Room 120	
Time	Agency
9:30 a.m. - End	Metropolitan Police Department
	Fire and Emergency Medical Services Department
	Office of the Attorney General
	Department of Forensic Sciences
	Office of the Chief Medical Examiner

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

FRIDAY, MARCH 2, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Food Policy Council
	DC Water
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE OF GOVERNMENT OPERATIONS **Chairperson Brandon Todd**

FRIDAY, MARCH 2, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Office of Chief Technology Officer
	Secretary of the District of the Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION **Chairperson Anita Bonds**

FRIDAY, MARCH 2, 2018; Room 120	
Time	Agency
11:00 a.m. - End	Rental Housing Commission
	Board of Condemnation of Insanitary Buildings
	Board of Real Estate Appraisers
	Real Estate Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

MONDAY, MARCH 5, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Not-For-Profit Hospital Corporation
	Not-For-Profit Hospital Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, MARCH 5, 2018; Room 412	
Time	Agency
11:00 a.m. - End	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION	
Chairperson Anita Bonds	
TUESDAY, MARCH 6, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
2:00 p.m. - 6:00 p.m.	Department of Housing and Community Development (Public Witnesses Only)
	Housing Production Trust Fund (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT	
Chairperson Elissa Silverman	
WEDNESDAY, MARCH 7, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Public Witnesses Only)
	Workforce Investment Council (Public Witnesses Only)
	Deputy Mayor for Greater Economic Opportunity (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster labor@dccouncil.us or by calling 202-724-7772.

COMMITTEE ON GOVERNMENT OPERATIONS	
Chairperson Brandon Todd	
WEDNESDAY, MARCH 7, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Mayor's Office of Legal Counsel
	Serve DC

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION	
Chairperson Anita Bonds	
WEDNESDAY, MARCH 7, 2018; Room 123	
Time	Agency
11:00 a.m. - End	Housing Finance Agency
	Department of Housing and Community Development (Government Witnesses Only)
	Housing Production Trust Fund (Government Witnesses Only)
	Office of the Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE OF THE WHOLE	
Chairman Phil Mendelson	
WEDNESDAY, MARCH 7, 2018; Room 120	
Time	Agency
10:00 a.m. - End	District of Columbia Auditor
	New Columbia Statehood Commission
	Contract Appeals Board
	Office of Contracting and Procurement
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE OF THE WHOLE	
Chairman Phil Mendelson	
THURSDAY, MARCH 8, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:45 a.m. - 5:00 p.m.	Metropolitan Washington Airports Authority
	Office of Budget and Planning
	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

JOINT HEARING WITH COMMITTEE ON HUMAN SERVICES AND COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION	
Chairperson Brianne Nadeau Chairperson Anita Bonds	
THURSDAY, MARCH 8, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Department of Human Services
	Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, MARCH 8, 2018; Room 123	
Time	Agency
9:30 a.m. - 1:00 p.m.	District of Columbia Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

THURSDAY, MARCH 8, 2018; Room 120	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

FRIDAY, MARCH 9, 2018; COUNCIL CHAMBER; Room 500	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Government Witnesses Only)
	Workforce Investment Council (Government Witnesses Only)
	Deputy Mayor for Greater Economic Opportunity (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dcccouncil.us or by calling 202-724-7772.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

FRIDAY, MARCH 9, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Office on Women's Policy and Initiatives
	Office of African American Affairs
	Office of African Affairs
	Office of Asian and Pacific Islander Affairs
	Office of Latino Affairs
	Office of Gay, Lesbian, Bisexual, Transgender & Questioning Affairs
	Office of Religious Affairs
Office of Veterans' Affairs	

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dcccouncil.us or by calling 202-724-6663.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED/ABBREVIATED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-117, Walter Alley Designation Act of 2017
Bill 22-518, Ernest Everett Just Court Designation Act of 2017
Bill 22-531, Louis Mailou Jones Alley Designation Act of 2017
Bill 22-538, Watkins Alley Designation Act of 2017
Bill 22-557, Israel Baptist Church Way Designation Act of 2017
Bill 22-586, Al and Mary Arrighi Way Designation Act of 2017
Bill 22-629, Swampdoodle Park Designation Act of 2017
And
Bill 22-664, Lawrence Boone, Sr. School Designation Act of 2018

on

Monday, February 26, 2018
11:30 a.m., Hearing Room 123, 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 22-117**, the “Walter Alley Designation Act of 2017”; **Bill 22-518**, the “Ernest Everett Just Court Designation Act of 2017”; **Bill 22-531**, the “Louis Mailou Jones Alley Designation Act of 2017”; **Bill 22-538**, the “Watkins Alley Designation Act of 2017”; **Bill 22-557**, the “Israel Baptist Church Way Designation Act of 2017”; **Bill 22-586**, the “Al and Mary Arrighi Way Designation Act of 2017”; **Bill 22-629**, the “Swampdoodle Park Designation Act of 2017”; and **Bill 22-664**, the “Lawrence Boone, Sr. School Designation Act of 2018”. The hearing will be held at **11:30 a.m.** on **Monday, February 26, 2018** in **Hearing Room 123** of the John A. Wilson Building. **This notice has been revised to reflect the updated hearing room number.**

The stated purpose of **Bill 22-117** is to officially designate the alley in Square 756, between Massachusetts Avenue, N.E., and C Street, N.E., in Ward 6, as Walter Alley. The stated purpose of **Bill 22-518** is to officially designate the alley that runs east and west between the 1800 blocks of 4th Street, N.W. and 5th Street, N.W., and the 400 blocks of Florida Avenue, N.W., and T Street, N.W., in Ward 1, as “Ernest Everett Just Court” after the acclaimed biologist and Howard University professor who lived in property on the alley. The stated purpose of **Bill 22-531** is to officially designate the alley that runs east and west between the 3100 blocks of Warder Street, N.W., and Park Place, N.W., and the 300 blocks of Kenyon Street, N.W. and Irving Street, N.W., in Ward 1, as “Lois Mailou Jones Alley” after the acclaimed artist who lived at a property near the alley. The stated purpose of **Bill 22-538** is to officially designate the alley in Square 1043 that runs east and west between the 500 blocks of 13th Street, S.E., and 14th Street, S.E., and the 1300 blocks of E Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as Watkins Alley in recognition of Catherine Watkins, the District’s Director of Kindergartens in the early 20th century. An official naming

typically involves the designation of postal addresses and the primary entrance for residences or offices.

The stated purpose of **Bill 22-557** is to symbolically designate the 1200 block of Saratoga Avenue, N.E., in Ward 5, as Israel Baptist Church Way. The stated purpose of **Bill 22-586** is to symbolically designate the alley located in Square 965 between 10th Street, N.E. and 11th Street, N.E., and Constitution Avenue, N.W., in Ward 6, as Al and Mary Arrighi Way. A symbolic naming is for ceremonial purposes and shall be in addition to and subordinate to any name that is an official name.

The stated purpose of **Bill 22-629** is to designate the park located at 3rd and L Streets, N.E., in Ward 6, as Swampdoodle Park. The stated purpose of **Bill 22-664** is to officially designate the school (currently known as Orr Elementary School) located in in Square 5561, Lot 822, bounded by Nicholson Street, S.E., Prout Street, S.E., 22nd Street S.E., and Minnesota Avenue, S.E., in Ward 8, as Lawrence Boone, Sr. School.

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 **Thursday, February 22, 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 22, 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://lms.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 12, 2018.

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

NOTICE OF PUBLIC HEARING ON

B22-681, the Healthy Parks Amendment Act of 2018
&
B22-411, the DPR Parks Adoption and Sponsorship Amendment Act of 2017

Monday, March 5, 2018 at 11:00AM
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Monday, March 5, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-681, the Healthy Parks Amendment Act of 2018 and B22-411, the DPR Parks Adoption and Sponsorship Amendment Act of 2017. The hearing will occur concurrently with the Committee's Performance Oversight Hearing for the Department of Parks and Recreation. The hearing will begin at 11:00AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-411 would give DPR the authority to enter into an agreement with a Business Improvement District (BID) for the maintenance of DPR parks and to provide grants to BIDs for the maintenance of DPR parks. The bill would also allow BIDs to enter into contracts with third parties to generate revenue for maintenance of DPR parks.

B22-681 would require DPR to offer afterschool meals to low-income children through the At-Risk Afterschool Meals Program. The bill would also require DPR to pilot a summer meals truck as part of the DC Free Summer Meals Program. Lastly, it would strengthen outreach for both the At-Risk Afterschool Meal Program and the Summer Meal Program.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Monday, March 19, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2019 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2019 BUDGET SUPPORT ACT OF 2018,
 FISCAL YEAR 2019 LOCAL BUDGET ACT OF 2018,
 FISCAL YEAR 2019 FEDERAL BUDGET ACT OF 2018, AND
 COMMITTEE MARK-UP SCHEDULE
 2/14/2018**

SUMMARY

March 21, 2018	Mayor Transmits the Fiscal Year 2019 Proposed Budget and Financial Plan
March 23, 2018	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2019 Proposed Budget and Financial Plan
March 26, 2018 to April 26, 2018	Committee Public Hearings on the "Fiscal Year 2019 Local Budget Act of 2018." (The Committees may also simultaneously receive testimony on the sections of the Fiscal Year 2019 Budget Support Act that affect the agencies under each Committee's purview)
April 27, 2018	Committee of the Whole Public Hearing on the "Fiscal Year 2019 Local Budget Act of 2018", "Fiscal Year 2019 Federal Budget Act of 2018" and "Fiscal Year 2019 Budget Support Act of 2018."
May 2-4, 2018	Committee Mark-ups and Reporting on Agency Budgets for Fiscal Year 2019
May 8, 2018	Budget Work Session 10:00 a.m.
May 15, 2018	Committee of the Whole and Council consideration of the "Fiscal Year 2019 Local Budget Act of 2018", "Fiscal Year 2019 Federal Portion Budget Request Act of 2018" and the "Fiscal Year 2019 Budget Support Act of 2018"
May 29, 2018	Council consideration of the "Fiscal Year 2019 Local Budget Act of 2018" and the "Fiscal Year 2019 Federal Portion Budget Request Act of 2018"

The Council of the District of Columbia hereby gives notice of its intention to hold public hearings on the FY 2019 Proposed Budget and Financial Plan, the "Fiscal Year 2019 Local Budget Act of 2018", "Fiscal Year 2019 Federal Portion Budget Request Act of 2018" and the "Fiscal Year 2019 Budget Support Act of 2018". The hearings will begin Monday, March 26, 2018 and conclude on Thursday, April 26, 2018 and will take place in the Council Chamber (Room 500), Room 412, Room 120, or Room 123 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

The Committee mark-ups will begin Wednesday, May 2, 2018 and conclude on Friday, May 4, 2018 and will take place in the Council Chamber (Room 500) of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the corresponding committee office. If a written statement cannot be provided prior to the day of the hearing, please have at least 15 copies of your written statement available on the day of the hearing for immediate distribution to the Council. The hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget oversight hearings and mark-up schedule please contact the committee of interest.

PUBLIC HEARING SCHEDULE

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

FRIDAY, MARCH 23, 2018; COUNCIL CHAMBER (Room 500)	
Time	Subject
10:00 a.m. - End	Committee of the Whole Public Briefing on the Mayor's Fiscal Year 2019 Proposed Budget and Financial Plan

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

MONDAY, MARCH 26, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:30 a.m. - End	Metropolitan Washington Council of Governments
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dcccouncil.us or by calling 202-724-8196.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

MONDAY, MARCH 26, 2018; Room 412	
Time	Agency
11:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dcccouncil.us) or by calling 202-724-8062.

COMMITTEE OF THE WHOLE **Chairman Phil Mendelson**

TUESDAY, MARCH 27, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Council of the District of Columbia
	District of Columbia Auditor
	New Columbia Statehood Commission
	Contract Appeals Board
	Office of Contracting and Procurement
	District of Columbia Retirement Board/Funds
	District Retiree Health Contribution

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dcccouncil.us or by calling 202-724-8196.

COMMITTEE ON HEALTH **Chairperson Vincent Gray**

TUESDAY, MARCH 27, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Not-For-Profit Hospital Corporation
	Not-For-Profit Hospital Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dcccouncil.us) or by calling 202-654-6179.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT **Chairperson Mary Cheh**

TUESDAY, MARCH 27, 2018; Room 123	
Time	Agency
11:00 a.m. - End	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dcccouncil.us) or by calling 202-724-8062.

COMMITTEE ON HUMAN SERVICES **Chairperson Brianne Nadeau**

WEDNESDAY, MARCH 28, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dcccouncil.us or by calling 202-724-8170.

COMMITTEE ON EDUCATION **Chairperson David Grosso**

WEDNESDAY, MARCH 28, 2018; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairman Brandon Todd

WEDNESDAY, MARCH 28, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Office of Asian and Pacific Islander Affairs
	Office of Latino Affairs
	Office of Veterans' Affairs
	Office of African American Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, MARCH 28, 2018; Room 120	
Time	Agency
10:00 a.m. - End	University of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, MARCH 29, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - End	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement
	Metropolitan Police Department
	Criminal Justice Coordinating Council
	Office of Police Complaints

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

THURSDAY, MARCH 29, 2018; Room 412	
Time	Agency
11:00 a.m. - End	District of Columbia Housing Authority
	Mayor's Office on Returning Citizen Affairs
	Office of the Advisory Neighborhood Commissions

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, MARCH 29, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education
	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, MARCH 29, 2018; Room 120	
Time	Agency
9:30 a.m. - 5:00 p.m.	Office of Budget and Planning
	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

MONDAY, APRIL 9, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

MONDAY, APRIL 9, 2018; Room 412	
Time	Agency
10:00 a.m. - End	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, APRIL 11, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Events DC
	Destination DC
	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, APRIL 11, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, APRIL 11, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Office of Labor Relations and Collective Bargaining
	Department of Human Resources
	Office of Risk Management

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dccouncil.us or by calling 202-724-7772.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, APRIL 11, 2018; Room 120	
Time	Agency
10:00 a.m. - End	State Board of Education
	Office of the Ombudsman
	Office of the Student Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HUMAN SERVICES

Chairperson Brienne Nadeau

THURSDAY, APRIL 12, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Human Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, APRIL 12, 2017; Room 412	
Time	Agency
9:30 a.m. - End	Fire and Emergency Medical Services Department
	Office of Unified Communications
	Homeland Security and Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

THURSDAY, APRIL 12, 2018; Room 123	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

FRIDAY, APRIL 13, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Department of Housing and Community Development (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

FRIDAY, APRIL 13, 2018; Room 123	
Time	Agency
10:30 a.m. - 5:00 p.m.	Office of the Attorney General
	Office of Victim Services and Justice Grants
	Board Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairman Brandon Todd

FRIDAY, APRIL 13, 2018; Room 120	
Time	Agency
10:00 a.m. - End	Office of Administrative Hearings
	Office of the Inspector General

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

TUESDAY, APRIL 17, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:30 p.m. - End	Department of Housing and Community Development (Government Witnesses Only)
	Housing Production Trust Fund
	Housing Finance Agency

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, APRIL 18, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Public Witnesses Only)
	Workforce Investment Council (Public Witnesses Only)
	Deputy Mayor for Greater Economic Opportunity (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dccouncil.us or by calling 202-724-7772.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, APRIL 18, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Office of the Chief Financial Officer
	DC Lottery
	Real Property Tax Appeals Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

WEDNESDAY, APRIL 18, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Child and Family Services Agency
	Department of Youth Rehabilitation Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, APRIL 18, 2018; Room 120	
Time	Agency
10:00 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, APRIL 19, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

THURSDAY, APRIL 19, 2018; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Health Benefit Exchange Authority Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

THURSDAY, APRIL 19, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Public Service Commission Office of People's Counsel

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

THURSDAY, APRIL 19, 2018; Room 120	
Time	Agency
9:30 a.m. - End	District of Columbia National Guard Office of Human Rights Department of Corrections Corrections Information Council Department of Forensic Sciences Office of the Chief Medical Examiner

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, APRIL 20, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

FRIDAY, APRIL 20, 2018; Room 123	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Government Witnesses Only) Workforce Investment Council (Government Witnesses Only) Deputy Mayor for Greater Economic Opportunity (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dccouncil.us or by calling 202-724-7772.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

MONDAY, APRIL 23, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

TUESDAY, APRIL 24, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Office of Cable Television, Film, Music and Entertainment Alcoholic Beverage Regulation Administration Deputy Mayor for Planning and Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autry (cautry@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON EDUCATION

Chairperson David Grosso

TUESDAY, APRIL 24, 2018; Room 412	
Time	Agency
10:00 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

TUESDAY, APRIL 24, 2018; Room 123	
Time	Agency
11:00 a.m. - End	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

WEDNESDAY, APRIL 25, 2018; Room 412	
Time	Agency
11:00 a.m. - End	District of Columbia Office on Aging Office of the Tenant Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairman Brandon Todd

THURSDAY, APRIL 26, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Executive Office of the Mayor Office of the City Administrator Office of the Senior Advisor Mayor's Office of Legal Counsel Secretary of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

THURSDAY, APRIL 26, 2017; Room 123	
Time	Agency
10:00 a.m. - End	Office of Employee Appeals Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: labor@dccouncil.us or by calling 202-724-7772.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

FRIDAY, APRIL 27, 2018; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Committee of the Whole Hearing on the "Fiscal Year 2019 Local Budget Act of 2018," "Fiscal Year 2019 Federal Portion Budget Request Act of 2018" and the "Fiscal Year 2019 Budget Support Act of 2018"

COMMITTEE MARK-UP SCHEDULE

WEDNESDAY, MAY 2, 2018; COUNCIL CHAMBER (Room 500)

Time	Committee
2:00 p.m. - 4:00 p.m.	Committee on Labor and Workforce Development
4:00 p.m. - 6:00 p.m.	Committee on Housing and Neighborhood Revitalization

THURSDAY, MAY 3, 2018; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 11:00 a.m.	Committee on Government Operations
11:00 a.m. - 12:00 pm.	Committee on Finance and Revenue
12:00 p.m. - 2:00 p.m.	Committee on Business and Economic Development
2:00 p.m. - 4:00 p.m.	Committee on Human Services
4:00 p.m. - 6:00 p.m.	Committee on Health

FRIDAY, MAY 4, 2018; COUNCIL CHAMBER (Room 500)

Time	Committee
10:00 a.m. - 12:00 p.m.	Committee on Transportation and the Environment
12:00 p.m. - 2:00 p.m.	Committee on Education
2:00 p.m. - 4:00 p.m.	Committee on the Judiciary
4:00 p.m. - 6:00 p.m.	Committee of the Whole

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **February 16, 2018
Protest Petition Deadline: **April 2, 2018
Roll Call Hearing Date: **April 17, 2018

License No.: ABRA-100266
Licensee: Latitude 38, LLC
Trade Name: Archipelago
License Class: Retailer’s Class “C” Restaurant
Address: 1201 U Street, N.W.
Contact: Owen Thomson: (202) 494-9047

WARD 1 ANC 1B SMD 1B12

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 **April 2, 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

Applicant requests to expand the business into the second floor of the building, thus increasing the Total Occupancy Load of the premises from 94 to 166, and increasing seating from 88 to 148.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Saturday 6 am – 3 am

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

Sunday 10 am – 2 am, Monday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday 6 pm – 12 am, Monday through Saturday 6 pm – 2 am

HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday through Saturday 10 am – 3 am

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

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 3 pm

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

Placard Posting Date: **February 2, 2018
Protest Petition Deadline: **March 19, 2018
Roll Call Hearing Date: **April 2, 2018

License No.: ABRA-100266
Licensee: Latitude 38, LLC
Trade Name: Archipelago
License Class: Retailer's Class "C" Restaurant
Address: 1201 U Street, N.W.
Contact: Owen Thomson: (202) 494-9047

WARD 1

ANC 1B

SMD 1B12

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 **April 2, 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

Applicant requests to expand the business into the second floor of the building, thus increasing the Total Occupancy Load of the premises from 94 to 166, and increasing seating from 88 to 148.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Saturday 6 am – 3 am

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

Sunday 10 am – 2 am, Monday through Thursday 8 am – 2 am, Friday and Saturday 8 am – 3 am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday 6 pm – 12 am, Monday through Saturday 6 pm – 2 am

HOURS OF OPERATION FOR SIDEWALK CAFÉ

Sunday through Saturday 10 am – 3 am

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

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2018

License No.: ABRA-105977
Licensee: Yegna Resaturant and Lounge, Inc.
Trade Name: Asefu’s Palace
License Class: Retailer’s Class “C” Restaurant
Address: 1920 19th Street, N.W.
Contact: Asefu Alemayehu: (202) 421-5868

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 17, 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 is requesting to increase seating from 38 seats to 106 seats, and to increase Total Occupancy Load from 38 to 166 on the first and seconds floors of the Establishment.

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday – Thursday 10:00 am – 2:00 am
Friday – Saturday 10:00 am – 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday – Saturday 6:00 pm – 2:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2018

License No.: ABRA-071220
Licensee: 14th & V, Inc.
Trade Name: Busboys & Poets
License Class: Retailer's Class "C" Restaurant
Address: 1390 V Street, N.W., Suite #111
Contact: Stephen O'Brien, Esq.: (202) 625-7700

WARD 1 ANC 1B SMD 1B12

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 April 17, 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

Applicant requests a Change of Hours.

CURRENT HOURS OF OPERATION

Sunday through Thursday 7 am - 2 am, Friday and Saturday 7 am - 4 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10 am - 2 am, Monday through Thursday 8 am - 2 am, Friday and Saturday 8 am - 3 am

PROPOSED HOURS OPERATION

Sunday through Thursday 7 am - 2 am, Friday and Saturday 7 am - 7 am (24 Hour Operations)

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: February 2, 2018
Protest Petition Deadline: March 19, 2018
Roll Call Hearing Date: April 2, 2018

License No.: ABRA-041370
Licensee: Firehook Bakers Cleveland Park, Inc.
Trade Name: Firehook Bakery
License Class: Retailer’s Class “C” Restaurant
Address: 3411 Connecticut Avenue, N.W.
Contact: Paul L. Pascal: (202) 544-2200

WARD 3 ANC 3C SMD 3C04

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 April 2, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Summer Garden with 80 seats.

CURRENT HOURS OF OPERATION (INSIDE PREMISES)

Sunday 8am – 10pm
Monday – Thursday 7am – 10pm
Friday – Saturday 7am – 12:30am

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

Sunday 10am – 10pm
Monday – Thursday 8am – 10pm
Friday – Saturday 8am – 12:30am

PROPOSED HOURS OF OPERATION (SUMMER GARDEN)

Sunday 8am – 10pm
Monday – Thursday 7am – 10pm
Friday – Saturday 7am – 12:30am

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

Sunday 10am – 10pm
Monday – Thursday 8am – 10pm
Friday – Saturday 8am – 12:30am

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

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2018

License No.: ABRA-107792
Licensee: Danny Boy, LLC
Trade Name: Little Pearl
License Class: Retailer's Class "C" Restaurant
Address: 921 Pennsylvania Avenue, S.E.
Contact: Rosemarie Salguero, Esq.: (301) 657-0151

WARD 6

ANC 6B

SMD 6B04

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 April 17, 2017 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 change the hours of operation and sales, service and consumption of alcohol inside the premises and in the Summer Garden.

CURRENT HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday 7:00 am – 9:00 pm
Monday – Saturday 7:00 am – 11:00pm

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

Sunday 8:00 am – 9:00 pm
Monday – Saturday 8:00 am – 11:00 pm

PROPOSED HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday 7:00 am to 9:00 pm, Monday – Saturday 7:00 am – 12:30 am

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

Sunday 8:00 am to 9:00 pm, Monday – Saturday 8:00 am – 12:30 am

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

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2018

License No.: ABRA-107123
Licensee: Eleana, LLC
Trade Name: Secret Lounge
License Class: Retailer's Class "C" Tavern
Address: 1928 9th Street, N.W.
Contact: Andrew J. Kline (202) 686-7600

WARD 1

ANC 1B

SMD 1B02

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

NATURE OF SUBSTANTIAL CHANGE

The licensee has requested an Entertainment Endorsement to include Live Entertainment with Dancing, and Cover Charge.

CURRENT HOURS OF OPERATION

Sunday – Thursday, 7:00 am – 2:00 am
Friday – Saturday, 7:00 am – 3:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday – Thursday, 11:00 am – 2:00 am
Friday – Saturday, 10:00 am – 3:00 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday – Thursday, 7:00 am – 2:00 am
Friday – Saturday, 7:00 am – 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2018
Protest Hearing Date: June 13, 2018

License No.: ABRA-108894
Licensee: Solid State Books, LLC
Trade Name: Solid State Books
License Class: Retailer's Class "D" Tavern
Address: 600 H Street, N.E.
Contact: Nadia Asanchev: 202-253-9776

WARD 6 ANC 6C SMD 6C05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 17, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on June 13, 2018 at 4:30 p.m.

NATURE OF OPERATION

A new book store and tavern that serves light fare while patrons participate in author presentations and poetry readings. Seating capacity of 99 inside. Total Occupancy Load of 99. The Tavern will include an Entertainment Endorsement to provide Live Entertainment.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND LIVE ENTERTAINMENT

Sunday through Thursday 8 am – 10 pm, Friday and Saturday 8 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2018
Protest Hearing Date: June 13, 2018

License No.: ABRA-108881
Licensee: DC Rabbit Hole, LLC
Trade Name: The Rabbit Hole
License Class: Retailer's Class "C" Tavern
Address: 1214 18th Street, N.W.
Contact: Michael Fonseca, Esq.: 202-625-7700

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 17, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on June 13, 2018 at 1:30 p.m.

NATURE OF OPERATION

A new Tavern featuring Asian-style street food, including bahn-mi sandwiches, salads and pho. Seating capacity of 100 inside. Total Occupancy Load of 354. The Tavern will include an Entertainment Endorsement, Dancing and Cover Charge.

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

Sunday through Thursday 10 am – 2 am, Friday and Saturday 10 am – 3 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm – 2 am, Friday and Saturday 6pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 16, 2018
Protest Petition Deadline: April 2, 2018
Roll Call Hearing Date: April 17, 2017
Protest Hearing Date: June 13, 2018

License No.: ABRA-108744
Licensee: The Wing DC, LLC
Trade Name: The Wing
License Class: Retailer's Class "C" Restaurant
Address: 1056 Thomas Jefferson Street, N.W.
Contact: Andrew J. Kline: (202) 686-7600

WARD 2 ANC 2E SMD 2E05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on April 17, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on June 13, 2018 at 1:30 p.m.

NATURE OF OPERATION

New Class "C" Restaurant serving salad and healthy food options along with specialty drinks, with 48 seats and a Total Occupancy Load of 97.

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday - Saturday 8am - 9pm

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

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Breakthrough Montessori Public Charter School's (Breakthrough Montessori PCS) request to add a new location.

Effective for school year 2018-2019 and beyond, Breakthrough Montessori PCS requests to open a second facility in Ward 4 located at 6856 Eastern Avenue, NW. Breakthrough Montessori PCS reports its Taylor Avenue facility is currently too small to accommodate its growing student population, so if approved, the school plans to operate at both locations to serve its students.

A public hearing will be held on March 19, 2018 at 6:30 p.m.; a vote will be held on April 23, 2018. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on March 19, 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 March 19, 2018 to public.comment@dcpcsb.org no later than 4 p.m. on Thursday, March 15, 2018. Each person testifying is given two minutes to present testimony.

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

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Ideal Academy Public Charter School's (Ideal Academy PCS) request to amend its goals and academic achievement expectations.

Ideal Academy PCS would like to amend its goals and academic achievement expectations as follows:

1. *Ideal Academy PCS proposes to earn a PMF score of 77% for SY 2017-2018 to meet the proposed target average of 58% for SY 2016-2017 and SY 2017-2018 or demonstrate evidence of substantial improvement in its PMF.*

A public hearing will be held on **March 19, 2018** at 6:30 p.m.; a vote will be held on April 23, 2018 at 6:30 p.m. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on March 15, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on March 19, 2018 to public.comment@dcpsb.org no later than 4 p.m. on March 15, 2018. Each person testifying is given two minutes to present testimony.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF NEW SCHOOL LOCATION**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Washington Mathematics Science and Technology Public Charter High School, Inc. (WMST PCHS Inc.)'s request relocate its campus. Effective for SY 2018-2019, the school is proposing to relocate its existing campus to 711 Edgewood Place, NE.

A public hearing will be held on March 19, 2018 at 6:30 p.m.; a vote will be held on April 23, 2018. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on March 19, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpcsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above

2. Sign up to testify in-person at the public hearing on July 17, 2017 to public.comment@dcpcsb.org no later than 4 p.m. on July 13, 2017. Each person testifying is given two minutes to present testimony.

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

TIME AND PLACE: **Monday, March 19, 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:

CASE NO. 17-17 (Advisory Neighborhood Commission 8A – Map Amendment @ Square 5564, Lot 812 from PDR-1 to RA-2)

THIS CASE IS OF INTEREST TO ANC 8A

On September 27, 2017, the Office of Zoning received a petition from Advisory Neighborhood Commission (“ANC”) 8A (“Petitioner”) requesting approval of a Zoning Map amendment to rezone the property consisting of Lot 812 in Square 5564 (“Property”). On October 12, 2017, the Office of Planning submitted a report (“OP Report”) in support of setting the petition down for a public hearing as a rulemaking case, and the Commission voted to set down the petition for a public hearing on October 16, 2017. The Petitioner submitted a letter on November 16, 2017 asking that the case be scheduled as soon as possible.

The Property is vacant land consisting of approximately 20,499 square feet, and is located at the corner of 22nd Street, S.E. and Fairlawn Avenue, S.E. The property is currently zoned PDR-1. The PDR-1 zone is intended to permit moderate-density commercial and production, distribution, and repair activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. The Property is also located in the Neighborhood Conservation Area of the Generalized Policy Map, and the Moderate-Density Residential use category on the Future Land Use Map (FLUM) of the District of Columbia Comprehensive Plan. Though the Moderate-Density Residential uses include row houses, low-rise garden apartment complexes, low-rise apartment buildings, single family homes, and two-to-four unit buildings, the property’s PDR-1 zoning does not permit residential uses except for artist live-work and property caretaker residences.

The Petitioner requested a map amendment to rezone the Property from PDR-1 to either R-3 or RA-2 consistent with the zoning of the surrounding residential neighborhood. The R-3 zone is a low-density residential zone and allows for row dwellings, detached dwellings, semi-detached dwellings, and groups of three or more row dwellings. The RA-2 zone is a moderate density, residential apartment zone that provides for detached dwellings, rowhouses, and low-rise apartments. OP recommended the RA-2 zone be set down for public hearing because it is more consistent with the FLUM and is compatible with the existing development pattern in the vicinity of the site. The Commission agreed.

¹ The case was previously scheduled for February 15, 2018,

Generally, the RA zones permit urban residential development and compatible institutional and semi-public buildings such as public schools. The RA-2 zone is intended for areas developed with predominately moderate-density residential. As a matter of right, the RA-2 zone permits a maximum building height of 50 feet, a maximum density of 1.8 FAR (2.16 with Inclusionary Zoning), and a maximum permitted lot occupancy of 60%.

The Petitioner also requested that Commission take emergency action, to adopt the map amendment, apparently in the belief that doing so would prevent the potential construction on the Property of a storage facility, which the ANC opposes. However, the OP Report indicated that a building permit authorizing the construction of such a facility on the Property has already been issued. **Pursuant to 11-A DCMR §§ 301.4 and 302.11, the right to construct and establish the approved storage facility vested as of permit issuance. The adoption of the map amendment, whether on an emergency or permanent basis, cannot prevent that.** Therefore, the Commission declined to take emergency action.

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11-Z DCMR Chapter 5.

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.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of 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. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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 <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, 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 E. 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.

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

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Behavioral Health (DBH), as the successor-in-interest to the Department of Mental Health, pursuant to the authority set forth in Sections 5113, 5117(10) and (13), and 5118 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, 7-1141.06(10) and (13), and 7-1141.7 (2012 Repl.)), hereby gives notice of the adoption of a new Chapter 38 (Mental Health Community Residence Facilities) to Title 22 (Health), Subtitle A (Mental Health), of the District of Columbia Municipal Regulations (DCMR). The effective date of these rules will be 90 days after the date of publication of this notice in the *D.C. Register* to allow sufficient time for providers to comply with the new requirements.

The Notice of Final Rulemaking will supersede and repeal Title 22-B DCMR Chapter 38 (Community Residence Facilities for Mentally Ill Persons), and will locate rules governing mental health community residence facilities (MHCRFs) in Title 22-A DCMR, together with other mental health rules. The new Chapter 38 also includes licensing provisions specifically applicable to MHCRFs, including prerequisites for obtaining a license, licensure categories, the inspection process, licensure renewal, licensure conversion, suspension, or revocation, and hearing requirements. Therefore, the provisions of Title 22-B DCMR Chapter 31 pertaining to licensing of healthcare and community residence facilities regulated by the Department of Health, will no longer apply to MHCRFs regulated by DBH. The rules update the current 22-B DCMR Chapter 38 rules adopted in 1995, to reflect changes in the Department's policies and requirements for MHCRFs since that time. More specifically, the rules address general eligibility requirements for living in a MHCRF, different categories of MHCRFs offering different levels of care, environmental and physical plant requirements, Operator and Residence Director responsibilities, staffing qualifications and requirements, and requirements for records maintenance. The final rulemaking also provides additional requirements to comply with the Center for Medicare and Medicaid Services' residential setting requirements.

The second Notice of Proposed Rulemaking was published on September 1, 2017 in the *D.C. Register* at 64 DCR 008608. The Department received written comments from the Legal Counsel for the Elderly Long Term Care Ombudsmen and University Legal Services. The comments and any changes are addressed below. To the extent the Department made changes in the Final Rulemaking, the purpose was to clarify the intent, meaning, or application of the Rule. The minor changes reflected below do not substantially change the intent, meaning, or application of the proposed rule(s) or exceed the scope of the prior second Notice of Proposed Rulemaking.

These rules shall apply as of May 1, 2018.

Both commenters expressed concern that § 3823.19 conflicted with §§ 3810.3 and 3810.5. The Department clarified in § 3810.5 that an MHCRF must only report the consumer's choice not to take prescribed medicine to the Director and the consumer's CSA.

A commenter stated that § 3823.13 does not align with the Center for Medicare and Medicaid Services (CMS) rule 42 C.F.R. § 441.301(c)(4)(vi)(D). The Department did not agree with this statement as the District of Columbia's implementation plan which included the changes reflected in this Final Rulemaking was recently approved by CMS.

A commenter questioned whether § 3823.30 meaningfully ensured residents the freedom to control their own schedules in light of house rules. The Department did not feel any additional language was necessary because § 3841.3 already protects residents' freedom by providing, "In accordance with a person-centered treatment plan, each resident shall have the freedom and support to control his or her own schedule and activities."

A commenter expressed concern that § 3834.8 should include language to allow for a variety of beverages as well as food, and language providing MHCRF residents significant input in weekly menus and opportunities to cook. The Department added the word "beverages" to the regulation. The Department believes that the current language adequately requires resident input in menu planning and opportunities to cook are provided in § 3841 "Resident Activities."

A commenter requested that the caveat in § 3825.6 "unless determined to be inappropriate for placement based on other criteria enumerated in this chapter" be removed. The Department agreed and eliminated the caveat because the appropriateness of placement is already incorporated into the ADA analysis.

A commenter requested that that the Department add the following language to § 3827.4, "The MHCRF shall comply with all applicable requirements under the ADA, including but not limited to, accessibility requirements for bedrooms, living spaces, bathrooms, and removal of architectural barriers (e.g. installation of lifts and ramps)." The Department believes that the existing language, "The MHCRF shall comply with all applicable requirements under the ADA," is adequate and that the additional language would impose accessibility requirements on older homes that are not otherwise subject to accessibility standards under the ADA. While the Department is responsible for providing a range of housing options that comply with the ADA and provide community-based housing for individuals with both physical and mental disabilities, the language above would require each individual home to meet accessibility requirements, which exceeds the ADA's mandate.

A commenter stated that in § 3825.8 that if an MHCRF denies a resident habitation, the MHCRF should provide written reasons for the denial. The Department agreed and removed "upon request" for the person denied admission.

A commenter indicated that the Department should require a new clean mattress for each resident, provision of basic kitchen staples (coffee and sugar), and provision of toiletries (e.g. shampoo, conditioner, toothpaste) necessary to meet consumers' personal hygiene and maintenance. The Department believes that a new mattress for each resident would be cost prohibitive; therefore, the Department has required a clean mattress and new mattress cover. Furthermore, the Department did not feel that the regulation should specify the types of beverages and condiments. Instead, the Department felt that each home should have the flexibility to organize the menu around the residents' preferences at each home. Finally, the

regulations require that the MHCRFs stock the bathrooms with soap, toilet paper and clean hand towels; however, shampoo and toothpaste are personal toiletries subject to individual preferences that are best left to the resident to purchase.

A commenter detailed that all MHCRFs should have a fire safety plan that includes emergency preparedness planning for all residents, regardless of ability. Sections 3833.3 and 3833.4 already require such emergency plans.

Both commenters expressed concern about representative payee relationships between MHCRFs and MHCRF residents. After much discussion in the community subsequent to the first Notice of Proposed Rules, the Final Rule grandfathers Social Security Administration-approved representative payee relationships existing prior to the new regulations but prohibits MHCRF operators from applying to be representative payees in the future to avoid conflict of interest and misuse of consumer funds.

A commenter requested that § 3838.2 specifically state, “A resident's Personal Needs Allowance shall be used solely for the resident's personal needs pursuant to D.C. Mun. Regs. tit. 29 § 1450 and cannot be considered income available to pay for MHCRF costs, including rent.” The Department agreed and added the requested language since it simply restates an existing District regulation.

A commenter requested that DBH clarify § 3838.9 that all cost of living increases to the State Optional Payment should be prorated to MHCRF residents and should not go to the MHCRF for room, board, and care. The Department did not agree with this comment since the Department of Health Care Finance is the responsible agency and D.C. Official Code § 4-205.49 specifically states that the supplemental payment shall be used for room, board, and care.

A commenter indicated that in § 3858.6, reduced staffing during non-peak periods or when the number of residents is reduced leads to the informal or formal requirement of day programs. The Department does not agree with this comment since § 3841.5 specifically states that attendance at a day program is not mandatory for consumers.

A commenter requested that § 3845.3 be expanded to include other types of punishment. The Department did not agree with this comment since this section concerned restraint and seclusion and the existing language adequately prohibits these practices.

A commenter expressed concern that § 3860.4 does not state that any and all discharges are governed by Title III of the Nursing Home and Community Residence Facility Residents' Protection Act. The Department did not agree with this comment since the law is referenced in § 3861.2, “MHCRF Transfer, Discharge, and Relocation.”

A commenter stated that the various levels of care can confuse residents and cause providers to initiate involuntary discharges to a higher level of care and recommend that providers educate residents on various services provided at different residences. The Department has the authority to pre-approve discharges and issues levels of care for each resident. Therefore, the Department believes that there is little risk to residents of discharges based upon confusion on the level of

care since the Department must pre-approve. The Department will further address this matter in its quarterly training with providers.

A commenter requested that MHCRFs should retain the resident's property for a minimum of thirty (30) days upon a move, transfer, or discharge, increased from ten (10) days, to give residents ample time to collect their personal items left on the premises. The Department agreed to extend for an additional ten (10) days upon request.

A commenter stated that § 3838.3 does not have enough legal safeguards. The commenter did not propose any further legal safeguards and the Department believes the correct safeguards are in place in § 3838.3.

A commenter expressed concern over the removal of the previously published § 3803.2, which provided that an “authorized official shall conduct the entry and inspection with the least possible disruption to the residents.” The Department does not believe this change is necessary since its staff is already trained to conduct entry and inspection in a reasonable manner with the least possible disruption to residents. Further, the proposed standard is too subjective as some actions such as emergency discharges for health and safety reasons are necessary even though an operator may view them as disruptive. Finally, the Department does not see a need for this because it has not received any complaints from residents that the inspectors have been disruptive.

A commenter related that the current language of “single sex” in § 3805.11 might unknowingly lead to discrimination against certain LGBTQ groups, such as the transgender population. The Department did not agree with this comment as the Department previously addressed this issue in DBH policy Number 641.1 “Gender Identity and Expression” when providing services in the District.

A commenter expressed concern over §§ 3816.2, 3815, and 3816.3 notice periods, since no system is in place to provide for residents living in soon-to-be suspended MHCRFs a safe living arrangement. The Department did not agree with this comment as D.C. Official Code §§ 44-1003.05 and 44-1003.08 adequately address this issue.

A commenter suggested that § 3861.5 should specify a time frame regarding when the MHCRF is required to provide notification for a conference meeting preceding a twenty-one (21) day involuntary transfer or discharge meeting. The Department agrees and language now requires the MHCRF to give ten (10) days notice.

A commenter expressed concern over § 3861.9, that residents “shall be allowed to return to the MHCRF within ninety (90) days” under specified conditions suggests that MHCRFs may wrongfully prevent residents from returning to MHCRF facilities following a hospital admission. The Department did not agree with this comment as the ninety (90) day rule is based upon the Social Security Administration rules for temporarily institutionalization benefits to be paid to the MHCRF for holding the bed space. Once Social Security Administration withdraws funding after ninety (90) days, the Department cannot require that the bed be held.

A commenter expressed concern that §§ 3861.10 through 3861.15 violate the process and protections established by Community Residences Facility Protection Act by altering notice requirements. The Department did not agree with this comment as §§ 3861.10 through 3861.15 are not for permanent discharges as contemplated by the Act, but for very serious short-term emergency situations that may happen after hours, on weekends, or in a crisis situation.

A commenter recommended developing a consumer resident council to provide input into rules, food and other aspects of life in MHCRFs. The Department agrees that this is an interesting idea and would like to further develop this concept with the commenter and stakeholder community prior to mandating it in a rule.

Finally, the Department clarified in § 3826.8 that an effective pest control program is one that complies with D.C. laws and regulations and prohibits placing traps or pesticides directly on resident bedding.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 38 to read as follows:

CHAPTER 38 MENTAL HEALTH COMMUNITY RESIDENCE FACILITIES

3800	PURPOSE AND SCOPE OF CHAPTER	7
3801	REQUIREMENT TO HOLD A MHCRF LICENSE	8
3802	MHCRF LICENSE AND INSPECTION FEES	9
3803	DISTRICT GOVERNMENT RIGHT OF ENTRY AND INSPECTION	9
3804	ELIGIBILITY REQUIREMENTS FOR LICENSURE	10
3805	APPLICATION FOR LICENSE	11
3806	INSPECTION FOR INITIAL LICENSURE	16
3807	DENIAL OF INITIAL LICENSURE	16
3808	NINETY-DAY PROVISIONAL LICENSE FOR NEWLY LICENSED FACILITIES: ISSUANCE, RENEWAL, AND ACTION UPON EXPIRATION	17
3809	RE-APPLICATION AFTER LICENSE DENIAL, NON-RENEWAL, OR REVOCATION	18
3810	GENERAL MHCRF OPERATIONAL RESPONSIBILITIES	18
3811	DEPARTMENTAL OVERSIGHT AND INVESTIGATIONS	20
3812	APPROVAL OF VARIANCES	21
3813	RENEWAL OF LICENSE	23
3814	DETERMINATION ON APPLICATION FOR RENEWAL OF MHCRF LICENSE	24
3815	SUMMARY SUSPENSION AND LICENSURE CONVERSION HEARINGS	25
3816	LICENSE SUSPENSION, LICENSE REVOCATION, AND DENIAL OF RENEWAL LICENSE	26
3817	SERVICE OF NOTICE	28

3818	CONDUCT OF HEARINGS	28
3819	[RESERVED]	29
3820	[RESERVED]	29
3821	[RESERVED]	29
3822	INSURANCE	29
3823	RESIDENT'S RIGHTS AND RESPONSIBILITIES	30
3824	RESIDENCY CONTRACT BETWEEN MHCRF AND RESIDENT FOR ROOM, BOARD, AND CARE	34
3825	GENERAL ELIGILITY AND ADMISSION REQUIREMENTS	35
3826	ENVIRONMENTAL REQUIREMENTS	38
3827	STRUCTURAL AND MAINTENANCE REQUIREMENTS	40
3828	LIGHTING AND VENTILATION	40
3829	PLUMBING AND WATER SUPPLY	41
3830	HEAT AND AIR CONDITIONING	42
3831	BEDROOMS	43
3832	BATHING AND TOILET FACILITIES	44
3833	FIRE SAFETY	45
3834	DIETARY SERVICES	48
3835	THERAPEUTIC DIETS	52
3836	HOUSEKEEPING AND LAUNDRY SERVICES	52
3837	PERSONAL PROPERTY OF RESIDENTS	53
3838	FINANCES OF RESIDENTS	54
3839	MEDICATION	56
3840	MEDICAL SERVICES	57
3841	RESIDENT ACTIVITIES	58
3842	ASSISTING RESIDENTS TO RECEIVE MENTAL HEALTH SERVICES	59
3843	SERVICE COORDINATION WITH CORE SERVICES AGENCY OR OTHER PROVIDER OF MENTAL HEALTH SERVICES AND MHCRF SERVICE COORDINATION PLAN	59
3844	INDIVIDUAL RECOVERY PLAN	60
3845	RESTRAINTS AND SECLUSION	61
3846	RESIDENT RECORDS	61
3847	CONFIDENTIALITY OF RECORDS	62
3848	MAJOR UNUSUAL INCIDENTS AND UNUSUAL INCIDENTS	62
3849	RESIDENT STATUS PROCEDURES	63
3850	MINIMUM QUALIFICATIONS FOR PERSONS WORKING IN MHCRF	64
3851	ADDITIONAL QUALIFICATIONS APPLICABLE TO MHCRF OPERATORS AND RESIDENCE DIRECTORS	67
3852	MINIMUM STAFFING REQUIREMENTS	67
3853	RESPONSIBILITIES OF OPERATORS AND RESIDENCE DIRECTORS	69

3854	PERSONNEL RECORDS	70
3855	FINANCIAL RECORDS	72
3856	PAYMENT OF DISTRICT FUNDS	73
3857	SUPPORTED RESIDENCE	73
3858	SUPPORTED REHABILITATIVE RESIDENCE	74
3859	INTENSIVE RESIDENCE	75
3860	TRANSITIONAL RESIDENTIAL BEDS	77
3861	MHCRF TRANSFER, DISCHARGE, AND RELOCATION	78
3899	DEFINITIONS	81

3800 PURPOSE AND SCOPE OF CHAPTER

3800.1 The purpose of these regulations is to provide for the health, safety, and person-centered welfare of individuals with mental illness residing in mental health community residence facilities (MHCRFs). Each MHCRF shall meet the requirements of this chapter as of its effective date, unless otherwise specified in this chapter. No person shall operate an MHCRF in the District of Columbia without a license issued by the Department.

3800.2 A MHCRF is a publicly- or privately-owned community residence facility that provides twenty-four hour (24 hr.) supervised care and a home-like environment in a house or apartment building for individuals, age eighteen (18) or older:

- (a) With a principal diagnosis of mental illness;
- (b) Who require twenty-four hour (24 hr.) on-site staff supervision, monitoring, personal assistance with activities of daily living, lodging, and meals; and
- (c) Who are not in the custody of the Department of Corrections.

3800.3 There shall be three (3) principal categories of MHCRFs designed to meet different levels of resident need and preference licensed under and subject to this chapter: Supported Residence (SR), Supported Rehabilitative Residence (SRR) and Intensive Residence (IR). In addition to meeting the other requirements of this chapter, the SR shall comply with § 3857, the SRR shall comply with § 3858 and the IR shall comply with § 3859.

3800.4 In addition, this chapter provides for short-term transitional beds, which shall meet the minimum licensure requirements for a SR facility, as well as the additional requirements in § 3860. A MHCRF with transitional beds shall be designated “SR-Transitional.”

3800.5 The number of residents allowed to reside in a MHCRF shall be as follows:

- (a) An SR, SRR or IR MHCRF may have up to eight (8) residents, exclusive of staff.
- (b) Notwithstanding § 3800.5(a), an SR MHCRF with a regular license that was issued prior to December 23, 1991 may continue to house the number of residents previously authorized, up to twenty-five (25) residents exclusive of staff;
- (c) An SR with transitional beds may have up to ten (10) residents in accordance with § 3860;
- (d) The Director may grant a waiver to the residency limitations set forth in (a) or (c) upon a determination that:
 - (1) The facility has demonstrated that it meets the other requirements of this chapter and will be able to meet residents’ needs and provide a home-like non-institutional environment;
 - (2) The health, safety, and welfare of residents will not be adversely affected; and
 - (3) The authorized increase is consistent with the occupancy limits in the Certificate of Occupancy for the facility.

3800.6 This chapter shall not apply to:

- (a) Crisis beds;
- (b) Independent living arrangements; or
- (c) Supported independent living arrangements.

3800.7 A MHCRF license is not an entitlement. The issuance of new licenses is subject to the availability of funds and the Department’s determination that new or additional MHCRFs are necessary to adequately serve the public behavioral health system.

3801 REQUIREMENT TO HOLD A MHCRF LICENSE

3801.1 No person shall operate or hold himself or herself out as operating a MHCRF in the District of Columbia, whether public or private, profit or not-for-profit, without being licensed as required by this chapter. Any person who violates this section is subject to civil fines and penalties in accordance with Title 16 DCMR, Chapters 31, 32, and 35.

3802 MHCRCF LICENSE AND INSPECTION FEES

3802.1 Each MHCRCF license shall be issued in the name of the Operator of the MHCRCF business. A MHCRCF license is not transferable and shall be valid only with respect to the Operator and only for the facility location identified on the license.

3802.2 Each MHCRCF license shall be designated Supported Residence or SR, Supported Rehabilitative Residence or SRR, Intensive Residence or IR, or SR-Transitional and shall be issued as a regular, provisional or restricted license.

3802.3 License fees for an initial MHCRCF license and for each renewal license are as follows:

- (a) 1 to 5 Beds

Annual Fee	\$50
Late Fee	\$25
- (b) 6 to 10 Beds

Annual Fee	\$75
Late Fee	\$37.50
- (c) 11 to 25 Beds

Annual Fee	\$100
Late Fee	\$50

3802.4 A fee in the amount of fifty dollars (\$50) shall be charged to a MHCRCF for each inspection after the first follow-up annual license renewal inspection. This includes follow-up inspections based on the Operator’s prior non-compliance.

3803 DISTRICT GOVERNMENT RIGHT OF ENTRY AND INSPECTION

3803.1 The Director, any other duly authorized official of the Department, or any other District government agency having jurisdiction or responsibility over a MHCRCF or a resident in a MHCRCF, after presenting credentials of identification and authority issued by the Director of the relevant District agency, may, either with or without prior notice, enter and inspect the premises of the following:

- (a) A MHCRCF licensed pursuant to this chapter;
- (b) A facility for which an Operator is applying for licensure as a MHCRCF to determine the facility’s compliance with applicable requirements; and
- (c) Subject to § 3803.5, any unlicensed premises that the Director or any other District agency has reason to believe is being operated or maintained as a community residence facility in violation of this chapter or other applicable laws of the District of Columbia.

- 3803.2 The authorized official shall have access to the following:
- (a) Facility administrative, personnel, financial, and resident records required by this chapter including records required by §§ 3824, 3825, 3837, 3838, 3839, 3840, 3846, 3848, and 3850 through 3855;
 - (b) Facility staff;
 - (c) Facility residents;
 - (d) The entire premises including all indoor rooms and outdoor areas; and
 - (e) Any other information necessary to determine the facility's compliance with this chapter or other applicable law.
- 3803.3 When conducting an inspection pursuant to this section, the authorized official may:
- (a) Interview and make inquiries of staff and residents, on or off-site, relevant to compliance with all applicable requirements;
 - (b) Scan or make copies of any facility records, subject to federal and District law pertaining to the confidentiality of medical records; and
 - (c) Photograph or videotape conditions at the facility that the official reasonably believes to be in violation of this chapter or any other applicable law or regulation.
- 3803.4 Any licensed MHCRF Operator that refuses an authorized official entry and inspection to the premises violates this Chapter and shall be subject to fines, the suspension or revocation of the facility's license, and the removal of residents.
- 3803.5 The Director may refer a case involving an unlicensed facility that the Director determines is operating as a MHCRF to the Office of the Attorney General for the District of Columbia for appropriate legal action.

3804 ELIGIBILITY REQUIREMENTS FOR LICENSURE

- 3804.1 In order to qualify for a MHCRF license, an Applicant shall:
- (a) Submit a completed application pursuant to § 3805 to the Department together with all required documents;
 - (b) Ensure that the facility meets all structural and environmental requirements set forth in this chapter, or otherwise required by law,

including correcting any deficiencies identified in the pre-licensure inspection pursuant to § 3806;

- (c) Demonstrate that, prior to accepting residents, the Operator will have the required staff in place who have met all applicable criminal background check, education, training, reference, health, and certification requirements pursuant to § 3850;
- (d) Demonstrate that, if the Operator will not personally manage the facility and serve as Residence Director, or if the Operator is a corporation, agency, or partnership, the Operator has employed a Residence Director who shall be responsible for the management and operation of the facility as provided in § 3852 and § 3853;
- (e) Demonstrate that the Operator and the Residence Director (where there is a separate Residence Director) have the ability to direct and operate a MHCRF as evidenced by the applicable background checks, criminal background checks, proof of requisite education, training, certifications, experience, and letters of reference pursuant to §§ 3850 and 3851;
- (f) Demonstrate the ability to comply with this chapter, the Licensure Act, and the Human Rights Act; and
- (g) Demonstrate that the facility meets all applicable District of Columbia Construction Code requirements, including the Property Maintenance Code, Fire Prevention Code, and Housing Code requirements, by submitting appropriate documentation of Department of Consumer and Regulatory Affairs (DCRA) and Fire and Emergency Medical Services Department (FEMSD) inspections and approvals, as described in § 3805.4 (h) and (i) and the application for licensure.

3805 APPLICATION FOR LICENSE

3805.1 An application for licensure as a MHCRF shall be submitted in the name of the Operator, who shall have an ownership or leasehold interest in the real property where the MHCRF will be located. The application shall be in the format established by the Department. If the Operator is a corporation or agency, the Applicant shall designate an officer or director who shall act on behalf of the corporation or agency for all matters pertaining to licensure. If the Operator is a partnership, the application shall identify all partners and the designated authorized agent for the partnership.

3805.2 An application for initial licensure as a MHCRF shall be submitted to the Director at least thirty (30) days prior to the date that the Operator intends to begin operations. A renewal application shall be submitted in accordance with § 3813.

3805.3 The application shall include:

- (a) The Applicant's name, address, telephone number, e-mail address, Social Security number or federal tax identification number, birth date (or date and state of incorporation), and whether the Applicant is an individual, partnership, or corporation;
- (b) The identity of the owner, and contact information, of the building in which the facility is located;
- (c) The identity of the Residence Director for the facility, including Social Security number and birth date, if the Operator will not be personally managing the facility or if the Operator is a corporation, agency, or partnership;
- (d) The names of the persons submitting the letters of reference for the Operator and Residence Director required by § 3805.4(a);
- (e) Requested information pertaining to the building in which the facility will be operated including its address;
- (f) The maximum number of beds at the facility;
- (g) All documentation required under § 3805.4;
- (h) Any additional information requested by the Director on the application form, including information specific to an SR, SRR, IR, or SR - Transitional;
- (i) The signature of the Applicant or a legally authorized signatory of the Applicant if the Applicant is a corporation, agency or partnership; and
- (j) The license fee required by § 3802.

3805.4 The application for licensure shall be accompanied by the following documents:

- (a) Three (3) letters of reference on a form prescribed by the Department for the Operator and for any Residence Director of the facility. The letters of reference shall be from unrelated persons who have known the Operator or Residence Director for five (5) years or more and can verify their experience working with persons who are mentally ill;
- (b) Documentation of required education, experience, training, and certifications for the Operator and Residence Director, as set forth in §§ 3850 and 3851;

- (c) A Certificate of Incorporation or Certificate of Authority for corporations or documentation of appropriate partnership registration with the DCRA Corporations Division, as applicable;
- (d) An original, current Certificate of Good Standing for a corporation;
- (e) Verification of required insurance coverage from the company or broker providing insurance, including the dates of coverage and the specific coverage provided;
- (f) Verification of compliance with criminal background check requirements, as set forth in §§ 3850.10 through 3850.14, conducted within forty-five (45) days prior to commencing work at the facility for each “unlicensed person” as defined in this chapter, including an Operator, Residence Director, employee, contract worker or volunteer, who, upon licensure of the facility, will work in the facility or have unsupervised access to the facility and residents.
- (g) A copy of a valid Certificate of Occupancy from DCRA for any MHCRF that will house more than six (6) residents;
- (h) Proof of a satisfactory pre-licensure inspection and approval by DCRA (and FEMSD as applicable) for Housing Code and Construction Codes compliance, including a copy of the inspection report and proof of abatement by DCRA and FEMSD of all deficiencies identified during the inspection(s). The approval shall be dated not more than forty-five (45) days prior to the date of submission. The pre-licensure inspection(s) shall demonstrate compliance with requirements of the Housing Code and Construction Codes, specifically including the Property Maintenance Code and Fire Prevention Code requirements applicable to a community residence facility;
- (i) Copies of all building, electrical, plumbing, or other permits and approvals required by DCRA under the Construction Codes for new construction, renovations, repairs, or other work conducted at the facility within the twelve (12) months prior to applying for licensure;
- (j) A Clean Hands Certification on a form prescribed by DCRA;
- (k) A statement from the Office of Tax and Revenue that the Applicant does not owe taxes in excess of one hundred dollars (\$100.00) or has entered into an approved payment plan, pursuant to the Clean Hands Act;
- (l) Proof of the Applicant’s ownership of the premises where the facility will be located or, if the building is not owned by the Applicant, a copy of a

current lease agreement for the building naming the Applicant as lessee and authorizing operation of a community residence facility;

- (m) A copy of the standard residency contract for room, board, and care to be signed by the MHCRF and the resident, prepared in accordance with § 3824;
- (n) A copy of the house rules for the facility prepared in accordance with § 3823.29;
- (o) A Program Statement as described in § 3805.6;
- (p) An Emergency Preparedness Plan, Continuity of Operations Plan, and health-related emergency policies and procedures as described in § 3805.7;
- (q) A current staffing pattern on a form prescribed by the Department and signed by the Applicant;
- (r) Documentation of required medical examinations and vaccinations, criminal background check, and education, experience, and training certifications for each staff person who will be working in the facility upon licensure, as provided in § 3850; and
- (s) Proof that utility accounts are in the name of the Applicant, including water, heat, electricity, telephone, and internet service, and that payments are current where Applicant has had prior service at the facility.

3805.5 The Department in its sole discretion may accept and review a license application for a MHCRF prior to receiving documents required pursuant to §§ 3805.4(q) and (r), and may authorize the Applicant to provide the staffing pattern and documentation of staff eligibility after the Department has determined that the Applicant has satisfied the other licensure requirements set forth in §§ 3805.3 and 3805.4.

3805.6 Each Applicant shall submit a written Program Statement, on a form prescribed by the Director, which shall include a description of the following:

- (a) The MHCRF's program and facilities, including any population-specific programs;
- (b) The services provided;
- (c) The internal process for resident grievances which shall conform to the Department's grievance regulations;

- (d) The monthly rental fee for room, board, and care, and any fees or charges not included in the monthly rental fee;
- (e) The payment and refund policies;
- (f) The group or groups of persons to be served, including any gender, age, health, or language characteristics, and the justification for any limitations described;
- (g) Admission and discharge criteria;
- (h) Transition planning provided to residents to assist in moving to a lower level of care; and
- (i) A description of any services provided by independent contractors.

3805.7 The Application shall also include a copy of:

- (a) The Emergency Preparedness Plan required by § 3833 and FEMSD;
- (b) A Continuity of Operations Plan (COOP), to include a description of equipment, appliances, special supplies, and procedures that the MHCRF has in place to address extended power outages, heat emergencies, natural disasters, or other situations not addressed in the FEMSD approved plan. The MHCRF shall review and update, as necessary, the COOP annually and provide a copy to the Department at the time of licensure renewal and upon request. The COOP shall include provisions and emergency supplies for the MHCRF to remain in operation during the emergency, as well as procedures for emergency evacuation and temporary relocation of residents; and
- (c) Written policies and procedures governing the care of residents in health-related emergencies, including a communicable disease episode, food poisoning outbreak, critical illness or death of a resident, or a change in the mental status of a resident that endangers himself, herself, or others.

3805.8 The Director will review each application for a MHCRF license for completeness and submission of the required documents and fee. The Director may request additional information in order to evaluate the applicant's eligibility for a license.

3805.9 The Director may terminate review of an application that is incomplete, is not accompanied by the required fee, or is not accompanied by all required documents. The Director shall provide the Applicant with written notice stating why review has been terminated.

- 3805.10 The Director shall conduct background checks on the Applicant, which may include the officers, directors, or partners of a corporation, agency, partnership, or employees to determine the Applicant's suitability or capability to operate a MHCRF. Background checks may include:
- (a) Verification of professional or occupational licensure status (if applicable);
 - (b) Verification of training, educational credentials, and certifications;
 - (c) Contacts with District and other state or federal officials to determine the existence and content of outstanding warrants, complaints, criminal convictions, debts to District government, and records of civil actions or judgments; and
 - (d) Review of the record of regulatory compliance for other businesses owned or operated by the Applicant that provide residences, room or board, or involve care of vulnerable persons.
- 3805.11 Notwithstanding Subsection 3825.5, the Director may approve licenses for single sex, age specific, or other specific populations, such as the hearing impaired, where the MHCRF program is necessary to meet the special needs of the population and will not unfairly limit choices for other individuals seeking a MHCRF placement.
- 3805.12 At the time of license application, or renewal application, the MHCRF shall pay any outstanding Notice of Infraction (NOI) fines.

3806 INSPECTION FOR INITIAL LICENSURE

- 3806.1 Prior to initial licensure of a MHCRF, the Director shall conduct an on-site inspection to determine compliance with this chapter. The Director shall send a written Statement of Deficiencies identified as a result of the on-site inspection to the Applicant no later than ten (10) days after the inspection is completed.
- 3806.2 A MHCRF with deficiencies shall be allowed a reasonable period of time, not to exceed thirty (30) days from the date of the written Statement of Deficiencies, to correct the deficiencies while an application for initial licensure is pending. The facility may submit written proof of correction of deficiencies where appropriate.
- 3806.3 The Director shall conduct a follow-up inspection to determine correction of deficiencies within ten (10) days following the thirty (30) day correction period or within ten (10) days after notification by the Applicant that the deficiencies have been corrected.

3807 DENIAL OF INITIAL LICENSURE

- 3807.1 The Director shall deny an initial MHCRF license for a new MHCRF if the MHCRF is not in compliance with this chapter, the Applicant provided false or misleading information during the application process, or the Applicant has failed to comply with the Department's plan of correction.
- 3807.2 If the Director denies an initial MHCRF license, the Director shall issue written notice to the Applicant stating the reasons for the denial. The denial shall be effective immediately.
- 3807.3 The Applicant may request a review of the denial by the Director within ten (10) days after service of the notice of denial. The request for review shall be in writing and shall state the reasons why the license should be granted. The Director shall consider and respond in writing to a request for review within ten (10) days after receipt of the request. The Director's decision in response to a request shall be final.

3808 NINETY-DAY PROVISIONAL LICENSE FOR NEWLY LICENSED FACILITIES: ISSUANCE, RENEWAL, AND ACTION UPON EXPIRATION

- 3808.1 All Applicants approved by the Director for a new MHCRF license shall receive a ninety (90) day provisional license.
- 3808.2 The Director shall conduct at least one (1) inspection of the facility within ninety (90) days after it begins to operate to assess whether the facility and its operations are in compliance with this chapter.
- 3808.3 The Director may, in his or her discretion, renew a provisional license once for up to an additional ninety (90) days for a MHCRF that is not in full compliance with this chapter; provided The MHCRF is taking action to correct cited deficiencies in accordance with a mutually agreed-upon timetable.
- 3808.4 The Director may issue a regular license for not to exceed one (1) year from the date the initial provisional license was issued to a MHCRF that is in full compliance with the requirements of this chapter, as determined by the Director.
- 3808.5 Upon expiration of the provisional license, including an extension under § 3808.3, the Director shall deny a regular license if the MHCRF fails to demonstrate compliance with this chapter.
- 3808.6 If the Director denies an Applicant a regular license or renewal of a provisional license pursuant to §§ 3808.3 or 3808.5, the Applicant may make a written request for reconsideration to the Director within ten (10) days after service of the notice.

- 3808.7 Upon receipt of a request for reconsideration pursuant to § 3808.6, the Director shall hold an informal hearing within the Department within fifteen (15) days to consider the request. The Director shall provide reasonable notice to the Applicant of the date and time of the informal hearing and any applicable hearing procedures.
- 3808.8 At the informal hearing, the Applicant shall have an opportunity to present written and oral statements to the Director in response to the notice of license denial.
- 3808.9 The Director shall notify the Applicant in writing of the Director's determination on the request for reconsideration within ten (10) days after the informal hearing, and shall include the reasons if the license denial is upheld.
- 3808.10 The Director's determination pursuant to § 3808.9 shall be final. In his or her discretion, the Director may extend the license for a reasonable period of time to ensure the safe discharge of residents in accordance with Section 3861.
- 3808.11 If the MHCRF has previously held a regular license for the facility, the procedures set forth in § 3815 through § 3821 shall apply to actions by the Director to non-renew, revoke, suspend, convert, or deny a license.

3809 RE-APPLICATION AFTER LICENSE DENIAL, NON-RENEWAL, OR REVOCATION

- 3809.1 Except as provided in § 3809.2, an Applicant may not reapply for licensure for ninety (90) days following the Department's denial of a license.
- 3809.2 An Applicant may not reapply for licensure for three (3) years from the effective date of the Director's determination to deny renewal of or revoke the license pursuant to § 3816, or, if the Director's determination is appealed, from the date of a final decision denying renewal of or revoking the license.
- 3809.3 The Director may in his or her discretion grant a waiver of the time periods set forth in this section for good cause shown.

3810 GENERAL MHCRF OPERATIONAL RESPONSIBILITIES

- 3810.1 The MHCRF shall not willfully fail or refuse to comply with a statute or regulation governing MHCRFs.
- 3810.2 The MHCRF shall cooperate with inspections by the Director or other District government officials conducted pursuant to § 3803 and shall cooperate with the Department's investigation of a complaint made against the MHCRF.

- 3810.3 The MHCRF shall immediately inform the Director of any Major Unusual Incident pursuant to § 3848, the absence of required staff, a resident's failure to take prescribed medications for more than forty-eight (48) hours, or significant deficiencies including: a lack of heat, air conditioning, water, hot water, or electricity; bug or rodent infestation; or the need to move a resident or residents due to an emergency.
- 3810.4 The MHCRF shall inform the Director of a change in the operation, program, or services of a MHCRF of a degree or character that may affect its licensure, including a change in the Residence Director or other staff. The MHCRF shall inform the Director as soon as feasible after the MHCRF is aware that the change will occur, but no later than five (5) days after the change.
- 3810.5 The MHCRF shall promptly correct deficiencies. Serious deficiencies or conditions immediately affecting resident health and safety, such as conditions described in § 3810.3, shall be corrected within twenty-four (24) hours. For purposes of this section, the MHCRF shall report a resident's failure to take prescribed medications for more than forty-eight (48) hours to the Director and the resident's CSA within twenty-four (24) hours of such failure.
- 3810.6 If the Operator of a MHCRF receives a Statement of Deficiencies, the MHCRF shall correct the deficiencies within the time frame required by the Department in accordance with § 3811, or within such extended time as the Director may grant, for good cause shown, upon written request.
- 3810.7 The MHCRF shall submit a signed and dated Plan of Correction on a form prescribed by the Director within five (5) days after receiving the Statement of Deficiencies. The Plan of Correction shall describe the corrective actions that the MHCRF plans to take to correct the deficiencies or verify that the deficiencies have been corrected.
- 3810.8 Before a person begins working or providing volunteer or other services at the MHCRF, the MHCRF shall ensure that the person has met all prerequisites and has submitted all required documents as set forth in §§ 3850, 3851 and 3852.
- 3810.9 If the Director receives a complaint of abuse or neglect of a resident by a Residence Director or staff member, upon direction by the Director, the MHCRF shall immediately remove the Residence Director or staff member from the MHCRF until the complaint is found to be unsubstantiated.
- 3810.10 If a criminal investigation or an investigation by the Department of Human Services pursuant to the Adult Protective Services Act is initiated, the removal of the Residence Director or staff member shall remain in effect until the investigation is completed and the complaint is found to be unsubstantiated. During the removal period, the Residence Director or staff member shall not be employed at another MHCRF in a direct patient care capacity.

- 3810.11 Each MHCRF license in an Operator's possession shall be the property of the District government. The MHCRF shall return the license to the Director upon request after license suspension, revocation, termination, replacement, or expiration.
- 3810.12 Each MHCRF shall maintain personnel records, resident records, administrative records, and MHCRF financial records as required by §§ 3824, 3825, 3837, 3838, 3839, 3840, 3846, 3848, 3850 through 3855. All resident and personnel records shall be maintained at the MHCRF. MHCRF financial records shall be maintained at the MHCRF or at the Operator's business office in the District of Columbia and shall be made available to the Department upon request.
- 3810.13 Each MHCRF shall meet each of the specific requirements for operation of MHCRFs set forth in this chapter.
- 3810.14 In an emergency caused by a natural disaster, extreme heat or cold, extended power outage, or a similar situation, the MHCRF shall contact the Director as soon as possible. The MHCRF shall inform the Director whether the MHCRF is fully functional or, if there are problems or deficiencies that affect residents, how these problems are being addressed and if there is a need to temporarily transfer residents to another location.
- 3810.15 No MHCRF resident shall be relocated outside of the District of Columbia without the prior written approval of the Director.
- 3810.16 No MHCRF shall delay, hinder, obstruct, impede or otherwise interfere with the emergency relocation of residents.

3811 DEPARTMENTAL OVERSIGHT AND INVESTIGATIONS

- 3811.1 Any person may file a complaint with the Director alleging violations of the requirements of this chapter, and the Director may conduct unannounced investigations and inspections to determine the validity of the complaint.
- 3811.2 The Director shall conduct licensure inspections and review records including resident records, personnel records, administrative and financial records as authorized by §§ 3803 and 3811.1, and as required by §§ 3806, 3808.2, and 3813.3. In addition, the Director shall inspect facilities:
- (a) As appropriate, when a complaint is received;
 - (b) In accordance with any schedule adopted by the Department; and
 - (c) When the Director, in his discretion, determines that an inspection is needed or appropriate.

- 3811.3 The Director shall require an Operator to correct any condition that violates this chapter within fourteen (14) days after the date the Operator is notified of the violation, except where the seriousness of the condition and its impact on residents requires a shorter time period, including the conditions provided in § 3811.4. The Director, in his or her discretion, may grant a reasonable extension of time for compliance, upon written request by the MHCRF, for good cause shown.
- 3811.4 The Director may require an Operator to immediately correct an emergency condition affecting resident health and safety within a time specified by the Director. These conditions include, but are not limited to the a lack of heat, extreme heat, lack of water, lack of hot water, lack of electricity, a stopped toilet, a broken window or door, lack of staff coverage, or a bug or rodent infestation.
- 3811.5 The Director shall issue a Statement of Deficiencies to the Operator, including the deadlines for correction of the deficiencies and for the Operator's submission of a written Plan of Correction.
- 3811.6 The Director, in his or her discretion, may grant a reasonable extension of time for correction of the deficiencies, upon written request by the MHCRF with good cause shown.
- 3811.7 Nothing in this section or § 3810 shall require the Director to issue a Statement of Deficiencies or allow the MHCRF an opportunity to abate a deficiency, prior to issuing a Notice of Infraction for violations of this chapter.
- 3811.8 NOIs shall be issued upon observation of violations of this chapter, especially when they are recurrent, endanger resident or staff health or safety, or when there is a failure to comply with core requirements of operating a MHCRF.
- 3811.9 If, after an investigation or inspection, the Director finds failure to meet or maintain the standards required by this chapter or violations of this chapter the Director may take appropriate action to deny renewal of, suspend, revoke or convert a license in accordance with the provisions of §§ 3814, 3815 or 3816.
- 3811.10 In addition to, or in lieu of, issuing a notice to deny renewal, suspend, revoke or convert a license, the Director may pursue any other available enforcement option, including those authorized by Section 10 of the Licensure Act (D.C. Official Code § 44-509) and the Civil Infractions Act.

3812 APPROVAL OF VARIANCES

- 3812.1 The Director may grant a variance from any of the requirements of this chapter, if the Applicant or Licensee can show undue hardship and the variance:
- (a) Is consistent with the provisions of the Licensure Act;

- (b) Will not endanger the health or safety of residents or the public; and
- (c) Would not permit a violation of other laws of the District.

3812.2 An Operator seeking a variance pursuant to § 3812.1 shall submit a written request to the Director including the following:

- (a) The regulatory requirement(s) from which a variance is being requested;
- (b) Specific reasons why the MHCRF cannot meet the requirement(s); and
- (c) Any alternative measures provided to ensure quality care and services consistent with this chapter.

3812.3 The Director may also grant a variance, in writing, to protect the health and safety of residents when an emergency caused by a natural disaster, extreme heat or cold, an extended power outage, or similar situation requires the temporary relocation of residents to another location, the need to temporarily exceed licensed occupancy limits, or other action.

3812.4 An Operator seeking a variance pursuant to § 3812.3 shall submit a written request to the Director, with a copy to the District of Columbia Long-Term Care Ombudsman, stating:

- (a) Why the variance is needed and the anticipated length of time for the variance; and
- (b) The action that the Operator proposes to take to address the issue, including:
 - (1) The number of residents to be transferred;
 - (2) The address of any temporary transfer location, the identity of its owner, the location's number of bedrooms, its bathroom and kitchen facilities, the total number of its residents after the transfer, and the accommodations to be made for the transferred residents; and
 - (3) The continuity of care plan for each resident to ensure they continue to receive services without interruption.

3812.5 The Department shall grant a variance only to the extent necessary to ameliorate an undue hardship or emergency and only when compensating factors are present that give adequate protection to residents and the public health and safety consistent with applicable law.

- 3812.6 If the Director determines that the conditions in § 3812.1 or § 3812.3 are not met, the Director shall issue a written denial to the Operator stating the basis for denial. The decision of the Director shall be final.
- 3812.7 The Department shall maintain a record of all variances granted. The record shall contain a complete written explanation of the basis for each variance and shall be open to inspection by the public.

3813 RENEWAL OF LICENSE

- 3813.1 An Operator shall submit an application for license renewal to the Director, together with the fee required by § 3802, no later than ninety (90) days before the expiration date of the current license. The application shall meet the requirements of § 3805, except that supporting documents shall be submitted with the application in accordance with this section:
- (a) Letters of reference required by § 3805.4(a), if there is a change in Residence Director;
 - (b) Documentation of required medical examinations, annual physician certifications, vaccinations, education, experience, and training certifications as provided in §§ 3805.4(b) and (r) for any new Residence Director or new staff, and updated information as required in § 3850 for the current Operator, Residence Director, or staff;
 - (c) An original current Certificate of Good Standing for a corporation;
 - (d) Verification of the required insurance coverage from a company or broker providing insurance, including dates and specific coverage provided;
 - (e) Verification of compliance with criminal background check requirements in accordance with § 3805.4(f) and §§ 3850.10 through 3850.14 for any new hires and for any “unlicensed person” currently working at the facility or having unsupervised access to the facility and residents;
 - (f) New Certificate of Occupancy as required by § 3805.4(g) for a MHCRF housing more than six (6) residents, if there is an increase in occupancy;
 - (g) FEMSD Fire Inspection Approval, if not current;
 - (h) If requested by the Director after a DBH inspection of the premises, a satisfactory pre-licensure renewal inspection by DCRA, and copies of any permits for work being done on the premises, as provided in § 3805.4(h) and (i);

- (i) Clean Hands Certification;
- (j) A statement from the Office of Tax and Revenue that the Applicant does not owe taxes in excess of one hundred dollars (\$100.00) or has entered into an approved payment plan;
- (k) A copy of a current lease agreement if the premises are not owned by the Applicant; and
- (l) If there have been any changes in these documents since the facility's initial licensure or last renewal, the current standard residency contract, house rules, Program Statement, Emergency Preparedness Plan, COOP, or health emergency procedures for the facility as provided in § 3805.4(m) through (p);
- (m) A current staffing pattern on a form prescribed by the Department and signed by the Applicant;
- (n) Proof that utility bill payments are current for water, heat, electricity, phone, and internet service; and
- (o) Current resident roster.

3813.2 If the Operator fails to timely submit a license renewal application, the MHCRF license will terminate at the end of the original license period.

3813.3 The Director shall conduct an on-site inspection of the MHCRF to determine compliance with this chapter prior to the expiration of the license. Unless notified otherwise, inspections shall be unannounced.

3813.4 The Director shall send a written Statement of Deficiencies, if any, from the on-site inspection to the Operator no later than ten (10) days after the inspection is completed.

3813.5 The MHCRF shall submit a Plan of Correction and correct the deficiencies within the time frame required by the Director pursuant to §§ 3811.3, 3811.4, and 3811.5.

3813.6 The Director shall conduct a follow-up inspection to determine correction of the deficiencies within ten (10) days after the correction deadline or within ten (10) days after notification by the MHCRF that the deficiencies have been corrected.

3814 DETERMINATION ON APPLICATION FOR RENEWAL OF MHCRF LICENSE

- 3814.1 The Director may issue a regular renewal license for a period not to exceed one (1) year to the Operator of a MHCRF that is in full compliance with this chapter and has no deficiencies.
- 3814.2 The Director may issue a regular renewal license for a period not to exceed one (1) year to an Operator of a MHCRF with minor deficiencies that can be corrected within thirty (30) days, or such other time period as the Director may require, and that is in substantial compliance with this chapter.
- 3814.3 The Director may issue a provisional license not to exceed ninety (90) days to the Operator of a MHCRF that is not in full compliance with this chapter provided that the MHCRF;
- (a) Is taking action to correct cited deficiencies;
 - (b) Is taking appropriate ameliorative action in accordance with the Department-approved timetable. A provisional license may not be renewed more than once.
- 3814.4 The Director may issue a restricted license not to exceed ninety (90) days, pursuant to § 3815, when the MHCRF has numerous deficiencies or a single serious deficiency and the MHCRF has failed to correct the violation(s) or is not taking appropriate ameliorative actions to correct the violation(s).
- 3814.5 The restricted license or accompanying notice shall specify the restriction or restrictions, which may include a prohibition against the facility accepting new residents or against delivering services that it would otherwise be authorized to deliver.
- 3814.6 At the end of the restricted license time period, the license for the facility shall terminate if the deficiencies remain unabated.
- 3814.7 The Director may deny an application for renewal of a MHCRF license for any of the reasons set forth in § 3816.1.

3815 SUMMARY SUSPENSION AND LICENSURE CONVERSION HEARINGS

- 3815.1 The Director may, prior to a hearing:
- (a) Suspend the license of an MHCRF if the Director determines that existing deficiencies constitute an immediate or serious and continuing danger to the health, safety, or welfare of its residents;

- (b) Convert an MHCRF's license to a provisional license if the facility has outstanding deficiencies, as set forth in § 3814.3, but is taking appropriate ameliorative actions; or
 - (c) Convert its license to a restricted license as set forth in § 3814.4.
- 3815.2 Upon summary suspension or conversion of a license pursuant to § 3815.1, the Director shall give the MHCRF written notice of the suspension or conversion.
- 3815.3 The written notice of the suspension or conversion shall include a copy of the order of suspension or conversion, a statement of the grounds for the action, and notification that the MHCRF may, within seven (7) business days after receipt of the written notice, file with the Director a written request for an expedited preliminary review hearing with respect to the action. The hearing shall be held before OAH or a Hearing Officer as provided in §§ 3818.1 and 3818.2.
- 3815.4 If the MHCRF fails to timely request an expedited preliminary review hearing, the suspension or conversion shall remain in effect until terminated by the Director, or until a non-expedited hearing is requested and held pursuant to § 3818.
- 3815.5 If the MHCRF makes a timely request for an expedited preliminary review hearing, a hearing shall be convened within three (3) business days following receipt of the request.
- 3815.6 A request for a hearing, pursuant to § 3815.5, shall not stay the suspension or conversion order.
- 3815.7 At a preliminary review hearing, the Department shall have the burden of establishing a *prima facie* case of failure to meet or maintain the standards required by this chapter.
- 3815.8 At the conclusion of the hearing, the suspension or conversion order shall be either affirmed or vacated by the Administrative Law Judge (ALJ) or a Hearing Officer appointed by the Director. If affirmed, it shall remain in effect for no longer than thirty (30) days unless extended pursuant to § 3815.9. During this period, a final hearing shall be scheduled to consider the appropriateness of revocation or continuing restrictions on licensure.
- 3815.9 Before expiration of a suspension or conversion order, the ALJ or Hearing Officer may grant an extension for an additional thirty (30) days upon agreement of all the parties or upon good cause shown.
- 3815.10 Section 3818 pertaining to Conduct of Hearings shall apply to preliminary review and final hearings on summary suspensions and conversions, except that the ALJ or Hearing Officer may limit the evidence presented at expedited preliminary review hearings in accordance with the nature of the proceeding.

3816 LICENSE SUSPENSION, LICENSE REVOCATION, AND DENIAL OF RENEWAL LICENSE

3816.1 The Director may suspend, revoke, or deny renewal of the license of a facility issued pursuant to this chapter for any of the following reasons:

- (a) Violation of the Licensure Act or any other applicable provision of District of Columbia or federal law, including violation of the Criminal Background Check Act, the Nursing Home and Community Residence Facility Residents Protection Act, and the Clean Hands Act;
- (b) The Operator, its governing body, chief executive officer, administrator, or Residence Director has made a material misrepresentation of fact to a government official with respect to the MHCRF's compliance with any provision of the Licensure Act, this chapter, or other provision of District of Columbia or federal law;
- (c) Failure to meet or maintain the standards required by this chapter;
- (d) Submission of false or misleading information to the District in connection with an application for licensure or related to licensing procedures;
- (e) Failure or refusal to allow inspections pursuant to this chapter;
- (f) Failure or refusal to submit information requested by the Department;
- (g) Failure or refusal to obey any lawful order of the Director issued pursuant to this chapter;
- (h) Conviction of the Operator, its governing body, administrator, Residence Director, the Chief Executive Officer, or other key staff member of a felony involving the management or operation of a MHCRF, or that is directly related to the integrity of the MHCRF or the public health or safety; and
- (i) Any act or failure to act, which constitutes a threat to the health or safety of residents, MHCRF staff, or the public;

3816.2 Except as provided in § 3808 with respect to new provisionally licensed MHCRFs, and except for a summary suspension undertaken pursuant § 3815, every holder of a license shall be afforded notice and an opportunity for a hearing pursuant to § 3818 prior to an action of the Director to suspend, revoke, or deny renewal of a license.

- 3816.3 When the Director plans to suspend, revoke, or deny renewal of a license under this section, the Director shall give the Operator a written notice that includes the following:
- (a) That the Director shall take the proposed action unless the Operator files a written request for a hearing, within fifteen (15) days of the receipt of the notice, with the Director and the administrative hearing body identified by the Director as described in § 3818. In lieu of requesting a hearing, the Operator may submit documentary evidence to the Director for the Department's consideration before the Department takes final action;
 - (b) The Director's reasons for the proposed action;
 - (c) A statement that if the Operator does not respond to the notice within fifteen (15) days, the proposed action is final and the Director may take the action proposed in the notice, without a hearing, and shall inform the Owner in writing of the action taken;
 - (d) A statement that if the Operator chooses to submit documentary evidence but does not request a hearing, the Director shall consider the material submitted and shall decide, without a hearing, whether to take the proposed action. The Director shall notify the MHCRF in writing of the action taken.
- 3816.4 An Operator that fails to file a written request for a hearing within fifteen (15) days of the receipt of the notice waives the right to contest or appeal the notice.

3817 SERVICE OF NOTICE

- 3817.1 Any formal notice issued by the Director, including any notice or order to deny, suspend, convert, deny renewal of or to revoke a license, and any notice of appeal rights or notice of a hearing shall be served:
- (a) By personal service; or
 - (b) Electronic mail.
- 3817.2 If notice is served personally, it shall be effective when delivery is made personally to the MHCRF or its authorized agent.
- 3817.3 Each MHCRF granted a license shall provide a valid electronic mail address and consent to receive official correspondence, including licensing notices and infractions, at the electronic mail address.
- 3817.4 A MHCRF that fails to respond to or appeal any notice within the allotted time waives any right to appeal or contest the notice. If a MHCRF that has been served does not appear for a scheduled hearing and no continuance has been granted, the

Administrative Law Judge or Hearing Officer may proceed to hear evidence, consider the matter, and render a decision on the basis of the evidence available.

3818 CONDUCT OF HEARINGS

3818.1 Hearings required by § 3815 and § 3816 shall be conducted in the manner required for contested cases pursuant to the District of Columbia Administrative Procedure Act, and shall be open to the public.

3818.2 Hearings shall be held before an ALJ of the OAH, provided the Director maintains an arrangement with OAH to adjudicate the Department’s licensure and appeals cases. Hearings before OAH shall be held in conformity with OAH Rules of Practice and Procedure.

3818.3 If Department cases are not heard by OAH as provided in § 3818.2, the Director shall appoint a Hearing Officer to conduct hearings required by § 3815 and § 3816.

3819 [RESERVED]

3820 [RESERVED]

3821 [RESERVED]

3822 INSURANCE

3822.1 Each MHCRF shall carry the following types of insurance in at least the following amounts:

- (a) Hazards (fire and extended coverage) or resident personal effects coverage in the amount of at least five hundred dollars (\$500) per resident to protect resident belongings, with aggregate coverage of at least \$500 multiplied by the number of residents;
- (b) A commercial policy for general liability and professional liability for at least:
 - (1) Three hundred thousand dollars (\$300,000) per occurrence with a six hundred thousand dollar (\$600,000) aggregate for one (1) to eight (8) beds; or
 - (2) Five hundred thousand dollars (\$500,000) per occurrence with a one million dollar (\$1,000,000) aggregate for nine (9) or more beds; and

- (c) Sexual abuse or molestation coverage to protect MHCRF residents from abuse or molestation by staff, for a limit of at least one hundred thousand dollars (\$100,000) per occurrence.

- 3822.2 The insurance required by § 3822.1 shall be issued on an “occurrence” or “claims made” basis. If a “claims made” basis is used, the effective date shall be retroactive to the expiration date of the previous policy or the issuance date of the license.
- 3822.3 The MHCRF may substitute another form of policy that meets the minimum policy limits and the types of coverage required by § 3822.1, provided that the Operator can demonstrate through the Insurance Certificate, any policy endorsements, and any other documentation required by the Director that the policy will cover claims made against the MHCRF.
- 3822.4 Before the Director issues or renews a license, the MHCRF shall submit to the Director a certification of insurance issued by the insurance carrier verifying the policy coverage, dates of coverage, and policy limits. Where the MHCRF has been previously insured, the insurance certification shall be issued on or before the expiration date of the previous insurance policy.
- 3822.5 The Operator shall direct the insurance carrier to notify the Director if the policy is not renewed or is cancelled, and the Director may require proof that this direction has been given.
- 3822.6 The insurance shall be issued by an insurance carrier licensed to provide insurance in the District of Columbia, or through a surplus lines producer licensed in the District of Columbia.
- 3822.7 The insurance required by this section shall be maintained in force at all times that the MHCRF is licensed.

3823 RESIDENT’S RIGHTS AND RESPONSIBILITIES

- 3823.1 As a community-based residential facility, MHCRFs shall optimize resident initiative, autonomy, and independence in making individual life choices, including but not limited to daily activities, physical environment, and personal interactions. Each resident has a right to select among placement options that are identified and documented in the person-centered treatment plan based upon the individual’s needs, preferences, and the resources available for room and board. Each MHCRF shall comply with the Consumers’ Rights Act, including affording residents the consumer rights set forth in Section 204 (D.C. Official Code § 7-1231.04).
- 3823.2 Prior to the admission of each prospective resident, the MHCRF shall explain to the prospective resident and to the prospective resident’s representative, if any,

the prospective resident's rights and responsibilities, including the additional rights and responsibilities stated in the Consumers' Rights Act and this section. In combination with the resident's rights statement required in § 3823.3 below or separately, the MHCRF shall enter into a written agreement with the resident that explains the terms of occupancy including the monthly fee or rent, the discharge or transfer process, and resident appeals.

- 3823.3 The MHCRF shall provide to the resident, and to the resident's representative, if any, a written statement of the resident's rights and responsibilities which shall be signed by the resident and resident's representative. The MHCRF shall maintain a copy of the signed statement in the resident's record.
- 3823.4 A copy of the resident's rights statement shall also be posted in a visible location in a common area of the facility where residents congregate, and individual copies shall be available to residents upon request.
- 3823.5 If a resident cannot read or understand English, the Operator, Residence Director, or responsible staff person shall arrange for the notice to be given orally and in writing in a language the resident can understand. The Director or the Core Services Agency shall provide assistance as needed.
- 3823.6 Each resident, or resident's representative acting on the resident's behalf, shall be permitted to register grievances or complaints without the threat of the resident's discharge or other reprisal by the Operator or MHCRF staff.
- 3823.7 Each MHCRF shall provide each resident at the time of admission with a copy of any grievance or complaint procedures. These procedures shall comply with Section 212 of the Consumers' Rights Act (D.C. Official Code § 7-1231.12) and 22-A DCMR, Chapter 3.
- 3823.8 Each resident shall have the right to privacy in the provision of personal and medical care and in sleeping units.
- 3823.9 Each resident shall have the right to actively participate in the development of the resident's Individual Recovery Plan.
- 3823.10 Each resident shall have the right to receive adequate and humane treatment by competent qualified staff and to be free from physical, emotional, sexual, or financial abuse, neglect, harassment, coercion, restraint and exploitation.
- 3823.11 Each resident shall have the right to have his or her medical and treatment records and all the information they contain kept confidential in accordance with the Mental Health Information Act and any other District or federal law that governs medical or treatment records.

- 3823.12 Each resident shall have the right to review copies of all treatment plans and all other medical, financial, and administrative records pertaining to the resident that the MHCRF maintains.
- 3823.13 Each resident shall have the right to free communication with and reasonable visitation by individuals of his or her choosing, including but not limited to a personal physician, attorney, clergy, family members, friends, significant other, personal representative, and guardian.
- 3823.14 Each resident shall have reasonable opportunities for social interaction with members of either sex, unless such interaction is specifically limited or withheld under the resident's Individual Recovery Plan in accordance with Section 204 of the Consumers' Rights Act (D.C. Official Code § 7-1231.04).
- 3823.15 Each resident shall have the right to send and receive sealed mail in conformity with Section 204 of the Consumers' Rights Act (D.C. Official Code § 7-1231.04).
- 3823.16 Each resident shall have the right to communicate freely and confidentially with the resident's attorney, the courts, representatives of the District of Columbia Government, the D.C. Long-Term Care Ombudsman, and University Legal Services or any other organization currently responsible for advocacy under the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 *et seq.*, in the District of Columbia.
- 3823.17 Each resident shall have reasonable access to a telephone to make and receive confidential calls.
- 3823.18 Each resident shall have the right to accept or refuse life sustaining medical treatment and to execute advanced directives about medical treatment decisions.
- 3823.19 Each resident shall have the right to refuse psychiatric treatment, including psychotropic medication, and supportive services, subject to applicable federal or District law, court order, or Department rules governing the involuntary administration of medication.
- 3823.20 Representatives of the District of Columbia government, the agency responsible for the protection and advocacy system for persons with mental illness, and the LTCO, upon presentation of proper identification, shall have immediate access to residents in MHCRFs.
- 3823.21 No resident shall have any religious belief or practice imposed upon him or her.
- 3823.22 Each resident shall have the right to participate in social, religious, or community activities that do not interfere with the rights of other residents or cause a substantial disruption to the normal functioning of the residence.

- 3823.23 Representatives of the Office of the District of Columbia LTCO Program shall have access to residents in MHCRFs in accordance with the District of Columbia Long-Term Care Ombudsman Act.
- 3823.24 Representatives of the agency responsible for the protection and advocacy system for persons with mental illness shall have access to residents in MHCRFs in accordance with the Protection and Advocacy for Mentally Ill Individuals Act.
- 3823.25 Each resident shall have the right to manage his or her own financial affairs unless the resident has a court-appointed legal guardian or conservator or a duly appointed representative payee.
- 3823.26 A MHCRF shall not:
- (a) Solicit or refer residents to be used as research subjects;
 - (b) Use residents as research subjects; or
 - (c) Receive any money, commission, gift or other thing of value in exchange for soliciting, referring or using residents as research subjects.
- 3823.27 Other than routine household duties, no resident shall be required to perform unpaid work.
- 3823.28 Except as provided in Title 21, Chapter 5 of the District of Columbia Official Code pertaining to hospitalization of the mentally ill, each transfer, discharge or relocation of a resident within a MHCRF shall comply with Title III of the Nursing Home and Community Residence Facility Residents' Protection Act of 1985 (D.C. Official Code, §§ 44-1003.01 to 44-1003.13) and Section 3861.
- 3823.29 Upon admission, each resident shall be provided a copy of the MHCRF's house rules and Program Statement.
- 3823.30 Each MHCRF shall have house rules that are consistent with this chapter and with Model House Rules provided to Operators by the Director. Each MHCRF shall encourage resident input and participation in the development and implementation of house rules. At a minimum, the rules shall address:
- (a) The use of tobacco and alcohol;
 - (b) The prohibition of the use and possession of marijuana while on the MHCRF premises;
 - (c) The use of the telephone;

- (d) Hours for viewing or listening to television, radio, CDs, DVDs, or other media;
- (e) Movement of residents in and out of the facility;
- (f) The prohibition against sexual relations between staff and residents; and
- (g) A prohibition against children and youth under 18 residing in the MHCRF or visiting overnight at the MHCRF.

3823.31 The resident shall comply with the MHCRF's rules during his or her residency at the MHCRF, except where a rule violates other provisions of this chapter or District of Columbia law.

3823.32 Each resident shall pay the MHCRF on a monthly basis the amount that has been agreed upon in writing for the care provided to the resident as provided in § 3824.

3823.33 Each MHCRF shall assist the resident in registering and exercising the resident's right to vote.

3823.34 Each MHCRF shall, at all times, treat residents with consideration and respect for the resident's dignity, autonomy, and privacy. Respectful treatment shall also be extended to the resident's family members, personal representative, attorney-in-fact, and guardian.

3824 RESIDENCY CONTRACT BETWEEN MHCRF AND RESIDENT FOR ROOM, BOARD, AND CARE

3824.1 Prior to admission, the MHCRF shall give the resident and the resident's representative, if any, a written residency contract for room, board, and care which shall be signed by the Operator or authorized Residence Director and by the resident. An individual holding an appropriate power of attorney or a court-appointed legal guardian or conservator with authority to handle the resident's financial affairs may sign on behalf of the resident as necessary.

3824.2 The residency contract shall set forth, at a minimum, the following information and requirements:

- (a) The monthly fee payable by the resident;
- (b) The care and services covered by the monthly fee;
- (c) Any care and services not covered by the monthly fee and the specific charges for all non-covered services;

- (d) Protections that address eviction processes and appeals including the Operator’s obligation to provide notice of relocations, transfers, and discharges in accordance with § 3861 of this chapter;
- (e) Resident obligations upon vacating the premises and upon discharge;
- (f) The residents’ right to reasonably furnish and decorate their rooms.

3824.3 A new residency contract for room, care, and board shall be signed by the parties each time there is a change in the monthly fee payable by the resident or a change in services provided by the MHCRF. Any change to the monthly fee payable by the resident shall comply with § 3838.

3824.4 Residency contracts for each resident shall be maintained at the MHCRF for no fewer than five (5) years from date of the resident’s discharge and shall be available for inspection by the Director.

3825 GENERAL ELIGIBILITY AND ADMISSION REQUIREMENTS

3825.1 A MHCRF shall admit and retain only those persons with a principal diagnosis of mental illness:

- (a) For whom the MHCRF can safely and adequately provide care; and
- (b) Who require the level of care and supervision available at the facility.

3825.2 Prior to a prospective resident’s admission and in accordance with the Mental Health Information Act, each MHCRF shall obtain the following:

- (a) A medical certification completed and signed by a licensed physician, nurse practitioner, or physician assistant within ninety (90) days prior to the prospective resident’s admission to the MHCRF. The certification shall:
 - (1) Verify that the prospective resident has had a physical examination within the past year;
 - (2) Identify the prospective resident’s known medical conditions including any significant changes in the prospective resident’s health status since the last full physical examination; and
 - (3) Include a statement that the prospective resident is free of any communicable disease, including tuberculosis, or that any communicable disease the prospective resident has does not pose a health risk to other residents or staff and is not in an acute stage;

- (b) The most recent diagnostic assessment for the prospective resident, completed not more than six (6) months prior to admission. Any significant changes since the most recent assessment, should be documented in a signed statement by a member of the treatment team;
- (c) Current doctor's orders including all currently prescribed medications (medical and psychiatric), and a list of each known allergy;
- (d) Special diet instructions, if applicable;
- (e) Current IRP completed or updated within one hundred eighty (180) days prior to admission, or in accordance with an amended time frame set forth in a duly adopted Departmental policy published on the Department's website;
- (f) For prospective residents within the Department's system of care, the Department's approved functional assessment prepared in accordance with a tool approved by DBH that defines the level of the prospective resident's housing and personal care needs and is consistent with the level of care provided at the MHCRF, including whether the prospective resident is capable of taking his or her own medication or needs assistance with medication administration;
- (g) A copy of the prospective resident's records and face sheet, as described in § 3846.2 including demographic information from the MHCRF, CRF, nursing home, or other institution where the prospective resident last resided;
- (h) At least a seven (7) day supply of all currently prescribed medications;
- (i) Identification of representative payee, legal guardian, or conservator, if applicable; and
- (j) Income verification or statement of party responsible for payment.

3825.3 When a MHCRF accepts a resident on an emergency basis, the Director may extend the time within which the MHCRF must obtain documents required by § 3825.2, except that in all cases the resident shall be tested for tuberculosis and test results shall be obtained within seven (7) days of acceptance. Current medications shall be obtained within twenty-four (24) hours.

3825.4 The MHCRF shall obtain documents from the resident's Core Services Agency or other healthcare provider and shall immediately inform the Director if a resident's CSA is not cooperating in providing the MHCRF with documents required pursuant to § 3825.2.

- 3825.5 A MHCRF shall comply with the Americans with Disabilities Act and the Human Rights Act in the admission, placement, and retention of residents and in the provision of services to residents. No MHCRF shall deny admission based upon the person's age, gender, race, physical or mental disability, HIV status, religion, sexual orientation, gender identity or expression, national origin, marital status, or source of payment for the service.
- 3825.6 No MHCRF shall refuse to make reasonable accommodations in accordance with the Americans with Disabilities Act and the Human Rights Act necessary to admit or retain a resident who is deaf, blind, non-English speaking, non-ambulatory, or otherwise physically or mentally disabled.
- 3825.7 In addition to the requirements of § 3825.5, no MHCRF shall deny admission to an individual with a Department-approved level of care determination because the person:
- (a) Needs assistance with medication administration, including injections, by a licensed health care professional or Trained Medication Employee or Medication Aide certified by the D.C. Board of Nursing and those services are available to the MHCRF;
 - (b) Has active substance abuse issues in addition to serious mental illness or has a history of substance abuse or has participated in a substance abuse treatment program;
 - (c) Needs limited or intermittent nursing care; or
 - (d) Does not currently attend or wish to attend a day program outside of the MHCRF.
- 3825.8 Whenever an MHCRF denies admission to a potential resident, it shall provide written reasons for the denial on the form prescribed by the Department within three (3) days to the Director, the person's treatment team, and to the person denied admission. A copy of the written reason for the denial shall be included in the MHCRF's records. The Director may order the person's admission to the MHCRF if the admission is consistent with the Department-approved level of care, the MHCRF is licensed to provide the approved level of care, and the MHCRF has a vacant bed.
- 3825.9 An MHCRF that receives contract funding from the Department shall comply with any additional admission requirements contained in the contract.
- 3825.10 No MHCRF shall limit its admissions to persons served by a particular CSA or agency. Whenever a MHCRF that receives contract funding from the Department has vacancies, it shall immediately report the vacancies to the Director so that they may be listed on the Director's current vacancy listing.

3826 ENVIRONMENTAL REQUIREMENTS

- 3826.1 No MHCRF shall use a name on the exterior of the building or display any logo that distinguishes the MHCRF from any other residence in the neighborhood.
- 3826.2 The MHCRF shall properly maintain the outside and yard areas of the premises in a clean and safe condition in compliance with § 302 of the D.C. Property Maintenance Code and, if space permits, shall have a green area including plants and trees accessible to all residents.
- 3826.3 Each MHCRF shall be located in an area reasonably free from noxious odors, hazardous smoke, and fumes, away from known sources of loud and irritating noises, and where interior sounds may be maintained at reasonably comfortable levels.
- 3826.4 The interior and exterior of each MHCRF shall be maintained in a safe, clean, orderly, attractive, and sanitary condition and shall be free from accumulations of dirt, rubbish, and objectionable odors.
- 3826.5 Each MHCRF shall be equipped, furnished, and maintained to provide a functional, safe, and comfortable home-like setting.
- 3826.6 Each MHCRF shall provide at least one (1) desk or table and one (1) chair for the use of six (6) or fewer residents, and additional desks or tables and chairs to maintain a ratio of at least one (1) desk or table and chair for every six (6) residents.
- 3826.7 Each resident who is enrolled on a full or part-time basis in a course of academic or vocational study shall be provided with a work area in the MHCRF that is quiet and conducive to study.
- 3826.8 The MHCRF shall operate and maintain an effective pest control program that complies with D.C. laws and regulations for each MHCRF to keep the premises free from insects and rodents and from debris that might provide harbor for insects and rodents. Failure to maintain an effective pest control program to prevent infestation shall be deemed a serious deficiency and shall be grounds, standing alone, for taking adverse action against a MHCRF including fines, license suspension, conversion, or revocation. The MHCRF shall replace the personal property of a resident that has been compromised due to the presence of insects or rodents in the home. No MHCRF shall employ traps or pesticides on resident bedding.
- 3826.9 First aid supplies shall be maintained in a place known and readily accessible to residents and employees and shall be adequate for the number of persons living in the residence.

- 3826.10 Staff bedrooms shall be separate from resident bedrooms and all common living areas.
- 3826.11 Adequate facilities shall be provided for the collection, storage, and removal of all trash and other refuse.
- 3826.12 Each window shall be screened.
- 3826.13 Each rug or carpet in the MHCRF shall be securely fastened to the floor or shall have a non-skid pad.
- 3826.14 Each hallway, porch, stairway, stairwell, and basement shall be kept free from any obstruction at all times.
- 3826.15 Each ramp or stairway used by a resident shall be equipped with a firmly secured handrail or banister.
- 3826.16 Plants and pets may be permitted in a MHCRF at the discretion of the MHCRF and as specified in the Program Statement. All pets shall have current vaccinations. Pets shall be examined by a licensed veterinarian within sixty (60) days of admission to a MHCRF, at least once a year thereafter, or more frequently if necessary.
- 3826.17 Each MHCRF shall have a functioning doorbell or knocker.
- 3826.18 Each exterior stairway, landing, and sidewalk used by residents shall be kept free of snow and ice.
- 3826.19 The MHCRF shall be free of loose or peeling paint, and the MHCRF shall comply with all D.C. Housing Code (14 DCMR § 707) and § 304.2 of the D.C. Property Maintenance Code pertaining to loose or peeling paint and to lead-based paint.
- 3826.20 The MHCRF shall comply with all applicable environmental laws and regulations including rules governing lead-based paint, asbestos, heating oil tanks, and hazardous waste.
- 3826.21 Each MHCRF shall provide residents with access to reasonable individual storage space for private use.
- 3826.22 Each MHCRF shall have access to a functioning facsimile machine, a computer with internet access, and a functioning e-mail address for official business, care coordination, and incident reporting purposes.
- 3826.23 Each MHCRF shall be equipped with both a functioning landline and mobile telephone. The telephone numbers shall be provided to residents and the Director.

3826.24 Each MHCRF shall maintain emergency supplies in a secure location at the facility to include batteries, flashlights, Sterno, an extra First Aid kit, other supplies identified in the MHCRF's COOP required by § 3805.7, and an adequate supply of bottled water and non-perishable foods as provided in § 3834.22.

3826.25 Each MHCRF shall timely pay the expenses of the MHCRF including its mortgage, rent, utilities, and tax and insurance payments and shall not otherwise fall into arrears.

3827 STRUCTURAL AND MAINTENANCE REQUIREMENTS

3827.1 A MHCRF may be located in a single or multi-family dwelling.

3827.2 All MHCRF repairs and construction shall be done in a workmanlike manner and comply with local code requirements. Major repairs shall be performed by licensed and bonded professionals, unless a waiver is granted by the Director. The MHCRF shall comply with the D. C. Construction Codes, , and shall obtain all permits and approvals required by the Department of Consumer and Regulatory Affairs (DCRA) or any other District agency before engaging in construction, repair or installation activities including:

- (a) Any new construction, alteration, repair, or addition to the structure;
- (b) A change in use or occupancy, increase in load, or modification of the floor layout of the structure;
- (c) Repairing fire damage to the structure; and
- (d) Installing or repairing electrical systems or fixtures, gas-fueled appliances or equipment, refrigerating and cooling systems, and plumbing systems or fixtures.

3827.3 The Operator shall maintain the MHCRF in compliance with all applicable provisions of the D.C. Property Maintenance Code and the D.C. Housing Code, except that an Operator shall not be required to provide residents with keys to the facility pursuant to § 607.2.

3827.4 The MHCRF shall comply with all applicable accessibility requirements in the ADA.

3828 LIGHTING AND VENTILATION

3828.1 Each room in a MHCRF shall have adequate lighting, and each bedroom shall have sufficient light for reading.

- 3828.2 Each bathroom and hallway shall contain a nightlight, and nightlights shall be offered to residents for use in their sleeping rooms.
- 3828.3 Each outside entrance shall be lighted.
- 3828.4 All habitable rooms used for living or sleeping, including the kitchen, and all bathrooms, hallways, and stairways shall meet the lighting requirements of § 402 of the D.C. Property Maintenance Code and §§ 502 through 505 of the D.C. Housing Code (14 DCMR §§ 502 – 505), except where the D.C. Housing Code requirements are superseded by the D.C. Property Maintenance Code.
- 3828.5 Every space intended for human occupancy shall be provided with adequate natural or mechanical ventilation as required by § 403 of the Property Maintenance Code.

3829 PLUMBING AND WATER SUPPLY

- 3829.1 Each MHCRF shall ensure that its water supply and distribution system, including all plumbing and water heating facilities, conform to applicable requirements of the D.C. Construction Codes, including the D.C. Property Maintenance Code and the D.C. Plumbing Code, the D.C. Housing Code, and the D.C. Water and Sewer Authority.
- 3829.2 Each MHCRF shall provide adequate quantities of hot and cold water to serve the number of residents and staff in the facility.
- 3829.3 The temperature of hot water at each fixture used by a resident shall be automatically controlled and shall be maintained within the range of five degrees Fahrenheit (5°F.) over or under one-hundred and twenty degrees Fahrenheit (120°F.).
- 3829.4 The water supply may also include a separate or boosted supply at higher temperatures for the kitchen and for dishwashing and laundry.
- 3829.5 Each MHCRF shall provide hot and cold running water, under pressure, to each sink, bathtub, and shower, to each area where food is prepared and where food equipment, utensils or containers are washed, and to the laundry and bathrooms.
- 3829.6 The MHCRF shall report to the Department any lack of water or disconnection of service within four (4) hours if it occurs during a business day, and within twelve (12) hours if it occurs after business hours or on the weekend.
- 3829.7 If the water to a MHCRF is disconnected or not operating, the MHCRF shall provide bottled water for drinking, which shall be maintained in a secure location at the MHCRF at all times so that a sufficient quantity of bottled water is available. If the water to a MHCRF is disconnected or not operating for more

than four (4) hours, the MHCRF shall also provide water for hand-washing and flushing the toilet. The MHCRF shall coordinate an emergency transfer of residents in the event the loss of water is expected to last more than forty-eight (48) hours.

3830 HEAT AND AIR CONDITIONING

- 3830.1 Each MHCRF shall have a heating and cooling system that meets the standards of, and is installed and maintained in compliance with this section, the D.C. Construction Codes, including the D.C. Property Maintenance Code, the D.C. Housing Code and any other applicable District laws or regulations. Where the standards in this section are more stringent than the standards in the D.C. Property Maintenance Code or the D.C. Housing Code, the standards in this section shall apply.
- 3830.2 The MHCRF shall supply sufficient heat from October 1 through May 31 to maintain the following temperatures for every occupied room throughout the residence including, bedrooms, living room, dining room, kitchen, and bathrooms:
- (a) A minimum of seventy degrees Fahrenheit (70°F.) between 6:30 a.m. and 11:00 p.m.; and
 - (b) A minimum of sixty-eight degrees Fahrenheit (68°F.) between 11:00 p.m. and 6:30 a.m.
- 3830.3 Each heating system shall be thermostatically controlled.
- 3830.4 A MHCRF shall not supplement its heating system with portable room or space heaters, unless their use meets FEMSD standards.
- 3830.5 A fireplace shall not be utilized unless:
- (a) The Operator can demonstrate that the fireplace and chimney have been inspected and determined to be safe for use within the past twelve (12) months;
 - (b) An annual inspection by FEMSD has not revealed any violation or deficiency in the fireplace; and
 - (c) An MHCRF staff member is present in the room while it is in use.
- 3830.6 The MHCRF shall provide air conditioning through individual units or a central system, which shall be maintained in safe and good working condition in accordance with the D.C. Property Maintenance Code. When residents are present in the facility, the MHCRF shall provide an inside temperature no greater than seventy-eight degrees Fahrenheit (78°F) between May 15 and

September 15 or whenever the outside temperature exceeds eighty-five degrees Fahrenheit (85°F).

3831 BEDROOMS

3831.1 Each bedroom shall comply with the space and occupancy requirements for habitable rooms in the D.C. Property Maintenance Code and § 402 of the Housing Code (14 DCMR § 402), and shall require at a minimum:

- (a) If used for sleeping by only one (1) occupant, at least eighty square feet (80 sq. ft.) of habitable room area.
- (b) If used for sleeping by two (2) or more occupants, at least fifty square feet (50 sq. ft.) of habitable room area for each occupant.

3831.2 No sleeping facilities shall be permitted in any room in which there is located a furnace, space heater using an open flame, domestic water heater or gas meter.

3831.3 Each resident shall be provided a choice of roommates in accordance with his or her level of care as articulated in the person-centered planning and treatment plan. This roommate requirement may be modified if supported by a specific assessed need and justified and agreed to in the person-centered service plan. An employee of a MHCRF and a resident of the MHCRF shall not share a bedroom under any circumstances.

3831.4 Each resident shall be provided with at least the following items:

- (a) A bed, which shall not be a cot;
- (b) A mattress that was purchased new by the MHCRF, has a manufacturer's tag or label attached to it, is in good, sanitary and intact condition without broken springs, and a new mattress cover;
- (c) A bedside table or cabinet and an individual reading lamp with at least a seventy-five (75) watt or luminance equivalent bulb;
- (d) Lockable storage space in a stationary cabinet, chest, or closet that provides at least one (1) cubic foot of space for each resident for valuables and personal items;
- (e) Sufficient suitable storage space, including a dresser and closet space, for personal clothing, shoes, accessories, and other personal items; and
- (f) A waste receptacle and clothes hamper with lid.

- 3831.5 Each bed shall be located in a room that is designed and utilized solely as a bedroom. Each bedroom shall have a door lockable by the resident, with only appropriate staff having keys to the door. This lockable door requirement may be modified if supported by a specific assessed need and justified and agreed to in the person-centered service plan.
- 3831.6 Each bed shall be placed at least three (3) feet from any other bed and from any uncovered radiator.
- 3831.7 Each bedroom shall have direct access to a major corridor and at least one (1) window to the outside, unless DCRA has determined that it otherwise meets the lighting and ventilation requirements for habitable rooms pursuant to the D.C. Property Maintenance Code and the D.C. Housing Code.

3832 BATHING AND TOILET FACILITIES

- 3832.1 Each MHCRF shall provide one (1) or more bathrooms for residents that are equipped with the following fixtures that are properly installed and maintained in good working condition:
- (a) Toilet (water closet);
 - (b) Sink (lavatory);
 - (c) Shower or bathtub with shower, including a handheld shower; and
 - (d) Grab bars in showers and bathtubs.
- 3832.2 Each MHCRF shall provide at least one (1) bathroom for each six (6) occupants in compliance with § 602 of the D.C. Housing Code (14 DCMR § 602), and shall comply with any subsequently adopted more stringent requirements of the D.C. Property Maintenance Code or D.C. Housing Code.
- 3832.3 Each MHCRF shall equip each bathroom with the following:
- (a) Toilet paper holder and adequate toilet paper;
 - (b) Paper towel holder and adequate paper towels or clean hand towels;
 - (c) Soap;
 - (d) Mirror;
 - (e) Adequate lighting;
 - (f) Waste receptacle;

- (g) Floor mat;
- (h) Non-skid tub mat or decals; and
- (i) Shower curtain or shower door.

3832.4 In addition to complying with § 3832.1(d), each MHCRF shall provide properly anchored grab bars or handrails near the toilet or other areas of the bathroom, if needed by any resident in the facility.

3832.5 Adequate provision shall be made to ensure each resident's privacy and safety in the bathroom.

3833 FIRE SAFETY

3833.1 Each MHCRF shall comply with all applicable provisions of the D.C. Fire Code and the Fire Safety Provisions of the D.C. Property Maintenance Code (Chapter 7).

3833.2 Each MHCRF shall obtain an annual inspection of the facility by FEMSD, which shall determine the facility's compliance or non-compliance with fire safety requirements; provided that fire safety inspections for new construction or substantial renovation of a structure may be performed by DCRA in accordance with DCRA and FEMSD procedures and the requirements of the Construction Codes.

3833.3 Each MHCRF shall have a written Emergency Preparedness Plan with instructions that is approved by FEMSD. The plan shall be followed in case of fire, explosion, or any other emergency and shall be available for review in each MHCRF.

3833.4 The plan shall be updated annually, as necessary, and include the following:

- (a) Written responsibilities and specific tasks for each staff member;
- (b) A plan for training staff at least twice a year on the plan;
- (c) The procedures for reporting a fire or other emergency;
- (d) Life safety strategies and procedures for notifying, relocating, or evacuating occupants;
- (e) A site plan indicating an assembly point for occupants;
- (f) Floor plans identifying the location of:

- (1) Exits;
 - (2) Primary evacuation routes;
 - (3) Secondary evacuation routes;
 - (4) Accessible egress routes;
 - (5) Manual fire alarm pull stations;
 - (6) Fire alarm annunciators and controls; and
 - (7) Portable fire extinguishers;
- (g) A list of major fire hazards associated with normal use of the facility, including maintenance and housekeeping procedures;
- (h) Identification and assignment of personnel responsible for maintenance of systems and equipment installed in the facility to prevent or control fires;
- (i) The signature of the Operator; and
- (j) The signature of the FEMSD official approving the plan.

3833.5 Drills testing the effectiveness of the fire plan shall be conducted:

- (a) For each resident individually upon admission;
- (b) For current residents within two (2) weeks of the effective date of a new or revised plan; and
- (c) At least quarterly, with at least one (1) drill per shift, in accordance with the D.C. Fire Code, as referenced in § 3833.1.

3833.6 Each MHCRF shall maintain in its records the most recent fire inspection report with the date of the latest inspection of the alarm system.

3833.7 Each MHCRF shall install and maintain smoke detectors in accordance with the requirements of the D.C. Fire Code, as referenced in § 3833.1, for smoke detection devices in residential facilities, and any additional requirements of the Smoke Detector Act of 1978, effective June 20, 1978 (D.C. Law 2-81; D.C. Official Code §§ 6-751.01 *et seq.*) as determined by DCRA or FEMSD

3833.8 Smoke detectors shall be installed to provide protection:

- (a) In each room used for sleeping; or
 - (b) In each corridor outside of or adjacent to a room used for sleeping; and
 - (c) On each story within the facility.
- 3833.9 The MHCRF shall install and maintain a smoke detector system composed of interconnected smoke detectors, as required by DCRA and FEMSD pursuant to the requirements of the D.C. Fire Code.
- 3833.10 No MHCRF shall permit smoking in bedrooms.
- 3833.11 A fire extinguisher with a minimum rating of 210 (BC) that is effective in extinguishing grease and oil fires shall be located within fifteen feet (15 ft.) of any stove, oven, cooking burner, or other cooking device.
- 3833.12 Each MHCRF shall have at least one (1) working fire extinguisher with a minimum rating of 210 (BC) on each floor, including the basement and first floor, in a central location accessible to residents and employees.
- 3833.13 A fire extinguisher with a minimum rating of 210 (BC) of a type and capacity sufficient to extinguish fires originating in the main heating plant and hot water heater shall be located within five feet (5 ft.) of this equipment.
- 3833.14 Each fire extinguisher shall be:
- (a) Properly maintained;
 - (b) Approved for its specific use by an official of the FEMSD; and
 - (c) Inspected by FEMSD annually and in accordance with the International Fire and Construction Codes cited in § 3833.1.
- 3833.15 Each fire extinguisher shall be recharged immediately after use and properly tagged.
- 3833.16 Each fire extinguisher shall have attached to it a tag giving the date when the service was performed, a description of the service performed, and the name and address of the person performing the service.
- 3833.17 Each MHCRF shall have a fire exit that is:
- (a) Clearly designated on the MHCRF's emergency preparedness plan;
 - (b) Clearly identified for residents;

- (c) Kept clear of obstructions; and
- (d) Accessible from sleeping rooms.

3833.18 If the area or floor served by a fire exit door is to be occupied, the door shall not require a key to unlock the door from the inside and shall not require more than thirty (30) seconds to unlock.

3833.19 Each MHCRF that has residents in sleeping rooms above the second floor, or that has more than eight (8) residents in sleeping rooms above the street level, shall:

- (a) Provide access to two (2) separate means of exit for sleeping rooms above street level, at least one (1) of which shall consist of an enclosed interior stair, a horizontal exit, or a fire escape, all arranged to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening; or
- (b) Otherwise comply with D.C. Fire Code.

3834 DIETARY SERVICES

3834.1 Each MHCRF shall apply generally accepted principles of nutrition and food management to menu planning, food preparation and handling, kitchen maintenance, and service for residents of the facility.

3834.2 Each MHCRF shall have at least one (1) staff member who has obtained a Food Protection Manager (FPM) or Food Safety Manager (FSM) certification from an accredited national test service approved by the D.C. Department of Health. That staff member shall maintain a current certification in accordance with § 203 of the D.C. Food Code (25-A DCMR § 203).

3834.3 In addition to the requirements of § 3834.2, the MHCRF shall ensure that whenever food is being handled or served for human consumption, at least one (1) staff member is present who has a current FPM or FSM certification. That staff member shall ensure the proper preparation, handling, and service of food.

3834.4 The MHCRF shall require each certified FPM or FSM to supervise and train any staff members who are not certified as FPMs or FSMs in the storage, handling, and serving of food, and the cleaning and care of equipment used in food preparation in order to maintain sanitary conditions at all times. The kitchen, dining, and food storage areas shall be kept clean, orderly, and protected from contamination.

3834.5 Each individual engaged in food preparation, handling, or serving, shall wash their hands and exposed portions of arms frequently, and cover their hair with a net or other head covering.

- 3834.6 The MHCRF shall ensure that no person is involved in food preparation or service who shows signs or symptoms of a contagious illness, has exposed skin lesions, or is otherwise prohibited or restricted from performing these functions pursuant to §§ 303(a) – (e) and 300.4 – 307.10 of the D.C. Food Code (25-A DCMR § 303(a) – (e) and 300.4 - 307.10.
- 3834.7 The MHCRF shall provide at least three (3) meals per day that:
- (a) Provide a nourishing, well-balanced and varied diet in accordance with dietary guidelines established by the United States Department of Agriculture;
 - (b) Are suited to the special needs of each resident; and
 - (c) Are adjusted for seasonal changes, and regularly include seasonal fresh fruits and vegetables.
- 3834.8 The MHCRF shall prepare and post menus on a weekly basis for the residents' review. Menus shall:
- (a) Provide for a variety of foods and beverages at each meal taking into consideration the residents' personal and cultural preferences;
 - (b) Be varied from week to week;
 - (c) Include special diets; and
 - (d) Reflect meals as planned and as actually served, including hand-written notations in pen of any substitutions made.
- 3834.9 The MHCRF shall retain a copy of each weekly menu and receipts and invoices for food purchases for six (6) months, which shall be subject to review by the Department.
- 3834.10 Each meal shall be scheduled so that the maximum interval between each meal is no more than six (6) hours, with no more than fourteen (14) hours between a substantial evening meal and breakfast the following day.
- 3834.11 In between designated meal times, residents shall have access to food. This requirement may be modified if supported by a medically assessed need and justified in the person-centered service plan. If a resident misses a scheduled meal, appropriate food substitutions of comparable nutritional value shall be offered.

- 3834.12 If the MHCRF knows or is informed in advance that a resident will be away from the MHCRF during mealtime for necessary medical care, work, a day services program, or other scheduled activities or appointments, the MHCRF shall provide the resident with an appropriate meal and in-between meal snack to carry. The MHCRF shall ensure that the meal is nutritious and suited to the special needs of the resident as required by § 3834.7.
- 3834.13 Each food and drink item purchased, stored, prepared, or served by the facility shall be clean, wholesome, free from spoilage, prepared in a manner that is safe for human consumption, protected from contamination, and properly served in accordance with the requirements of §§ 600.1 and 700.1 of the D.C. Food Code (25-A DCMR §§ 600.1, 700.1) and this section.
- 3834.14 Each MHCRF shall have fresh water and clean drinking glasses available for each resident at all times.
- 3834.15 Each resident who needs assistance to eat or drink shall be given the assistance promptly upon receipt of meals.
- 3834.16 A MHCRF shall not permit smoking or use of tobacco products in the kitchen or in the vicinity of food preparation.
- 3834.17 Each MHCRF shall serve meals at proper temperatures. If an individual requires feeding assistance, food shall be maintained at serving temperature until assistance is provided. Food that is not promptly consumed shall be refrigerated or discarded.
- 3834.18 Food requiring refrigeration shall be promptly refrigerated after purchase and kept properly refrigerated until preparation for consumption or until consumed pursuant to §§ 1005.1 and 1005.2 of the D.C. Food Code (25-A DCMR §§ 1005.1 and 1005.2).
- 3834.19 Frozen foods shall be kept in the freezer and maintained frozen until preparation for consumption or until consumed pursuant to § 1000.1 of the D.C. Food Code (25-A DCMR § 1000.1).
- 3834.20 Food shall be protected from contamination by separating raw animal foods during storage, preparation, and holding from raw fruits and vegetables, cooked ready-to-eat foods, and other raw animal foods except when combining ingredients, as required by § 802 of the D.C. Food Code (25-A DCMR § 802).
- 3834.21 Raw animal foods, including eggs, fish, meat, poultry, and foods containing these raw animal foods shall be thoroughly cooked and heated to the temperatures required by § 900 of the D.C. Food Code (25-A DCMR § 900).

- 3834.22 Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption as required by § 806.1 of the D.C. Food Code (25-A DCMR § 806.1).
- 3834.23 The MHCRF shall ensure that the facility maintains at least a three (3) day supply of perishable food and a seven (7) day supply of bottled water and nonperishable food in a safe location, based on the menus for both regular and special diets in compliance with the MHCRF's Continuity of Operations Plan.
- 3834.24 Dry or staple food items shall be stored at least twelve (12) inches above the floor in a the kitchen or other dry room not subject to sewage or waste water back flow or contamination by condensation, leakage, rodents, or vermin. Food shall not be stored in a bathroom, garage, or mechanical room.
- 3834.25 All kitchen equipment, utensils, cookware and dishes shall be constructed of safe materials and maintained in good condition as required by § 3804.1 of the D.C. Food Code (25-A DCMR § 3804.1).
- 3834.26 All food contact surfaces, storage areas, counters, sinks and work surfaces shall be smooth, non-absorbent and easily cleanable, and shall be effectively cleaned and sanitized prior to preparation and serving of food and after each use as required by § 3804.2 of the D.C. Food Code (25-A DCMR § 3804.2).
- 3834.27 All eating utensils, pots, pans, cooking equipment, dishes, cups, glasses and other table ware shall be thoroughly cleaned and appropriately dried before use, and cleaned and properly stored after each meal to avoid contamination.
- 3834.28 Hot and cold water, soap, and towels shall be provided for hand washing in or adjacent to food preparation areas.
- 3834.29 Each MHCRF shall maintain a sufficient quantity of dishes, utensils, and cook ware to meet the needs of residents and staff.
- 3834.30 Receptacles for storage of garbage and refuse shall be waterproof and properly covered, and shall be emptied and cleaned regularly.
- 3834.31 The dining area shall have a sufficient number of tables and chairs to seat all individuals residing in the home at the same time. Dining chairs shall be sturdy, safe, without rollers unless retractable, and designed to minimize tilting.
- 3834.32 Each MHCRF shall promote each resident's participation and skill development in menu planning, shopping, food storage, and kitchen maintenance, to the extent appropriate based on the resident's IRP.

3835 THERAPEUTIC DIETS

- 3835.1 Each MHCRF with a resident who has been prescribed a special or therapeutic diet shall ensure that the resident's meals are planned, prepared, and served as prescribed by the attending physician, nutritionist, or other health care practitioner.
- 3835.2 Each MHCRF with residents who have been prescribed a special or therapeutic diet or who have a condition, such as diabetes or hypertension, that commonly requires a special or therapeutic diet, shall consult with the resident's CSA or other treatment team at least annually to determine whether there are new instructions pertaining to the resident's diet.
- 3835.3 The MHCRF shall allow a visiting dietitian or nutritionist to have access to each resident's record, as authorized by the Mental Health Information Act, which shall contain the physician's prescriptions for medications and special diets. The MHCRF shall advise the visiting dietitian or nutritionist to document in the record each observation, consultation, and instruction regarding the resident's acceptance and tolerance of each prescribed diet.
- 3835.4 Each MHCRF shall ensure that all dietary prescriptions from each resident's physician, health care practitioner, dietitian, or nutritionist are maintained in the resident's medical record and are updated at least annually.
- 3835.5 Each MHCRF shall ensure that all staff responsible for food preparation and service are kept informed, in writing and verbally, of any dietary restrictions, food allergies, or other special dietary needs of each resident.

3836 HOUSEKEEPING AND LAUNDRY SERVICES

- 3836.1 Each MHCRF shall be equipped with a washing machine and dryer in good condition in a safe, clean, and convenient location within the facility. The MHCRF shall provide adequate facilities and sufficient laundry detergent and other laundry supplies for residents and staff to properly wash and dry clothing and linens. No clothes or linens shall be air dried.
- 3836.2 At least three (3) washcloths, two (2) towels, two (2) sheet sets that include pillow cases, a bedspread, a new pillow, sufficient blankets, and a mattress cover shall be maintained for each resident in good and clean condition.
- 3836.3 Each piece of bed linen, towel, and washcloth shall be changed and cleaned as often as necessary to maintain cleanliness, provided that all towels and bed linen shall be changed at least once each week.
- 3836.4 Each blanket, bedspread, and mattress cover shall be cleaned regularly, whenever soiled, and before being transferred from one (1) resident to another.

- 3836.5 Each MHCRF shall ensure that the personal laundry of each resident is laundered in a sanitary manner, separate from bed linen. Laundry shall be done by the resident if the resident is capable or by MHCRF staff. The resident shall not be charged in excess of the resident's monthly residence fee for room, board, and care for detergent or other supplies, use of the washer or dryer, or staff assistance,
- 3836.6 Clean linen and clothing shall be stored in clean, dry, dust free areas that are easily accessible to residents.
- 3836.7 If it becomes necessary for residents to use a laundromat because the washing machine or dryer is temporarily out of order, the MHCRF shall pay for residents' laundry to be washed and dried.
- 3836.8 If the washing machine or dryer is out of order for more than forty-eight (48) hours, the Operator shall alert the Director, or his/her designee, of the outage.
- 3836.9 Each MHCRF shall keep a written laundry log and record the date when each resident washed and dried his or her personal laundry/clothing. At a minimum, the MHCRF shall launder residents' clothing and bedding weekly. More frequent launderings are required when necessary to prevent or eliminate hygiene or insect problems. If a resident refuses laundry services, then the MHCRF shall note the refusal on the laundry log and coordinate with the CSA to address this issue through person-centered treatment planning.

3837 PERSONAL PROPERTY OF RESIDENTS

- 3837.1 This section shall apply to the personal property of residents, except for personal funds which are subject to § 3838.
- 3837.2 Each MHCRF shall permit each resident to bring reasonable personal possessions, including clothing, personal articles, and furnishings to his or her living quarters in the MHCRF unless the MHCRF can demonstrate that it is not practical, feasible, or safe. Rejection of resident's personal items must be submitted to the Department for approval.
- 3837.3 Each MHCRF shall take appropriate measures to safeguard and account for personal property brought into the facility by a resident. Each MHCRF shall maintain a current inventory of each resident's personal property. The MHCRF shall update this inventory whenever new items are brought into the MHCRF and at least once annually, and shall provide a copy of the inventory, signed by the resident and staff, to the resident.
- 3837.4 The MHCRF shall provide the resident, or the resident's representative, with a receipt for any personal articles to be held by the MHCRF for safekeeping. The receipt shall include an approximate value for the article and the date it was

deposited with the MHCRF. The MHCRF shall also maintain a record of all articles held for safekeeping.

- 3837.5 No MHCRF shall require a resident to give, transfer, or assign to the Operator, Residence Director, an employee or volunteer an interest in or title to any property owned by the resident. No Operator, Residence Director, employee or volunteer of the MHCRF may accept such a gift, transfer, or assignment.
- 3837.6 Upon each resident's discharge, the MHCRF shall return to the resident, or the resident's representative, any personal articles held by the MHCRF for safekeeping. The MHCRF shall also ensure that the resident is permitted to take all of his or her personal possessions from the MHCRF. The MHCRF may require the resident or resident's representative to sign a statement acknowledging receipt of the property. A copy shall be placed in the resident's record.
- 3837.7 If a resident is not able to remove all of his or her personal property when the resident moves or is transferred or discharged from the facility, the MHCRF shall securely retain the resident's property for a minimum of ten (10) days. The ten (10) days shall be extended for an additional ten (10) days upon request of the former resident or representative.
- 3837.8 The MHCRF shall notify the resident's representative, the LTCO and the CSA in writing that it has the resident's property, so the resident, resident's representative or CSA can make arrangements to obtain it. The MHCRF may remove the property from the bedroom occupied by the former resident, but shall store it in a secure dry location within the facility.

3838 FINANCES OF RESIDENTS

- 3838.1 Except as provided in § 3838.09, no MHCRF shall increase the fee for room, care, and board in a MHCRF more often than once a year, unless:
- (a) The increase is justified in writing;
 - (b) The increase is caused by an unusual escalation in the expenses of the facility or the cost of services to the resident;
 - (c) The resident and the Department are given sixty (60) days written notice of the effective date of the increase; and
 - (d) The resident signs a new residency contract as required by § 3824, which includes the increased fee.
- 3838.2 Except for representative payee relationships existing prior to the effective date of this rule, no MHCRF owner, Operator, Residence Director, staff member or volunteer shall serve as a representative payee for a resident of the MHCRF.

When a resident and his or her representative payee have authorized the MHCRF to handle any portion of a resident's personal funds, including rent or the personal needs allowance, the authorization shall be in writing and signed by the resident and the resident's representative payee at least annually. A resident's personal needs allowance shall be used solely for the resident's personal needs pursuant to 29 DCMR § 1450 and shall not be considered income available to pay for MHCRF costs, including rent.

3838.3 Each MHCRF shall maintain a separate and accurate record of all funds the resident or the resident's representative or representative payee deposits with the MHCRF for safekeeping in accordance with Subsection 3838.2. The record shall include the following:

- (a) A written authorization signed by the resident and the resident's representative or representative payee authorizing the MHCRF to handle the resident's personal funds;
- (b) Any instructions received from the resident's representative or representative payee and agreed to by the MHCRF pertaining to disbursement of the funds;
- (c) The date and the amount of all money received;
- (d) The date and amount of each withdrawal by the resident or disbursement by the MHCRF for the resident's benefit, including signed receipts;
- (e) The items or purposes for which disbursements were made by the MHCRF;
- (f) The current balance; and
- (g) The signature of the resident for each withdrawal and the signature of facility staff for each deposit and disbursement made on behalf of a resident.

3838.4 Each MHCRF shall make a copy of the records required in § 3824.2 and § 3838.3 available to the resident and the resident's representative or representative payee:

- (a) On at least a quarterly basis;
- (b) At least ten (10) business days before the resident is to be transferred or discharged from the facility or as soon as possible prior to the discharge; and
- (c) Upon request by the resident, the resident's representative, or representative payee.

- 3838.5 Upon admission of a resident, each MHCRF shall explain to the resident and the resident's representative or representative payee how the resident's personal needs allowance and any other personal funds shall be handled during his or her stay at the MHCRF. This explanation shall include the resident's right to manage the money himself or herself, absent a court order appointing a guardian or conservator to administer the resident's financial or personal affairs.
- 3838.6 Each MHCRF shall, upon request, make resident financial records available for inspection, review, and copying by the Department, the D.C. Department of Healthcare Finance, the LTCO, and any entity authorized by the resident to review such records.
- 3838.7 Upon each resident's discharge from the MHCRF, the MHCRF shall promptly provide the resident's remaining personal funds to the resident, the resident's court-appointed representative to administer his or her financial and personal affairs, or the resident's representative payee. The MHCRF shall require the resident, court-appointed representative, or representative payee to sign a statement acknowledging receipt of the funds. A copy shall be placed in the resident's record.
- 3838.8 Upon each resident's discharge from the MHCRF, the MHCRF shall promptly send rent funds, pro-rated from the date of discharge, to the new MHCRF location.
- 3838.9 Notwithstanding § 3838.1, any increase in a resident's Social Security or State Optional Payment shall be distributed to the MHCRF for room, board and care in accordance with § 549 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.49), unless the Department of Health Care Finance has published an increase in the personal needs allowance in 29 DCMR § 1450.

3839 MEDICATION

- 3839.1 When a resident is admitted, and for as long as the resident resides in the facility, the MHCRF shall maintain current doctor's orders for every medication the resident is taking, plus a list of each known allergy and each prescribed controlled substance. The MHCRF shall obtain this information from the resident's CSA, treatment team, or health care provider.
- 3839.2 The MHCRF shall keep each resident's medications secure in a locked drawer or cabinet, separate from those of other residents, and shall ensure they are not accessible to other residents or visitors. Each medication shall be properly identified and shall be maintained under proper conditions of light and temperature as indicated on the medication's label.

- 3839.3 Each medication of each resident shall be stored in its original container and shall not be transferred to another container or to another resident. Medication for external use shall be stored separately from medication for internal use.
- 3839.4 Each MHCRF shall comply with District and federal law and regulations governing the procurement, handling, storage, administering, recording, dispensing and disposal of medications and controlled substances.
- 3839.5 The Operator, Residence Director, or designated staff shall ensure that each resident who is capable of self-administering his or her medication takes his or her medication as prescribed. The staff member who supervises a resident's self-administration of medication shall properly and promptly record and initial each dose of medication taken by the resident in the resident's medication record.
- 3839.6 If a resident cannot self-administer a medication, the MHCRF shall coordinate appropriate assistance from a licensed or certified healthcare professional who is authorized to administer medication under District of Columbia law to administer the medication. The MHCRF shall ensure that the administration of the medication is recorded in the resident's medication record.
- 3839.7 Each medication error or adverse reaction to a medication shall be immediately reported to the resident's physician. If the MHCRF is unable to report to the resident's physician, the MHCRF shall report the error or adverse response to the resident's treatment team. In all cases, the MHCRF shall document the error or adverse response in the resident's record, and in cases of a severe adverse reaction shall prepare and submit a Major Unusual Incident Report to the Department pursuant to § 3848.
- 3839.8 Each resident's refusal of a medication shall be documented in his or her medication record and reported to the resident's physician or treatment team.
- 3839.9 Each MHCRF shall remove and dispose properly of expired medication and medication that is no longer in use.
- 3839.10 Each MHCRF shall closely monitor each resident's supply of medication. The MHCRF shall inform each resident's treatment team, by phone and in writing, when the resident has only seven (7) days of medication remaining to ensure that the resident always has a sufficient supply of the medication prescribed by his or her physician. If no contact is established with the CSA within forty-eight (48) hours, the MHCRF shall inform the Director, in writing, of the resident's medication supply.

3840 MEDICAL SERVICES

- 3840.1 Each resident shall have the right to choose his or her own medical and dental care, and shall provide for it at his or her own expense or under relevant provisions of the Social Security Act. Alternatively, each eligible resident may

seek medical or dental care from a public agency at public expense in accordance with laws and regulations governing the agency.

- 3840.2 To ensure that each resident is examined by a physician at least once a year, each MHCRF shall provide written notice to the resident and the CSA ninety (90) days in advance:
- (a) Reminding each resident that he or she must provide the results of a physical examination prior to renewal of a residency contract; and
 - (b) Advising the CSA that it is time for the resident's annual physical examination.
- 3840.3 If the physical examination report has not been received thirty (30) days prior to the renewal date of the residency contract, the MHCRF shall inform the Director in writing.
- 3840.4 The physician or other licensed healthcare professional performing the annual physical examination shall provide, at a minimum, a medical certification in accordance with § 3825.2(a), prescriptions for any medications in accordance with § 3825.2(c), and any special diet instructions in accordance with § 3825.2(d).
- 3840.5 Each resident's permanent records shall include copies of his or her medical certifications, all physicians' orders and reports, and the physicians' recommendations for the resident's care.
- 3840.6 If a resident is unable to make arrangements for his or her annual medical examination or any other medical or dental examination, the Residence Director or designee shall assist the resident in making arrangements for the examinations.
- 3840.7 Each MHCRF shall maintain in the residence a list of the names and telephone numbers of each resident's physician and CSA.
- 3840.8 If an MHCRF observes a medical condition that the resident refuses to treat, the MHCRF shall document this occurrence in the resident's file and contact the CSA to coordinate a discussion with the resident. If no contact is established with the CSA within forty-eight (48) hours, the MHCRF shall inform the Director in writing.

3841 RESIDENT ACTIVITIES

- 3841.1 Each MHCRF shall encourage and arrange for suitable activities for each resident to stimulate the resident, promote his or her well-being, encourage independence, and maintain normal activity and an optimal level of functioning in coordination with the resident's CSA. These activities may include education in independent

living skills such as grocery shopping, cooking, housekeeping chores, personal and household laundering, money management, and use of recreational time.

- 3841.2 Each MHCRF shall, in accordance with each resident's person-centered treatment plan, maintain normal routines and procedures, providing for sleeping periods, meal times, social and recreational activities, responsibilities, and a level of resident autonomy similar to the living patterns of independent persons in the community.
- 3841.3 Each MHCRF shall encourage each resident to engage in daytime activities, including education, socialization, psycho-social day programs, and employment, and shall take advantage of public and voluntary resources in promoting resident participation in meaningful life activities. In accordance with a person-centered treatment plan, each resident shall have the freedom and support to control his or her own schedule and activities.
- 3841.4 Each MHCRF shall have books, periodicals, games, current newspapers, radio, internet access, and a television available and accessible to residents. The MHCRF shall, to the extent possible, provide recreational and leisure activities that reflect the residents' interests.
- 3841.5 Attendance at a day program shall not be mandatory for residents in a MHCRF.

3842 ASSISTING RESIDENTS TO RECEIVE MENTAL HEALTH SERVICES

- 3842.1 If a resident is not already enrolled with a Department-certified Core Services Agency or other provider of mental health services, the MHCRF shall encourage and assist the resident in enrolling with a CSA or other provider of the resident's choice and shall document this assistance in the resident's files.
- 3842.2 If the MHCRF learns that a resident is no longer receiving mental health services, the MHCRF shall encourage and offer to assist the resident in obtaining these services and shall document such assistance or the resident's refusal to accept assistance in the resident's files. The MHCRF shall immediately inform the Department when a resident has declined mental health services.

3843 SERVICE COORDINATION WITH CORE SERVICES AGENCY OR OTHER PROVIDER OF MENTAL HEALTH SERVICES AND MHCRF SERVICE COORDINATION PLAN

- 3843.1 Each MHCRF shall maintain regular contact with the CSA's designated staff member to determine whether the resident's needs are being met and shall be available to the resident and the CSA's designated staff member to assist when issues or concerns involving the resident arise. The MHCRF shall document all contacts with the CSA in the resident's file.

- 3843.2 Each MHCRF, in conjunction with the CSA's treatment team or other mental health services provider, shall regularly monitor each resident's progress and status at the MHCRF, which shall include planning for transition to a lower level of care.
- 3843.3 Each MHCRF shall grant access to and cooperate with CSA treatment team members and any licensed or certified health care practitioner assigned to deliver services to a resident, upon presentation of proper identification and credentials.
- 3843.4 Each MHCRF shall report to the designated CSA treatment team, or other mental health services provider, if it appears that the resident needs assistance obtaining financial services, social services, health care services, or recreational and leisure activities. The report shall be made both in writing and by phone or in person.
- 3843.5 If after contacting a resident's assigned CSA treatment team or other mental health services provider, the CSA or other provider fails to provide requested medical records, or in the opinion of the MHCRF is not providing the services that should be provided, the MHCRF shall inform the Director in writing.

3844 INDIVIDUAL RECOVERY PLAN

- 3844.1 Each MHCRF shall participate in the development of an Individual Recovery Plan for each resident enrolled with a CSA and shall maintain a copy of the current IRP in the resident's record.
- 3844.2 The MHCRF shall describe to the CSA treatment team, the following in writing:
- (a) The resident's functional strengths and limitations in performing activities of daily living (ADLs);
 - (b) Any medical or health conditions observed that are relevant to the services needed by the resident;
 - (c) The resident's behaviors and any changes in the resident's behaviors; and
 - (d) Planning actions or activities to prepare the resident for transition to a lower level of care.
- 3844.3 The MHCRF shall provide the information required by § 3844.2 to any other mental health, health services, or community support provider authorized by the resident.
- 3844.4 The resident shall have the right to participate in planning all phases of his or her IRP, may request participation of a family member, and shall be offered the opportunity to sign his or her IRP or indicate disagreement with particular aspects of the plan or the whole of the plan.

3845 RESTRAINTS AND SECLUSION

- 3845.1 No restraints or seclusion shall be used in a MHCRF.
- 3845.2 No resident shall be confined in a locked room.
- 3845.3 No resident shall be locked in or out of the facility.
- 3845.4 No resident shall be locked in or out of his or her bedroom at any time.

3846 RESIDENT RECORDS

- 3846.1 Each MHCRF shall maintain a permanent record on each resident in a secure location at the MHCRF for as long as the resident remains at the MHCRF, and shall retain it for at least three (3) years after the resident's discharge or death. The permanent record may be maintained at an Owner's business office in the District of Columbia after the resident's discharge or death, provided that it shall be accessible to the Department upon request.
- 3846.2 Each resident's record shall include a current face sheet which documents the following information on each resident:
- (a) Administrative and demographic information, including name, date of birth, sex, social security number, marital status, and last known address;
 - (b) Medical insurance numbers, including Medicare and Medicaid, if any;
 - (c) Date of admission and diagnoses;
 - (d) Names, addresses, and telephones numbers of the resident's representative(s), representative payee, if any, involved family members, and next-of-kin;
 - (e) Names, addresses and telephone numbers of the resident's current personal physician(s), dentist, and any other regular health care practitioners;
 - (f) Names and up-to-date contact information for the resident's CSA treatment team or other mental health services, substance use disorder or community support providers, and for his or her day program provider and employer, as applicable;
 - (g) Religious affiliation, if any, including the names and telephone numbers of the resident's minister, priest, or rabbi; and
 - (h) Resident's allergies.

- 3846.3 The MHCRF shall also maintain an accessible and up-to-date record that documents:
- (a) The resident's medication as provided in § 3839;
 - (b) Any special diet;
 - (c) Any treatment or other procedure that is required for the safety and well-being of the resident;
 - (d) Any Major Unusual Incidents directly involving the resident, reported in accordance with § 3848;
 - (e) All records required by § 3825.2.
- 3846.4 Each resident's record shall be current with each entry legible, in ink, dated, and signed with the full name of the record keeper. Errors shall be corrected by crossing out, but shall not be erased.
- 3846.5 Each MHCRF shall maintain a roster of current residents and shall submit a copy of the roster to the Department when the residence is first occupied, whenever there is a change of one or more residents, and when an application for license renewal is submitted.
- 3846.6 Each MHCRF shall make resident records available to the Department within twenty-four (24) hours of request.

3847 CONFIDENTIALITY OF RECORDS

- 3847.1 Each resident's record and any record maintained by the MHCRF that has information identifying a resident shall be confidential and maintained in a secure location at the MHCRF.
- 3847.2 Disclosure and re-disclosure of information pertaining to a resident's mental health and a resident's access to his or her own records shall be governed by the Mental Health Information Act, HIPAA, and any other District or federal law or regulation governing mental health or other health records.
- 3847.3 If a resident authorizes release of information to a third party, a copy of the resident's written authorization on the form prescribed by the Department shall be maintained in the resident's records and shall conform to the Mental Health Information Act and HIPAA.

3848 MAJOR UNUSUAL INCIDENTS AND UNUSUAL INCIDENTS

- 3848.1 The Operator, Residence Director, or staff member who witnesses or discovers a Major Unusual Incident (MUI) shall orally notify the Department and the resident's representatives, if any, immediately. MUIs include death, serious

illness, medical emergency, physical injury, accident, physical assault or abuse, suicide attempt, severe adverse reaction from medication, or other Major Unusual Incident involving the resident or staff. The notification shall be in compliance with this section and DMH Policy 480.1C and DMH Policy 482.1 (accessible at <https://dbh.dc.gov/node/240592>) or subsequently adopted Department policies concerning the reporting of abuse and neglect. The Operator, Residence Director, or staff member shall document the incident in the resident's permanent record.

- 3848.2 Each oral notice required by § 3848.1 shall be followed by a written unusual incident report to the Department within twenty-four (24) hours of the MUI or on the next business day. The MUI report shall be prepared in conformity with DMH Policy 480.1C by the staff member who witnessed or discovered the incident. The MHCRF shall ensure that a copy of the unusual incident report is maintained in the residence.
- 3848.3 The Operator, Residence Director or staff member shall prepare and submit to the Department a follow-up report within ten (10) days of the incident if full details were not provided in the initial report or if follow-up actions were needed.
- 3848.4 The Operator, Residence Director, or staff member who witnesses or discovers an unusual incident that does not rise to the level of a MUI, shall report the UI in writing, to the Department in conformity with DMH Policy 480.1C, within seven (7) business days of the incident and shall maintain a copy of the report at the MHCRF.
- 3848.5 In addition to filing the unusual incident report required by § 3848.2 each MHCRF shall thoroughly investigate all MUIs occurring at the MHCRF, including any allegations of mistreatment by a MHCRF employee, volunteer, resident, or any other person.
- 3848.6 The MHCRF shall promptly report findings made and actions taken as a result of the investigation to the Department. The investigation shall be documented in a report that is signed and dated by the Operator or Residence Director.

3849 RESIDENT STATUS PROCEDURES

- 3849.1 Each MHCRF shall provide a resident roster to DBH as admissions occur after initial licensure until at full capacity, whenever there is a new admission or change in residents within the facility, and at the time of application for annual licensure renewal.
- 3849.2 Each MHCRF shall maintain a "day-night book" in which emergencies and other unusual occurrences are recorded by the responsible staff person on duty. Staff on duty shall observe and assess the behavior and well-being of each resident prior to the end of his or her work day and shall record any emergencies, unusual

occurrences or significant behavioral or health concerns in the day-night book, and also alert incoming staff.

3849.3 Each MHCRF shall inform the Department whenever a resident moves from the facility, is missing for twenty-four (24) hours or more, or left the facility to visit friends or relatives and has not returned within the expected time frame. This information shall also be recorded in the day and night book.

3849.4 Each MHCRF shall notify the Department of an increase in the occupancy level at the MHCRF.

3849.5 If a resident dies, the Owner, Residence Director, and staff on duty shall:

- (a) Not disturb the body;
- (b) Promptly notify the resident's attending physician, next-of-kin, legal guardian, if any, the Department, the resident's CSA treatment team or other mental health care provider, the District's Metropolitan Police and the LTCO;
- (c) If the circumstances of the death are suspicious, the death is sudden, unexpected or unexplained, or the death is violent including accidental, homicidal or suicidal, promptly notify the Office of the Chief Medical Examiner; and
- (d) Abide by the District laws governing the investigation and reporting of deaths under the jurisdiction of the Medical Examiner.

3850 MINIMUM QUALIFICATIONS FOR PERSONS WORKING IN MHCRF

3850.1 Every Residence Director and staff person employed by the MHCRF shall meet the following requirements prior to commencing work at the facility and maintain compliance with these requirements:

- (a) Be at least eighteen (18) years of age;
- (b) Have a high school diploma or the equivalent;
- (c) Have at least one (1) year of experience working with persons with mental illness or one (1) year of education in human services, or a combination of education and experience totaling at least one (1) year;
- (d) Have met criminal background check requirements as set forth in §§ 3850.10 through 3850.14;

- (e) Have had a physical examination completed by a licensed physician or other licensed and qualified health care provider, and submitted a certification that he or she is free of communicable disease to the MHCRF prior to commencing work and annually thereafter;
- (f) Have produced a current health certification that includes the result of an intra-dermal tuberculin skin test or chest x-ray indicating no active tuberculosis and documentation of any other screenings, immunizations or certifications that may be required by the Department of Health prior to commencing work and annually thereafter;
- (g) Have a current First Aid Certificate from the Red Cross or other organization recognized by the Department, including training in the Heimlich maneuver;
- (h) Have a current CPR (cardio-pulmonary resuscitation) Certificate from the Red Cross or other organization recognized by the Department;
- (i) Have a current FPM or FSM certification, if engaged in any food preparation at the facility, as provided in § 3834.1 and § 3834.2;
- (j) Meet any additional education, experience, licensure, or certification qualifications required pursuant to a current contract with the Department.

3850.2 The MHCRF shall also ensure timely renewal of all certifications required by §§ 3850.1 (e), (f), (g), (h) and (i), and attendance at periodic training as required by the Department, including attendance by new staff at the first Mental Health First Aide course offered by DBH after hire.

3850.3 A volunteer may provide additional support services at the MHCRF while staff is present if the volunteer meets the requirements of §§ 3850.1(a), (c), (d), (e) and (f), and, if engaged in food preparation, (i).

3850.4 No person who is not a staff member can reside at the MHCRF, unless:

- (a) The MHCRF has provided written notice to the Department that the person will be residing at the facility;
- (b) The individual has met the requirements of §§ 3850.1 (a), (c), (d), (e) and (f), and, if engaged in food preparation, (i); and
- (c) The individual's presence does not cause the MHCRF to exceed occupancy limits.

3850.5 A home health aide or personal care aide providing services to individual residents shall provide documentation of certification by the D.C. Board of

Nursing pursuant to 17 DCMR, Chapter 93, and if providing services reimbursed by Medicaid, shall meet applicable requirements in 29 DCMR, Chapter 51.

- 3850.6 Each personal care aide providing services to individual residents shall provide documentation of training and certification pursuant to 29 DCMR, Chapter 50, shall be employed by a District licensed home health agency in good standing with the D.C. Department of Health, and shall be supervised by a physician or nurse in accordance with 22-B DCMR, Chapter 39.
- 3850.7 An individual providing other support services at a MHCRF shall have the requisite professional license or certificate to perform the applicable service.
- 3850.8 No person shall provide services to residents at the MHCRF who does not meet the requirements of this section, except District of Columbia licensed health care professionals or identified members of the resident's CSA treatment team.
- 3850.9 No child or youth under the age of eighteen (18) shall reside in a MHCRF for any reason.
- 3850.10 Each MHCRF shall ensure that a criminal background check in accordance with the Criminal Background Check Act and any applicable District implementing regulations is obtained for each "unlicensed person" as defined in this chapter, who will work in the facility as an employee or contract worker or who will have unsupervised access to the facility and residents, including the Operator, the Residence Director, staff, or volunteers. Any unlicensed person who has not had a criminal background check must remain in the immediate presence of the Operator or a staff person at all times.
- 3850.11 The Operator shall ensure that the background check is completed and obtain verification that there is no disqualifying history prior to allowing an unlicensed person to work at the facility or have unsupervised access to the facility and residents.
- 3850.12 No person, who has been convicted of a disqualifying crime within the seven (7) years preceding the background check or whose name appears on one of the following registers or websites shall work at the MHCRF as an Operator, Residence Director, contractor, employee or volunteer, or have unsupervised access to the facility and residents:
- (a) The Nurse Aide Abuse Registry maintained by the Mayor;
 - (b) The Dru Sjodin National Sex Offender Public Website, (or other sex offender registry or website subsequently mandated by District rules); or
 - (c) The D.C. Child and Family Services Agency Child Protection Register.

3850.13 The MHCRF shall ensure that each unlicensed person undergoes a criminal background check every four (4) years pursuant to 22-B DCMR, Chapter 47.

3850.14 If an MHCRF learns that a person is working at the facility or has unsupervised access to the facility and residents in violation of § 3850.12 and the Criminal Background Check Act, the MHCRF shall inform DBH within forty-eight (48) hours.

3851 ADDITIONAL QUALIFICATIONS APPLICABLE TO OPERATORS AND RESIDENCE DIRECTORS

3851.1 In addition to meeting the requirements of § 3850.1 for staff, the Operator and Residence Director shall:

- (a) Have at least two (2) years of experience in human services including one (1) year of working with persons with mental illness prior to employment;
- (b) Have a Bachelor of Arts (“B.A.”) or Bachelor of Science (“B.S.”) degree or equivalent experience in addition to the experience required in (a);
- (c) Be able to demonstrate computer literacy and competence in budget planning, financial management, and program development;
- (d) Demonstrate, through references, documentation of education and experience, and compliance with this chapter, the ability to carry out the responsibilities set forth in §§ 3852 and 3853 prior to employment;
- (e) Participate in training, workshops, and seminars developed for Operators and Residence Directors by the Department within ninety (90) days after hire.

3851.2 If the Operator is incorporated, the Residence Director acting on behalf of the corporation shall meet the requirements of § 3851.1.

3852 MINIMUM STAFFING REQUIREMENTS

3852.1 Each MHCRF shall ensure that:

- (a) Every person who provides direct services to residents at the MHCRF or who regularly visits the MHCRF is properly screened to ensure he or she meets the requirements of § 3850 and that all credentials are documented and current, except that the MHCRF shall not be required to review the credentials of Department or certified CSA personnel who may periodically visit and provide services at the facility;

- (b) Qualified staff, who are employed by and responsible to the Operator, are on site at the MHCRF twenty-four (24) hours a day, and that the MHCRF is properly supervised by competent staff at all times. These staff shall be capable of recognizing visible changes in each resident's physical and mental condition and taking responsible action in the case of an emergency;
- (c) The MHCRF maintains staffing ratios and staff qualifications consistent with:
 - (1) Its designated licensure category as set forth in §§ 3857, 3858, 3859 and 3860;
 - (2) The terms of any current contract with the Department for residential services; and
 - (3) The needs of the residents as determined by a needs-assessment conducted using a Department-selected assessment instrument;
- (d) Its Residence Director is responsible for the overall management and operation of not more than five (5) MHCRFs housing not more than a total of thirty (30) residents, or such lesser number of MHCRFs and residents as may be required by contract with DBH;
- (e) Volunteers, home health aides, personal care aides reimbursed by Medicaid, and any other persons not employed by the MHCRF are not used as substitutes for MHCRF staff and are not left in charge of the facility;
- (f) Home health aides or personal care aides assigned to individual residents are not directed to perform and do not perform general staff duties at the facility;
- (g) Employees and volunteers providing services at the MHCRF are properly supervised, trained, and directed in applying MHCRF policies and procedures, including the MHCRF Emergency Preparedness Plan, COOP, health care emergency procedures, and the requirements of this chapter;
- (h) The facility is in compliance with District and federal wage and hour laws and staffing is adequate to ensure that no staff member is required to work an unreasonable number of hours without appropriate relief or staff rotation;
- (i) Staff require each person, other than a resident, who enters or leaves the facility, to sign in and sign out, with his or her name, title, reason for visiting and time in and out.

- 3852.2 Staff shall be on-site and provide supervision, meals, and assistance with the tasks of daily living to the residents. On-site staff shall also ensure the overall health, safety, and welfare of the residents.
- 3852.3 The MHCRF shall not require residents to attend day programs or activities or be absent from the MHCRF during the day. Residents shall be permitted to remain in the MHCRF, work, or participate in a structured day program or other daily activity.
- 3852.4 Each person who requires licensure, certification, or registration to provide care to residents shall be licensed, certified, or registered under the laws and regulations of the District.
- 3852.5 Each employee shall be assigned duties consistent with his or her license, job description, training, and experience.

3853 RESPONSIBILITIES OF OPERATORS AND RESIDENCE DIRECTORS

- 3853.1 In addition to meeting the requirements of § 3852 and other requirements set forth in this chapter, each Operator and Residence Director shall be responsible for:
- (a) Supervising the day-to-day management and operation of the MHCRF, including supervision of staff, hiring and firing, purchase of food and supplies, arranging repairs, medication management, sanitation, safety, laundry, dietary services, and other services relating to the health and welfare of each resident;
 - (b) Implementing the policies, practices, and procedures of the MHCRF, including required screening of prospective residents and staff;
 - (c) Ensuring that all MHCRF procedures, records and reports required by §§ 3824, 3825, 3838, 3839, 3846, and 3854 are properly developed and maintained in one (1) or more secure files at the facility;
 - (d) Keeping the Department informed of any changes in the phone number, facsimile number, or e-mail address for the MHCRF;
 - (e) Ensuring that residents are provided with a current telephone number where residents can, at all times, contact the MHCRF and the MHCRF staff person on duty to allow residents to inform the MHCRF and staff of an emergency or other concerns;
 - (f) Ensuring that the Department is provided with a current telephone number at which the MHCRF and MHCRF staff can be contacted at all times;

- (g) Ensuring that a current listing of the following telephone numbers is posted conspicuously in the facility and readily accessible to all staff:
 - (1) 911;
 - (2) The Comprehensive Psychiatric Emergency Program (CPEP);
 - (3) The Department's Office of Consumer and Family Affairs;
 - (4) The organization responsible for the protection and advocacy system under the federal Protection and Advocacy for Individuals with Mental Illness Act of 1986, 42 U.S.C. §§ 10801 *et seq.* Mentally Ill Individuals Act;
 - (5) Adult Protective Services; and
 - (6) The LTCO; and
- (h) Ensuring that staff can readily access individual information on residents including the information required by § 3846.

3853.2 The Operator and Residence Director shall ensure that no employee or volunteer provides direct services to residents while the person:

- (a) Is under the influence of alcohol or any mind-altering drug, substance, or combination thereof; or
- (b) Has a communicable disease that poses a health risk to residents and cannot be safely addressed by universal precautions.

3854 PERSONNEL RECORDS

3854.1 Each MHCRF shall have written personnel policies, which shall be made available to the Department and to each staff member and shall include the following:

- (a) The hours of work, policies regarding on duty requirements, compensation time, night-time duties, work relief provisions for live-in employees, vacations, sick leave, insurance, and other benefits, if any;
- (b) A description of the duties for each category of employee;
- (c) Provisions for new staff orientation and annual in-service training of staff; and

- (d) Provisions for disciplinary action or termination for illegal activity, negligence, or misconduct that occurs on the job.

3854.2 Each MHCRF shall maintain accurate personnel records for each Residence Director, staff member, and volunteer in a secure location at the facility that shall include the following information:

- (a) Name, address, gender, and social security number;
- (b) Current professional license or registration number, if any;
- (c) Record of education, training, prior employment, and evidence of attendance at orientation, training, workshops, and seminars sponsored by the Department;
- (d) Current health certification, including results of an annual intra-dermal tuberculin skin test or chest x-ray indicating no active tuberculosis;
- (e) Verification of previous employment, if any;
- (f) Documentation that the employee or volunteer has had a criminal background check in accordance with § 3850 and has not been convicted of a disqualifying crime, in accordance with the Criminal Background Check Act and 22-B DCMR, Chapter 47;
- (g) Documentation of certification in emergency first aid, CPR, and the Heimlich Maneuver;
- (h) Documentation of certification as an FPM or FSM if engaged in food preparation;
- (i) Dates of employment;
- (j) Position held by the employee;
- (k) Documentation of any disciplinary issues;
- (l) Copy of the employment agreement between the MHCRF and employee, which shall include basic terms of employment including, at a minimum:
 - (1) Salary or hourly rate of pay;
 - (2) Hours;
 - (3) Duties;

- (4) Benefits; and
- (5) A statement that employees hold a position of trust in relation to residents, that employees shall not harass, exploit, or physically, emotionally, or sexually abuse residents, or have sexual relations with residents, and that any violation of these prohibitions shall be grounds for immediate termination and may also result in a report to Adult Protective Services and the police.

3854.3 Each MHCRF shall also maintain a record of the dates and times that each volunteer is present or assisting at the facility.

3854.4 Each MHCRF shall maintain payroll records and weekly staff schedules for each Residence Director and employee for a period of at least six (6) months and provide copies to the Department upon request.

3854.5 Each MHCRF shall maintain copies of any agreements with contractors or consultants related to the operation of the MHCRF.

3855 FINANCIAL RECORDS

3855.1 Each MHCRF shall maintain all financial records related to the building where the MHCRF is located and the MHCRF business as provided in this section.

3855.2 Each MHCRF shall immediately submit or make available mortgage, rent, utilities, tax and insurance information when requested by the Department.

3855.3 Financial records related to the building where the MHCRF is located shall include all mortgage, rent, utilities, tax and insurance payments, home repairs, and renovations and shall be maintained in an orderly file for a period of at least three (3) years.

3855.4 Other business financial records shall include receipts for food purchases, household supplies, and professional infestation treatment, and shall be maintained in an orderly file for at least one (1) year.

3855.5 Financial records shall be maintained at the facility or at the Operator's business office in the District of Columbia and shall, upon request, be provided within twenty-four (24) hours for inspection by the Director.

3855.6 Where an Operator operates several facilities and buys food, bedding, or other household supplies for several facilities at one time, the Operator shall document on the financial records and receipts the dollar amount allocable to each MHCRF.

3855.7 Each MHCRF shall submit a financial report to the Director every six (6) months in accordance with DBH policies and directives and any current contract between DBH and the MHCRF Operator.

3856 PAYMENT OF DISTRICT FUNDS

3856.1 No District of Columbia funds for room and board shall be paid to any MHCRF or to any person residing in a MHCRF for his or her maintenance in that facility unless the MHCRF is licensed pursuant to this chapter.

3856.2 No person shall be referred by the Director or designee for the Optional State Payment who is residing in an unlicensed facility. Further, no unlicensed facility, rooming house, or boarding house shall be entitled to receive the Optional State Payment for the maintenance of a person residing in the facility, unless the facility is licensed pursuant to this chapter.

3857 SUPPORTED RESIDENCE

3857.1 A Supported Residence (SR) shall meet the minimum requirements for a home-like living environment, staffing, and resident care set forth in §§ 3800, 3850 and 3852.

3857.2 An SR shall be appropriate for a maximum of eight (8) adults with a principal diagnosis of serious and persistent mental illness who require twenty-four (24) hour supervision. A higher number of residents may be allowed where “grandfathered” or specifically authorized by the Director pursuant to § 3800.5.

3857.3 Each person seeking residential placement in an SR shall have a principal diagnosis of mental illness and be in need of twenty-four (24) hour staff supervision to assist with ADLs, meals, lodging, and recreation. Residents may remain in the residence, work, or participate in a structured day program, or other daily activity. Attendance at a day program shall not be mandatory for persons seeking placement in an SR.

3857.4 There shall be an assigned Residence Director for each SR who shall provide or arrange for supervision and coordinate services to ensure that each resident's health, safety, and welfare are protected.

3857.5 An SR shall maintain a minimum ratio one (1) staff member for each eight (8) residents or fewer, at all times, for purposes of complying with this section and receipt of the per diem payments.

3857.6 An SR shall provide awake supervision a minimum of sixteen (16) hours a day, and shall provide awake supervision during the night when required to adequately address the needs of one or more residents experiencing a period of destabilization, an emergency, or other situation requiring prompt attention.

3857.7 The resident's treatment team and the facility's Residence Director, in conjunction with the Department, shall determine whether a person is appropriately placed in an SR.

3857.8 The Residence Director and staff at an SR shall also meet any additional qualifications or higher staff-to-resident ratios required pursuant to a current contract between the MHCRF and the Department for SR services.

3858 SUPPORTED REHABILITATIVE RESIDENCE

3858.1 A Supported Rehabilitative Residence (SRR) shall provide on-site rehabilitative services in addition to meeting the minimum MHCRF requirements for a home-like environment, staffing, and resident care set forth in §§ 3800, 3850 and 3852.

3858.2 An SRR shall be appropriate for a maximum of eight (8) adults (unless a higher number is specifically authorized pursuant to § 3800.5) with a principal diagnosis of serious and persistent mental illness who require twenty-four (24) hour supervision and on-site rehabilitation and who may require specialized services on-site.

3858.3 Each person seeking residential placement in an SRR shall have a principal diagnosis of mental illness, be in need of twenty-four (24) hour staff supervision to assist with ADLs, meals, lodging, and recreation, and shall also require on-site rehabilitation. Residents may remain in the residence, work, or participate in a structured day program or other daily activity. Attendance at a day program shall not be mandatory for persons seeking placement in an SRR.

3858.4 Specialized services, such as medication administration, limited or intermittent nursing care, or physical therapy, shall be provided as necessary on a scheduled basis as established in the resident's IRP. These services shall be provided by appropriate and qualified:

- (a) District of Columbia licensed health care professionals; or
- (b) Nursing assistive personnel, such as Trained Medication Employees, Medication Aides, or Certified Nursing Assistants certified by the D.C. Board of Nursing and working within the scope of their certification with required supervision.

3858.5 An SRR shall maintain a staff to resident ratio of at least one (1) to eight (8), twenty-four (24) hours per day, and at least two (2) staff persons for every five (5) to eight (8) residents during periods of peak activity as provided in §§ 3858.6 and 3858.7. If there are four (4) or fewer residents, a second staff person is not required, except as provided in § 3858.8.

- 3858.6 An SRR shall determine the hours of peak activity based upon the hours that meals are served and when most residents are home and awake. At a minimum, the following are peak hours for purposes of complying with this section and receipt of the per diem payments: 6:00 a.m. to 9:00 a.m. and 5:00 p.m. to 8:00 p.m.
- 3858.7 The Department may approve a written MHCRF staffing plan with different peak hours upon a showing that the MHCRF is providing adequate staffing coverage based upon the residents' individual schedules. The SRR shall maintain a record of any changes in the peak activity hours and work schedules and the reason for the changes.
- 3858.8 An SRR shall provide awake supervision a minimum of sixteen (16) hours a day and shall provide awake supervision twenty-four (24) hours a day when required to adequately address the needs of one or more residents experiencing a period of destabilization or residents who require twenty-four (24) hour awake supervision on an ongoing basis in order to be maintained within the SRR and in the community.
- 3858.9 An SRR shall have the capacity to provide one-to-one support to residents on a periodic basis, as needed, to care for and safeguard the resident and other residents of the facility.
- 3858.10 In addition to the general staff requirements in this chapter, staff shall be responsible for providing rehabilitative services, therapeutic support, management, and re-direction consistent with the resident's IRP. Staff shall provide a consistent and therapeutic environment where through daily contact and interaction the resident's needs and progress are assessed.
- 3858.11 Rehabilitation in an SRR shall be coordinated under the direction of the resident's designated clinical treatment team in conjunction with the Residence Director and facility staff.
- 3858.12 There shall be an assigned Residence Director who shall provide or arrange for supervision and coordination of rehabilitative and other required services at the SRR to ensure that each resident's health, safety, and welfare are protected.
- 3858.13 The resident's clinical treatment team and the facility's Residence Director, in conjunction with the Department shall determine whether a person is appropriately placed in an SRR.
- 3858.14 The Residence Director and staff at an SRR shall also meet any additional qualifications or higher staff-to-resident ratios required pursuant to a current contract between the MHCRF and the Department for SRR services.

3859 INTENSIVE RESIDENCE

- 3859.1 An Intensive Residence (IR) shall provide on-site medical assistance, nursing, and rehabilitative services, in addition to meeting the minimum MHCRF requirements for a home-like environment, staffing, and resident care set forth in §§ 3800, 3850 and 3852.
- 3859.2 An IR is appropriate for a maximum of eight (8) adults with a principal diagnosis of serious and persistent mental illness who have special needs due to co-morbid medical conditions that cannot be adequately provided for in an SR or SRR. These residents require twenty-four (24) hour staff supervision and enhanced care, and may need periodic one-to-one support for medical conditions or due to the intensity of psychiatric symptoms.
- 3859.3 An IR shall have a staff-to-resident ratio of two (2) to eight (8), 6 a.m. to 10 p.m. daily whenever a resident is present. Additional staff shall be available during times of peak activity. At a minimum, the following are peak hours for purposes of complying with this section and receipt of the per diem payments: 6:00 a.m. to 9:00 a.m. and 5:00 p.m. to 8:00 p.m.
- 3859.4 The Department may approve a written MHCRF staffing plan with different peak hours upon a showing that the MHCRF is providing adequate staffing coverage based upon the residents' individual schedules. The IR shall maintain a record of any changes in the peak activity hours and work schedules and the reason for the changes.
- 3859.5 An IR shall have the capacity to provide one-to-one staffing when necessary as determined by the resident's treatment plan and the immediate needs of the resident and other residents in the facility.
- 3859.6 Awake staff is required twenty-four (24) hours per day in an IR.
- 3859.7 Staffing shall be provided in accordance with the special program needs of residents including geriatric, dual diagnosis, behavioral, or nursing care, and may include medical, psychiatric, nursing, behavioral, social, and recreational services.
- 3859.8 The Residence Director or a staff member shall be present whenever residents are at the residence. In addition, the Residence Director or designee shall arrange for clinical back-up services. The mental health professional designated to provide back-up services shall:
- (a) Be available by telephone at all times;
 - (b) Be able to reach the residence within thirty (30) minutes in case of an emergency; and

(c) Be identified by name with an emergency telephone number provided to residents and staff.

3859.9 Each Residence Director of an IR shall meet the requirements of § 3851 and shall also meet any additional professional license or experience qualifications, or higher Residence Director-to-resident ratios required pursuant to a current contract between the MHCRF and the Department for IR services.

3859.10 Each IR shall have a full-time Registered Nurse at the facility a minimum of eight (8) hours per day. In addition, a Licensed Practical Nurse (LPN) shall be on duty at the facility the remaining sixteen (16) hours a day or whenever an RN is not on duty.

3859.11 “On call” RN nursing consultation, supervision, and support shall be available to the LPN and any other staff on duty whenever an RN is not on duty at the facility. The LPN shall be under the general supervision of a Registered Nurse at all times.

3859.12 The resident's clinical treatment team and the facility’s Residence Director in conjunction with the Department, shall determine whether a person is appropriately placed in an IR.

3859.13 An IR shall be in compliance with applicable requirements under the Americans with Disabilities Act, including accessibility requirements for bedrooms, living spaces and bathrooms.

3860 TRANSITIONAL RESIDENTIAL BEDS

3860.1 Transitional residential beds (SR-Transitional) shall be located in a Supported Residence facility and shall meet all requirements of a SR MHCRF; except that a SR-Transitional may have up to ten (10) beds in a single facility and may maintain a staff to resident ratio of one (1) to ten (10).

3860.2 A SR-Transitional is a MHCRF designed for individuals who currently require the care and supervision provided in a SR, but who have been assessed by their treatment team and DBH as having the potential to live independently with necessary recovery and transition planning assistance. A primary purpose of the SR-Transitional is to speed the transition from a higher to a lower level of care in the community.

3860.3 Individuals appropriate for placement in a SR-Transitional facility include adults who may be at risk of becoming homeless, have been recently hospitalized, have been dually diagnosed with a substance abuse disorder, or otherwise lack essential skills necessary to move immediately to permanent supported housing or independent living in the community.

- 3860.4 The length of stay in a SR-Transitional is intended to range from six (6) months to a maximum of one (1) year, based upon the temporary resident's ability to accept a permanent living arrangement. The one (1) year maximum period can be extended by the Department on a monthly basis for cause, upon request by the MHCRF.
- 3860.5 Not more than ten (10) transitional residential beds shall be located in one (1) facility, unless a waiver is specifically authorized by the Director.
- 3860.6 A SR-Transitional shall assess the resident's needs upon admission and develop a transition plan for each resident in coordination with the resident and his or her CSA. The transition plan shall include specific goals and objectives and the specific services, and behavioral and psycho-educational supports that will be provided to enable the resident to transition to supported housing or independent living.
- 3860.7 A SR-Transitional shall meet all requirements and provide all deliverables required by any contract between the Department and the transitional MHCRF, in addition to meeting all requirements of this chapter. In addition to the staff qualification requirements in Section 3850, each SR-Transitional Residence Director shall have at least one (1) year additional experience in working with homeless persons.
- 3860.8 Notwithstanding § 3860.1, the Department may require by contract that a MHCRF with transitional beds maintain a higher staff to resident ratio than a one (1) to ten (10) staff to resident ratio. Failure to comply with the ratio mandated by contract shall be a violation of this section.
- 3860.9 Each SR-Transitional shall work with the resident, the resident's treatment team, and the Department to ensure that the individual is appropriately placed in a SR-Transitional and is transferred to more permanent housing as soon as appropriate.
- 3860.10 When applying for a MHCRF license pursuant to § 3805, the Operator shall specify that it wishes to receive a license for a SR-Transitional.

3861 MHCRF TRANSFER, DISCHARGE, AND RELOCATION

- 3861.1 The MHCRF shall promptly notify the Director, the resident's CSA treatment team or other mental health care provider, and the resident's physician when the resident's physical or mental condition changes and the resident requires services or supports that may require discharging, or transferring the resident, or relocating the resident within the facility. Under no circumstances shall a resident be discharged, transferred, or relocated without notifying the Department.
- 3861.2 Every discharge, transfer, or relocation of any resident shall be in full compliance with title III of the Nursing Home and Community Residence Facility Residents'

Protection Act, including the MHCRF's reasons for seeking to transfer, discharge, or relocate the resident, and all notice and hearing requirements.

- 3861.3 A discharge, transfer, or relocation of any resident shall be consistent with the resident's IRP.
- 3861.4 The discharge, transfer, or relocation of a resident of a MHCRF that receives contract funds from the Department shall be subject to prior approval by the Director in addition to the other requirements of this section. Failure to do so may result in the loss of contract funds.
- 3861.5 Ten (10) days prior to the issuance of a twenty-one (21) day notice for an involuntary transfer or discharge, the MHCRF shall schedule a case conference with the resident and a representative of the CSA and shall notify the Director and the LTCO of the date and time of the meeting.
- 3861.6 Residents who are hospitalized have a right to return to the facility in accordance with the terms and conditions of subsection 3861.9.
- 3861.7 In the event the resident's hospitalization does not meet the conditions of Subsection 3861.9 and the MHCRF seeks to transfer, discharge, or relocate the resident, the MHCRF shall comply with the Community Residence Facility Residents' Protection Act and this section.
- 3861.8 A MHCRF shall also comply with any additional requirements for transferring or discharging residents and for allowing residents to return to a facility after hospitalization or other absence from the facility, required by a current contract for MHCRF residential services between the Department and the MHCRF.
- 3861.9 A MHCRF shall coordinate with a resident's treatment team during periods of hospitalization to ensure the resident receives temporarily institutionalization benefits, if eligible. A resident who receives Supplemental Security Income and is admitted to a public institution, the primary purpose of which is the provision of medical or psychiatric care, or to a public or private Medicaid-certified medical treatment facility, shall be allowed to return to the MHCRF within ninety (90) days if:
- (a) A physician has certified in writing to the Social Security Administration that he or she expects the recipient to be medically confined for ninety (90) consecutive days or less;
 - (b) The resident's Supplemental Security Income has been continued during the period of hospitalization so that the resident may continue to maintain a home or living arrangement;

- (c) The MHCRF is receiving payment for the room occupied by or held for the resident; and
 - (d) The resident's needs are consistent with services provided by the MHCRF as determined by the resident's treatment team in conjunction with the resident.
- 3861.10 In the case of an emergency situation caused by a natural disaster, extreme heat or cold, extended power outage, or other emergency where the MHCRF cannot safely care for residents at the facility and residents need to be temporarily moved to another location, the MHCRF shall immediately notify both the LTCO and the Department and advise them of the situation and the actions the MHCRF plans to take.
- 3861.11 If the MHCRF is not able to make direct contact, and time or conditions do not permit it to obtain advance authorization, the MHCRF shall leave a detailed message at both numbers, including the address or addresses to which residents are being relocated, and a phone number where the Operator can be reached. The MHCRF shall comply with the notice requirements in the Community Residence Facility Residents' Protection Act for any temporary move or relocation that is expected to exceed thirty (30) days.
- 3861.12 Where the MHCRF temporarily moves residents under the conditions described in § 3861.10, the MHCRF shall cooperate with the Department and the Ombudsman to facilitate immediate inspections, comply with legal requirements, and address resident needs.
- 3861.13 Whenever an Operator needs to temporarily move residents under the conditions described in § 3861.10, the Operator shall ensure that the temporary transfers:
 - (a) Do not exceed forty-eight (48) hours unless requested by the Operator in writing and approved in writing by the Department; and
 - (b) Are to locations that are:
 - (1) In the District of Columbia and in compliance with federal and District legal requirements;
 - (2) Safe for occupancy; and
 - (3) Equipped with adequate bathroom facilities and adequate accommodations for eating and sleeping.
- 3861.14 If occupancy limits are exceeded at another MHCRF to accommodate residents who have to be moved, the Operator shall ensure that the temporary increased occupancy does not create a hazard or danger for residents, and that resident needs are met.

3861.15 Once the emergency has abated, the MHCRF shall return the residents to the facility. No resident shall be permanently discharged, transferred or relocated under the emergency provisions unless the MHCRF or the Department has complied with Community Residence Facility Residents' Protection Act.

3899 DEFINITIONS

3899.1 When used in this chapter, the following terms shall have the meanings ascribed:

“Activities of daily living” – Basic life activities that include ambulating and transferring, bathing, dressing, grooming, toileting, and eating.

“Administrative Procedure Act” – the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.*).

“Adult Protective Services Act” – the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code §§ 7-1901 *et seq.*).

“Americans with Disabilities Act” – The Americans with Disabilities Act of 1990, approved July 26, 1990 (Pub. L. 101-336, 104 Stat. 328; 42 U.S.C §§ 12101 *et seq.*).

“Applicant” – an individual, corporation, partnership, or agency that applies for a license or renewal license to operate a MHCRF, is the Operator of the MHCRF business, and has an ownership or leasehold interest in the property where the MHCRF will be located.

“Awake supervision” – supervision by a staff person who is not sleeping or resting, is alert, on duty, and is prepared to address the needs of residents and any situations which may arise including matters requiring prompt attention and emergencies.

“Behavioral Health Establishment Act” -- the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141 *et seq.*).

“Business days” – calendar days excluding Saturdays, Sundays, and legal holidays.

“Civil Infractions Act” – the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801 *et seq.*).

- “Clean Hands Act”** – 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.*).
- “Community Residence Facility”** – a facility that provides a sheltered living environment for individuals, eighteen (18) years of age or older, who desire or need such an environment because of their physical, mental, familial, social, or other circumstances, and who are not in the custody of the Department of Corrections. *See* § 2 of the Licensure Act (D.C. Official Code § 44-501). A community residence facility is included within the definition of a “community-based residential facility” under the District of Columbia Construction Codes Supplement, 12-A DCMR, § 202.
- “Consumer” or “Consumers”** – person or persons who seek or receive mental health services or supports funded or regulated by the Department of Behavioral Health.
- “Consumers’ Rights Act”** – the Mental Health Consumers’ Rights Protection Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1231.01 *et seq.*).
- “Core Services Agency” or “CSA”** – a community-based provider of mental health services and mental health supports that is certified by the Department and that acts as a clinical home for consumers of mental health services.
- “Criminal Background Check Act”** – Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code §§ 44-551 *et seq.*).
- “Crisis bed”** – a bed provided in a residential setting that offers substantial quantities of psychological assistance to individuals in psychiatric crisis, until the immediate emotional crisis passes and an acceptable level of stability is regained, usually within 30 days.
- “DCRA”** – the District of Columbia Department of Consumer and Regulatory Affairs.
- “Department”** – the Department of Behavioral Health.
- “Dietitian”** – an individual who meets the qualifications and standards for membership in the American Dietetic Association and who applies the principles of nutrition and management to menu planning, food preparation, and service.

“Director” – the Director of the Department of Behavioral Health or the Director’s designee.

“Discharge” – termination of the resident’s stay at the MHCRF, due to action taken by the MHCRF or the Mayor, or by the choice of the resident.

“District of Columbia Construction Codes” – 2012 ICC Construction Codes as amended by the D.C. Construction Codes Supplement (2013), Title 12 DCMR, or currently adopted version of Construction Codes.

“District of Columbia Fire Prevention Code” – 2012 ICC Fire Code as amended by the D.C. Fire Code Supplement (2013), Title 12-H DCMR, or currently adopted version of the Fire Code

“District of Columbia Housing Code” – Title 14 DCMR.

“District of Columbia Property Maintenance Code” – 2012 ICC Property Maintenance Code as amended by the D.C. Property Maintenance Code Supplement (2013), Title 12-G DCMR, or currently adopted version of the Property Maintenance Code.

“Disqualifying crime” – a conviction of one of the following crimes within seven (7) seven years prior to a criminal background check: (1) murder, attempted murder, or manslaughter; (2) arson; (3) assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats-to-do bodily harm; (4) burglary; (5) robbery; (6) kidnapping; (7) theft, fraud, forgery, extortion or blackmail; (8) illegal use or possession of a firearm; (9) rape, sexual assault, sexual battery, or sexual abuse; (10) child abuse or cruelty to children; (11) unlawful distribution, or possession with intent to distribute, of a controlled substance; or (12) the equivalent of any of the foregoing in another state or territory.

“Food Code” – District of Columbia Food and Food Operations Code, Title 25-A DCMR.

“Habitable room” – an undivided, enclosed space with natural light and ventilation, including a room for living, eating, or sleeping, that complies with applicable District of Columbia Building and Housing Codes regulations.

“Home-like environment” – an integrated residential setting that meets the requirements of 42 C.F.R. § 441.301.

“HIPAA” – the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191, 110 Stat. 1936), and the

HIPAA Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule), 45 C.F.R. Parts 160 and 164.

“Human Rights Act” – the District of Columbia Human Rights Act, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401 *et seq.*).

“Independence” – the quality of being self-reliant and free from the control of others.

“Independent living” – living alone or with friends or relatives in a private home, apartment, or rooming house.

“Individual Recovery Plan” or “IRP” – a written plan for a resident’s continued treatment and care that includes goals, objectives, and interventions developed by a multi-disciplinary treatment team in consultation with the resident.

“Licensee” – a person or entity to whom a license to operate a MHCRF has been issued.

“Licensure Act” – the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 44-501 *et seq.*).

“Limited or intermittent nursing care” – simple nursing care provided on a periodic basis in a MHCRF, including blood pressure monitoring, insulin injections, and dressing changes, provided by a licensed RN or LPN, or under the supervision of a RN or LPN by a D.C. Board of Certified Nursing Assistant, Medication Aide, or other certified nursing assistive personnel, within the scope of their certification.

“Long-Term Care Ombudsman” or “LTCO” – the person designated under the Long-Term Care Ombudsman Act and referenced in § 101(7) of the Nursing Home and Community Residence Facility Residents Protection Act to perform the functions of the Long-Term Care Ombudsman in the District of Columbia.

“Long-Term Care Ombudsman Act” – the District of Columbia Long-Term Care Ombudsman Program Act of 1988, effective March 16, 1989 (D.C. Law 7-218; D.C. Official Code §§ 7-701.01 *et seq.*).

“Major unusual incident” (“MUI”) – An adverse event that can compromise the health, safety, or welfare of persons, employee misconduct, fraud, and actions that are violations of law or policy.

“**Mayor**” – the Mayor of the District of Columbia or his or her authorized designee.

“**Medication Aide**” – an individual who has been certified by the District of Columbia Board of Nursing to perform nursing assistive tasks and to administer medication under the supervision of a licensed nurse. A Medication Aide has met education, experience, and examination requirements pursuant to rules to be adopted by the D.C. Board of Nursing.

“**Mental Health Information Act**” – the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law. 2-136; D.C. Official Code §§ 7-1201.01 *et seq.*).

“**Mental health professional**” – a person who is specifically trained and, if required, licensed to provide services to mentally ill persons.

“**MHCRF**” – refers to Mental Health Community Residence Facility, the Operator, Residence Director, and staff members, as applicable.

“**Non-ambulatory**” – unable to walk or move from one place to another without personal or mechanical assistance.

“**Nursing Home and Community Residence Facility Residents’ Protection Act**” - the Nursing Home and Community Residence Facility Residents’ Protection Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Code §§ 44-1001.01 *et seq.*).

“**OAH Rules of Practice and Procedure**” – District of Columbia Office of Administrative Hearings Rules of Practice and Procedure, Title 1, Chapter 28 of the District of Columbia Municipal Regulations. (1 DCMR, Chapter 28)

“**Operator**” – the person or entity that owns the MHCRF business and who applies for and holds an MHCRF license as provided in §§ 3802.1 and 3805.1.

“**Optional State Payment**” – A supplemental payment for room, board, and care paid to District of Columbia residents who receive Supplemental Security Income and who live in a community residence facility or an assisted living facility as provided for in § 549 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.49).

“**Personal assistance**” – help with grooming, bathing, eating, walking, toileting, budgeting, making appointments, arranging transportation, and other

activities associated with daily living. Personal assistance may involve supervision, prompting, oversight, or hands-on care.

“Provider” – a person, agency, or organization that provides health or support services to a resident, including the Department, Core Services Agencies, the Comprehensive Crisis Emergency Program, agencies that contract with the District of Columbia to provide mental health, behavioral health, medical health, and other services, hospitals, private clinics, and Medicaid providers.

“Provisional license” – a license issued for not to exceed ninety (90) days to new MHCRFs to afford sufficient time and evidence to evaluate whether the new facility is capable of complying with this chapter, or issued to a regular license holder with deficiencies as provided in this chapter.

“Regular license” – a license issued for not to exceed one (1) year to a MHCRF that is in compliance with all applicable laws and regulations.

“Relocation” – the movement of a resident from one part or room of the MHCRF where he or she resides to another, whether voluntary or involuntary, pursuant to the Nursing Home and Community Residence Facility Residents’ Protection Act.

“Representative Payee” – an individual or organization appointed by the Social Security Administration to receive Social Security or Supplemental Security Income (SSI) benefits for someone who cannot manage or direct someone else to manage his or her money. The main responsibilities of a representative payee are to use the benefits to pay for the current and foreseeable needs of the beneficiary, properly save any benefits not needed to meet current needs, and keep records of expenses.

“Residence Director” – the individual responsible for the overall management and operation of the MHCRF, including hiring and firing, purchase of food and supplies, arranging repairs, and supervision of employees and volunteers. As provided in § 3804.1(d), a distinct Residence Director is required if the Operator is a corporation or partnership, or if the Operator does not personally manage the facility.

“Resident” – a person who lives in a MHCRF and has or should have a Room, Board and Care Agreement with the Owner.

“Resident’s representative” –

- (a) Any person who is knowledgeable about a resident’s circumstances and has been designated by that resident in writing to represent him or her;

- (b) Any person other than a facility who has been appointed by a court either to administer a resident's financial or personal affairs or to protect or advocate for a resident's rights; or
- (c) The Long-Term Care Ombudsman or his or her designee, if no person has been designated or appointed in accordance with subparagraphs (A) or (B) of this paragraph.

“Restraint” – any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that he or she cannot easily remove and that restricts his or her freedom of movement or normal access to his or her body. “Restraint” also includes a medication that is used in addition to or in place of the resident's regular, prescribed drug regimen to control extreme behavior during an emergency, but does not include medications that comprise the resident's regular, prescribed medical regimen and that are part of the resident's service plan, even if their purpose is to control ongoing behavior.

“Restricted license” – a license issued for not to exceed 90 days which permits operation of a MHCRF but includes restrictions on the facility's operations including a prohibition against the MHCRF accepting new residents or from delivering services that it would otherwise be authorized to deliver.

“Seclusion” – the involuntary confinement of a resident alone in a room or an area from which the resident is either physically prevented from leaving, or from which the resident is led to believe he or she cannot leave at will.

“Substantial compliance” – meets most important requirements of the rules, has only a small number of outstanding deficiencies, and is without deficiencies or violations that are life threatening, pose an immediate or serious danger to the residents or facility staff, or jeopardize public health, safety, or welfare.

“Trained Medication Employee” – an individual employed to work in a program, including a MHCRF, who has successfully completed a training program approved by the District of Columbia Board of Nursing and is certified to administer medication to MHCRF residents under the general supervision of a registered nurse licensed in the District of Columbia in accordance with Title 17 DCMR Chapter 61.

“Unlicensed person” – A person not licensed by one of the health occupation boards pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*), Chapter 12 of D.C. Official Code Title 3, who functions in a complementary or assistance role to licensed health care professionals in providing direct patient care or in performing common

nursing tasks. The term “unlicensed person” includes nurse aides, orderlies, assistant technicians, attendants, home health aides, personal care aides, medication aides, geriatric aides, or other health aides. The term “unlicensed person” also includes housekeeping, maintenance, and administrative staff or contractors who will foreseeably come in direct contact with patients.

“Unusual incident” – Any significant occurrence or extraordinary event different from the regular routine or established procedure that does not rise to the level of a MUI.

Chapter 38, COMMUNITY RESIDENCE FACILITIES FOR MENTALLY ILL PERSONS, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is repealed in its entirety.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

ERRATA NOTICE

The Administrator of the Office of Documents and Administrative Issuances (ODAI), pursuant to the authority set forth in Section 309 of the District of Columbia Administrative Procedure Act, approved October 21, 1968, as amended (82 Stat. 1203; D.C. Official Code § 2-559 (2016 Repl.)), hereby gives notice of a correction to the Notice of Final Rulemaking issued by the Director of the Department of Health and published in the *D.C. Register* on January 26, 2018, at 65 DCR 635.

The final rulemaking amended Chapter 12 (Controlled Substances Act Rules) of Title 22-B (Public Health and Medicine) of the District of Columbia Municipal Regulations (DCMR). This errata notice corrects numbering of an added paragraph.

The corrections to the final rulemaking are made below (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

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)~~ (i) to read as follows:

~~(g)~~ (i) 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].

This Errata Notice's correction to the Notice of Final Rulemaking is non-substantive in nature and does not alter the intent, application, or purpose of the proposed rules. The rules are effective upon the original publication date of January 26, 2018.

Any questions or comments regarding this notice shall be addressed by mail to Victor L. Reid, Esq., Administrator, Office of Documents and Administrative Issuances, 441 4th Street, N.W., Suite 520 South, Washington, D.C. 20001, email at victor.reid@dc.gov, or via telephone at (202) 727-5090.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3) and (11), and § 34-2202.16 (2012 Repl.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of amendments to Chapter 1 (Water Supply) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

At its regularly scheduled meeting on February 1, 2018, the Board adopted Resolution #18-16 to amend Subsection 112.11 (Fees). The purpose of this Resolution is to amend the effective date of the System Availability Fee (SAF) regulations from January 1, 2018 to June 1, 2018.

Pursuant to Board Resolution #17-83, dated December 7, 2017, DC Water's Notice of Emergency and Proposed Rulemaking was published in the District of Columbia Register (*D.C. Register* or DCR) at 64 DCR 13134 on December 22, 2017. On January 23, 2018, the DC Retail Water and Sewer Rates Committee met to consider the comments offered during the public comment period and recommendations from DC Water's General Manager.

On February 1, 2018, the Board, through Resolution #18-16, after consideration of all of the comments received and the report from the DC Retail Water and Sewer Rates Committee, voted to amend the DCMR to revise the effective date of the SAF regulations from January 1, 2018 to June 1, 2018. No changes were made to the proposed regulations. These rules were adopted as final on February 1, 2018 by resolution, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 112, FEES, is amended by revising the effective date of Subsection 112.11 to read as follows:

112.11 Effective June 1, 2018, DCRA Construction Permit Applicants and federal facilities shall be assessed a System Availability Fee (SAF) for new water and sewer connections and renovation or redevelopment projects for existing connections to the District's potable water and sanitary sewer systems based on the SAF meter size in accordance with the following fee schedule and requirements:

- (a) Residential customers shall be charged a System Availability Fee based on the SAF meter size as listed below:

SAF Meter Size (inches)	Water System Availability Fee	Sewer System Availability Fee	Total System Availability Fee
5/8"	\$ 1,135	\$ 2,809	\$ 3,944
3/4"	\$ 1,135	\$ 2,809	\$ 3,944
1"	\$ 1,135	\$ 2,809	\$ 3,944
1"x1.25"	\$ 2,047	\$ 5,066	\$ 7,113
1.5"	\$ 5,491	\$ 13,591	\$ 19,082
2"	\$ 11,125	\$ 27,536	\$ 38,661

- (b) Multi-Family and all Non-Residential customers shall be charged a System Availability Fee based on the SAF meter size as listed below:

SAF Meter Size (inches)	Water System Availability Fee	Sewer System Availability Fee	Total System Availability Fee
1" or smaller	\$ 1,282	\$ 3,173	\$ 4,455
1"x1.25"	\$ 2,047	\$ 5,066	\$ 7,113
1.5"	\$ 5,491	\$ 13,591	\$ 19,082
2"	\$ 11,125	\$ 27,536	\$ 38,661
3"	\$ 32,500	\$ 80,442	\$ 112,942
4"	\$ 83,388	\$ 206,394	\$ 289,782
6"	\$ 229,246	\$ 567,408	\$ 796,654
8"	\$ 229,246	\$ 567,408	\$ 796,654
8"x2"	\$ 229,246	\$ 567,408	\$ 796,654
8"x4"x1"	\$ 229,246	\$ 567,408	\$ 796,654
10"	\$ 229,246	\$ 567,408	\$ 796,654
12"	\$ 229,246	\$ 567,408	\$ 796,654
16"	\$ 229,246	\$ 567,408	\$ 796,654

- (c) The SAF meter size shall be computed for the peak water demand, excluding fire demand in accordance with D.C. Construction Codes Supplement, as amended, Chapter 3 (Water Meters) of this title, and DC Water Standard Details and Guideline Masters.
- (d) The System Availability Fee shall be assessed for any new premises, building or structure that requires a metered water service connection to the District's potable water and/or sanitary sewer systems.
- (e) The System Availability Fee shall be assessed for renovation or redevelopment projects for any premises, building or structure that requires a metered water service connection to the District's potable water and/or sanitary sewer systems.
- (f) For a renovation or redevelopment project on a property that already had/has a DC Water meter(s) and account(s), DC Water shall determine the net System Availability Fee based on the difference between the

property's new System Availability Fee determined by the SAF meter size(s) and the System Availability Fee determined by the old meter size(s) for the meters(s) being removed from the system.

- (g) If the net System Availability Fee is zero or less, no System Availability Fee shall be charged.
- (h) If the net System Availability Fee is greater than zero, DC Water shall provide System Availability Fee credits for the removed capacity and assess the net System Availability Fee.
- (i) Properties under renovation or redevelopment shall not receive a System Availability Fee credit for the DC Water account(s) that have been inactive for more than twenty-four (24) months prior to DC Water's issuance of the Certificate of Approval.
- (j) For DCRA Construction Permit applicants, payment of the System Availability Fee shall be a condition for DC Water's issuance of the Certificate of Approval.
- (k) DCRA Construction Permit applicants that submitted plans and specifications to DC Water prior to the effective date of these regulations, shall not be subject to the System Availability Fee provided:
 - (1) The DC Water Engineering Review fee(s) has been paid;
 - (2) The plans, specifications and other information conform to the requirements of the D.C. Construction Codes Supplement, as amended, and are sufficiently complete to allow DC Water to complete its Engineering Review without substantial changes or revisions; and
 - (3) DC Water issues the Certificate of Approval within one year after the effective date of these regulations.
- (l) For federal facilities, payment of the System Availability Fee shall be a condition of DC Water's issuance of the Certificate of Approval.
- (m) After the effective date of these regulations to December 31, 2020, the property owner may request to pay the System Availability Fee in four equal installments, with the final payment due on or before one year after the execution date of a Payment Plan Agreement. Execution of a Payment Plan Agreement and payment of the first installment payment, shall be a condition of DC Water's issuance of the Certificate of Approval.

- (n) In the case that the DCRA Construction Permit is not issued or is revoked or the construction project is abandoned or discontinued, upon written request from the property owner, DC Water shall issue the property owner a refund of the System Availability Fee.

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 § 42-1117 (2013 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 5 (Tax on Recordation of Deeds) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR) by amending Section 528 (Revocable Trusts).

The proposed amendment to Section 528 provides guidance regarding the treatment of deeds to real property conveying ownership to a revocable trust for purposes of the reduced rate of recordation tax available for first-time District homebuyers.

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 5, TAX ON RECORDATION OF DEEDS, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 528, REVOCABLE TRUSTS, is amended by adding a new Subsection 528.5 to read as follows:

528.5 For purposes of determining eligibility for the reduced rate of recordation tax provided under Section 303(e) of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103(e) (2013 Repl.)), the grantee of a deed conveying real property to a revocable trust (as defined under this section), or the trustee of such a trust, shall be deemed to be the individual grantor, settlor, transferor, creator or trustor of such trust, and the determination of entitlement to the reduced tax rate shall be made based upon such individual without regard to the existence of such revocable trust.

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 DC Office of Tax and Revenue, 1101 4th Street, SW, Suite 750W, Washington, DC 20024; telephone at (202) 442-6513; 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 CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF SECOND EMERGENCY RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl. & 2016 Supp.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption of the following emergency rulemaking amending Chapters 1 (Administration and Enforcement), 14 (Exterior Walls), 26 (Plastic), and 35 (Referenced Standards) of Subtitle A (Building Code Supplement of 2013) of Title 12 (D.C. Construction Codes Supplement of 2013) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking is necessitated by the immediate need to update and revise provisions in the D.C. Building Code, as defined in 12-A DCMR § 101.2, relating to exterior wall materials and related sections. It will also eliminate a recently added requirement to list, prior to the first inspection, the subcontractors that will work on a job requiring a permit. Permanent adoption of this action requires the approval of the Council of the District of Columbia. A second notice of emergency rulemaking is required in order for the Council to consider an associated resolution.

This emergency rulemaking was adopted on December 1, 2017, to become effective immediately. Pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl. & 2016 Supp.)), this emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of effectiveness and will expire on March 31, 2018.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in underlined text and deletions are shown in ~~striketrough~~ text.

This rulemaking extends a notice of emergency and proposed rulemaking originally adopted on August 10, 2017, and published in the *D.C. Register* on September 29, 2017 at 64 DCR 9640.

Title 12-A, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 1, ADMINISTRATION AND ENFORCEMENT, Section 105, PERMITS, is amended as follows:

105.3 Permit Applications

Amend Section 105.3, Subsection 11, of the Building Code to read as follows:

11. Provide name and contact information, including a valid electronic mailing address, for the general contractor or construction manager ~~and each subcontractor~~, if known, when the application is filed. If the information is not known at the time of filing, the information shall be provided to the *code official* as soon as the general contractor or construction manager ~~or any subcontractor~~ is selected, but no later than the scheduling of the first inspection.

Chapter 14, EXTERIOR WALLS, Section 1403, PERFORMANCE REQUIREMENTS, is amended as follows:

Strike Section 1403.5, Vertical and lateral flame propagation, of the International Building Code in its entirety, and insert a new Section 1403.5 in the Building Code in its place to read as follows:

1403.5 Vertical and lateral flame propagation. Exterior walls on buildings of Type I, II, III or IV construction that are greater than 40 feet (12 192 mm) in height above grade plane and contain a combustible *water-resistive barrier* shall be tested in accordance with and comply with the acceptance criteria of NFPA 285. For the purposes of this section, fenestration products and flashing of fenestration products shall not be considered part of the *water-resistive barrier*.

Exceptions:

1. Walls in which the *water-resistive barrier* is the only combustible component and the *exterior wall* has a wall covering of brick, concrete, stone, terra cotta, stucco or steel with minimum thicknesses in accordance with Table 1405.2.
2. Walls in which the *water-resistive barrier* is the only combustible component and the *water-resistive barrier* has a peak heat release rate of less than 150 kW/m², a total heat release of less than 20 MJ/m² and an effective heat of combustion of less than 18 MJ/kg as determined in accordance with ASTM E1354 and has a flame spread index of 25 or less and a smoke-developed index of 450 or less as determined in accordance with ASTM E84 or UL 723. The ASTM E1354 test shall be conducted on specimens at the thickness intended for use, in the horizontal orientation and at an incident radiant heat flux of 50 kW/m².

Section 1405, INSTALLATION OF WALL COVERINGS, is amended as follows:

Amend Table 1405.2, MINIMUM THICKNESS OF WEATHER COVERINGS, of the International Building Code to strike the entry for “Precast stone facing” in its entirety, and amend the entry for “Minimum Thickness” of “Porcelain Tile” to read as follows:

**TABLE 1405.2
MINIMUM THICKNESS OF WEATHER COVERINGS**

Covering Type	Minimum Thickness (inches)
Precast stone facing ^e	0.625
Porcelain tile	0.025 0.25

e. Includes scratch coat, setting bed, and precast stone.

Chapter 26, PLASTIC, Section 2603, FOAM PLASTIC INSULATION, is amended as follows:

Strike Section 2603.5.5, Vertical and lateral fire propagation, in the International Building Code in its entirety and insert a new Section 2603.5.5 in the Building Code in its place to read as follows:

~~**2603.5.5 Vertical and lateral fire propagation.** Exterior wall assemblies containing foam plastic insulation shall provide protection against vertical and lateral flame propagation in accordance with Sections 2603.5.5.1, 2603.5.5.2, or 2603.5.5.3.~~

Exceptions:

- ~~1. One-story buildings.~~
- ~~2. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.~~

~~**2603.5.5.1 Testing to NFPA 285.** Exterior wall assemblies shall be tested in accordance with NFPA 285 and comply with the acceptance criteria of NFPA 285.~~

~~**2603.5.5.2 Non Combustible Covering.** Walls assemblies where the foam plastic insulation is covered on each face by a minimum of 1 inch (25mm) thickness of masonry or concrete and meeting one of the following:~~

- ~~1. There is no air space between the insulation and the concrete or masonry.~~

2. ~~The insulation has a flame spread index of not more than 25 as determined in accordance with ASTM E 84 or UL 723 and the maximum air space between the insulation and the concrete or masonry is not more than 1 inch (25mm).~~

~~**2603.5.5.3 Fireblocking.** Concealed spaces within exterior wall assemblies shall be fireblocked in such a manner so as to cut off the concealed openings (both vertical and horizontal), and form an effective barrier between floors.~~

~~**2603.5.5.3.1 Location of fireblocking.** Fireblocking shall be installed within concealed spaces of exterior wall assemblies at every floor level or at maximum vertical intervals not exceeding 20 feet. Fireblocking shall be installed at horizontal intervals not exceeding 10 feet in exterior walls of combustible construction and 65 feet in exterior walls of noncombustible construction. Fireblocking required in this section shall extend through any concealed air space and through any foam plastic material in noncombustible construction.~~

~~**2603.5.5.3.2 Materials.** Materials used for fireblocking in exterior wall assemblies shall comply with one or more of the following:~~

1. ~~Materials demonstrated to remain in place and that prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E 119 or UL 263 time temperature conditions under a minimum positive pressure differential of 0.01 inch (2.49 Pa) of water at the location of the penetration for a time period of 15 minutes.~~
2. ~~Gypsum board having a minimum thickness of 1/2 inch (12.7 mm) provided all joints have continuous support.~~
3. ~~Sheet steel not less than 26 ga (0.38 mm) thickness provided all joints have continuous support.~~
4. ~~Cement based millboard having a minimum thickness of 1/4 inch (6.4 mm).~~
5. ~~Batts or blankets of mineral wool, mineral fiber or other approved materials installed in such a manner to securely remain in place.~~
6. ~~Cellulose insulation installed as tested for the specific application.~~

- 7. ~~In buildings of noncombustible construction, fire retardant wood in accordance with Section 603.1.~~
- 8. ~~In buildings of combustible construction, materials listed in Section 718.2.1.~~

2603.5.5 Vertical and lateral fire propagation. The exterior wall assembly shall be tested in accordance with and comply with the acceptance criteria of NFPA 285.

Exceptions:

- 1. One-story buildings complying with Section 2603.4.1.4.
- 2. Wall assemblies where the foam plastic insulation is covered on each face by not less than 1-inch (25 mm) thickness of masonry or concrete and meeting one of the following:
 - 2.1. There is no airspace between the insulation and the concrete or masonry.
 - 2.2. The insulation has a flame spread index of not more than 25 as determined in accordance with ASTM E84 or UL 723 and the maximum airspace between the insulation and the concrete or masonry is not more than 1 inch (25 mm).

Chapter 35, REFERENCED STANDARDS, is amended as follows:

Amend Chapter 35, REFERENCED STANDARDS, of the Building Code to read as follows:

Strike the Standard Reference Number ASTM/E 84-09 and insert the new Standard Reference Number ASTM/E 84-2013A in its place, and add code references 1403.5 and 2603.5.5 to this entry; and further, strike the Standard Reference Number ASTM/E 1354-09 and insert the new Standard Reference Number ASTM/E 1354-2013 in its place, and add code reference 1403.5 to this entry, to read as follows:

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959	
Standard Reference Number	Title	Referenced in code section number
E-84-09 <u>E84-2013A</u>	Test Methods for Surface Burning Characteristics of Building Materials.	202, 402.6.4.4, 406.7.2, 703.5.2, 720.1, 720.4, 803.1.1, 803.1.4, 803.9, 803.13, 806.5, 1404.12.1,

		1407.9, 1407.10.1, 1409.9, 1409.10.1, 1509.6.2, 1509.6.3, 2303.2, 2603.3, 2603.4.1.13, 2603.7, 2604.2.4, 2606.3.5.4, 2606.4, 2613.3, 3105.3, <u>1403.5,</u> <u>2603.5.5</u>
E 1354—09 <u>E1354-2013</u>	Standard Test Method for Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter	424.2, <u>1403.5</u>

Amend the entry for Standard Reference Number UL/723-2008 to add code references 1403.5 and 2603.5.5 to this entry, to read as follows:

UL	Underwriters Laboratories, Inc. 333 Pfingsten Road Northbrook, IL 60062-2096	
Standard Reference Number	Title	Referenced in code section number
723—2008	Standard for Test for Surface Burning Characteristics of Building Materials	202, 402.6.4.4, 406.7.2, 703.5.2, 720.1, 720.4, 803.1.1, 803.1.4, 803.9, 803.13, 806.5, 1404.12.1, 1407.9, 1407.10.1, 1409.9, 1409.10.1, 1509.6.2, 1509.6.3, 2303.2, 2603.3, 2603.4.1.13, 2606.3.5.4, 2603.7, 2604.2.4, 2606.4, 2613.3, 3105.3, <u>1403.5, 2603.5.5</u>

Strike the entry for Standard Reference Number NFPA 285-06 in its entirety and insert an entry for new Standard Reference Number NFPA 285-12 in its place, to read as follows;

NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02169-7471	
Standard Reference Number	Title	Referenced in code section number
285-06 <u>285-12</u>	<p><u>Standard Fire Test Method for the Evaluation of Fire Propagation Characteristics of Exterior Nonload-bearing Wall Assemblies Containing Combustible Components</u></p> <p>Standard Method of Test for the Evaluation of Flammability Characteristics of Exterior Nonload-bearing Wall Assemblies Containing Combustible Components</p>	718.2.6, 1407.10.4, 1409.10.4, 1509.6.2, 1403.5 2603.5.5

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Chairperson, Construction Codes Coordinating Board, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5100, Washington, D.C. 20024, or via e-mail at jill.stern@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8944. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-018

February 12, 2018

SUBJECT: Establishment — Interagency Working Group on Autonomous Vehicles

ORIGINATING AGENCY: Executive Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(3) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(3) and (11) (2016 Repl.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established within the executive branch of the Government of the District of Columbia the Interagency Working Group on Autonomous Vehicles (“**Working Group**”).

II. PURPOSE AND DUTIES

- A. The purpose of the Working Group is to proactively prepare the District for the likely transformative effects of advances in autonomous vehicle technologies, to ensure that autonomous vehicle technology deployment benefits the District, its environment, and all its residents and visitors, in alignment with District policies and priorities.
- B. The Working Group shall provide advice and recommendations to the Mayor on ways to address the challenges and opportunities presented by autonomous vehicle technologies in the areas of transportation, safety, environment, land use, education, equity, and inclusivity.
- C. In order to fulfill its purpose, the Working Group may draft policies and make recommendations for pilots and projects, and may draft proposed legislation and regulations.
- D. The Working Group shall engage external stakeholders including residents of the District, nonprofit organizations, academics and researchers, and private sector organizations which are developing and piloting autonomous vehicle technologies.
- E. The Working Group may solicit donations consistent with the rules established by Mayor's Memorandum 2015-001, dated August 21, 2015.

III. COMPOSITION

- A. The Working Group shall be comprised of the following fifteen (15) government members, who shall be appointed by, and serve at the pleasure of, the Mayor:
1. The Deputy Mayor for Planning and Economic Development, or his or her designee;
 2. One (1) representative of the Office of the City Administrator;
 3. One (1) representative of the Office of the Chief of Staff;
 4. One (1) representative of the District Department of Transportation;
 5. One (1) representative of the Homeland Security and Emergency Management Agency;
 6. One (1) representative of the Metropolitan Police Department;
 7. One (1) representative of the Fire and Emergency Medical Services Department;
 8. One (1) representative of the Department of Motor Vehicles;
 9. One (1) representative of the Office of the Chief Technology Officer;
 10. One (1) representative of the Department of Energy and the Environment;
 11. One (1) representative of the Department of General Services;
 12. One (1) representative of the Office of Planning;
 13. One (1) representative of the Department of For-Hire Vehicles;
 14. One (1) representative of the Office on Aging;
 15. One (1) representative of the Office of Disability Rights; and
- B. The members of the Working Group and its committees, if any, shall serve without compensation.

IV. ORGANIZATION

- A. The Deputy Mayor for Planning and Economic Development, or his or her

designee, shall serve as the chairperson of the Working Group.

- B. The Working Group may establish committees to assist the Working Group in carrying out its mission. A committee may include individuals who are not members of the Working Group; provided, that each committee shall be chaired by a member of the Working Group.
- C. The Deputy Mayor for Planning and Economic Development may also request the support of other District agencies, such as the Office of Risk Management and the Department of Insurance, Securities, and Banking, to assist the Working Group in carrying out its mission.

V. MEETINGS

- A. The Working Group shall meet at least twice quarterly, at the call of the chairperson, and at such other times as may be called by the chairperson with at least one (1) week's notice.
- B. A quorum for taking official actions of the Working Group shall consist of eight (8) members of the Working Group.

VI. LIMITATION

No action taken by the Advisory Group shall impact the authority of District agencies or agency officers or employees to make determinations about District laws, regulations, or policies relating to vehicle autonomy.

VII. ADMINISTRATION


The Office of the Deputy Mayor for Planning and Economic Development shall provide administrative support to the Working Group.

VIII. PRECEDENCE


This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

IX. EFFECTIVE DATE

This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-019
February 14, 2018

SUBJECT: Establishment – Procurement Accountability and Review Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(11) and 449 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(11) and 1-204.49 (2016 Repl.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established within the executive branch of the Government of the District of Columbia a Procurement Accountability and Review Board (“**Board**”).

II. APPLICABILITY

This Mayor's Order applies to all agencies that are subject to the Procurement Practices Reform Act, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.* (2016 Repl.)), and the executive authority of the Mayor.

III. PURPOSE

- A. The purpose of the Board is to improve the quality, efficiency, transparency, accountability, and integrity of the contracting and procurement process within the District government.
- B. To do so, the Board shall review:
 - 1. General concerns with contracting-related processes or procedures that impact the quality, efficiency, or effectiveness of the contracting process;
 - 2. Specific contracting-related actions, such as retroactive contracts, contract appeals, and contractor claims, that indicate that there has been inadequate adherence to applicable laws, regulations, processes, or procedures; and
 - 3. Identified conditions and operations within a specific agency that negatively impact the quality, efficiency, or effectiveness of the

contracting process.

- C. The goal of the Board is not to consider each potential problem with the contracting process or each potential contracting error. Instead, the goal of the Board is to select matters that, when reviewed and resolved, are likely to result in substantial, widespread, or long-term improvements to the contracting process.
- D. The activities of the Board are part of the deliberative process of the Mayor, City Administrator, Chief Procurement Officer, and executive branch of government.

IV. COMPOSITION

- A. The Board shall consist of the following three (3) members:
 - 1. The Mayor or the Mayor's designee;
 - 2. The City Administrator or the City Administrator's designee; and
 - 3. The Chief Procurement Officer.
- B. The Mayor shall serve as the chairperson of the Board; provided, in the Mayor's absence, the City Administrator shall serve as the chairperson of the Board.

V. BOARD MEETINGS

- A. The Board shall meet at least once quarterly, at the call of the chairperson, to consider matters referred to it under section VII of this Order. Notwithstanding the foregoing sentence, if the Chief Procurement Officer determines that, with respect to a quarter, there are no matters that are required to be referred to the Board under section VII.A of this Order, there are no matters that should be referred to the Board under section VII.B of this Order, and there are no matters that are subject to referral to the Board under section VII.D of this Order, he or she shall prepare and submit to the Board a memorandum setting forth those determinations. If no member of the Board requests, within three (3) business days of receiving the Chief Procurement Officer's memorandum, that a meeting be held, no meeting shall be held for that quarter.
- B. The Board may meet at any other time at the call of the chairperson.

VI. PREPARATORY MEETINGS

- A. The Chief Procurement Officer shall meet monthly with the Office of the City Administrator to review matters that may be referred to the Board under section

VII of this Order and to otherwise prepare for an upcoming Board meeting.

- B. At each monthly meeting:
1. The Chief Procurement Officer shall provide a briefing to the Office of the City Administrator on each new matter described in section VII.A of this Order. The Chief Procurement Officer and the Office of the City Administrator may agree jointly that a matter identified under section VII.A of this Order will not be referred to the Board;
 2. The Chief Procurement Officer and Office of the City Administrator shall review the recommendations of the Chief Procurement Officer regarding whether a matter described in section VII.B of this Order should be referred to the Board;
 3. The Chief Procurement Officer shall provide a briefing to the Office of the City Administrator on any matters referred to the Board under section VII.D of this Order; and
 4. The Office of the City Administrator and Chief Procurement Officer shall determine which of the matters described in sections VII.A, VII.B, and VII.D of this Order will be referred to the Board.

VII. MATTERS TO BE CONSIDERED; REFERRALS TO THE BOARD

- A. Except as provided in section VI.B.1 of this Order, the following matters are required to be referred to the Board for consideration:
1. Contracts submitted to Council for retroactive approval;
 2. Decisions issued by the Contract Appeals Board or a court that overturn or invalidate a contracting action taken by the District or that otherwise hold that such action was inappropriate or contrary to law;
 3. Findings of the District of Columbia's internal auditors, the Inspector General, District of Columbia Auditor, Attorney General, and third-party auditors (including the auditors performing the Consolidated Annual Financial Report audit and the Single Audit) indicative of a significant or widespread non-compliance with a contracting or procurement law, regulation, or process or a significant concern with an individual contract or contract action.
- B. The Chief Procurement Officer, or his or her designee, shall regularly review the following matters to determine whether they should be referred to the Board for consideration:

1. Sole source and emergency procurements where their use may be inconsistent with the preference for open, competitive procurements;
 2. Agency procurement planning;
 3. Inter-agency coordination on contracting matters; and
 4. Other challenges, special conditions, or policies and procedures that may impact procurement service delivery.
- C. In determining whether a matter described in section VII.B of this Order should be referred to the Board, the Chief Procurement Officer, or his or her designee, shall consider whether the issue is common and whether the resolution of the issue is likely to result in substantial, widespread, or long-term improvements to the contracting process.
- D. The Board shall also accept referrals of a matter from the Mayor, City Administrator, or a member of the Board. The Board may also accept a referral of a matter from an agency director or an agency's chief procurement officer. Prior to the consideration of any such referral at a Board meeting, the Chief Procurement Officer shall assess the referral under the standards described in section VII.C of this Order to determine whether the matter should be considered by the Board at a quarterly meeting.
- E. A referral to the Board is not an allegation of wrongdoing. The objective of the Board is to improve the quality, efficiency, and integrity of the procurement process and to increase the accountability of executive agency directors and staff for such quality, efficiency, and integrity throughout the District of Columbia.

VIII. PROCEDURES

- A. Prior to a meeting of the Board, the Chief Procurement Officer, or his or her designee, shall prepare a briefing package describing in detail each matter before the Board. For each such matter, the package shall describe the specific factors, conditions, and actions that have culminated in the current status of the matter or may influence subsequent steps in response to the matter. The briefing package shall also include supporting documents for Board review. The Chief Procurement Officer may request other agency directors to submit relevant documents or information for inclusion in, or in support of preparation of, the package. An agency director who receives such a request shall provide the requested information or documents within the timeframe specified by the Chief Procurement Officer.
- B. The City Administrator shall request that parties with pertinent information on each matter at issue attend the Board meeting. Such parties should generally

include, at a minimum, the agency Director, a representative from the program that initiated the procurement, and the procurement officer responsible for the procurement. Other parties may include, but are not limited to, representatives of the Office of the Chief Financial Officer, the Mayor's Office of Legal Counsel, and the Office of Policy and Legislative Affairs, senior procurement staff, and attorneys with significant procurement law experience.

- C. Each person coming before the Board shall present a summary of facts related to the matter before the Board, describe relevant actions, policies, procedures, and systems, and answer any questions posed by the members of the Board.
- D. Notwithstanding section VIII.C, the Board may, at the discretion of the chairperson, consider matters based on the information in the briefing package provided pursuant to section VIII.A, without following the procedures set forth in section VIII.C.
- E. The Chief Procurement Officer shall be responsible for ensuring that detailed minutes are taken of each meeting.
- F. Each District agency not subject to the procurement authority of the Chief Procurement Officer shall provide written notice to the Chief Procurement Officer of any contract of the agency that requires retroactive approval by the Council. The notice shall be provided promptly after the agency becomes aware of the need for retroactive approval.
- G. The Chief Procurement Officer shall provide written notice to the Board of any contract requiring retroactive approval by the Council for all District agencies under his or her procurement authority and for all agencies that provide written notice to the Chief Procurement Officer under subsection F of this section. The notice shall be provided to the Board promptly after the Chief Procurement Officer becomes aware of the need for retroactive approval.
- H. A contract requiring retroactive approval by the Council shall not be submitted to the Council for approval unless written notice has been provided to the Board under subsection G of this section and no member of the Board has requested, within three (3) business days after receipt of the notice that the Board convene to review the contract. If a member of the Board requests that the contract be reviewed at a Board meeting, the contract shall not be submitted to the Council prior to the Board's review of that contract, except if authorized by the chairperson of the Board.

IX. RECOMMENDATIONS OF THE BOARD

- A. After each meeting, the Chief Procurement Officer, in consultation with the Office of the City Administrator, shall promptly prepare and transmit to the Mayor a draft report that includes a description of the matters that were referred

to the Board, proposed findings and conclusions, proposed recommendations, and proposed action items and an associated timeline.

- B. The proposed recommendations shall be focused on establishing or modifying processes, procedures, regulations, or laws in order to strengthen operations, resolve deficiencies, improve quality, and ensure compliance with all laws and regulations. The recommendations may also provide strategic guidance to ensure that procurement operations remain responsive to the District's needs for goods and services, including recommendations regarding inter-agency cooperation and coordination to facilitate timely and proficient development and execution of procurements and contracts and recommendations for training. The Board's recommendations may be directed to staff involved in the procurement process (including agency program staff, contracting officers, contracting and purchasing officials, funding approvers, and agency contract administrators) or any other District of Columbia staff if such recommendations are likely to improve the contracting process.
- C. Although the Board is not a disciplinary body, the report may include a recommendation that an agency director consider disciplinary action where it is likely that an employee engaged in misconduct.
- D. After the Mayor's review of each report, the Chief Procurement Officer shall finalize the report based on any comments received from the Mayor.
- E. The Chief Procurement Officer shall provide the Board with a report, at each Board meeting, on the status of any approved recommendations and action items.

IX. LIMITATIONS

- A. The Board shall not take actions that may interfere with the integrity of the procurement process.
- B. The Board is not expected to provide guidance or recommend action that is inconsistent with current District laws and regulations; however, it is recognized that the Board may make recommendations that will require legislative or regulatory changes.
- C. The Board shall not serve in the capacity of the Contract Appeals Board ("CAB"). Contract protests, appeals, and claims shall continue to be heard by the CAB.

X. ADMINISTRATION

- A. The Office of the Chief Procurement Officer shall provide administrative support to the Board. The Office of the City Administrator may also provide

administrative support to the Board, at the request of the chairperson.

B. Each District agency shall cooperate with the Board and shall provide documents or information in a timely manner when requested by the Board, the City Administrator, or the Chief Procurement Officer to carry out the provisions of this Order.


XI. RESCISSION OF PRIOR ORDER

Mayor's Order 2015-165, dated June 15, 2015, is rescinded.

XII. EFFECTIVE DATE

This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

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

BRIYA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Bus Transportation Services for Student Field Trips**

Briya Public Charter School seeks competitive proposals from qualified vendors to provide bus transportation for student field trips. For a copy of the RFP, please email info@briya.org. Please include "RFP Requested – Bus Transportation Services" in the subject line of the email. All proposals must be submitted by 3:00 pm on Monday, February 26, 2018.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

CONSTRUCTION CODES COORDINATING BOARD

NOTICE OF 2018 REGULAR MEETING DATES

Regular Meetings of the Construction Codes Coordinating Board will be held on the following dates from 10:30 a.m. to 12:30 p.m. at the Department of Consumer and Regulatory Affairs 1100 4th Street, S.W. – 4th Floor - Conference Room

E4302:

Thursday, February 15, 2018

Thursday, March 15, 2018

Thursday, April 19, 2018

Thursday, May 17, 2018

Thursday, June 21, 2018

Thursday, July 19, 2018

Thursday, August 16, 2018

Thursday, September 20, 2018

Thursday, October 18, 2018

Thursday, November 15, 2018

Thursday, December 20, 2018

Meeting Minutes are posted on the DCRA website at <http://dcra.dc.gov/service/construction-codes-coordinating-board> and copies of meeting minutes and agendas are available on the website of the District of Columbia Office of Open Government at: <https://www.open-dc.gov/public-bodies/construction-codes-coordinating-board>

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS - SY 2017-18****Strategic Human Resources Consultant Services**

Creative Minds International PCS is soliciting proposals from qualified vendors for Human Resources Consultant services on a contract basis for 16 hours/week over a 6-month period with a potential option to extend. The proposal will incorporate the following services: organizational development consulting, strategic human resources consulting, employee relations, performance management, compensation administration, and recruiting, onboarding, and termination processes, and employee policies and procedures. Applicant should have experience working in the field of education. Applicant must have experience in Washington, D.C. For additional information, including a copy of the full RFP, email James Lafferty-Furphy at james.lafferty-furphy@creativemindspcs.org. Deadline for submissions is 1:00pm February 26, 2018.

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 a public meeting on Tuesday, February 20 at 6:00pm at the Capitol View Library, 5001 Central Ave SE, Washington, DC 20019. 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, prioritization of issues, its mission statement, 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 Alex Cross in the Office of the Deputy Mayor for Education in advance by phone at (202) 727-9543 or by email at alexander.cross@dc.gov. Individuals should provide their names, addresses, telephone numbers, and organizational affiliation, if any, by the close of business on February 16, 2018, and should submit one (1) electronic copy of their testimony in advance for the permanent record.

Date: February 20, 2018

Time: 6:00 p.m. – 8:00 p.m.

Location: Capitol View Library
5001 Central Ave SE,
Washington, DC 20019

Contact: Alex Cross
Office of the Deputy Mayor for Education
(202) 727-9543
alexander.cross@dc.gov

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 6B02

Petition Circulation Period: Tuesday, February 20, 2018 thru Monday, March 12, 2018
Petition Challenge Period: Thursday, March 15, 2018 thru Wednesday, March 21, 2018

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
1015 Half Street, SE, Suite 750
Washington, DC 20003-3654**

For more information, the public may call **727-2525**.

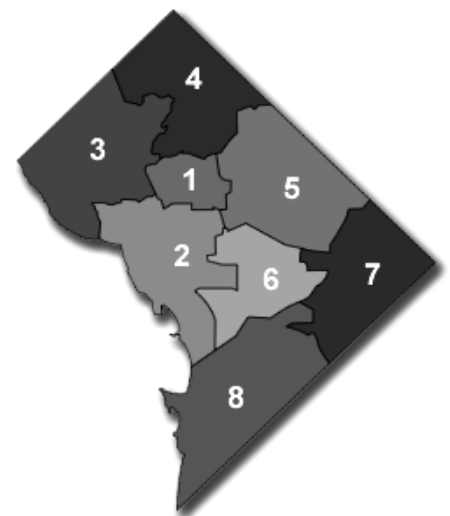
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JANUARY 31, 2018**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	44,261	2,907	615	145	177	11,196	59,301
2	30,162	5,679	219	169	153	10,639	47,021
3	37,619	6,353	340	144	152	10,874	55,482
4	48,645	2,228	523	93	168	8,923	60,580
5	51,837	2,331	580	122	229	9,358	64,457
6	54,101	7,117	474	248	240	13,440	75,620
7	47,550	1,281	422	54	167	6,520	55,994
8	45,825	1,387	435	50	182	7,192	55,071
Totals	360,000	29,283	3,608	1,025	1,468	78,142	473,526
Percentage By Party	76.03%	6.18%	.76%	.22%	.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 JANUARY 31, 2018

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
<http://www.dcboe.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,389	32	8	2	3	239	1,673
22	3,688	385	27	13	13	961	5,087
23	2,849	217	41	12	12	769	3,900
24	2,615	252	25	15	13	778	3,698
25	3,757	435	43	17	15	1,086	5,353
35	3,512	222	48	14	9	830	4,635
36	4,113	242	56	8	16	1,003	5,438
37	3,357	161	45	11	11	811	4,396
38	2,862	126	47	16	13	739	3,803
39	4,071	197	66	8	15	923	5,280
40	3,809	184	81	9	19	984	5,086
41	3,535	206	69	7	17	1,002	4,836
42	1,799	86	26	4	10	455	2,380
43	1,783	71	26	4	7	368	2,259
137	1,122	91	7	5	4	248	1,477
TOTALS	44,261	2,907	615	145	177	11,196	59,301

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	908	172	7	9	11	543	1,650
3	1,615	372	16	8	9	632	2,652
4	1,901	482	6	10	9	719	3,127
5	2,072	600	13	15	11	758	3,469
6	2,294	827	19	17	16	1,249	4,422
13	1,286	231	4	2	5	409	1,937
14	2,851	469	26	18	10	951	4,325
15	2,953	396	29	18	14	870	4,280
16	3,390	419	27	20	17	951	4,824
17	4,705	627	29	19	16	1,450	6,846
129	2,335	409	13	10	13	885	3,665
141	2,378	300	15	12	13	651	3,369
143	1,474	375	15	11	9	571	2,455
TOTALS	30,162	5,679	219	169	153	10,639	47,021

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,252	392	15	4	6	558	2,227
8	2,397	632	27	6	8	775	3,845
9	1,168	488	6	8	8	494	2,172
10	1,843	412	21	6	11	686	2,979
11	3,316	857	39	30	23	1,212	5,477
12	486	181	0	5	4	206	882
26	2,836	331	19	8	6	814	4,014
27	2,424	244	23	8	2	562	3,263
28	2,485	466	40	12	11	767	3,781
29	1,332	228	9	8	8	399	1,984
30	1,279	208	11	4	6	297	1,805
31	2,400	299	16	7	12	570	3,304
32	2,709	287	25	5	11	564	3,601
33	2,891	286	22	4	5	653	3,861
34	3,694	421	35	12	11	1,078	5,251
50	2,114	276	15	5	7	494	2,911
136	838	88	6	1	3	264	1,200
138	2,155	257	11	11	10	481	2,925
TOTALS	37,619	6,353	340	144	152	10,874	55,482

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,275	66	34	6	8	382	2,771
46	2,798	96	32	8	13	498	3,445
47	3,378	135	45	9	14	758	4,339
48	2,788	131	29	6	7	555	3,516
49	889	44	13	2	5	197	1,150
51	3,301	506	20	8	10	614	4,459
52	1,238	146	9	1	4	231	1,629
53	1,241	74	20	1	4	248	1,588
54	2,328	98	24	3	6	444	2,903
55	2,413	78	16	1	11	430	2,949
56	3,108	100	36	9	13	637	3,903
57	2,432	66	34	6	13	477	3,028
58	2,260	64	19	4	5	350	2,702
59	2,606	85	29	7	7	425	3,159
60	2,159	71	24	5	10	618	2,887
61	1,568	52	15	1	6	287	1,929
62	3,132	132	21	3	5	386	3,679
63	3,670	133	54	1	20	664	4,542
64	2,346	63	21	6	5	358	2,799
65	2,715	88	28	6	2	364	3,203
Totals	48,645	2,228	523	93	168	8,923	60,580

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,375	189	64	12	17	963	5,620
44	2,789	237	27	8	18	647	3,726
66	4,465	91	45	4	16	584	5,205
67	2,828	101	25	4	9	425	3,392
68	1,901	161	21	8	6	394	2,491
69	2,073	71	19	1	10	287	2,461
70	1,445	78	24	0	5	221	1,773
71	2,387	70	24	5	10	336	2,832
72	4,279	138	37	8	24	719	5,205
73	1,957	94	23	6	8	352	2,440
74	4,633	261	60	11	22	984	5,971
75	3,851	216	44	19	22	821	4,973
76	1,589	87	20	6	6	357	2,065
77	2,874	124	27	3	14	515	3,557
78	2,917	98	44	9	11	479	3,558
79	2,027	74	21	3	12	361	2,498
135	3,028	180	38	12	14	615	3,887
139	2,419	61	17	3	5	298	2,803
TOTALS	51,837	2,331	580	122	229	9,358	64,457

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,405	562	45	27	17	1,200	6,256
18	4,749	364	46	15	23	1,071	6,268
21	1,167	58	8	6	1	243	1,483
81	4,586	371	44	13	19	924	5,957
82	2,529	249	30	9	8	588	3,413
83	5,256	744	37	31	26	1,414	7,508
84	1,965	406	19	5	10	527	2,932
85	2,642	490	18	12	8	734	3,904
86	2,193	256	22	11	7	446	2,935
87	2,661	286	16	3	16	583	3,565
88	2,108	292	19	7	6	487	2,919
89	2,525	623	18	17	10	763	3,956
90	1,554	239	10	6	11	456	2,276
91	3,989	400	33	14	19	923	5,378
127	4,142	317	42	22	18	864	5,405
128	2,417	206	27	11	10	602	3,273
130	773	304	6	1	4	273	1,361
131	2,844	757	18	25	20	897	4,561
142	1,596	193	16	13	7	445	2,270
TOTALS	54,101	7,117	474	248	240	13,440	75,620

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,430	85	21	4	2	265	1,807
92	1,584	34	12	1	5	227	1,863
93	1,575	40	17	2	6	220	1,860
94	1,946	59	18	0	6	260	2,289
95	1,659	47	12	1	2	264	1,985
96	2,351	63	15	0	13	335	2,777
97	1,403	44	14	1	6	208	1,676
98	1,903	40	20	5	7	250	2,225
99	1,511	51	18	4	8	250	1,842
100	2,378	47	15	2	7	286	2,735
101	1,587	28	14	3	5	174	1,811
102	2,312	52	20	1	12	292	2,689
103	3,448	78	39	3	10	485	4,063
104	3,074	80	30	1	21	439	3,645
105	2,396	70	20	5	8	371	2,870
106	2,801	59	20	1	12	382	3,275
107	1,744	60	13	1	7	223	2,048
108	1,071	29	6	0	2	128	1,236
109	965	39	4	0	1	101	1,110
110	3,705	101	23	8	9	416	4,262
111	2,435	62	32	3	7	381	2,920
113	2,207	56	21	4	6	268	2,562
132	2,065	57	18	4	5	295	2,444
TOTALS	47,550	1,281	422	54	167	6,520	55,994

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JANUARY 31, 2018

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,202	61	17	1	10	317	2,608
114	3,486	139	34	4	23	576	4,262
115	2,815	64	26	5	10	603	3,523
116	4,131	97	43	5	14	630	4,920
117	2,090	48	20	2	10	346	2,516
118	2,743	79	30	3	13	403	3,271
119	2,698	111	28	2	13	458	3,310
120	1,901	36	14	2	3	234	2,190
121	3,385	78	28	3	6	469	3,969
122	1,797	46	23	0	9	245	2,120
123	2,331	170	25	11	20	390	2,947
124	2,602	69	22	1	8	371	3,073
125	4,475	107	37	3	14	703	5,339
126	3,825	132	46	6	16	710	4,735
133	1,296	44	8	0	1	175	1,524
134	2,198	49	25	1	6	291	2,570
140	1,850	57	9	1	6	271	2,194
TOTALS	45,825	1,387	435	50	182	7,192	55,071

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 12/31/2017 and 01/31/2018

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	359,251	29,169	3,596	1,004	1,449	77,924	472,393
Board of Elections Over the Counter	7	0	0	0	0	1	8
Board of Elections by Mail	52	2	2	1	0	20	77
Board of Elections Online Registration	134	9	0	3	4	35	185
Department of Motor Vehicle	1,184	189	9	0	24	436	1,842
Department of Disability Services	0	0	0	0	0	0	0
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	2	0	1	0	0	2	5
Department of Human Services	1	0	0	0	0	1	2
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	79	13	1	0	0	26	119
+Total New Registrations	1,459	213	13	4	28	521	2,238

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	259	25	3	1	2	73	363
Administrative Corrections	0	0	0	0	2	2	4
+TOTAL ACTIVATIONS	259	25	3	1	4	75	367

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	147	16	0	2	1	41	207
Moved Out of District (Deleted)	0	0	0	0	0	0	0
Felon (Deleted)	28	0	1	0	1	6	36
Deceased (Deleted)	2	0	0	0	0	0	2
Administrative Corrections	954	89	7	5	3	222	1,280
-TOTAL DEACTIVATIONS	1,131	105	8	7	5	269	1,525

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	401	70	22	33	29	246
- Changed From Party	-239	-89	-18	-10	-37	-355
ENDING TOTALS	360,000	29,283	3,608	1,025	1,468	78,142

DEPARTMENT OF ENERGY AND ENVIRONMENT

SOLICITATION OF PUBLIC COMMENT**Draft 2018 Integrated Report Under the Clean Water Act**

Notice is hereby given that the Department of Energy and Environment (the Department) is soliciting comments from the public on the District of Columbia Draft 2018 Integrated Report (required biennially by Sections 305(b) and 303(d) of the federal Clean Water Act). The Integrated Report reports on the status of all waterbodies in the District. Waterbodies listed as impaired may require the development of total maximum daily loads.

The District of Columbia Draft 2018 Integrated Report (Report) is available for public review. A person may obtain a copy of the Report by any of the following means:

Download from the Department's website, at www.doe.dc.gov, under the "Laws & Regulations" and "Public Notices & Hearings" tab;

Email a request to 2018draftir.doe@dc.gov with "Request copy of District of Columbia Draft 2018 Integrated Report" in the subject line; or

Pick up a copy in person at the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. Or call Lucretia Brown at (202) 535-1807 to schedule a pick up and mention the Report by name.

The draft document can be viewed online at www.doe.dc.gov, under the "Laws & Regulations" and "Public Notices & Hearings".

The Department is committed to considering the public's comments when finalizing this report. Interested persons may submit written comments on the draft Report, which must include the person's name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. **All comments must be submitted by Monday, March 19, 2018.**

Comments should be clearly marked "District of Columbia Draft 2018 Integrated Report" and either:

- 1) Mailed or hand-delivered to the Department of Energy and Environment, Water Quality Division, 1200 First Street, NE, 5th Floor, Washington, DC 20002, Attention: District of Columbia Draft 2018 Integrated Report, or
- 2) Emailed to 2018draftir.doe@dc.gov.

The deadline for public comments is Monday, March 19, 2018 at 5:00pm. Input should be submitted via e-mail (preferred) or mail to the address below. Mail should be postmarked by **March 19, 2018** at 5:00pm.

The Department will consider all timely received comments before finalizing the Report. All comments will be treated as public documents and will be made available for public viewing on

the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by email, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit Nos. 7180 through 7187 to The Catholic University of America to construct and operate eight (8) identical 6.0 million Btu per hour dual fuel fired boilers at 620 Michigan Avenue NE, Washington DC 20064. The contact person for the facility is Margaret M. Carney, Associate Vice President for Facilities Planning and Management, at (202) 319-5789.

Emissions:

Maximum potential emissions from the equipment are not expected to exceed the following:

Pollutant	Maximum Estimated Emissions from All Eight Units (Tons Per Year)
Oxides of Nitrogen (NO _x)	10.42
Volatile Organic Compounds (VOC)	1.13
Sulfur Dioxide (SO ₂)	0.73
Total Particulate Matter (PM Total)*	1.76
Carbon Monoxide (CO)	9.36
Total Hazardous Air Pollutants (HAP)	0.39

*PM Total includes both filterable and condensable fractions.

Emission Limitations:

The following are the emission limits proposed for inclusion in the permit:

- a. Each of the eight (8) 6.0 MM BTU per hour dual fuel-fired boilers shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel Oil) (lb/hr)
Carbon Monoxide (CO)	0.27	0.26
Oxides of Nitrogen (NO _x)	0.26	0.86
Total Particulate Matter (PM Total)*	0.04	0.14
Sulfur Dioxide (SO ₂)	0.00	0.30

*PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. Total suspended particulate matter (TSP) emissions from each of the boilers shall not be greater than 0.11 pounds per million BTU. [20 DCMR 600.1].

- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- e. NO_x and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.8(a) and (b)]:
 1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
 3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
 4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in this section.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after March 19, 2018 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality Permit No. 7192 to Potomac Electric & Power Company to construct and operate a new fleet fueling system at the Benning Service Center located at 3400 Benning Road NE, Washington, DC. The contact person for the facility is Ghirmay Berhe at (202) 744-2637.

Emissions Estimate:

AQD estimates that the potential to emit volatile organic compounds (VOC) from fleet fueling system will not exceed 368.31 lb per year or 0.184 tons per year.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from gasoline storage tank of the gasoline dispensing system [20 DCMR 201 and 20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

Also note that Stage I and Stage II vapor recovery systems are required to be installed on the equipment pursuant to 20 DCMR 704 and 20 DCMR 705, respectively.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permits and any request for a public hearing should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division

Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after March 19, 2018 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, February 21, 2018 at 5:30 pm**. The call in number is Call in line: 1-650-479-3208 access code 739 620 089. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
February 28, 2018

On FEBRUARY 28, 2018 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DISTRICT OF COLUMBIA HOUSING PRODUCTION TRUST FUND
BOARD MEETINGS****Notice of the 2018 Public Meeting Schedule**

The DC Department of Housing and Community Development hereby announces that the District of Columbia Housing Production Trust Fund Board will hold regularly public meetings in the year 2018, on the fourth Thursday of each month at 10:30 a.m. on the following dates:

January 25, 2018 Regular Meeting
February 22, 2018 Regular Meeting
March 22, 2018 Regular Meeting
April 26, 2018 Regular Meeting
May 24, 2018 Regular Meeting
June 28, 2018 Regular Meeting
July 26, 2018 Regular Meeting
August 23, 2018 Regular Meeting
September 27, 2018 Regular Meeting
October 25, 2018 Regular Meeting
November 15, 2018 Regular Meeting
December 27, 2018 Regular Meeting

The public meetings shall take place at the DHCD Headquarters, 1800 Martin Luther King Jr., Avenue, SE, room 318. For additional information, please call 202-442-7200.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the proposed tariff amendment of the Potomac Electric Power Company (“Pepco”)² in not less than 30 days from the date of publication of this Notice of Proposed Tariff (“NOPT”) in the *D.C. Register*.

2. Pepco’s proposed tariff amendment updates the retail transmission rates included in the Rider Standard Offer Service “to reflect the current Federal Energy Regulatory Commission (‘FERC’) approved wholesale transmission rates, which went into effect [on] June 1, 2017.”³ Pepco states that the “updated Network Integrated Transmission Service rate is based on the data in the 2016 FERC Form 1 for Pepco, which was filed with the FERC on April 17, 2017.”⁴ According to Pepco, the filed wholesale transmission rate for the Pepco Zone effective June 1, 2017, is \$25,229 per megawatt-year for Network Integrated Transmission Service, which is currently reflected in Attachment H-9 of the PJM Open Access Transmission Tariff.⁵ Net of the Schedule 12 Transmission Enhancement Charges due to projects in the Pepco Zone, the rate is \$23,727 per megawatt-year, as is shown in Attachment E.⁶ According to Pepco, the load in the Pepco Zone is responsible for Schedule 12 Transmission Enhancement Charges due to transmission projects outside the Pepco Zone and the rate for these projects is \$5,504 per

¹ D.C. Code §§ 2-505 and 34-802 (2010 Repl.).

² *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia* (“*Formal Case No. 1017*”), Letter from Dennis P. Jamouneau, Assistant General Counsel, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed November 16, 2017 (“Pepco November 16, 2017 Letter”). Pepco initially filed the proposed tariff on October 10, 2017. *Formal Case No. 1017*, Letter from Dennis P. Jamouneau, Assistant General Counsel, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed October 10, 2017 (“Pepco October 10, 2017 Letter”). Pepco updated its October 10, 2017 filing “to reflect the consolidation on the Residential AE and R-TM classes into the Residential class, pursuant to Order No. 18846, in Formal Case No. 1139.” Pepco November 16, 2017 Letter.

³ Pepco November 16, 2017 Letter.

⁴ Pepco October 10, 2017 Letter.

⁵ Pepco October 10, 2017 Letter.

⁶ Pepco October 10, 2017 Letter, Attachment E. *See also*, Pepco November 16, 2017 Letter, Attachment E.

megawatt-year.⁷ Combining these two rates (\$23,727 and \$5,504) results in an overall retail transmission rate for load in the Pepco Zone of \$29,231.⁸

3. After calculating the retail transmission revenue requirement, Pepco has reflected the revised retail rates for the Transmission Service Charge for each rate class on its revised tariff pages.⁹

4. Pepco proposes to amend the following thirteen (13) tariff pages:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
Ninety-First Revised Page No. R-1
Superseding Ninetieth Revised Page No. R-1**

**P.S.C.-D.C. No. 1
Ninety-First Revised Page No. R-2
Superseding Ninetieth Revised Page No. R-2**

**P.S.C.-D.C. No. 1
Eighty-Fourth Revised Page No. R-2.1
Superseding Eighty-Third Revised Page No. R-2.1**

**P.S.C.-D.C. No. 1
Sixtieth Revised Page No. R-2.2
Superseding Fifty-Ninth Revised Page No. R-2.2**

**P.S.C.-D.C. No. 1
Twenty-Eighth Revised Page No. R-41
Superseding Twenty-Seventh Revised Page No. R-41**

**P.S.C.-D.C. No. 1
Twenty-Seventh Revised Page No. R-41.1
Superseding Twenty-Sixth Revised Page No. R-41.1**

**P.S.C.-D.C. No. 1
Twenty-Seventh Revised Page No. R-41.2**

⁷ Pepco October 10, 2017 Letter, Attachment D. *See also*, Pepco November 16, 2017 Letter, Attachment D.

⁸ Pepco October 10, 2017 Letter, Attachments A, D & E. *See also*, Pepco November 16, 2017 Letter, Attachments A, D & E.

⁹ Pepco October 10, 2017 Letter. Attachment A. Pepco indicates that Attachment A also shows the “corresponding retail transmission revenue requirements.” Pepco indicates that Attachment B provides the “Proposed Rider ‘SOS’ containing the revised retail rates for Transmission Service” as well as “the updated Rider ‘SOS’ showing additions and deletions from the current Rider ‘SOS.’” Finally, Pepco indicates that Attachment C provides “[w]orkpapers showing the details of the rate design calculations.” *See also*, Pepco November 16, 2017 Letter, Attachment C.

Superseding Twenty-Sixth Revised Page No. R-41.2

P.S.C.-D.C. No. 1

Twenty-Seventh Revised Page No. R-41.3

Superseding Twenty-Sixth Revised Page No. R-41.3

P.S.C.-D.C. No. 1

Twenty-Seventh Revised Page No. R-41.4

Superseding Twenty-Sixth Revised Page No. R-41.4

P.S.C.-D.C. No. 1

Twenty-Seventh Revised Page No. R-41.5

Superseding Twenty-Sixth Revised Page No. R-41.5

P.S.C.-D.C. No. 1

Twenty-Eighth Revised Page No. R-41.6

Superseding Twenty-Seventh Revised Page No. R-41.6

P.S.C.-D.C. No. 1

Twenty-Seventh Revised Page No. R-41.7

Superseding Twenty-Sixth Revised Page No. R-41.7

P.S.C.-D.C. No. 1

Twenty-Seventh Revised Page No. R-41.8

Superseding Twenty-Sixth Revised Page No. R-41.8

5. The filing may be reviewed at the Office of the Commission Secretary, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's web site at www.dcpssc.org. Once at the website, open the "eDocket" tab, click on the "Searchable database" and input "FC1017" as the case number and "781" and "783" as the item numbers. A copy of the proposed tariff amendment is available upon request, at a per-page reproduction cost by contacting the Commission Secretary at (202) 626-5150 or psc-commissionsecretary@dc.gov.

6. All persons interested in commenting on Pepco's proposed tariff are invited to submit written comments and reply comments no later than 30 and 45 days, respectively, after the publication of this NOPT in the *D.C. Register*. Written comments should be filed with: Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at https://edocket.dcpssc.org/public/public_comments. Once the comment period has expired, the Commission will take final action on Pepco's tariff filing.

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 March 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 February 16, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

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

Effective: March 15, 2018

Page 2

Andrea	Prophetess	Self (Dual) 506 49th Place, NE	20019
Banks	La'Von A.	Potomac Plaza Apartments 2475 Virginia Avenue, NW	20037
Bassett	Keeon	Self 3574 Stanton Road, SE	20020
Baugh	Kelli N.	Venable, LLP 600 Massachusetts Avenue, NW	20001
Bernardi	Jennifer	Neal R. Gross & Co 1323 Rhode Island Avenue, NW	20005
Beyer	Paul Dale	The UPS Store 5801 1380 Monroe Street, NW	20010
Butler	Antonia R.	Willkie Far & Gallagher, LLP 1875 K Street, NW	20006
Chan	Lisa	Transperfect 700 6th Street, NW, 2nd Floor	20001
Chang	Attrace Y.	Self 815 Maryland Avenue, NE, Apartment 104	20002
Chisman	Anna M.	Self 1099 22nd Street, NW, Apartment 1007	20037
Contreras	Joyce	Compass Real Estate 1313 14th Street, NW	20005
Curry	Lolita E.	Nixon Peabody, LLP 799 9th Street, NW, Suite 500	20001
Davis	Kisha Nichole	Legal Counsel for the Elderly 601 E Street, NW	20049
Davis	Marie	Bonner Kiernan Trebach & Crociata, LLP 1233 20th Street, NW, Suite 800	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2018****Page 3**

Deutsch	Katie	Chamber of Commerce of the United States of America 1615 H Street, NW	20062
Diop	Aissatou	Franklin Square Law Group 700 12th Street, NW, Suite 700	20005
Dorr	Rebecca	Global Consulting, Inc. 1818 New York Avenue, NE, Suite 111	20002
Drott	Caitlin	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Euell	Gary L.	Olender Reporting 1100 Connecticut Avenue, NW, Suite 810	20036
Gibian	Margaret	Law Offices of Joshua Kamens 1609 Suter Lane, NW	20007
Gleaton	Erica Jenise	Self (Dual) 6013 Clay Street, NE	20019
Gollin	Elizabeth	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Hamilton	Janet A.	Planet Depos 1100 Connecticut Avenue, Suite 950	20036
Hightower	Marie Verme	M&T Bank 1899 L Street, NW	20036
Hope	MaKenzie L.	BLUEBOY Document Imaging 214 L Street, NE	20002
Hulkower	Talia	Development Transformations 1518 K Street, NW, Fourth Floor	20005
Hunt	Althea	Lewis Baach Kaufman Middlemiss, PLLC 1899 Pennsylvania Avenue, NW, Suite 600	20006

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

Effective: March 15, 2018

Page 4

Jason	Lynn	Mandarin Oriental Hotel 1330 Maryland Avenue, SW	20024
Jenkins	Ruth A.	District of Columbia Department of General Services 2000 14th Street, NW, 8th Floor	20009
Johnson	Shakiah B.	Slocumb Law Firm, LLC 777 6th Street, NW, Suite 520	20001
Johnston	Paola Eldridge	Laborers' International Union Of North America 905 16th Street, NW	20006
Kamens	Joshua Alan	Law Offices of Joshua Kamens 1609 Suter Lane, NW	20007
King	Salieu	Franklin Square Law Group 700 12th Street, NW, Suite 700	20005
Lewis	Donna M.	Self 7425 13th Street, NW	20012
Little	Janet S.	Drinker Biddle & Reath, LLP 1500 K Street, NW, Suite 1100	20005
Liu	Nicholas	Hanley Wood Media, Inc One Thomas Circle, NW, Suite 600	20005
Luna	Mario A.	Earthjustice 1625 Massachusetts Avenue, NW, Suite 702	20036
Marble	Shaun	Premium Title & Escrow, LLC 3407 14th Street, NW	20010
Mason	Krystal	Wells Fargo Bank 1447 P Street, NW	20005
Mathis	Tameka	Skin Beauty Bar 749 8th Street, SE, Floor 2	20003
McCray	Tiajuanna M.	Self (Dual) 9 Franklin Street, NE	20002

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

Effective: March 15, 2018

Page 5

McManus	Edna	Self 3010 22nd Street, SE	20020
Melcher	Anna	Safe Kids Worldwide 1255 23rd Street, NW, Suite 400	20037
Merkle	Anne	Thompson Hine, LLP 1919 M Street, NW, Suite 700	20036
Miller-Hairston	Malissa L.	CallisonRTKL District of Columbia, P.C. 2101 L Street, NW, Suite 200	20037
Morris	Donna	International Franchise Association 1900 K Street, NW, Suite 700	20006
Moss	Dawn	WUSA 4100 Wisconsin Avenue, NW	20016
Mount	William E.	del Cuadro-Zimmerman & Mount, PLLC 718 7th Street, NW, 2nd Floor	20001
Mungo	Dannielle	United States Postal Service 475 L'Enfant Plaza, SW, Room 6100	20260
Murdock Jr.	Oliver B.	Self 5005 D Street, SE, Unit 102	20019
Myers	Lori J.	U.S. Chamber of Commerce 1615 H Street, NW	20062
Neal	Alisha	Self 5107 Just Street, NE	20019
Newmark	Jordan Lily	Levi & Korsinsky, LLP 1101 30th Street, NW	20007
Pappas	Lisa G.	U. S. Department of Justice Executive Office for United States Attorneys 600 E Street, NW	20530
Paul	Lena Virginia	Mesk Travel Corp 4401A Connecticut Avenue, NW, #211	20008

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2018****Page 6**

Preim-Siddon	Whitlee L.	Salis Holdings 1521 Connecticut Avenue, NW	20036
Price	Andrew T.	World Council of Credit Unions 601 Pennsylvania Avenue, NW, Suite 600	20004
Ramdass	Anthony Christopher	Ramdass Pharmacy 475 Ingraham Street, NE	20011
Robbins	Ellie K.	McCree Ndjatou, PLLC 1828 L Street, NW, Suite 600	20036
Ruffin	Brian	Public Defender Service 633 Indiana Avenue, NW	20004
Sacks	Steven E.	Key Title 5101 Wisconsin Avenue, NW, Suite 205	20016
Sapperstein	Paul	Freedom Works 400 North Capitol Street, NW, Suite 765	20001
Shands	Michelle Catrice	Personal Care Products Council 1620 L Street, NW, Suite 600	20036
Shepard	Brendon M.	District Title 1150 Connecticut Avenue, NW, # 201	20036
Shirley	Teresa L.	Venable, LLP 600 Massachusetts Avenue, NW	20001
Sloan	Apryl M.	Medstar Washington Hospital Center 110 Irving Street, NW, Annex 2 A211	20010
Stalp	Susan A.	Conerstone Research 1919 Pennsylvania Avenue, NW, Suite 600	20006

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: March 15, 2018****Page 7**

Stevenson	Ronald M.	East River Family Strengthening Collaborative 3917 Minnesota Avenue, NE	20019
Taylor	Paul	Drink Company 1825 7th Street, NW, Apartment 1004	20001
Twyman	Marcella	Outten & Golden, LLP 601 Massachusetts Avenue, NW, Suite 200W	20001
van de Fliert	Nadim G.	KeyUrban, LLC 908 Quincy Street, NW	20011
Walker	Andrew	Public Defender Service 633 Indiana Avenue, NW	20004
Ward	Cynthia Wynn	Cosmopolitan Properties Real Estate Brokerage 414 Florida Avenue, NW	20001
Willis	Robyn Dorsey	Wilson-Epes Printing Company, Inc. 775 H Street, NE	20002
Winingham	Heather	Cornerstone Research 1919 Pennsylvania Avenue, NW, Suite 600	20006
Wyman	Natalie S.	Alliance Defending Freedom 440 First Street, NW, Suite 600	20001
Yarvitz	Rebecca L.	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Young	Tanetia Donise	Self (Dual) 2611 Bowen Road, SE, Apartment 204	20020

UNIVERSITY OF THE DISTRICT OF COLUMBIA
REGULAR MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Wednesday, February 21, 2018 at 4:30 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes – November 28, 2017
- III.** Action Items
- IV.** Report of the Chairperson – Mr. Bell
- V.** Report of the President – President Mason
- VI.** Committee Reports
 - a. Executive – Mr. Bell
 - b. Committee of the Whole – Mr. Bell
 - c. Academic and Student Affairs – Dr. Tardd
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force – Ms. Jackson
 - d. Audit, Budget and Finance – General Schwartz
 - e. Community College – Dr. Tardd
 - f. Operations – Mr. Shelton
 - g. Student Outcomes – Mr. Wyner
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (4) (A) and (B) and (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of consulting with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements; provided, that, upon request, the public body may decide to waive the privilege; nothing herein shall be construed to permit a public body to close a meeting that would otherwise be open merely because the attorney for the public body is a participant; and discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

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, March 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 February 1, 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 |

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

Appeal No. 19207 of ANC 6C, pursuant to 11 DCMR §§ 3100 and 3101¹, from an October 1, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1509391 (revised as B1512716), to allow the construction of a second-story addition with balcony to a one-family dwelling in the CAP/R-4 District at premises 518 6th Street, N.E. (Square 835, Lot 29).

HEARING DATES: March 8, 2016 and April 12, 2016
DECISION DATE: April 12, 2016

DISMISSAL ORDER

On November 23, 2015, Advisory Neighborhood Commission (“ANC”) 6C (“Appellant”) filed this appeal to the Board of Zoning Adjustment (“Board”). (Exhibits 1 – 4J.) The appeal challenges a decision made by the Zoning Administrator (“ZA”) at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit No. B1509391, as revised by Building Permit No. B1512716 (the “Permits”), for construction of a second-story addition with balcony to a one-family dwelling in the CAP/R-4 District at premises 518 6th Street, N.E. (Square 835, Lot 29) (“Subject Property”). (Exhibit 4.) The first permit, No. B1509391, was issued on July 2, 2015; a revised permit, No. B1512716, was issued on October 1, 2015.

In its appeal, the Appellant claims that the ZA erred by approving the Permits where the existing structure exceeded the matter-of-right lot occupancy and also by failing to revoke the Permits after receiving information that the plans in the permit application materially misrepresented the property’s existing conditions. The Appellant claimed that the permit application contained false information that affected the calculations. (Exhibits 4-4J.)

The property owner of the Subject Property, Redux Properties, LLC, (the “Property Owner” or “Permit Holder”) did not attend or participate in the hearing.

Motion to Intervene. On February 22, 2016, Thomas Atkins and Edwin Rodriguez, owners of 520 6th Street, N.E., the abutting property to the south of the Subject Property, (“Intervenors”) submitted a motion to intervene in the appeal. (Exhibits 16 and 17.) The Board granted the motion to intervene at its March 8, 2016 hearing. The Intervenors attended the March 8 and April

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraph, are to provisions that were in effect on the date this Appeal was decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision or the validity of this order.

12, 2016 hearings and in response to the Board's questions, provided testimony of the current conditions of both their property and the Subject Property.

Motion to Dismiss. At the hearing on March 8, 2016, the Department of Consumer and Regulatory Affairs ("DCRA") moved to dismiss the appeal as moot. DCRA's counsel acknowledged that the Permits were issued based on an erroneous plat and that, therefore, the Permits were issued in error. DCRA indicated that the Permit Holder surrendered the Permits and that DCRA had cancelled their open building permit applications. The Appellant opposed the motion to dismiss, arguing that DCRA must revoke the permit, based on the revocation procedures outlined in the Construction Code, in order to moot the issue. Because the Permits were instead surrendered by the Property Owner and cancelled by DCRA, using internal procedures not codified in the regulations, the Appellant argues that the permit may still be revived and the issue is not yet moot.

After taking testimony on the issue from DCRA and the Appellant on March 8 and April 12, 2016, the Board voted to grant DCRA's motion and dismiss the appeal as moot.

FINDINGS OF FACT

1. The property is located at 518 6th Street, N.E. (Square 835, Lot 29) ("Subject Property.") The Subject Property is currently improved with a one-family dwelling.
2. The Subject Property is located in the CAP/R-4 District.
3. Redux Properties, LLC, (the "Property Owner" or "Permit Holder") filed an application with the Department of Consumer and Regulatory Affairs ("DCRA") for a building permit for extensive interior renovation and exterior construction to an existing one-family dwelling on June 26, 2015. That application was approved by DCRA and Building Permit No. B1509391 was issued on July 2, 2015.
4. The plans approved in Building Permit No. B1509391 depict the structure on the Subject Property as having an existing two-story rear addition, although the actual existing rear addition was one story at the time of the filing of the application. (Exhibits 4 and 4B.) The adjacent neighbor to the Subject Property alerted DCRA of the misrepresentation of the existing structure in the approved plans.
5. The Property Owner filed revised plans to DCRA, depicting the existing one-story rear addition and requesting a building permit to construct the second-floor rear addition. (Exhibit 4E.)
6. On October 1, 2015, the Zoning Administrator ("ZA") authorized the issuance of Building Permit No. B1512716, which revised Building Permit No. B1509391, to allow the second-story rear addition. (Exhibit 4G.)

7. On October 15, 2015, ANC 6C04 Commissioner Mark Eckenwiler alerted DCRA that, based on the plat for the Subject Property and the plans approved in Building Permit No. B1512716 and Building Permit No. B1509391 (the "Permits"), the existing structure on the lot exceeds the 60% lot occupancy permitted by-right. Based on those calculations, Commissioner Eckenwiler raised the issue that the Permits wrongfully authorized construction that would require zoning relief, as the existing structure is nonconforming. (Exhibit 4H.)
8. On November 12, 2015, ANC 6C voted 4-0-0 to appeal the ZA's decision to approve the Permits to the BZA and to authorize Commissioner Eckenwiler to represent the ANC before the Board. (Exhibit 3.)
9. Commissioner Eckenwiler, on behalf of ANC 6C, filed this appeal on November 23, 2015. (Exhibits 1-5.)
10. In response to Commissioner Eckenwiler's comments, the ZA first issued a Stop Work Order on the Subject Property and then required the Permit Holder to provide a professional survey confirming the dimensions of the existing building. (Board of Zoning Adjustment Hearing Transcript ("Tr.") of March 8, 2016, p. 13.)
11. When this survey was provided by the Permit Holder, it showed that the allowable lot occupancy of 60% had been exceeded by the existing structure on the Subject Property. (Exhibit 19.) Accordingly, the ZA determined that the Permits were improperly issued. (Tr. of March 8, 2016, pp. 13-14.)
12. Based on this determination, the ZA informed the Permit Holder that the Permits would be revoked unless the Permit Holder agreed to surrender the Permits and cancel all building permit applications based on the erroneous building plat, forfeiting all fees paid at that time. (Exhibit 19; Tr. of March 8, 2016, pp. 13-14.)
13. The Construction Code allows the code official at DCRA to revoke permits or approvals issued under the Constructions Codes or the Zoning Regulations if certain conditions are met; for example, where there has been a "false statement or misrepresentation of fact, or other significant inaccuracy," where the permit does not comply with the Zoning Regulations, or where the permit has been issued in error or on the basis of incorrect information supplied." (12A DCMR § 105.6.)
14. Except for the case of a Summary Revocation, where the code official may declare the permit null and void within five days of the permits' issuance, the code official must provide written notice of the order to revoke the permit, which gives rise to appeal rights by the permit holder. (12A DCMR § 105.6.2.)
15. DCRA describes the process of surrender and cancellation of a permit as an alternative to the process of revocation where the Permit Holder voluntarily renounces its rights under

- the permit and the permit is therefore classified as “withdrawn or cancelled effective immediately upon the surrender of the permit.” (Exhibit 23.)
16. In order to document the surrender and cancellation of a permit, DCRA requires the permit holder to sign a notarized form requesting cancellation. (Exhibit 23.)
 17. In this case, the Property Owner surrendered the Permits and submitted a signed and notarized Letter of Cancellation. (Exhibit 19.) DCRA cancelled the Permits and deemed them null and void. (Tr., March 8, 2016, pp. 19-20.)
 18. The ZA notified the Appellant of the surrender and cancellation. DCRA’s email dated January 11, 2016 from the ZA to the Appellant indicated that the Permit Holder had surrendered the Permits on January 8, 2016. (Exhibit 19.)
 19. The Permits were shown as withdrawn in DCRA’s Property Information Verification System as updated on January 20, 2016. (Tr., March 8, 2016, p. 14.)
 20. At the hearing on March 8, 2016, DCRA moved to dismiss the appeal as moot. DCRA’s counsel acknowledged that the Permits originally were issued based on an erroneous plat, agreeing with the claim raised by the Appellant in this appeal that the Permits were wrongfully issued. (Tr., March 8, 2016, pp. 13-14.)
 21. The Appellant objected to the motion to dismiss, arguing that the revocation of a permit, under the revocation procedures of Title 12A, is the sole legal mechanism for DCRA to void the Permits and moot the legal issue at hand. (Exhibit 20.)
 22. The Appellant cited testimony provided by the Director of DCRA to the D.C. Council, wherein the Director noted that “[t]he Code Official may restore a permit or issue a new one if the permit has been revoked or surrendered.” (Exhibit 23.)
 23. According the testimony of DCRA’s counsel, DCRA’s Director, in speaking before the Council, was “reserving rights for potential hypothetical situations” but “in this particular case there’s no reason for why this permit would be revived.” (Tr. of April 12, 2016, p. 19.)
 24. At the April 12 continued hearing, the Board questioned DCRA as to whether the documents on record in this case, i.e. the cancellation of the Permits and the notarized document, meant that these surrendered permits could not be revived, to which DCRA answered in the affirmative.
 25. DCRA testified that the only way that this permit holder could get a new permit, or have a permit on this property to finish the work, would be to file a new permit application. (Tr., April 12, 2016, pp. 19-20.)

CONCLUSIONS OF LAW

The Board is authorized by § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. Subsection 3100.7 of the Zoning Regulations prohibits the Board from considering moot questions. As established by the D.C. Court of Appeal, a case before the Board is moot “when the legal issues present are no longer ‘live’ or when the parties lack a legally cognizable interest in the outcome.” *Appeal No. 18857 of Advisory Neighborhood Commission 3D* (2015), citing *Appeal No. 18321 of the Citizens Association of Georgetown*, 60 DCR 6821, 6825 (2013) (quoting *N St. Follies, Ltd. P’ship v. District of Columbia Bd. of Zoning Adjustment*, 949 A.2d 584, 588 (D.C. 2008)). Further, “the central question is ... whether the decision of a once living dispute continues to be justified by a sufficient prospect that the decision will have an impact on the parties.” *N St. Follies, Ltd. P’ship v. District of Columbia Bd. of Zoning Adjustment*, 949 A.2d 584, 588 (D.C. 2008)

DCRA argues that the legal issues presented by the appeal are no longer “live” because the Permits have been surrendered by the Property Owner and cancelled by DCRA, based on the ZA’s acknowledgement that the Permits were issued in error. The Appellant objects to that argument, claiming that unless the procedure for revocation outlined in the Construction Code is followed, the Permits are not null and void. Further, based on testimony from the Director at DCRA before the D.C. Council that a surrendered permit may be revived, the Appellant argues that the possibility of the permit’s revival means that the controversy remains “live” and must not be dismissed as moot.

The Board finds that the ZA’s admission that the Permits were improperly issued, followed by the surrender of the Permits by the Property Owner and the cancellation of the Permits by DCRA, moot the “live” legal issues in the appeal. First, the Board was not persuaded by the Appellant’s argument that revocation is the only procedure available to moot the legal issue at hand in this appeal. In recent cases, the Board has accepted the Property Owner’s surrender of a challenged permit as evidence of the end of a “live” controversy, and therefore, has dismissed the appeal as moot. *Appeal No. 19092 of Patricia Schaub* (2016); *Appeal No. 19077 of Massachusetts Avenue Heights Citizens Association* (2016); *Appeal No. 19114 of ANC 2B* (2016). The Board has not previously found that revocation under the of Title 12A is the sole mechanism for mooting legal issues raised in a building permit and declines to make that finding in this case.

The Board further finds that due to the surrender and cancellation of the Permits, supported by the ZA’s testimony that the Permits were issued in error and will not be revived, there is no longer “a sufficient prospect that the decision will have an impact on the parties.” *N St. Follies, Ltd. P’ship v. District of Columbia Bd. of Zoning Adjustment*, 949 A.2d 584, 588 (D.C. 2008). Although it is correct that, even when DCRA acknowledges that the permit was issued an error, if the action to revoke or cancel a permit is not final, the legal issue is not yet moot. *See Appeal No. 18321 of Citizens Association of Georgetown* (2013) (The Board did not grant a motion to dismiss from DCRA when a notice of revocation was issued for the challenged permit, but the

BZA APPEAL NO. 19207

PAGE NO. 5

notice period for revocation had not yet expired. The Board later granted DCRA's motion to dismiss the appeal only after the expiration of the time when the property owner could have submitted revised plans for a revised permit.)

In this case, the Board must consider not only DCRA's admission that the Permits were improperly issued based on an erroneous plat, but also consider the evidence and testimony regarding whether the actions taken by the Property Owner and DCRA convey a final action sufficient to moot the issue. Unlike in *Appeal No. 18321 of Citizens Association of Georgetown*, there is no notice period pending for the cancellation of the permit and there was confirmation on the record from the ZA that the Permits would not be revived. Despite general testimony cited by the Appellant by the Director of DCRA indicating that a revoked or surrendered permit may be revived, the Board finds that this general testimony regarding potential hypothetical situations is outweighed by the testimony from the ZA specific to the situation at hand that the Permits' cancellation was final. As indicated in DCRA's testimony, the Property Owner would be required to file a new permit application if it wishes to continue with the project. Thus, DCRA's issuance of a building permit based on that potential permit application could be appealed to the Board. The dismissal of the instant appeal as moot would not affect the Appellant's ability to avail itself of that process if there were future claims relating to the interpretation or application of the Zoning Regulations.

Accordingly, the Board finds the "legal issues present are no longer 'live'" based on DCRA's agreement with the Appellant's claim that the Permits were issued in error and that there is no "sufficient prospect that the decision will have an impact on the parties" as DCRA has stated on the record that the Permits are cancelled and will not be revived.

It is therefore **ORDERED** that the appeal is **DISMISSED**.

VOTE: 4-0-1 (Peter G. May, Frederick L. Hill, Marnique Y. Heath, and Jeffrey L. Hinkle to DISMISS; Anita Butani D'Souza, not participating.)

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

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

FINAL DATE OF ORDER: February 1, 2018

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

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

Application No. 19664 of The Carnegie Institution for Science, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504 from the penthouse screening requirements of Subtitle C § 1500.6, to permit renovations to the existing office building in the MU-15 and RA-8 Zones at premises 1530 P Street N.W. (Square 195, Lot 848).

HEARING DATE: January 31, 2018

DECISION DATE: January 31, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 17 (Revised); Exhibit 5 (Original).) 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") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. The ANC submitted a resolution recommending approval of the application. The ANC's resolution indicated that at a regularly scheduled, properly noticed public meeting on January 10, 2018, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report dated January 19, 2018, in support of the application. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report, dated January 17, 2018, expressing no objection to the approval of the application. (Exhibit 32.)

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 C § 1504 from the penthouse screening requirements of Subtitle C § 1500.6, to permit renovations to the existing office building in the MU-15 and RA-8 Zones. 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 C §§ 1504 and 1500.6, 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 6.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter G. May 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: February 2, 2018

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

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.

BZA APPLICATION NO. 19664

PAGE NO. 2

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. 19667 of Laura Peyton & Sarah Hopkins, 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 two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1108 5th Street N.E. (Square 805, Lot 88).

HEARING DATE: January 24, 2018

DECISION DATE: January 24, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 7.) 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. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 10, 2018, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 45.)

The Office of Planning ("OP") submitted a timely report dated January 12, 2018, in support of the application. (Exhibit 46.) The District Department of Transportation ("DDOT") submitted a timely report, dated January 11, 2018, expressing no objection to the approval of the application. (Exhibit 43.)

Five letters of support for the application, including both adjacent neighbors, were submitted to the record (Exhibit 11, 12, and 34-36.) Also, a letter of support was submitted by the Capitol Hill Restoration Society. (Exhibit 42.)

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 two-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 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.**

VOTE: 4-0-1 (Frederick L. Hill, Peter A. Shapiro, Carlton E. Hart, and Lesylleé M. White 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: February 5, 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.

BZA APPLICATION NO. 19667

PAGE NO. 2

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. 19681 of Rock Creek - Takoma Theater, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle H § 1200 from the designated use requirements of Subtitle H §§ 1101.1 and 1101.3, to reuse an existing theater as a medical office in the NC-2 and MU-4 Zones at premises 6833 4th Street, N.W. (Square 3280, Lot 31).

HEARING DATE: January 31, 2018

DECISION DATE: January 31, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 4B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4B, which is automatically a party to this application. The ANC submitted a report and resolution recommending conditional approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 22, 2018, at which a quorum was present, the ANC voted 5-0-1 to support the application with conditions which were adopted by the Board. (Exhibit 41.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 40.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with recommended conditions which were adopted by the Board and incorporated into this order. (Exhibit 36 – original report; and Exhibit 42 – supplemental report.)

Three witnesses testified in support of the application, and four letters/statements of support were submitted into the record. (Exhibits 35, 37, 38, and 46.)

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 H § 1200 from the designated use requirements of Subtitle H §§ 1101.1 and 1101.3, to reuse an existing theater as a medical office in the NC-2 and MU-4 Zones. 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 averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle H §§ 1200, 1101.1, and 1101.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 12A1 – 12A3 – ARCHITECTURAL PLANS & ELEVATIONS, AND EXHIBIT 33B – REVISED GROUND FLOOR PLAN - AND WITH THE FOLLOWING CONDITIONS:**

1. The building area that is the subject of the special exception (that is, the 3,576 square feet of ground floor area otherwise required to be set aside as a “designated use” pursuant to Subtitle H § 1101.3) shall be limited to use by Children’s National Medical Center or its affiliates, subsidiaries, and related entities for use as a pediatric medical care use. Notwithstanding the foregoing, the Applicant shall be permitted to convert all or part of the excepted space to a designated use listed in Subtitle H § 1101.2 as a matter of right.
2. The Applicant shall reserve a minimum of 1,822 square feet of gross floor area in the north bay and south bay of the Project as shown on Exhibit 33B of the Record (the “Approved Plan”) for a designated use listed in Subtitle H § 1101.2 (the “Designated Use Spaces”), subject to the following conditions:
 - a. Tenants in Designated Use Spaces shall be a local/neighborhood serving establishment with regular business hours no later than 12:00 AM.
 - b. A bar/nightclub shall not be permitted in either Designated Use Space.

- c. The Applicant shall be responsible for the permitting and construction of all improvements to build out the Designated Use Spaces for the first tenants as “turnkey” space (meaning, all reasonable improvements other than tenant furniture, fixtures, and equipment (“FF&E”) and specialty items). The turnkey work shall include soft costs (i.e. professional fees such as architectural, mechanical, electrical, and plumbing plans as well as permitting fees) and hard costs (i.e. the physical construction work that will include floors, drywall, painting, HVAC, ceiling lights, bathrooms, plumbing, and other related items). The Applicant shall provide evidence of the completion of such turnkey work prior to the issuance of the first certificate of occupancy for each Designated Use Space.
3. Prior to the issuance of a certificate of occupancy for the medical care use, the Applicant shall demonstrate that it has worked with the Takoma Theatre Conservancy to incorporate memorabilia from the previous Takoma Theatre use (such as movie posters, photographs, playbills) into portions of the design of the outdoor vestibule, main entrance, and/or reception area that are shown on the Approved Plan, to the extent that such memorabilia is provided by the Conservancy. The Applicant shall have flexibility to modify the selected memorabilia over the life of the Project, and the selection and rotation of items shall be directed by the Takoma Theatre Conservancy, subject to final approval by the Applicant.
4. The Applicant shall make the parking lot located on the Property available to the neighborhood from after the medical care use on the Property is closed until 11:00 PM (and from 10:00 AM until 11:00 PM on any day that the medical care use on the Property is not open for business, excluding holidays).
 - a. Prior to the issuance of a certificate of occupancy for the medical care use, the Applicant shall demonstrate that it has posted the parking lot with a sign indicating the days and hours during which the parking lot is available for neighborhood parking.
 - b. Notwithstanding the foregoing, the Applicant shall be permitted to terminate such parking at its sole discretion if the neighborhood use of the parking lot leads to public safety, trash, noise, or other objectionable conditions, or results in a need to undertake enforcement action to remove vehicles that have parked outside of permitted hours.
 - c. In the event that the Applicant terminates the neighborhood use of the parking lot, it shall remove the sign and provide ANC 4B with written notice that it has terminated the parking permission along with written documentation of the objectionable conditions or enforcement actions that led to the rescission of the parking use.
5. Prior to the issuance of a certificate of occupancy for the medical care use, the Applicant shall demonstrate that it has made an initial \$2,500 payment to the Old Takoma Business

Association (“OTBA”), which shall be used by the OTBA to support improvements and maintenance of the landscaped area located at 6911 4th Street, N.W. (Square 3278, Lot 801). The Applicant shall continue to make four additional payments each successive year (as measured from the anniversary of the date of issuance of the certificate of occupancy), for a total of \$12,500 over a five-year period.

6. The Applicant shall provide a minimum of two long-term bicycle parking spaces within the building. The Applicant shall also provide a minimum of two short-term bicycle parking spaces in public space adjacent to the Property, with the final location to be determined in consultation with District of Columbia public space permitting officials.
7. The Applicant shall adhere to the Transportation Demand Management plan set forth on page 11 of Exhibit 31A of the record.

VOTE: 4-0-1 (Frederick L. Hill, Peter G. May, Carlton E. Hart, and Leslylé M. White 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: February 1, 2018

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION

BZA APPLICATION NO. 19681

PAGE NO. 4

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 04-14E
Z.C. Case No. 04-14E
Riverfront Holdings II, LLC
(PUD Modification of Consequence@ Square 708, Lot 814)
December 11, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on December 11, 2017. At that meeting, the Commission approved the application of Riverfront Holdings II, LLC (“Applicant”) for a modification of consequence to Z.C. Order 04-14D (“Order”). The property that is the subject of this modification comprises a portion of Lot 814 in Square 708 (“Property”). The modification request was pursuant to § 703 of the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

1. Pursuant to Chapter 24 of the 1958 Zoning Regulations, the Commission approved a phased, mixed-use planned unit development (“PUD”) in Square 708, Lot 14. This approval is reflected in Z.C. Order No. 04-14B. The Order approved the second phase of the PUD, which consisted of a residential building with ground-floor retail. More specifically, the Commission approved a 130-foot-tall building with approximately 7,709-11,346 square feet of retail use, a range of 250-285 residential units, and up to 185 below-grade parking spaces. (Exhibit [“Ex.”] 1.)
2. On October 26, 2017, the Applicant submitted an application for a modification of consequence related to the redesign and relocation of architectural elements of the building. The application sought relief to make changes to the a) rooftop, b) amenity terrace, c) east elevation, and d) signage. The Applicant included a set of plans depicting each of the following proposed modifications with the application: (Ex. 1C.)
 - a. The proposed modifications to the rooftop consist of relocating the large mechanical equipment and reducing the area of the mechanical equipment in the northern portion of the penthouse. The modifications are the result of finalizing the location of building systems and shafts, which resulted in corresponding relocation of the mechanical equipment. The result is a more efficient layout of the mechanical system and a modified pool design; (Ex. 1, 1C, 6A1, 6A2.)
 - b. The submitted plans modify the approved amenity space on the second floor by creating an outdoor terrace approximately 320 square feet in size; (Ex. 1, 1C.)

- c. The modified plans depict a refined east elevation, which include windows that increased in size; and (Ex. 1, 1C.)
 - d. Finally, the updated plans include a modification to the signage feature on the northeastern side of the building. The building signage previously extended beyond the face of the building; however, it was modified to pull it back to the building face. (Ex. 1, 1C.)
3. The Office of Planning (“OP”) submitted a report dated November 7, 2017, recommending approval of the modification of consequence as requested. OP supported the modifications as they do not otherwise diminish the benefits and amenities associated with the original PUD approval, including the flexibility granted in the Order. (Ex. 4, pp. 1, 3.)
 4. Advisory Neighborhood Commission (“ANC”) 6D submitted a letter dated November 16, 2017, in support of the modifications. It specifically approved the relocation of the mechanical equipment, finding that the resulting changes to the interior configurations of the amenity space and the pool deck would enhance the residents’ use of the spaces. (Ex. 5.) The ANC therefore expressed no issues or concerns.
 5. The Commission, at its November 13, 2017 public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 703.17(c)(2) to establish a timeframe for the parties in the original proceeding to file a response in opposition to or in support of the request and for the application to respond thereto; and schedule the request for deliberations. The Commission did so, and the ANC being the only party to the original proceeding, filed its report as noted above.
 6. The Commission requested additional detail regarding the increase in size of the penthouse. The Applicant submitted the requested information on November 20, 2017. (Ex. 6-6A2.)
 7. The Commission, at its December 11, 2017 public meeting, voted unanimously to approve the modification of consequence.

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means a “modification to a contested case order or the approved

plans that is neither a minor modification nor a modification of significance. (11-Z DCMR § 703.3.) Examples of modifications of consequence “include but are not limited to, a proposed change to a condition in a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

The Commission concludes that the refinement of plans as described in the above findings of fact is a modification of consequence and therefore can be granted without a public hearing.

The Commission finds that the proposed modifications is entirely consistent with the Commission’s previous approval of the PUD and the Order. The refinements are supported by the OP and the affected ANC.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give “great weight” to the issues and concerns of contained in the written report of an affected ANC. As is reflected in the Findings of Fact, ANC 6D’s written report expressed no issues or concerns. The Commission is also required give great weight to the recommendations of OP (*See* D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP’s recommendation to approve this modification of consequence application.

The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the second-stage PUD project approved in Z.C. Case No. 04-14D. The conditions in Z.C. Order No. 04-14D remain unchanged except as follows. The following condition replaces Condition No. A.1 of Z.C. Order No. 04-14D:

1. The Project shall be developed in accordance with the plans marked as Exhibits 30-30B7 of the record in Z.C. Case No. 04-14D, as modified by the plans included in Exhibits 1C and 6A1-6A2 of the record in Z.C. Case No. 04-14E, and as further modified by the guidelines, conditions, and standards herein.

On December 11, 2017, upon the motion of Commissioner Turnbull, as seconded by Commissioner May, the Zoning Commission took final action to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter Shapiro not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 16, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 87-29A
Z.C. Case No. 87-29A
Pennsylvania Avenue Associates
(Minor Modification to PUD @ Square 459)
October 16, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on October 16, 2017. At the meeting, the Commission approved an application of Pennsylvania Avenue Associates (“Applicant”) for a Minor Modification to an approved planned unit development (“PUD”) for 601-N Pennsylvania Avenue, N.W. (Lot 2151 [part of Record Lot 18] in Square 459) (“Property”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that the application was properly before it under the provisions of Subtitle Z § 703 and Subtitle C § 1504.3 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 396, dated May 16, 1983, and effective on June 10, 1983, the Commission approved a two phase PUD for development of Squares 459 and 460, on the west side of 6th Street, N.W. between Pennsylvania Avenue and Indiana Avenue. The approved PUD included a retail and office building fronting on Pennsylvania Avenue (Square 460, known as “Phase I”) and a hotel, apartment, and retail building fronting on Indiana Avenue (Square 459, known as “Phase II”) (“Phase II Project”). The Phase II Project was approved to have a maximum height of 130 feet.
2. Pursuant to Z.C. Order No. 570, dated March 14, 1988, and effective on March 25, 1988, the Commission approved a modification to the Phase II Project, including changing the hotel use to office use (“Office Building”).
3. Pursuant to Z.C. Order No. 396-A, dated September 11, 1989, and effective on October 13, 1989, the Commission approved a modification to the Phase II Project to reduce the total number of residential units within the amount of gross floor area approved. By Z.C. Order No. 396-B, dated March 12, 1990, and effective on March 23, 1990, the Commission approved a technical modification to the condition relating to the required PUD Covenant. The Office Building was constructed and occupied around 1990.
4. By letter dated September 8, 2017 (Exhibit [“Ex.”] 1), the Applicant requested a minor modification to convert a portion of the existing mechanical penthouse on the Office Building to penthouse habitable space and to add open trellis features on the north and west façades of the penthouse. The habitable space will contain a conference room and spaces designed to support the existing roof deck.
5. The penthouse heights and setbacks comply with the requirements set forth in the penthouse regulations. The penthouses have a primary maximum height of 18 feet, six inches, with a second height of 13 feet, three inches for the penthouse habitable space,

- and a third height of eight feet, three inches for the existing screenwall, all in accordance with 11-C DCMR § 1500.9. In addition, the penthouse and trellis structures are each setback a minimum of 1:1 from the edge of the roof upon which it sits in accordance with 11-C DCMR § 1502.1.
6. No additional parking is required for the penthouse habitable space because there is no parking requirement in the D-6-R zone. The penthouse habitable space does not trigger additional loading requirements
 7. In accordance with 11-C DCMR § 1500.12, the Applicant will contribute to the production of affordable housing as a result of the penthouse habitable space. The Applicant will make a contribution to the Housing Production Trust Fund in accordance with the formula contained in 11-C DCMR §§ 1505.13 through 1505.16.
 8. Pursuant 11-Z DCMR § 703.13, the Applicant was required to formally serve a copy of the application on all parties to the original proceeding at the same time that it filed the application with the Office of Zoning. Advisory Neighborhood Commission (“ANC”) 2C and the Historic Central National Bank Redevelopment Group were the only parties to the original proceeding. As noted in the Certificate of Service, the Applicant properly served the application on ANC 2C. (Ex. 1.) According to the records of the Department of Consumer and Regulatory Affairs, the Historic Central National Bank Redevelopment Group is no longer a legal entity. Therefore, the Applicant was unable to serve a copy of the application on this party to the original proceeding.
 9. On September 11, 2017, the Applicant presented the application to ANC 2C at its regularly scheduled and duly noticed public meeting at which a quorum of commissioners was present. At that meeting, ANC 2C voted unanimously (3-0-0) to support the application. (Ex. 4.)
 10. The Office of Planning (“OP”) reviewed the request for a minor modification. By report dated October 11, 2017, OP recommended approval of the minor modification. (Ex. 5.) Because the OP report was submitted less than seven days prior to the Commission’s public meeting on this case, as required by 11-C DCMR § 1504.3(b), OP requested that the Commission waive its rule and accept the report into the record. At the public hearing, the Commission waived the requirements set forth in 11-C DCMR § 1504.3(b) and accepted the late-filed OP report.
 11. On October 16, 2017, at its regular monthly meeting, the Commission reviewed the application and granted approval of the minor modification to the approved PUD.
 12. The Commission finds that the requested modifications are minor and further finds that approval of the modifications is appropriate and not inconsistent with its approval of the original PUD.

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703, the Commission is authorized to make minor modifications to approved final orders and plans through a consent calendar procedure without a public hearing. Pursuant to 11-Z DCMR § 703.2, minor modifications are those modifications that do not change the material facts upon which the Commission based its original approval. In addition, 11-C DCMR § 1504.3 provides that a request to add penthouse habitable space to a building approved by the Commission as a PUD prior to January 8, 2016 may be filed as a minor modification for placement on the Commission's consent calendar, provided that: (a) the item shall not be placed on a consent calendar for a period of 30 days minimum following the filing of the application; and (b) OP shall submit a report with recommendation a minimum of seven days in advance of the meeting.

The Commission concludes that the proposed modifications to add penthouse habitable space to a building previously approved as a PUD do not change the material facts upon which the Commission based its original approval. Accordingly, the Commission finds that the request falls within the scope of a minor modification made pursuant to 11-Z DCMR § 703 and 11-C DCMR § 1504.3.

The Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP. OP recommended approval of the application as a minor modification, and the Commission concurs in this recommendation.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give "great weight" to the issues and concerns contained in the written report of an affected ANC. In this case, ANC 2C submitted a report stating its unanimous vote in support of the application. Because the ANC expressed no issues and concerns, there is nothing for the Commission to give great weight to.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to add penthouse habitable space to the Office Building, consistent with the architectural plans and elevations included in the record at Exhibit 1F.

On October 16, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application by a vote of **5-0-0** at its public meeting (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on February 16, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

Z.C. ORDER NO. 87-29A

Z.C. CASE NO. 87-29A

PAGE 3

District of Columbia REGISTER – February 16, 2018 – Vol. 65 - No. 7 001546 – 001804